

**Ignoble robbers:  
bandits and pirates in the Roman World**

by

Gail Reardon (B.A. Hons.)

Submitted in fulfilment of the requirements  
for the degree of Doctor of Philosophy

University of Tasmania / *Dept of History*  
(July 1997)

This thesis contains no material which has been accepted for the award of higher degree or graduate diploma in any tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except when due reference is made in the text of the thesis.

*G. Reardon*

Gail Reardon

This thesis may be made available for loan and limited copying in accordance with the *Copyright Act 1968*.

*G. Reardon*

Gail Reardon

## Thesis Abstract

### Ignoble robbers: pirates and bandits in the Roman world

This thesis begins with an examination of the Roman definition of banditry and piracy in the law codes. The close association between war and banditry, despite the formal importance of the *iustum bellum*, is revealed by the descriptions and terminology of the surviving literary authorities. Piracy is often referred to as being 'maritime banditry', since it was regarded as differing little from banditry, except that it occurred on the ocean. The position of bandits and pirates in the criminal 'ranks' was the lowest, and thus to the Roman sources, *latro* was a strong term of abuse associated with great dishonour. The unpredictable tactics of bandits and pirates also prompted the attitude that they were akin to a force of nature, such as a storm, and were thus an unpreventable occurrence.

The second chapter discusses Hobsbawm's theories of social banditry and their applicability to the bandits and pirates of the Roman period. An examination reveals that 'social bandits' were not an ancient phenomenon, and that there was no perception of them as such, and suggests that local populations did not regard them as 'Robin Hoods'. Local support for bandits and pirates seems to have been limited mainly to a smaller group composed of their 'partners in crime', who harboured them and received stolen goods. Those who became bandits and pirates, for example deserters and shepherds, are often cited as being driven to banditry for reasons of poverty, and their motivation was to support themselves. An analysis in chapter three of the activities of the Bagaudae in the late empire reveals them to be bandits rather than rebellious peasants. The attitude of abhorrence towards these criminals is seen in the harsh punishment of their acts and the popular reaction to their deaths, as detailed in chapter four. The fact that a man was considered a bandit was seen as a justification for his death. Retribution through capital punishment could be carried out instantly, or in a number of ways after interrogation and torture, such as beheading or crucifixion.

Infamous bandits' deaths played a further role as entertainment for the crowds. The placing of such prisoners in triumphal processions also testifies to the attraction for seeing these prisoners in a humiliated position.

Finally, a combination of the factors mentioned above and the value of personal *gloria* and triumphs in the Roman ethos strongly influenced the response to policing banditry and piracy, as seen in an analysis of a number of Roman laws, battles in the provinces and wars against bandits and pirates. The evidence from the empire suggests that attitudes had not changed though methods of policing had improved.



## **Acknowledgements**

I wish to express my thanks to the many people who supported and encouraged me while completing this thesis, especially my parents, and to express my appreciation for the pleasant environment in the Department of Classics. My thanks are due in particular to those who generously gave their time to help with the proof-reading of the final draft, Chris Reardon and Elizabeth Milewicz. Above all, I gratefully acknowledge the continual encouragement of my supervisor Dr. Paul Gallivan, for his readily available advice, information and stimulating discussion.

## TABLE OF CONTENTS

<b>Introduction.....</b>	<b>1</b>
--------------------------	----------

### **Chapter One: Definitions**

(i) The meaning of commonly used terms.....	5
(ii) The transition from <i>latro</i> or <i>praedo</i> to <i>hostis</i> .....	26
(iii) Bandits and pirates in the scale of infamy.....	33

<b>Chapter Two: Social banditry.....</b>	<b>44</b>
--	-----------

<b>Chapter Three: Social banditry II. A late imperial example:</b>	
the case of the Bagaudae.....	86

<b>Chapter Four: Punishments for banditry and piracy.....</b>	<b>103</b>
---	------------

### **Chapter Five: The Roman response**

(i) 'Community policing'.....	128
(ii) Protecting the provinces during the Republic.....	134
(iii) Glory seekers.....	138
(iv) Refusal of requests for triumphs.....	146
(v) Wars against bandits and pirates in the Republic.....	156

(vi) Piracy and banditry under the empire.....	211
<b>Conclusion.....</b>	<b>225</b>
<b>Bibliography.....</b>	<b>228</b>

## Introduction

The aim of this thesis is to examine the Roman response to the activities of bandits and pirates in the Mediterranean, during the period from the late third century B.C. to the end of the fourth century A.D., though examples relevant to the analysis will be cited from outside this timeframe.

Chapter 1 examines the importance of the Roman definition of bandits and pirates. The legal definition which states that enemies were those against whom a war had been declared and that others were *latrones* or *praedones* reveals that such terms could be used to refer to many forms of violence. There was, however, a close association in practice between war and banditry and piracy. Often the opinions of the literary sources on the nature of a conflict dictate the employment of the label of *bellum* or *latrocinia*. These opinions derived frequently from a judgement that the methods used to attack people and property, such as ambushes and plundering, were those used by bandits. Pirates used similar methods, operating on water as well as land, and thus the terminology applied to bandits is often simply transferred to pirates. An examination of the legal and literary sources reveals that bandits and pirates have the dubious distinction of being considered by the Romans as the lowest criminals in the scale of infamy. The dangers posed by them, together with their prevalence, were such that they were a legitimate reason for avoiding legal liability. The terms *latro* and *praedo* were thus associated with treachery and great dishonour to a Roman and consequently were often used in application to political enemies.

Modern interpretations of the phenomenon of banditry in the Roman world are discussed in Chapter 2. Many studies on ancient banditry have been particularly influenced by the studies of Hobsbawm on banditry. He argues that many bandits' activities were motivated by a social concern, and thus uses the term 'social bandit' in his discussions of bandits, seeing their activities as a form of social protest. He argues that they were perceived by the local community as 'Robin Hoods' and were well-

regarded. However the difference between the perception and the reality of banditry is significant. An analysis of evidence of many examples of banditry reveals the inherently selfish motives of bandits, dictated often by necessity. The evidence indicates also that far from acting with the support of local communities, bandits and pirates were frequently considered a menace to inhabitants. Those who formed connections with bandits and pirates were often motivated by an interest in making money, and were the business associates or patrons of these criminals. This is also evident from the legal texts, which reveal that Roman efforts to subdue banditry and piracy were often directed specifically at their receivers and harbourers. The emphasis on the betrayal of bandits in the legal texts also suggests that bandits could not operate freely with the support of the community. It has been argued that the evidence of the literary sources on banditry from the empire demonstrates a reflection of the popular desire for a 'social bandit'. However the grim reality of the common threat of bandit attacks suggests otherwise, and the examples of bandits in these writers seem to be used instead for the purpose of demonstrating that the emperor's power was not always absolute. The motives of those who turned to banditry, particularly those who are often identified as bandits, the shepherds and deserters from the army, are also examined. Frequently the causes of outbreaks of banditry and piracy were caused by poverty. The notion that social banditry was also a form of rebellion is examined in Chapter 3 through an analysis of the sources for the activities of the Bagaudae, from the emergence of the Bagaudae in the late third century in Gaul to the early fifth century A.D. The outbreaks of violence caused by the Bagaudae have been interpreted variously, for example as peasant rebellions. However an examination of the often scanty evidence indicates that the Bagaudae were bandits rather than peasant rebels.

The abhorrence of banditry and piracy was expressed also by the manner and severity of the punishments given to bandits and pirates. Chapter Four discusses the nature of the punishments. The evidence in particular of the legal sources reveals that there was no legal or social prohibition against killing a bandit or pirate, and in fact

there are instances of a failure to kill them being heavily condemned. The satisfaction felt at the deaths of bandits also became a form of entertainment for the crowds in the arena, with a demand for notorious bandits to be sent to Rome as drawcards for the shows. Captured bandits and pirates also featured as one of the spectacles in the triumphal processions of their conquerors during the Republic, for the crowd's enjoyment of their humiliation.

Chapter five evaluates the Roman responses towards policing banditry and piracy, which emerges through a discussion of the history of their reaction to these outbreaks, beginning during the Republic in 229B.C., when as an emerging power Rome sent an expedition to counter the piracy of the Illyrians. Small attacks of bandits and pirates were countered by the individual victim or the local community, and this principle of self-defence against small-scale attacks was consistent throughout Roman history. However armed forces were used to control larger incursions by bandits and pirates. The responsibility for suppressing these attacks was that of the Roman provincial governor. Provincial commands were not always popular with the Roman élite, partly because of the nature of the policing duties they would have to perform against bandits and pirates. Such foes were not considered noble enemies, nor were the literary sources inclined to regard them as worthy of record. Many examples reveal that even in antiquity it was recognised that frequently the uppermost concern of the Roman commander was not the successful suppression of crime, but the hope of triumphal reward for his victories. A triumph was the highest honour a commander could receive, and was not easily achieved by fighting in skirmishes against bandits and pirates. Warfare however provided a far better opportunity to achieve personal glory in a victorious battle. Thus there are examples of magistrates who deliberately provoked war against those considered to be bandits or pirates, in the hope of achieving a triumph in their desire for *gloria*. The importance of the Romans' ambition for glory is highlighted as one of a number of factors which helped create the situation in the late Republic in which pirates proliferated over the entire

Mediterranean, attacking corn supplies, kidnapping people from along the Italian coasts, and not only attacking cities but even besieging them. They had indeed become a formidable enemy. Thus commands which encompassed the province of the entire Mediterranean were necessary. Piracy after the command of Pompey and its continued but reduced existence under the early principate is also examined. The measures which were established under the principate which had the effect of establishing more efficient policing of banditry and piracy are discussed also, together with a survey of evidence for the later empire.

## Chapter One: Defining the bandit and pirate

### (i) The meaning of commonly used terms

Banditry and piracy constitute forms of violence which were committed outside the parameters of the use of violence permitted by Roman laws and accepted by society, namely warfare and contests in the arena. Ulpian in the *Digest* defines such violence as illegal by using a comparison between 'formal' and 'informal' violence, "*Hostes sunt, quibus bellum publice populus Romanus decreuit uel ipsi populo Romano: ceteri latrunculi uel praedones appellantur.*"<sup>1</sup> Thus the strict legal definition of banditry is derived from a comparison with warfare, so that virtually any violent action other than a formally declared war was covered by the term *latrocinium*.<sup>2</sup> Any action in which a group of men ambushed or raided others could be called banditry, so that the term covered a broad range of activities. Varro suggests that *latro* had come to mean 'bandit' as a result of the ambush technique, "...either because they are in manner like soldiers with a sword, or because they 'lie' (*latent*) to make ambushes."<sup>3</sup> To ambush and plunder for booty were common attributes of a bandit.<sup>4</sup> Creatures that lie in hiding and wait for their prey are described as

<sup>1</sup> *Dig.* 49.15.24 and Q. Mucius' definition at 50.16.118 is very similar: "*Hostes hi sunt, qui nobis aut quibus nos publice bellum decreuimus: ceteri 'latrones' aut 'praedones' sunt.*". At 47.9.3.1 someone is regarded as storming a ship who seizes something *as if in very battle* with a ship; "*Expugnare videtur, qui in ipso quasi proelio et pugna adversus navem et ratem aliquid rapit, sive expugnet sive praedonibus expugnantibus rapiat.*" MacMullen (1963) p224 briefly notes the difference between 'official' and 'unofficial' enemies.

<sup>2</sup> Shaw (1984) p6 similarly: "...almost every kind of violent opposition to established authority short of war was subsumed under the catch-all rubric of *latrocinium*...". Not all *latrocinium* however, was necessarily 'opposition to established authority', though there were those who were termed *latrones* who were, particularly in the late Republic, because of their own personal political ambition; Sextus Pompey, and Catiline, for example. Cicero renounces Catiline's activity as banditry not war, *In Cat.* 1.27. 'Typical' bandits had no such opposition except in the sense that they opposed being captured by 'the establishment'; their violence was simply for the purpose of booty.

<sup>3</sup> Varro *De Ling. Lat.* 7.52: "<At nunc viarum obsessores dicuntur latrones,> quod item ut milites <sunt> cum ferro, aut quod latent ad insidias faciendas."

<sup>4</sup> Quintilian *Inst. Orat.* 12.7.3, comments that to live life accusing people and to be led by reward to charge defendants was the closest thing to banditry: "*Itaque ut accusatoriam vitam vivere et ad deferendos reos praemio duci proximum latrocinio est...*".



'bandits'.<sup>5</sup>

The terms *latrocinium* and *latro* were not confined simply to the archetypal lone bandit or group of bandits waiting by the roadside to challenge victims to 'stand and deliver', or pirates waiting on the high seas, but also included were diverse examples of violence which the modern world prefers to separate into different categories for precise identification, for example inter-tribal warfare, guerilla warfare, rebellions against Roman rule, slave revolts, political disputes, privateering from enemy states, mercenary work and so forth.<sup>6</sup>

Although the word *latro* began with the meaning 'hired men' and developed into 'bandit', they nevertheless continued to have the potential to act as mercenaries.<sup>7</sup> The mercenary aspect of banditry and piracy at times played a significant part in their activities, particularly in the piracy encountered by the Romans in the late Republic. The word *latro* had changed from its original 'mercenary' meaning by the time of Cicero to signify 'bandit'.<sup>8</sup> Varro's explanation is that *latrones* were originally those men hired to be at the side (*latus*) of the king, whose wages were in Greek called *λάτρον* and that the older playwrights (such as Plautus) also occasionally referred to ordinary soldiers as *latrones*.<sup>9</sup> Shaw notes in his explanation of the

<sup>5</sup> Pliny *N.H.* 9.144; 9.145; 10.109.

<sup>6</sup> See also: Humbert (1904) p991; De Ruggiero & Barbieri (1942) p460; MacMullen (1966) p255; Flam-Zuckermann (1970) p456; Garlan (1978) p2.

<sup>7</sup> The law covers the possibility that money could be borrowed to pay hired bandits to kill a father, *Dig.* 48.9.7.

<sup>8</sup> The *Oxford Latin Dictionary* (1982) p1107 gives 'hired soldier, mercenary' as the first meaning of *latro*.

<sup>9</sup> Varro *De Ling. Lat.* 7.52: "*Latrones dicti ab latere, qui circum latera erant regi atque ad latera habebant ferrum, quos postea a stipatione stipatores appellarunt, et qui conducebantur: ea enim merces Graece dicitur λάτρον. Ab eo veteres poetae nonnunquam milites appellant latrones. <At nunc viarum obsessores dicuntur latrones,> quod item ut milites <sunt> cum ferro, aut quod latent ad insidias faciendas.*" (Skutsch, (1985) p208n34 notes that *latro* is thought to be derived from *λατρεύω*, to work for hire or pay.) Similarly also Festus, 412: "*Stipatores appellantur corporis custodes, quos antiqui latrones vocabant, id est mercennarios qui cum ferro velut stipati circumdant regum corpora.*"; Paulus Diaconus, 105: "*Latrones antiqui eos dicebant, qui conducti militabant, ἀπο της λατρείας. At nunc viarum obsessores dicuntur, quod a latere adoriuntur, vel quod latenter*

word's derivation from the LATR root that "Both in the classical Greek *polis* and the early Roman Republic the professional soldier who fought for pay (that is, a mercenary) remained an *outsider* to the social world of the state, stigmatized precisely by the fact that he *laboured* for a *wage* in the quintessential role normally held by the ultimate insider, the citizen."<sup>10</sup> The word *latro*, by the time of the first century B.C., had long held a derogatory association. By this time *latrones* were 'bandits' who were as Shaw puts it, 'private men of violence', though he argues that although they were 'outsiders', they were still linked to society and were never 'total outsiders or "enemies"'.<sup>11</sup> As will be argued later, they were the enemies of all. By the time of Juvenal, the word *latro* had developed away from the 'mercenary' meaning to the extent that when he caustically consoles a man defrauded of ten thousand sesterces, he reminds him of the greater danger to his possessions posed by a 'hired bandit', not just a bandit.<sup>12</sup>

Despite the Roman dislike of *latrones*, when they were *in extremis* they were compelled to use bandits as mercenaries in the army. Griffith notes some examples of mercenaries being used in the Roman army, who are with one exception, identified as being a certain 'nationality', for example, Gauls, Celtiberians, Cretans and Thracians.<sup>13</sup> There are other examples, however when on occasion, bandits are specifically identified as being enrolled. After Hannibal's victory at Cannae in 216B.C., Zonaras claims that the Romans were virtually enrolling anyone, including those 'past their prime', and promising pardons to criminals and freedom to slaves, as well as recruiting *ληστές τε τινας*.<sup>14</sup> Livy's account confirms that 8000 volunteer

---

*insidiantur*." Cf. also Ennius *Annals* 55; 481-2 and Skutsch's commentary p206-8 & 699; Servius, *In Aen.* 12.7; Praeconius Stilo, frag. 11; Isidorus Hisp., *Etymologiae* 10.160 (Migne, *PL*, 82, 384). Plautus, one of the *veteres poetae*, uses it in this sense in *Miles Gloriosus*, 74 & 949; *Poenulus* 663 & 666; *Trinummus* 599; in *Bacchides* frag. 7, a *latro* is defined as one who sells his life for gold, "...(*latro*) suam qui auro vitam venditat...".

<sup>10</sup> Shaw (1984) p27; also p26& 28.

<sup>11</sup> Shaw (1984) p28.

<sup>12</sup> Juvenal *Sat.* 13.145.

<sup>13</sup> Griffith (1935) p234-5.

<sup>14</sup> Zonaras 9.2.

slaves (*volones*) were armed, and that an edict was issued declaring that those who had committed capital offences or were debtors were promised pardon or release from their debts; according to Livy 6000 such men were armed. It is likely that these men included mercenary bandits, since banditry was a 'capital' offence. Livy makes a point of excusing this edict as a last desperate attempt to save a state which could not afford to be too choosy; in such a situation, he says, 'honour yields to expediency', (*cum honesta utilibus cedunt*).<sup>15</sup> It is then hardly surprising and perhaps explicable why there is no mention of bandits by Livy.

Both Antony and Octavian are said to have used a certain Cleon, a bandit leader who operated from the Mysian Mount Olympus. In c.40B.C. Cleon attacked those who were levying money for Q. Labienus, (who had been sent in 43 or 42B.C. to obtain Parthian support by Brutus and Cassius) thus 'making himself useful to Antony'.<sup>16</sup> Later during the battle of Actium he left Antony and joined Caesar's forces, earning as reward a Mysian priesthood and the control of a part of Morene.<sup>17</sup>

Under the Empire, Marcus Aurelius is said to have even 'made the bandits of Dalmatia and Dardania soldiers' for the war against the Marcomanni.<sup>18</sup> The source for this information however is the unreliable *Historia Augusta*. It provides certain other information in this context. It claims that there was a plague raging at the time, and that the state was facing not only the Marcomanni but also the Germans. Marcus Aurelius is said to have trained slaves for the army, enlisted gladiators (calling them

---

<sup>15</sup> Livy 22.57.11 & 23.14.3.

<sup>16</sup> Dio 48.26.5; Strabo, 12.8.9; *MRR*, 2.363-4.

<sup>17</sup> Corocotta, a bandit in Spain, is said to have annoyed Augustus to the extent that a price of a million sesterces was offered to the man who captured him alive. It seems that Corocotta himself approached Augustus however, and was given the amount of the reward. (Dio 56.43.3.) What really occurred can only be a matter for speculation. No 'real' bandit would be given his own reward. Neither was it customary to set a reward. Shaw (1984) p44 perhaps rightly, suggests that Augustus was just buying off a 'troublesome but powerful local baron'. Certainly Corocotta was getting away with 'daylight robbery' somewhere.

<sup>18</sup> *Marcus Antoninus* 21. (*latrones etiam Dalmatiae atque Dardaniae milites fecit.*) Aurelius' biographer, Birley (1966) p218, has no qualms about stating the entire section as fact.

*obsequentes*) and the *Diogmitae*, or Greek military police, and hired (*emit*) Germans to fight their countrymen. Two new legions were gathered also for the forthcoming wars. Lastly, due to lack of resources, the *Historia Augusta* claims that M. Aurelius held an auction of palace goods, from gold *pocula* to paintings to finance these efforts.

The slaves who were being trained are said to have been called *voluntarii* by M. Aurelius, after the example of the Punic *volones* after Cannae. This 'public relations exercise' might be expected in such a situation: that an emperor in a similarly inglorious and desperate position to the Romans battling with Hannibal under the Republic would deliberately evoke the more glorious past in an attempt to defend his enlistment of these recruits by calling on tradition to provide it with more respectability. Similarly defensive is the naming of the gladiators as the 'obedient'.

Other sources confirm some of the items claimed in the *Historia Augusta*. Ammianus Marcellinus corroborates that a widespread plague was rampant under Verus and M. Aurelius.<sup>19</sup> The enrolment in A.D.170 of two new legions is found in an inscription and Zonaras confirms that palace furnishings were sold in the forum to raise funds for the army.<sup>20</sup> It would seem unwarranted then to disbelieve completely the reference to enrolling Dalmatian and Dardanian tribesmen or 'bandits' in the army when other points in that particular section are substantiated by external evidence.<sup>21</sup>

In contrast to the usual Roman reluctance to deal with mercenaries, in the east, Josephus' dealings with bandit mercenaries were more open. He declares how his method of ensuring the peace in Galilee was first to persuade the people to actually pay the bandits as mercenaries, and then summoning the strongest bandits, gained an oath not to enter the area until sent for or unless their payment was in arrears, and ordered them not to attack the Romans or their neighbours. His reasoning was that it was

<sup>19</sup> Amm. Marc. 23.6.24. Aso *HA*, *Verus* 8: the plague being brought back from the east by Verus; and *M. Antonius* 28.4: plague continuing in 180A.D. *C.I.L.* III 5567 records the *lues* in 182.

<sup>20</sup> *C.I.L.* III 1980; Zonaras 12.1.

<sup>21</sup> See Burian (1960) 47-49 who compares them with Tacitus' account of Tacfarinas.

better for people to pay a small amount willingly than suffer having their possessions plundered.<sup>22</sup> Josephus also tells how he levied an army which included some 4500 mercenaries whom, he adds, 'he trusted especially'.<sup>23</sup> Obviously he was aware of the general opinion of mercenary bandits and their (un)trustworthiness, for he would not feel obliged to defend his position in regard to the mercenaries otherwise. Issac argues that these mercenaries would not join a Roman army regardless of the incentive, but does admit that they would rob anyone, whether Jewish or not at any other time.<sup>24</sup> The reverse may also be said to be true; the Roman army did not want Judaeen bandit mercenaries. Josephus claims that at one point he even released a bandit mercenary who had been hired by the inhabitants of the city of Sepphoris to attack him. On hearing of the approach of Jesus the ἀρχιληστής with his bandit gang though a betrayal, Josephus captured him and then allowed him to leave if he was repentant and gave his loyalty to Josephus.<sup>25</sup> He does not say what incentive was given to Jesus to retain this loyalty.<sup>26</sup>

Romans officially hired mercenary bandits and pirates according to the sources only rarely. Other Hellenistic states were not so exclusive. Pirates and bandits were often hired or protected by such powers.<sup>27</sup> The practice of semi-official use of pirates, or what later came to be called 'privateering'; that is, unofficial permission to carry out acts of piracy on another state or country without any formal pay except the booty from the raids, was utilised famously against Rome by Mithridates VI Eupator of Pontus, who encouraged the pirates of Cilicia during his battles with Rome. Certain places, such as Cilicia in the last century B.C. and Crete were notorious for their propensity to produce mercenary pirates.<sup>28</sup>

---

<sup>22</sup> Josephus *The Life* 77-78.

<sup>23</sup> Josephus *B. J.* 2. 583 (2.20.8).

<sup>24</sup> Issac (1984) p181.

<sup>25</sup> Josephus *The Life*, 104 - 111.

<sup>26</sup> Another example of mercenaries in Judaea: Josephus *Ant.* 20.121: the bandit Eleazar was invited to take part in a retaliatory attack.

<sup>27</sup> See Griffith (1935); at p263 he comments, "...piracy and mercenary service were mutually sympathetic trades."

A declaration of war was a necessary proclamation of 'openness' of intent; it was an essential element in deciding whether an action was legally war or banditry. Rich notes that "In the Hellenistic world an undeclared war in the sense of a war begun by stealth which took the enemy by surprise was regarded as improper..."<sup>29</sup> He cites Polybius, who describes the Aetolians' actions in the late third century B.C. as 'continually plundering Greece', and thus carrying out 'war-like acts unannounced'.<sup>30</sup> Their behaviour was seen as essentially bandit-like.<sup>31</sup> On the Roman world, Rich comments:

...a war can be said to be *indictum* providing the state's intention to go to war has been made public in some way so that the war is not sprung on the enemy by surprise. *Bellum indicere* was often used not to denote any specific formal act, but to mean something like "to make public, or publicly make a war decision".<sup>32</sup>

An important factor in a *iustum bellum* (interpreted here as meaning 'proper' war rather than 'just' war) was whether there had been a formal declaration.<sup>33</sup> A declaration meant that the enemy had not been surprised, had not been 'ambushed', a tactic common to both bandits and pirates. Two passages from Cicero declare that no war is proper unless satisfaction had been demanded or unless a warning or notice had been given and a public declaration made.<sup>34</sup> In the second century A.D. Aulus

<sup>28</sup> Plutarch *Pompey* 29.1 says that in the time of Pompey, Crete was only second to Cilicia for producing pirates. See Ormerod (1924) Ch. 2 and Griffith (1935) for mercenaries in the Hellenistic world.

<sup>29</sup> Rich (1976) p56.

<sup>30</sup> Polybius 4.16.4: Αἰτωλοὶ γοῦν τούτῳ τῷ τρόπῳ χρώμενοι καὶ ληστεύοντες συνεχῶς τὴν Ἑλλάδα, καὶ πολέμους ἀνεπαγγέλτους φέροντες πολλοῖς. The Aetolians again are specified for their lack of declaration and indiscriminate plundering at 18.5.1-3.

<sup>31</sup> Cf. Diod. Sic., 34/35.2.2 & 34/35.2.29 who compares the Sicilian slave shepherd bandits to bands of soldiers. The Romans sent some hastily gathered troops against Spartacus and his forces, as it was not seen as war, but a raid similar to banditry. (Appian *B.C.* 1.116.)

<sup>32</sup> Rich (1976) p106.

<sup>33</sup> Shaw (1984) p6 sees *iustum bellum* as referring to a 'real' or 'genuine' war. See further, Watson (1993), ch3 for a discussion of the traditions of the 'just war' and declarations of war. Braund (1993) p197 notes "...[piracy] was more usually regarded as improper war - for Ulpian, undeclared war."

Gellius commented that

"The reason for an ovation and not a triumph is when either the wars were not declared properly and were not carried out with a proper enemy, or the name of the enemy is low and is not fitting, that of slaves or pirates, or when with surrender quickly made, a 'dustless'...and bloodless victory occurs."<sup>35</sup>

Gellius adds ignominy to the formal reasons why a battle fought against pirates and bandits was not seen as a *iustum bellum*. Such terms require that the opposing sides have prior knowledge of the other's intentions. An example of this in practice is recorded by Livy, when in 200B.C. the Acarnanians with Macedonian help from Philip plundered and burnt Attica and returned home with 'all kinds of booty'. This, Livy says, was the provocation (*irritatio*); a '*iustum bellum*' was then fought after a declaration had been decreed.<sup>36</sup> Any concealment of war-like intent was therefore secretive, underhand and ultimately seen as bandit-like.

The close relationship between *latrocinium* and war is also, in Ulpian's definition, acknowledged by the laws, for on many occasions the dividing line between them could be very thin or nonexistent. The very fact that it was felt necessary to formulate a law that there had to be a formal declaration to be a 'war' is indicative of the similarity between them. In early Greek society, Shaw notes, banditry

---

<sup>34</sup> *De Off.* 1.36: "*Ex quo intellegi potest nullum bellum esse iustum, nisi quod aut rebus repetitis geratur aut denuntiatur ante sit et indictum.*" The second is a fragment from *De Re publica*, cited by Isidorus: "*Nullum bellum iustum habetur nisi denuntiatur, nisi indictum, nisi repetitis rebus.*"

<sup>35</sup> *Noct. Att.* 5.6.21.

<sup>36</sup> Livy 31.14.10: "*Et irritatio quidem animorum ea prima fuit; postea iustum bellum decretis civitatis ultro indicendo factum.*" Also at 42.18.1 Perseus of Macedon in 172B.C. was declared an enemy since he was not only preparing a *iustum bellum* in the manner of a king, but also carrying out clandestine crimes of banditry and poisoning, unsuitable activities for a king, "...quippe quem non iustum modo apparare bellum regio animo, sed per omnia clandestina grassari scelera latrociniorum ac veneficiorum cernebant." Another example of banditry used as provocation; Tacitus claims that Rhescuporis, king of one half of Thrace, coveting the other half sent out groups of bandits as causes for war on hearing of the death of Augustus, "*Enimvero audita mutatione principis immittere latronum globos, excindere castella, causas bello.*" (*Ann.* 2.64.)

and war appear indivisible,<sup>37</sup> and despite the protests of Roman writers, in Roman society there were often similarities in practice between war and *latrocinium*.<sup>38</sup> To plunder for booty is a characteristic action and motivation shared by Roman armies, bandits and pirates. Livy at one point describing plundering in Bruttium in 205B.C. seems to be uncomfortably aware that there is little difference between the actions of the Romans and those of the Bruttian 'bandits', and excuses the Romans plunderings as the result of an 'illness'. He claims there was '*latrocinium* rather than *iustum bellum*' being carried out between the Numidians and the Bruttians, but defends the Romans soldiers' actions because as the result of 'some sort of disease' they also joined in, going into the fields as far as permitted in their plundering raids.<sup>39</sup> The description '*iustum bellum*' in one sense derives from a pompous sense of Roman snobbery, that 'barbarians' could only commit banditry. Despite their apparent sophistication however, the Roman military on occasion still used methods that would otherwise be called 'banditry'.<sup>40</sup>

The dangers posed by enemies and bandits were so similar that they are often mentioned in the same phrase in the laws, for example; a borrower was not responsible for the attacks of bandits or enemies; a slave was not labelled a fugitive if he escaped

---

<sup>37</sup> Shaw (1984) p24. Also Ormerod (1924) p71f.

<sup>38</sup> Alston (1995) p1 Intro., notes that the army in the early Republic "...was, like the armies of many other ancient city states, a citizen militia, gathered every summer to fight the enemies of the state in wars which sometimes appear more like extended bandit raids."

<sup>39</sup> Livy 29.6.2: "*Latrociniis magis quam iusto bello in Brutiis gerebantur res, principio ab Numidis facto et Brutiis non societate magis Punica quam suo pte ingenio congruentibus in eum morem: postremo Romani quoque milites iam contagione quadam rapto gaudentes, quantum per duces licebat, excursiones in hostium agros facere.*" The Bruttii are earlier said to have trained their soldiers through banditry, 28.12.9. Note also 22.9.5 where Hannibal's soldiers delight in booty and plundering rather than peace and quiet.

<sup>40</sup> In this context the perception of St. Augustine is apparent: "And so with justice removed, what are kingdoms except a great group of bandits? And what are bandit gangs except little kingdoms?" (*Remota itaque iustitia quid sunt regna nisi magna latrocinia? quia et latrocinia quid sunt nisi parva regna?*) *De Civ. Dei* 4.4. Cf. also Curtius Rufus, *Hist. Alex.* 7.8.19, who has the Scythian envoys say to Alexander: "*At tu, qui te gloriaris ad latrones persequendos venire, omnium gentium quas adisti latro es.*" Garlan (1978) p2 briefly notes that the "...vocabulaire de la piraterie interfère largement avec celui de la guerre (régulière)...".



from an enemy or bandits, and it was possible to make a gift *mortis causa* because of the proximity of death from enemies or bandits.<sup>41</sup> Cicero declared that no oath should be sworn with a pirate because he was not a proper enemy, yet paradoxically he was still the common enemy of all; "...*nam pirata non est ex perduellium numero definitus, sed communis hostis omnium; cum hoc nec fides debet nec ius iurandum esse commune.*"<sup>42</sup> He acknowledges that these criminals were enemies of the individual Roman in a practical, life-threatening sense in contrast to the formal legal definition.

Banditry and piracy or rather the method of plundering attacks could be used to begin a war, as a tactic in avoiding outright war or in war itself. Although legally and morally there was a large gap between war and banditry, there could be little practical difference in the actual fighting.<sup>43</sup> Livy records that in 196B.C., the Thebans and Boeotians, angry at a murder they believed was done with Roman connivance and "lacking an army or a leader", are said to have turned to banditry which was "closest to war", by coming upon some soldiers in taverns, on others as they travelled, luring them to their hiding places into an ambush, or to deserted inns by a trick.<sup>44</sup> In the

<sup>41</sup> *Dig.* 13.6.18.pr; 21.1.17.3 and 39.6.3.pr. See also the laws listed in n146. Also Seneca *De Ben.* 6.15.8: "The wall keeps us safe from enemies and from sudden attacks of bandits..." (*Muros nos ab hostibus tutos et a subitis latronum incursionibus praestat...*); and he reminds Lucilius that both an enemy and a bandit are able to cut his throat: "*Cogite posse et latronem et hostem admovere iugulo tuo gladium...*". *Ep. Mor. ad Luc.* 4.8.

<sup>42</sup> *De Off.* 3.107. He also mentions this notion briefly against Verres: "*praedones...qui cum hostes communes sint omnium...*", *In Verr.* 2.4.21. It is also echoed by the Elder Pliny: "...*piratis etiam omnium mortalium hostibus transituros fama terrentibus...*", *N.H.* 2.117. Polybius makes a similar statement about the Illyrians after their outbreak of large-scale piracy in 231 - 229B.C.: "*οὐ γὰρ τισὶν, ἀλλὰ πᾶσι, τότε κοινούς ἐχθροὺς εἶναι συνέβαινε τοὺς Ἰλλυριοὺς.*" On the Illyrians, Dell (1970) p36 observes that an Illyrian leader's main task was to 'lead the Illyrians in war, that is raiding.'

<sup>43</sup> Strabo 17.1.53 writing on nomadic tribes in southern Egypt, comments that they were neither many nor warlike, though they were once thought to be so because of the banditry they inflicted on defenceless people. Cf. Demosthenes, *First Philippic* 23, where he suggests a small force be chosen to commit banditry (*ἀγαστεύειν*) against Philip since 'regular battle' was not yet possible; cf. also Pausanias, 1.7.3.

<sup>44</sup> Livy 33.29.2: "...*proximum bello quod erat...*". A similar wish to avoid battle prompted Masinissa in his war with Numidian Syphax to retreat with his few followers to a mountain and carry

end, Livy says, these crimes were committed not only from hatred of the Romans, but from greed for booty, for any money the soldiers carried. This last reason is typically the motivation of bandits and pirates, but of state armies too. The intertwining of banditry and war is denied by the Roman writers on a moral level, yet acknowledged on a practical basis. When the Romans invaded the country of the Volsci in 378B.C., after their borders had been raided by the Volscians, Livy says they plundered in a much better manner, laying waste the land not in 'the manner of banditry', like the Volsci, but severely, with more time and using a 'proper army'.<sup>45</sup> Such a description of the retaliatory raids using the same methods as their opponents, slandered as banditry, demonstrates the hypocrisy of Livy's (and ultimately the Roman) position, and the fluid nature of the dividing line between war and banditry. It is not surprising then that deserters, veterans and even auxiliaries in the army could turn to banditry. As Shaw observes, "The professional soldier was...always a *potential* bandit."<sup>46</sup>

During the Second Punic War in 213/2B.C. as a subterfuge to disguise his advance on Tarentum, Hannibal arranged for almost eighty Numidian horsemen to ride ahead, killing those they met, so that those living nearby would have the impression of bandits raiding rather than that of an approaching army.<sup>47</sup> Earlier in the war in 215B.C. the Romans had been harassing and raiding the Campanians, who had gone over to Hannibal. Livy reports that the Hirpini and the Samnites sent ambassadors to Hannibal to complain that the proconsul Marcus Marcellus from his base at Nola was sending out destructive raiding parties, 'not in maniples, but in the manner of bandits', (*iam ne manipulatim sed latronum modo*).<sup>48</sup> The use of banditry as a means of provocation in war was implemented by both sides, not only non-

---

out banditry raids, 29.31.11.

<sup>45</sup> Livy 6.31.6.

<sup>46</sup> Shaw (1993) p314.

<sup>47</sup> Livy 25.9.3: "...ut praedonum magis quam exercitus accolis species esset."; Polybius 8.26.4. says that some people were to be captured, rather than killed, while others reported their presence in the town.

<sup>48</sup> Livy 23.42.10.

Romans. Occasionally it was difficult for even contemporaries to decide whether a foe was committing war or not. Tacitus comments that the Parthian king Vologeses in A.D.62 decided to go to war with the Armenians since their ruler, the Roman-backed king Tigranes, seemed to have gone to war with a neighbour; he had been plundering the border country Adiabene "...too widely and too long..." for it to be banditry.<sup>49</sup>

Despite the legal importance of a formal declaration of war, an important factor in labelling an action 'banditry' rather than 'warfare' was a moral judgement of the situation, not from the *purposes* of the people committing the violence, important for purposes of identification today, but from the *manner* of the attacks and the size of the band.<sup>50</sup> Fronto comments that "(those whose) plunderings caused disasters, I consider in the category of bandits rather than of enemies...".<sup>51</sup> Lucius Licinius Crassus, the consul in 95 B.C., in search of a triumph is reported by Cicero to have destroyed 'certain people' (significantly unnamed) who were unworthy of the name 'enemy', "...*quosdam in citeriore Gallia nullo illustri neque certo duce neque eo nomine neque numero praeditos uti digni essent qui hostes populi Romani esse dicerentur, qui tamen excursionibus et latrocinii infestam provinciam redderent...*".<sup>52</sup>

Livy's opinion on the Romans' disagreements with the Veientes in Etruria in the early fifth century B.C., was that at one point, the matter could be considered "...neither peace nor war...the matter was closest in appearance to banditry", because the Veientes retreated from the Roman legions, but raided the fields in their absence.<sup>53</sup> Sallust describes the disorganised combat in a battle in the Jugurthine

<sup>49</sup> Tac. Ann. 15.1: "...*quippe egressus Armenia Tigranes Adiabenos, conterminam nationem, latius ac diutius quam per latrocinia vastaverat...*"

<sup>50</sup> MacDonald (1984) p77 notes the same disregard for purpose in the Greek world: "...the Greeks used the same vocabulary to describe all piratical behaviour, regardless of motivation."

<sup>51</sup> *Principia Historiae* 2.3: "...*<direp>tiones clades ediderunt, latronum potius quam hostium numero duco.*"

<sup>52</sup> Cicero *De Inv.* 2.111. Compare Varro 1.16.2 lamenting the banditry of 'certain peoples' (*quosdam*) in Sardinia and Spain with a similar lack of nomenclature.

<sup>53</sup> Livy 2.48.5: "*Ex eo tempore neque pax neque bellum cum Veientibus fuit; res proxime formam latrocinii venerat.*" Garlan (1975) p25 claims that this and other examples that Livy

War, following an attack by the Moorish and Gaetulian cavalry on the Romans, as a fight "...more like banditry than war, without standards, without order, horsemen and footsoldiers mixed together, some yielding, others being cut down...".<sup>54</sup> Tacitus views the skirmishes against attacking tribes in Britain after the capture of Caratacus in A.D.51 as bandit-like, because of their disorganisation; because they were sometimes carried out unordered and without the knowledge of the military leaders, and for the motives of anger or booty, in place of the more honourable *gloria*.<sup>55</sup> The disorganisation of bandits is emphasised by ancient authors because they did not have the formality of the Roman army system, though even to simply raid and disappear requires some elementary form of organisation and planning among the attackers.<sup>56</sup> That the notion of disorganisation seems synonymous with banditry is noted by Matthews over the confusion between the two sorts of 'Arabs' in Ammianus; for ancient writers, "...all of the race were described at will as robbers and bandits; this is perhaps how Ammianus could assume that the province of Arabia was formed because of the disorder of its people."<sup>57</sup>

The overriding factor in labelling some actions as banditry was essentially a matter for the writer's opinion and his moral judgement. Despite its usefulness as a

---

describes as not quite war "...cast doubt not so much on the information of the historian...as upon the possibility - given his inadequate concepts and anachronistic vocabulary - of his characterising, let alone of his understanding, what really happened so long before."

<sup>54</sup> Sallust *Jugurthine War*, 97.5: "...*pugna latrocinio magis quam proelio similis fieri, sine signis, sine ordinibus equites peditesque permixti*...". (This is not a derogatory but a descriptive adjective of the confusion, for otherwise Sallust praises the Romans' *virtus*.) Livy has a similar theme at 8.34.10; without military discipline, 'blind fortune in the manner of banditry would take the place of the sacred ways of war': "...*iussu iniussu pugnent, et non signa, non ordines servant, latrocinii modo caeca et fortuita pro sollemni et sacrata militia sit*...".

<sup>55</sup> Tac. *Ann* 12.39: "*Crebra hinc proelia, et saepius in modum latrocinii per saltus per paludes, ut cuique sors aut virtus, temere proviso, ob iram ob praedam, iussu et aliquando ignaris ducibus*...".

<sup>56</sup> Flam-Zuckermann's opinion on the efficacy of the bandit 'pack' however is extreme: "*Ce qui fait la force de la meute, c'est son unité d'action, l'intensité des relations entre ses membres et l'infailibilité de sa direction*."

<sup>57</sup> Matthews (1989), p348. In 399A.D. a certain Valentinus of Selga gathered slaves and farmers who had gained experience by fighting bandits to resist Tribigildus and his Goths. (Zos. 5.15.5.).

tactic in war, to use raiding and plundering as a strategy was not highly esteemed. To fight 'bandit-fashion' was not an honourable method of warfare; it was seen as the refuge of cowards, for desperate, treacherous, deceitful men who couldn't or wouldn't fight in open battle; in short to the Romans to fight like a bandit was to be associated with the very qualities ascribed to bandits and pirates. To fight courageously in open, declared battle was seen as an effective method of obtaining *gloria*, but to covertly ambush and plunder, to fight like a bandit, was not.<sup>58</sup> Ancient writers refer disapprovingly to those who fought in the manner of banditry, and a comparison of the tactics of those fighting against the Romans to *latrocinium* was an effective form of disparagement. The methods of various tribes were often denigrated by the writer patronisingly referring to them as 'banditry', although their formal legal status may have been that of an enemy in a war. Today it is evident that these tribes were acting in this manner for various reasons, such as hunger or rebellion; but the label of banditry is for the ancient authors both a descriptive and derogative adjective used to refer to their methods, regardless of their formal status, not their intent in acting in such a manner. For example, the Ligurian Ingauni fought both on land and on sea against the Romans, beginning in 182 B.C. After they besieged the Romans in their camp during a truce, Livy has the commander, L. Aemilius Paulus, exhort the soldiers to fight by first blaming the deceit of the enemy (*fraudem hostium*) which was against the law of nations (*contra ius gentium*) and then showing how shameful it was for the Romans to be besieged by the Ligurians, whom he deprecates as mere 'bandits' rather

---

<sup>58</sup> The image of Proculus, who lived in Albingaunum in the second half of the third century, suffers from his alleged descent from bandits; he is described by the writer of the *Historia Augusta* as "...domi nobilis sed maioribus latrocinantibus..." and despite being a tribune, the stigma of banditry overshadowed his deeds: "...idemque fortissimus, ipse quoque latrocinii adsuetus, qui tamen armatam semper egerit vitam. nam et multis legionibus tribunus praefuit et fortia edidit facta." Proculus is said to have 'destroyed' the Alamanni, though there is a derogatory aside attached: "nam Alamannos...non sine gloriae splendore contrivit, numquam aliter quam latrocinandi pugnans modo." The besmirching of his name is easily accounted for by the fact that he was involved in an attempt to usurp imperial power, which was foiled by Probus. (*HA, Quad. Tyr.*, 12 - 13; Eutropius, 9.17; *CIL* 3738). Cf. also the derision of Philip the Arab as the son of an Arabian bandit, *Epit. De Caes.* 28.4.

than proper enemies, "...*quantus pudor esset...ab Liguribus, latronibus verius quam hostibus iustis, Romanum exercitum obsideri.*"<sup>59</sup> The general's speech ends with the comment that before the siege, the Romans could scarcely find them as they 'lay low', the usual cowardly action of bandits, "...*scrutantes ante devios saltus abditum et latentem vix inveniebamus.*"<sup>60</sup> The Romans eventually broke from their compound onto the Ligurians, who are portrayed as having become complacent, not taking up their arms until they were sated with food and drink, and then going out disorganised. After this description it is no surprise to hear that they were completely routed after the brief 'semblance of a fight'. Later, when the Ingauni had surrendered, the pilots and sailors on the raiding ships were taken and 32 other ships 'of this kind' were captured by the *duumvir*.<sup>61</sup> Livy's account is designed to paint the enemy Ligurians as ignominious cowards, and this is emphasised by the references to their 'plundering ships' (they did not fight in formal battle on the water either) and to the shame they would incur if beaten by 'bandits'. Ironically, if the Ligurians had been operating on a smaller scale, (Livy claims 15,000 Ligurians were killed and 2300 captured), it is probable that the campaign would not have been defined as war. It was no doubt the large number of the slain that gave general Aemilius Paulus his triumph, rather than the less than outstanding performance or achievements of the Roman army. It was the manner of their battle that easily enabled Livy to portray them as bandits, despite their enemy status.<sup>62</sup> Similarly, Livy's account of the Volsci tribe in their dispute with Rome in 378B.C. He heavily emphasises the cowardice of the Volscians' actions, saying that they carried out raids hastily through their trepidation (*per trepidationem*), fearing the enemy's courage (*virtutem metuens*), and that since they feared drawing the Roman army out, raids were carried

---

<sup>59</sup> Livy 40.27.9-10.

<sup>60</sup> Livy 40.27.13.

<sup>61</sup> Livy 40.28.7-8. Plutarch *Aemil.* 6.3 says they were sailing as far as the pillars of Hercules with their 'piratical boats' (*σκάφει πειρατικοῖς*).

<sup>62</sup> Their reputation was such that Servius *In Vergilii Aeneidos Libros* 11.715, quotes Nigidius' opinion of the notorious Ligurians as "...*latrones, insidiosi, fallaces, mendaces*".

out only on the borders.<sup>63</sup> What were seen as the methods of banditry were thus easily manipulated by pro-Roman writers to cast a slur on Rome's opponents. Sertorius is said to have been admired by his 'barbarian' Spanish allies because he introduced Roman military methods and channelled their frenzy into formal battle-order and an army from, Plutarch comments, a 'great group of bandits'.<sup>64</sup> The Sarmatians and the Quadi, on raiding Pannonia, are described by Ammianus as 'more suited to banditry than open war'.<sup>65</sup> In Tacitus' account of the war begun in A.D.17 in northern Africa, Tacfarinas, the leader of those fighting Rome, is said to have drawn his army from 'wanderers accustomed to banditry for plunder and robbery', and then used it in plundering raids in a war that continued sporadically despite defeats from proconsular armies until A.D.24.<sup>66</sup> The Romans though were not deterred from using these 'barbarian bandits' in their armies. Tacitus describes the Mauri attached to the Roman forces in Africa in A.D.69 as suited to war through banditry and plundering.<sup>67</sup>

The practical similarities and interweaving between war and banditry resulted in

---

<sup>63</sup> Livy 6.31.6-7: "...populatio itaque non illi vagae similis, quam Volscus latrocinii more, discordiae hostium fretus et virtutem metuens, per trepidationem raptim fecerat, sed ab iusto exercitu iusta ira facta, spatio quoque temporis gravior. Quippe a Volscis timentibus ne interim exercitus ab Roma exiret incursiones in extrema finium factae erant...". Livy 28.32.9 similarly deprecates the Spanish Iltergetes through the voice of Scipio Africanus, who argues that their rebellion in the late third century B.C. deserved punishment even though they were bandits who only had strength for plundering, burning and stealing, not for fighting in battle-line. After the description of the subsequent defeat of the tribe, Livy's final comment (28.34.2) is that there would have been fewer casualties if the battle had been fought on more open ground, thus enabling an easier escape for them: "*Minus cruenta victoria fuisset, si patentiore campo et ad fugam capessendam facili foret pugnatum.*" Cf. Polybius 11.31-35 who includes the name of the rebellion leader, Andobales, which Livy either did not have or purposefully omitted. If deliberate, it further emphasises the anonymity and insignificance for the Romans of such peoples.

<sup>64</sup> Plutarch *Sertorius* 14: "...λησστηῶν μεγάλων...".

<sup>65</sup> Amm. Mar. 17.12.2: "*Quibus ad latrocinia magis quam aperto habilibus Marti...*". This is echoed at 29.6.8: the Sarmatians and the Quadi were "...ad raptus et latrocinia gentes aptissimae...", and previously at 16.10.20: the Sarmatians are "...latrocinandi peritissimum genus...".

<sup>66</sup> Tacitus *Ann.* 2.52: "...vagos primum et latrocinii suetos ad praedam et raptus congregare. dein more militiae per vexilla et turmas componere...".

<sup>67</sup> Tacitus *Hist.* 2.58.

the situation in which to distinguish between a 'bandit' and a formal enemy of the Roman state could in certain instances be impossible for a victim. For legal purposes, however, it could be crucial. The capture of a male traveller by *hostes* affected his status as a citizen and consequently his ability to leave a legally binding will. It seems that a decision on his status could rest merely on an official declaration of war and whether or not his captors had officially been declared 'enemies'. For the captive, the distinction between formal *hostes* and certain groups of *latrones* could thus be difficult, as Ulpian acknowledges,

If anyone is uncertain whether he is a captive or is watched over by bandits, he is not able to make a will. But if he does not know that he is *sui iuris* and thinks that, through error, that because he has been captured by bandits, he is a slave, as if of the enemy, or a legate who thinks that he is no different from a captive, it is decided that he is not able to leave a *fideicommissum*.<sup>68</sup>

Obviously a victim could identify formal battle-lines between enemies as part of a war, but skirmishes could be problematic. War may have been formal on the Roman's behalf; the enemy's or bandits' concern with such matters could be negligible.

The Romans did not have a law specifically concerned with pirates<sup>69</sup> (*piratae*), though they are mentioned, for example, as reasons for foregoing liability.<sup>70</sup> They did however have laws which refer to *praedones* in addition to *latrones*. The word *praedo* has two usages in Latin<sup>71</sup>: one is a legal term used to refer to someone who

---

<sup>68</sup> Dig. 32.1.1: *Si incertus quis sit, captivus sit an a latrunculis obsessus, testamentum facere non potest. sed et si sui iuris sit ignarus putetque se per errorem, quia a latronibus captus est, servum esse velut hostium, vel legatus qui nihil se a captivo differe putat, non posse fideicommittere certum est, quia nec testari potest, qui, an liceat sibi testari, dubitat.* At 49.15.19.2: *"A piratis aut latronibus capti liberi permanent."*

<sup>69</sup> As Berger (1953) p361 notes also.

<sup>70</sup> The word *pirata* only occurs six times and *piratica* once in the Digest; 4.9.3.1; 13.6.18 (three times); 14.2.2.3; 44.7.20 (*piratica*) and 49.15.19.2.

<sup>71</sup> OLD: "1. One who lives by robbery, a brigand; a pirate. 2. (leg.) One who takes illegal possession with *mens rea* (opp. *bonae fidei*)." (p1429). Berger (1953) p642.: "A robber, pillager; in a broader sense, any possessor in bad faith (*possessor malae fidei*) who seized another's property without legal grounds."



usurps another's property (land, for example, or an inheritance) and uses it.<sup>72</sup> These *praedones* were theoretically liable to prosecution, as they occupied land for example, and were therefore more 'visible' and not as mobile as the raiding and pillaging bandits and many laws dealt with them.<sup>73</sup> The other usage is the more common 'bandit/plunderer' meaning. Both terms are used to describe someone who takes another's property without their permission.

The familiar, non-legal use of *praedo* can not only refer to bandits but also to pirates, a situation which suggests that the Romans categorised pirates as maritime bandits, which is implied also by the lack of a specific law dealing with the punishment of pirates; they were simply to be judged as bandits.<sup>74</sup> The dual role of this *praedo* can cause a difficulty in deciding whether the writer means a bandit or a pirate, though the context usually makes it clear. For example, Ulpian wrote concerning the capture of a ship that someone was seen as storming the ship who seized something when fighting with the ship, whether he stormed it himself or seized it from the attacking *praedones*.<sup>75</sup> This obviously refers to pirates, though it is not always translated as such. Significantly, in a further clause in the same law, Labeo rules that this edict should apply not only to ships, but to houses and villas, because bandits could attack both; "*Labeo scribit aequum fuisse, ut, siue de domo siue in villa expugnatis aliquid rapiatur, huic edicto locus sit: nec enim minus in mari quam in villa per latrunculos*

---

a broader sense, any possessor in bad faith (*possessor malae fidei*) who seized another's property without legal grounds."

<sup>72</sup> Watson's *Digest* uses the terms 'usurper' or 'grabber' for this *praedo*.

<sup>73</sup> *Digest* 5.3.11.1; 5.3.13.8; 5.3.13.13; 5.3.19.2; 5.3.22; 5.3.25.3; 5.3.25.5; 5.3.25.7; 5.3.25.17; 5.3.28; 5.3.31; 5.3.31.1; 5.3.31.4; 5.3.36.3; 5.3.36.4; 5.3.36.5; 5.3.38; 5.3.39.1; 5.3.40; 5.3.40.1; 5.3.46; 7.1.12.4; 9.4.13 (A noxal action (an action taken for damage caused by slaves) can be sustained by *praedones*); 10.3.7.4; 11.3.13.1; 12.6.55; 13.6.16; 13.7.22.2; 16.3.1.39; 25.5.1.3; 26.10.3.15; 29.4.1.9; 41.2.5; 43.16.10; 46.3.34.9; 50.17.126 "*Nemo praedo est, qui pretium numeravit.*"

<sup>74</sup> Braund (1993) p205-6 notes the interweaving of bandits and pirates.

<sup>75</sup> Dig. 47.9.3.1 "*Expugnare videtur, qui in ipso quasi proelio et pugna adversus navem et ratem aliquid rapit, sive expugnet sive praedonibus expugnantibus rapiat.*" Neither Scott's or Watson's *Digest* translations use 'pirates' for *praedonibus*; they use 'brigands' (Watson) or 'robbers' (Scott).

*inquietamur uel infestari possumus.*"<sup>76</sup>

The phrase 'maritime bandits' or 'banditry', using *latro*, *latrocinium* or *maritimus praedo* when referring to piracy, is found elsewhere. Cicero often uses *praedo* in addition to *pirata* when referring to pirates in his speeches against Verres; that it has a general sense meaning 'robber' is indicated when at one point he refers to inland farmers who have never feared a sea-going *praedo*, "...qui nomen numquam timuissent maritimi praedonis...".<sup>77</sup> In other texts he claims that the Etruscans were a maritime people for the sake of banditry (*causa latrocinandi*), and expresses his disbelief that the (pirate) Cretans and (bandit) Aetolians could think that to commit banditry (*latrocinari*) was honourable.<sup>78</sup> Cornelius Nepos wrote that Themistocles made the sea safe by pursuing the *maritimos praedones*.<sup>79</sup> Under the chapter heading of *Bellum Piraticum*, which was added by a later copyist, Florus refers to the Cilician pirates as *latrones* twice before using *pirata*.<sup>80</sup> Livy uses this phrasing several times. He describes how a Roman fleet was spied off the coast during the Punic War in 217B.C. from one of the watchtowers the Spanish used as a lookout for

<sup>76</sup> Dig. 47.9.3.2.

<sup>77</sup> Cic. *In Verr.* 2.5.70. Interestingly, Cicero doesn't once use *pirata* in his speech *De Imp. Cn. Pompei*, delivered in 66 (after Pompey's success against the pirates the previous year) in order to support Manilius' law to give Pompey command of the war against Mithridates. He refers to the pirates 14 times, always with *praedo*; sections 31; 32 (three times); 33 (six times); 35; 52; 55; and 63. It suggests that Cicero considered *praedo* a better word rhetorically, carrying the negative overtones associated with the word 'bandit' more strongly and effectively than *pirata*. Quintilian objected to *archipirata* ending a sentence on metrical grounds, *Inst. Orat.* 9.4.64, "...Ciceronem carpant in his, *Familiaris coeperat esse balneatori, et non minus dura archipiratae*.", and also at 9.4.97.

<sup>78</sup> *De Repub.* 2.9 "...nam e barbaris quidem ipsis nulli erant antea maritimi praeter Etruscos et Poenos, alteri mercandi causa, latrocinandi alteri." and 3.15 "vitae vero instituta sic distant, ut Cretes et Aetoli latrocinari honestum putent...". (For Aetolian banditry and their attitude towards glory and piracy, see Thuc., 1.5.) Similarly, Justin, 43.3.5 on the Phocéans in the time of King Tarquin: "...piscando mercandoque, plerumque etiam latrocinio maris, quod illis temporibus gloriae habebatur, vitam tolerabant."

<sup>79</sup> Nepos *Vit. Them.* 2.3.

<sup>80</sup> Flor. 1.41; Forster, p. xii of Loeb edition of Florus, 1929. The disturbances in Asia gave a boldness to those "...perditis furiosisque latronibus...", and under their leader Isidorus committed piracies (*latrocinabantur*).

pirates (*latrones*).<sup>81</sup> Under the events of 348B.C. Livy records that the winter was so bitter that Gauls on the Alban hills came down to pillage the countryside and coastal areas. The sea was "infested with fleets of Greeks" and the two sides clashed, "the maritime bandits with the land", but despite a battle both groups withdrew uncertain of the victor.<sup>82</sup> The Illyrians, Liburnians and (H)Istrians are described as "fierce races and famous for the most part from their maritime banditry".<sup>83</sup> In the summary of Livy's book 68 is the statement, "*M. Antonius praetor in Ciliciam maritimos praedones [id est piratas] persecutus est.*"<sup>84</sup> The explanatory gloss demonstrates how this phrasing later disappeared so completely in favour of the more precise *pirata* for pirates that it was felt necessary to give an explanation.<sup>85</sup> Other examples are found in Eutropius, Festus, Horace, the declamations ascribed to Quintilian, the writings of both Senecas, (the Elder uses *pirata* often), Strabo, Valerius Maximus and Velleius Paterculus.<sup>86</sup> The widespread usage of this phrasing indicates that there

<sup>81</sup> Livy 22.19.6: "...speculis et propugnaculis adversus latrones utuntur."

<sup>82</sup> Livy 7.25.4. "...praedones maritimi cum terrestribus..."

<sup>83</sup> Livy 10.2.4. "...gentes ferae et magna ex parte latrociniiis maritimis infames..."

<sup>84</sup> Weissenborn & Müller, (eds) *Titi Livi Ab Urbe Condita*, (Berlin 1881), p151. Other Livian examples: At 5.28.3, reporting that three Roman gift-bearers sent to Delphi in 394B.C. had been intercepted by Liparean pirates (*piratae*), he notes that it was their custom to divide the booty as if public banditry, "*Mos erat civitatis velut publico latrocinio partam praedam dividere.*" The Lipareans were attacking a ship belonging to the Romans, who were, being from Etruria, considered allies of their enemies the Carthaginians, as the Etruscans had a treaty with the Carthaginians who had levied a payment of 30 talents on the Lipareans in 396 (Diod. Sic. 14.56.2 and Ogilvie, (1965), p689). Ogilvie comments that the Lipareans' "...seafaring freedom, [is] vulgarly termed 'piracy'...". Raiding however was an effective way of annoying an enemy, and it stopped short of formal war. It epitomises the *Digest* definition that those not publically declared enemies are bandits. In this description of the Lipareans' actions therefore, Livy 37.12.1 thus both denigrates the Romans' opponents and accurately (in the broad Roman sense of 'accurate') defines their actions. In the early second century, the Spartan Hybristas was making the sea unsafe with his *latrocinium*. Other references at 38.32.2; 40.18.4; 40.42.1 and *Per.* 128.

<sup>85</sup> St. Augustine *De Civit. Dei* 4.4 uses both *pirata* and *latro* to refer to the pirate who is supposed to have met Alexander the Great. The story probably comes from Cicero (*De Repub.* 3.14), but whether Augustine repeats the *latro* from Cicero cannot be ascertained from the Ciceronian fragment.

<sup>86</sup> Eutropius 3.7; Festus *Brev.* 12 (*Cilices et Isauros, qui se piratis ac praedonibus maritimis iunxerant...*); Horace *Epode* 4; Pseudo-Quintilian *Decl. Maiores*, 6.4.1; 6.6.15; 9.4.5 (*infestum*

was, at least among the upper classes, a tendency to think of pirates as sea-going bandits. As most types of violence other than properly declared war were simply called *latrocinium*, piracy was regarded similarly, being merely a sort of 'watery banditry', and was covered by the same terminology.<sup>87</sup>

The difficulty for the translator in deciding whether *praedo* refers either to banditry or piracy is evident in the different versions of Ulpian's definition between bandits and enemies. It seems more probable that it refers to pirates, ("...ceteri latrunculi uel praedones appellantur"), though it has been interpreted and translated as being two variations on 'bandit'. Watson's *Digest* gives 'robbers or bandits' for this definition, though for Quintus Mucius' explanation at 50.16.118 (*latrones aut praedones*), 'brigands or pirates' is given. Scott's *Digest* offers 'robbers and brigands' for both. Shaw translates it as 'bandits or plunderers'.<sup>88</sup> Braund does feel it refers to piracy, though he views Ulpian as "...responding not only to theoretical considerations, but to the realities of banditry and piracy in his world. Bandits took to the sea, while pirates operated on land."<sup>89</sup> However Ulpian's main focus in this law is to define as enemies those upon whom the Romans had publically declared war, or whom had declared war on the Romans, rather than to define pirates or bandits. Enemies were liable to attack by land or sea, so that when Ulpian continues to say that

---

*latronibus mare*); 9.5.6; 9.12.13; 9.20.7; 9.20.25 (*maria latrocinii infesta*); 9.21.6; 12.20.21; the younger Seneca *De Ben.* 7.15.1 (*infesta latrocinii litora*); the elder Seneca *Cont.* 1.2.8, "...simul terras et maria latrocinantes..."; Strabo 11.2.12; at 14.5.6 he describes Cilicia Tracheia as naturally suited to *λησστηρία* on land and sea; Trogus *Prol. Hist. Phil.* 39: "*Ut Syriam Iudaei et Arabes terrestribus latrocinii infestarint...*"; Val. Max. 6.9.15, Julius Caesar was captured "...a maritimis praedonibus..."; Vell. Pat. 2.31.2: he says Gabinius' law was introduced since the pirates terrified the world "...belli more, non latrociniorum..."; 2.73.3, Sextus Pompey is said to have infested the sea "...latrocinii ac praedationibus...".

<sup>87</sup> A writer on modern south-east Asian piracy comes to the same conclusion: "Despite the variety of acts encompassed by definitions of piracy, it is reasonable to suggest that most piracy is simply robbery or banditry made distinctive only by the fact that it occurs on water." (Vagg, (1995) p65.) Hobsbawm (1969) p26 briefly comments similarly on Asian piracy.

<sup>88</sup> Shaw (1993), p305.

<sup>89</sup> Braund (1993) p196. Humbert (1904) p991 also takes it to mean 'les pirates'.

'the rest are bandits or pirates', he is not so much 'responding to reality' in this law, as covering both the land and sea operations of enemies. In addition, it seems appropriate to interpret *praedones* as 'pirates' in these laws for the reason that it was unnecessary for the jurists to include two words meaning 'bandit' in a compact definition if they simply wanted to refer to bandits; *latrunculus* and *latro* covers a wide spectrum of offenders, including 'plunderers'. Braund sees it as

scarcely surprising, therefore, that our sources seldom offer neat distinctions between 'bandit' and 'pirate': all-embracing terms like *latro* and *leistes* are used to encompass bandits, pirates and others, 'since', as Shaw rightly observes, "all form part of a common threat to the same provincial order".<sup>90</sup>

Such terms would seem to derive less from the feeling that they are a 'threat to provincial order' than from a pragmatic recognition of the methods both use; raiding, plundering, sudden attacks and ambushes, kidnapping and ransom are all methods employed by both bandits and pirates to obtain booty. It did not matter to the Romans whether a *latro* attacked on the coast road or in the mountains or on the sea; he was still a bandit.

## (ii) The transition from *latro* or *praedo* to *hostis*

It was possible to move from the status of bandit to enemy simply by increasing the scale of activities. The most well-known example of this change is that of the Cilician pirates in the late Republic, whose raids had increased in size and daring to the extent that their attacks had extended to the Italian coasts, and had even destroyed a fleet in Ostia.<sup>91</sup> The close proximity of this threat to the Roman state prompted a hasty change to enemy status for the pirates. The tribune Gabinius proposed in 67B.C. that unlimited *imperium* be given to Gnaeus Pompey to conduct a war against the pirates, since they were now conducting raids as if enemies, "...since in the

<sup>90</sup> Braund (1993) p196 quoting Shaw (1984) p14. Dell (1967) p349n23 notes the diverse meaning of *ληστρον*, referring to a passage in Strabo 7.5.10 on Illyria which could be interpreted as either banditry or piracy. Garland (1978) p2 also notes the application of both terms for piracy and banditry.

<sup>91</sup> Cic. *De imp.*33; Dio, 36.22.

manner of war, not piracy, the pirates now terrify the world with their fleets, not with secret expeditions and even pillaged certain towns of Italy..."<sup>92</sup> They had clearly demonstrated their openness of intent, but had not changed their methods of attack. Appian claims the pirates themselves recognised that their status had changed, disdaining the name of pirates, "...now holding the name of pirates in ill-esteem, calling their pay 'soldiers' pay'". Appian also refers to the fears that such a war caused because it did not conform to the usual rules of war, since the enemy would appear and disappear.<sup>93</sup>

The notorious bandit Maternus in the late second century A.D. began his activities with a small group of accomplices, but after gathering a larger group with the lure of booty, Herodian says they "...no longer had the rank of bandits but of enemies."<sup>94</sup> He continues with an account of the bandits attacking cities, releasing prisoners, and overrunning 'all' of Gaul and Spain, which so enraged the Emperor Commodus that he sent letters to the provincial governors, accusing them of 'laziness' or 'indifference' (*ῥαθυμία*) and ordered troops against Maternus and his company. It would seem more probable that the change in classification, the 'promotion' to enemy, occurred after they overran large areas, rather than before, (as Herodian has it), with Commodus' letters officially declaring them enemies.<sup>95</sup>

The size of the attack however, was no guarantee that the ancient writers would accord the attacker enemy status, despite his official standing. The outbreak caused by

<sup>92</sup> Vell. Pat. 2.31.2. "...cum belli more, non latrociniorum, orbem classibus iam. non furtiuis expeditionibus piratae terrerent quasdamque etiam Italiae urbes diripiissent..."

<sup>93</sup> App. Mith. 92-93: "...δοξοῦντες ἤδη τὸ τῶν ληστῶν ὄνομα, μισθοὺς ἔκαλουν στρατιωτικούς." St. Augustine's anecdote about the pirate meeting Alexander the Great contains a pointed comment about differences being only in size; when asked why he committed piracy, the pirate retorted "Why do you?...because I do it in a small boat, I am called a *latro*; because you do it with a great fleet, you are an *imperator*." (*De Civitat. Dei* 4.4.)

<sup>94</sup> Herodian 1.10.1. "...ὥς μήκετι ληστῶν ἀλλὰ πολέμιων ἔχειν δξίωμα." Also noted by Braund (1993) p196n4. The translator of the Loeb (1969) p61 Whitaker, notes that it was "Probably the formal declaration of a *iustum bellum*."

<sup>95</sup> Shaw (1984) p45 sees the declaration of Maternus and allies as enemies as at an 'unspecified point', but given the apparent negligence of the provincial governors to act and the power of the emperor to declare war, it seems probable that it was Commodus' decision.

Tacfarinas in Africa eventually summoned the Roman army. A Numidian auxiliary, he is said to have soon become a deserter and gathered together 'wanderers accustomed to banditry, for booty and plunder', organised them into his army, and 'finally was made leader of the Musulamian tribe'.<sup>96</sup> He had support from other African tribes, the Mauri (or Moors), the Cinithians and later the Garamantians, and together they persistently continued to cause the Romans problems for several years from A.D.17 to 24 through their raids and sieges, despite defeats inflicted by several proconsuls' efforts.<sup>97</sup> His tactics were those the Romans called banditry, and the label of a bandit was applied to him, though he was classified an enemy. Tiberius is said to have been furious at the effrontery of Tacfarinas when he sent an embassy demanding territory for himself and his army, and threatening war if it was not forthcoming, because he was a *desertor et praedo* acting in the manner of an enemy.<sup>98</sup> Yet Tiberius must have declared Tacfarinas a formal enemy, for Tacitus' account of Tacfarinas' activities begins, "In the same year, war (*bellum*) began in Africa with Tacfarinas as the leader of the enemy (*hostium*)."<sup>99</sup> Tacitus refers to Tacfarinas drawing the Mauri into the *bellum* and dividing his *exercitus* on the Roman model. The first proconsul to face him, Furius Camillus, leading his legion and the auxiliaries towards the *hostem*, is said to be worried in case they tried (since they were only 'bandits', is the inference) to escape the *bellum* through fear.<sup>100</sup> Camillus inflicted a defeat, but Tacfarinas was annoyingly resilient, and soon renewed the *bellum*, raiding and plundering villages and finally surrounding a Roman cohort. Many of the cohort fled, cowardice for which the new proconsul Lucius Apronius, more concerned by the disgrace than the *gloria hostis*, had every tenth man flogged to death.<sup>101</sup> There are

---

<sup>96</sup> Tacitus *Ann.* 2.52: "...mox desertor vagos primum et latrociniis suetos ad praedam et raptus congregare, dein more militiae per vexilla et turmas componere, postremo non inconditae turbae sed Musulamiorum dux haberi."

<sup>97</sup> Tacitus *Ann.* 2.52; 3.74.

<sup>98</sup> Tacitus *Ann.* 3.73. He is also referred to as a *latro* in the same paragraph.

<sup>99</sup> Tac. *Ann.* 2.52: "Eodem anno coeptum in Africa bellum, duce hostium Tacfarinate."

<sup>100</sup> Tac. *Ann.* 2.52.

many other references to the 'war' and 'the enemy' in this account, whilst it is made clear by Tacitus at the same time that Tacfarinas and his forces were morally regarded as bandits.<sup>102</sup> By Roman standards, Tacfarinas was a bandit, but his incursions were on a large scale, and the dangers posed by and the damage caused by his army was such that he warranted the status of enemy.<sup>103</sup> By today's definition, he was not a bandit at all, but the leader of a Numidian tribe the Musulamians. The 'wanderers' accustomed to banditry that he gathered were probably in reality the 'nomadic' Musulamii in the first place, rather than that which has generally been accepted, that Tacfarinas collected groups of bandits, and then was also declared leader of the Musulamii.<sup>104</sup> It is only Tacitus' deprecation of them as 'those accustomed to banditry' (and he does not specifically call them 'bandits' but 'wanderers') which is misleading and led to misinterpretation. The 'banditry' of Tacitus was the raiding and plundering they carried out as tribespeople.

These standards and attitudes towards bandits/enemies are again evident in the case of Viriathus. Together with his army in Lusitania he fought Roman forces for several years, from about 147 till 139B.C. Almost no writer that refers to Viriathus fails to mention that he 'was a bandit' before he became a leader. Appian, the source of most information about the campaigns, does not call him a bandit directly, but he describes Viriathus operating in the manner characterised by the Romans as bandit-like, with tactics of attacking and swiftly retreating, ambushing Roman forces and plundering.<sup>105</sup> There is also a digression in which he refers to the 'other groups of

<sup>101</sup> Tac. Ann. 3.20 - 21.

<sup>102</sup> Tac. Ann. 3.21, 3.74, 4.13, 4.23 - 26.

<sup>103</sup> Aurelius Victor *de Caesaribus*, 2.3 distills all this down to banditry only; "...compressaque Gaetulorum latrocinia, quae Tacfarinate duce passim proruperant."

<sup>104</sup> Accepted by Syme (1951) p115 and Dyson (1974) p163 who argues that "While preying on the Romans within the province he also won support in the Musulamii who found themselves harassed by the advance of these same settlers.", and sees Tacfarinas as providing an "extraordinary leadership to merge this combination of bandit and tribesmen." This assumes his gang was only attacking Romans, but if they were 'typical' bandits, their targets would not be restricted to Romans, but to the wealthy and those who possessed what they needed in way of provisions, who would include the Musulamians.



bandits' (ληστήρια πολλά ἄλλα) who, following Viriathus' example, were plundering Lusitania.<sup>106</sup> Other writers were not so subtle or restrained. Livy describes Viriathus beginning as a shepherd, then becoming hunter, from that to a bandit and progressing to be the leader of a 'proper' army.<sup>107</sup> Cicero, in a discussion of bandits' division of booty, after Bardulis of Illyria, then refers to Viriathus of Lusitania.<sup>108</sup> Florus has a similar '*cursus*' to Livy, but omits the shepherd part of his career.<sup>109</sup> Dio has him as a shepherd and a bandit, then a leader.<sup>110</sup> Strabo, like Cicero, simply calls him 'the bandit Viriathus',<sup>111</sup> and Frontinus says he went from being a bandit to a commander.<sup>112</sup> The author of *de Viribus Illustribus* lists Viriathus' beginnings as a mercenary, then a hunter, bandit and general.<sup>113</sup> Orosius says he was a shepherd and a bandit and then 'the greatest terror to all Romans'.<sup>114</sup> Velleius Paterculus calls him a bandit leader.<sup>115</sup> In Eutropius, he was first a shepherd, then a bandit leader, then 'considered a liberator of the Spanish against the Romans'.<sup>116</sup> Diodorus Siculus has a twist on the usual story, with Viriathus first as a shepherd in conflict with wild beasts and bandits, then being chosen as a leader by the people, and gathering bandits round him, then with success, proclaiming himself no longer a bandit but a ruler (δυνάστης), who fought the Romans. After this fragment from Photius, however, the next fragment simply begins with 'Viriathus, the bandit leader' (ὁ λήσταρχος).<sup>117</sup>

<sup>105</sup> App. *Sp.* 62 and 67 attacking and retreating; 63 ambush, and 64 plundering Carpetania.

<sup>106</sup> App. *Sp.* 71 and also 73 (λησστηρίων ἄλλων).

<sup>107</sup> Livy *Per.* 52 "...primum ex pastore venator, ex venatore latro, mox iusti quoque exercitus dux factus...".

<sup>108</sup> Cic. *De Off.* 2.40.

<sup>109</sup> Florus 1.33.15: "*Qui ex venatore latro, ex latrone subito dux atque imperator...*".

<sup>110</sup> Dio *Frag.* 22.1: "...ληστής τε γέγονεν ἐκ ποιμένος, καὶ μετὰ τοῦτο καὶ στρατηγός."

<sup>111</sup> Strabo 3.4.5: "...ληστῇ Οὐριδθῶ...".

<sup>112</sup> Frontinus *Strat.* 2.5.7: "*Viriathus, ex latrone dux Celtiberorum...*".

<sup>113</sup> Auct. *De Vir.* Ill. 71.

<sup>114</sup> Orosius 5.4 "...pastoralis et latro...maximo terrori Romanis omnibus fuit."

<sup>115</sup> Vell. Pat. 2.1.3.

<sup>116</sup> Eutropius 4.16: "*Pastor primo fuit, mox latronum dux, postremo tantos ad bellum populos concitavit, ut adsertor contra Romanos Hispaniae putaretur.*"

<sup>117</sup> Diod. Sic. 33.1.1-5.

In all the stories of Viriathus' beginnings, though they may vary in other components of his career, with the exception of Appian who just implies it, no writer fails to say that Viriathus was a bandit. Though he had become an 'enemy' of the Roman people, he was still regarded as a barbarian bandit. This is no doubt an important reason why the treaty negotiated with Viriathus in 140B.C. by a desperate proconsul was considered disgraceful. Q. Fabius Maximus Servilianus, with his army defeated and driven against the cliffs, literally with his back to the wall came to an agreement with Viriathus. The treaty was ratified by the Senate, but only briefly. Q. Servilius Caepio, who replaced Servilianus in the province, complained to the Senate that the treaty was most unseemly for the Roman people.<sup>118</sup> This criticism is echoed in other texts; one fragment from Livy comments that Fabius Maximus 'stained' his record by making the treaty, and another fragment is more critical, declaring that he made a disgraceful peace (*deformem pacem*) with the enemy.<sup>119</sup> Diodorus calls the treaty 'unworthy of the Romans' (*ἀναξίους Ῥωμαίων*).<sup>120</sup> It seems difficult to believe that the treaty could be anything more than an attempt to extricate the Roman troops from a difficult position. The conditions of the treaty were that all of Viriathus' followers held the land they then occupied.<sup>121</sup> The lack of territory among the Lusitanians seems to have been responsible for the outbreaks of plundering and war with the Romans during the 150's and 140's B.C.<sup>122</sup> Rubensohn argues that the Senate intended to uphold the treaty, "...even if only temporarily (till the end of the Numantine war) or over a longer period of time."<sup>123</sup> In his view the treaty might have lasted longer if the complaining Caepio had not pressured the Senate from Spain.<sup>124</sup> An alternative view is that the Senate ratified the treaty for a very short term to pacify

<sup>118</sup> App. Sp. 70 "...ἐπέστελλε Ῥωμαίοις ἀπρεπεστάτας εἶναι."

<sup>119</sup> Livy Per. 54 and Oxy. Per. 54.

<sup>120</sup> Diod. Sic. 33.1.4.

<sup>121</sup> App. Sp. 69.

<sup>122</sup> Rubensohn (1981) p189 and App. Sp. 60, 61, 69 and 75.

<sup>123</sup> Rubensohn (1981) pp194-199.

<sup>124</sup> Rubensohn (1981) p202 and App. Sp. 70.

Viriathus, while waiting for the new year in which they could conduct another levy, for Appius Claudius and the tribune Tiberius Claudius Asellus had prevented two levies being conducted in one year.<sup>125</sup> Caepio cannot have been the only man in the Senate who considered this treaty unworthy of the Romans. His 'insistent prodding' apparently only when he arrived in the province may also be due to the fact that only on his arrival did he fully comprehend the situation and the need for more troops to counter Viriathus' bandit tactics.<sup>126</sup> The Senate gave Caepio permission to secretly annoy Viriathus, and seemingly only after his insistent letters, according to Appian, decided to break the treaty and declare war once again. However, this delay may also have been caused by the time needed to levy the troops in the new year (139B.C) and transport them to Lusitania.

After the death of Viriathus, the Lusitanians were defeated and given land on which to settle, which, importantly, was then land of the Romans' choosing. This resulted in a peace on the Romans' terms, when they had the upper-hand, a more acceptable solution for Roman pride. As Cicero later said, 'no oath should be sworn with a pirate';<sup>127</sup> a treaty with a bandit accorded him an equality of status with which no Roman would have been content. Viriathus' death also reveals Roman lack of scruple when dealing with someone they considered a bandit. Viriathus sent three close associates, Audax, Ditalco and Minurus, to negotiate peace with Caepio, who promptly bribed them successfully to betray and assassinate Viriathus.<sup>128</sup> Caepio is generally considered responsible by most ancient writers for Viriathus' assassination,<sup>129</sup> though Rubensohn following Diodorus in considering that the three

<sup>125</sup> Rubensohn (1981) p199 and Livy, *Oxy. Per.* 54.

<sup>126</sup> Rubensohn (1981) p202.

<sup>127</sup> Cic. *De Off.* 3.107.

<sup>128</sup> Diodorus names them as Audas, Ditalces and Nicorontes, but Livy *Oxy. Per.* 54, concurs with Appian.

<sup>129</sup> App. *Sp.* 74; Livy *Per.* 54 and *Oxy. Per.* 54; Val. Max. 9.6.4; *de Vir. Ill.* 71; Eutropius 4.16 says they killed him through fear of Caepio and Orosius says they did it for the money, 5.23.15. Florus 1.33.17 erroneously gives the blame to M. Popilius Laenus, with whom Viriathus had been attempting to negotiate before Caepio.

followers attempted to save their own skins and offered to kill Viriathus, and that it was Caepio's political enemies who subsequently gave the 'initiative and the blame' to him.<sup>130</sup> Diodorus' version has a convincing ring. He says the conspirators told their leader that they would persuade Caepio to conclude a peace, as Viriathus wanted to end the war, and then approached Caepio to guarantee their safety if they assassinated Viriathus. That Viriathus may have wanted to end the war is, as Rubensohn notes, supported by details in Appian about the reduced size of Viriathus' army and the need for provisions.<sup>131</sup> For Caepio, there was no stigma attached to killing someone considered a bandit or having him killed, and bandits were often killed through betrayal. His delight at having three close followers of such an enemy approach and offer to kill him in return for their own safety can be easily imagined. Little wonder that he was 'easily persuaded' and exchanged (no doubt eager) pledges with the conspirators.<sup>132</sup> In either version, however, the Romans do not emerge covered with glory from their war with Viriathus. Though they were formal enemies, Viriathus was still regarded as a bandit and they treated him accordingly.<sup>133</sup>

### (iii) Bandits and pirates in the scale of infamy

*Latrones* and *praedones* occupy a special position of being considered the most perfidious and dangerous criminals in the Roman world.<sup>134</sup> This status was later used in Christian terminology. Christian authors adopted the use of the term *latrones* in their descriptions of the struggles between Christians and demons. The 'evil' *latro* or *ληστής* is often seen as representing the Devil or his demons, particularly in allegorical

<sup>130</sup> Rubensohn (1981) p203.

<sup>131</sup> Rubensohn (1981) p200, and Ap. *Sp.* 68.

<sup>132</sup> Diod. Sic. 33.21.

<sup>133</sup> Shaw (1984) p36, referring to Tacfarinas and Viriathus, notes that "...the Roman state effectively maintained its categorization of them as bandits." Perhaps the ignominious nature of his death roused some sympathy for Viriathus: see for example the eulogies in Appian, (*Sp.* 75) who praises him highly as a (barbarian) commander; and Livy, (*Per.* 54) who describes him as a *vir duxque magnus* (!)

<sup>134</sup> Shaw (1984) p20 - 23 notes this in relation to their punishments compared to that of other criminals.

interpretations of the parable of the Good Samaritan, where the man robbed by bandits is viewed as a man suddenly surprised by demons.<sup>135</sup>

The jurist Callistratus on punishments wrote that "*Grassatores*, who do this for the sake of booty, are regarded as closest to bandits."<sup>136</sup> There does not appear to be an obvious difference between a *grassator*, a "highway robber, footpad", and a *latro*, a "brigand, robber, bandit".<sup>137</sup> The word *grassator* is not commonly used; it occurs only once in all of Cicero's work, for example. Why then does this law differentiate between the two? In other sources are indications that the *grassator* was regarded as an urban menace, the dictionary's 'footpad'; perhaps to be equated with the modern city's mugger, whereas *latrones* tended to be 'rural' phenomena.<sup>138</sup> Some writers use *grassator* simply as a variation for *latro*,<sup>139</sup> but several *grassatores* are to be found in the town or city. Manilius claims that under one constellation is born the *grassator*, "feared in the middle of the town."<sup>140</sup> Petronius has Encolpius relieved of his sword in Cumae by a soldier whom Encolpius calls "...either a charlatan or a nocturnal *grassator*".<sup>141</sup> On days when giving crowd entertainments such as a sea fight on an artificial lake, Augustus is said to have placed guards in the city to prevent *grassatores*.<sup>142</sup> That *grassatores* were not considered the equivalent, but a 'lesser'

<sup>135</sup> See Bartelink (1967) p12 - 24. Pliny *Ep.* 10.96.7 reports Christians had sworn not to commit banditry.

<sup>136</sup> *Dig.* 48.19.28.10: "*Grassatores, qui praedae causa id faciunt, proximi latronibus habentur.*"

<sup>137</sup> OLD (1982), p772 and p1007 respectively. Berger (1953) p483 under *Grassator* simply says 'see *Latro*'.

<sup>138</sup> Symmachus *Ep.* 2.22 (A.D. 382-83) mentions the danger in the countryside from banditry and prefers to stay within the safe confines of the city.

<sup>139</sup> e.g. *Dig.* 19.5.20.1, mules stolen by *grassatores*; Ammianus Marcellinus 24.2.4 describing a Saracen leader; Paulus *Sententiae*, 5.3.4., after using *latro* twice.

<sup>140</sup> Manilius *Astronomica* 5.649 "...*grassatorque venit media metuendus in urbe.*"

<sup>141</sup> Petronius *Satyricon* 82.3 & 82.4. (Heseltine in the Loeb uses 'footpad', (1913, 1956 reprint).)

<sup>142</sup> Suet. Aug. 43.2: "*quibus diebus custodes in urbe disposuit, ne raritate remanentium grassatoribus obnoxia esset.*" The Loeb translates it as 'footpads'. (J.C. Rolfe, (1913, 1979 reprint)). Other examples of *grassatores* in the urban environment: The elder Pliny, regaling the reader with stories of the virtues of dogs, notes the case of Volcatius, who returning from 'near the city', was defended by his dog when attacked by a *grassator*, "...*e suburbano redeuntem...canis a grassatore defendit...*"; and so

criminal than *latrones* is evident in a further clause in Callistratus' law: if they attack with a sword and plunder, they receive 'capital punishment', usually meaning death, especially if they have committed the offence often and on the roads; the rest were sent to the mines or islands.<sup>143</sup> Thus those who behaved like *latrones* were given the punishment appropriate for bandits. *Latrocinium* was punished severely, and its perpetrators almost always received capital punishment.<sup>144</sup> To ambush, attack and plunder was considered an abysmal crime, worthy of death. This may account for another distinction between bandits and other thieves drawn by Ulpian. He advised that partners were not compelled to be responsible for losses which occurred through unexpected or unavoidable events, and if for example, an evaluated herd had been given to a partner which perished through fire or banditry (*latrocinium*), the loss would be shared by the partners; but if the herd had been taken by thieves (*fures*), it was to the detriment of the man who had accepted the herd, because he ought to have been responsible for its security.<sup>145</sup> One reason for this differentiation may be that

---

too was the senator Caelius, who was attacked by armed men at Placentia. (*N.H.*8.144). Juvenal has Umbricius complain of the things to be feared in Rome; places are still robbed though locked up, and the *grassator* attacks suddenly with his sword, "*interdum et ferro subitus grassator agit rem...*" (*Sat.* 3.305) though he goes on to say that this happened whenever the 'Pomptine march and Gallinarian pines' were being patrolled, "*...armato quotiens tuae custode tenentur et Pomptina palus et Gallinaria pinus sic inde huc omnes tamquam ad uiuaria currunt.*" In Green's translation of Juvenal he uses 'street-apache'. (*Juvenal - The Sixteen Satires*, transl. P. Green, Penguin, (London 1967) p.98.

<sup>143</sup> *Dig.* 48.19.28.10: "*et si cum ferro adgredi et spoliare instituerunt, capite puniuntur, utique si saepius atque in itineribus hoc admiserunt: ceteri in metallum dantur uel in insulas relegantur.*"

<sup>144</sup> e.g. *Dig.* 49.19.28.15; see also ch.4.

<sup>145</sup> *Dig.* 17.2.52.3: "*Damna quae imprudentibus accidunt, hoc est damna fatalia, socii non cogentur praestare: ideoque si pecus aestimatum datum sit et id latrocinio aut incendio perierit, commune damnum est, si nihil dolo aut culpa acciderit eius, qui aestimatum pecus acceperit: quod si a furibus subreptum sit, proprium eius detrimentum est, quia custodiam praestare debuit, qui aestimatum acceperit.*" (Here *pereo* must mean 'perish' or 'destroy', not just 'lose', else there would be little difference between losing a herd to *latrones* than to it being taken by *fures*.) Compare with *Dig.* 19.2.9.4: the Emperor Antoninus (Caracalla) decreed in a rescript that a man who had hired a flock of goats, only to have them driven off by *latrones*, could not be held responsible for the accident.

cattle-rustling *fures*, who would be more interested in ensuring the safety of their booty for future profit, and it also seems to indicate the numbers involved in bandit gangs were usually large enough to disregard the members of a whole household, let alone a single shepherd, so that in this sense banditry would be hard to foresee or guard against. Presumably a shepherd, who was expected to guard the herd from thieves, could not withstand the onslaught of marauding bandits.

Another reason for the distinction between bandits and other criminals is that bandits and pirates were often seen as unpreventable forces, the human equivalent of natural phenonema which wreaked havoc.<sup>146</sup> The laws in particular demonstrate an acknowledgement of bandits as a constant and inevitable problem; it was possible to protect property or person against other terrors, but storms, pirates or bandits were overwhelming forces, and if the victim was fortunate enough to survive, then no liability was attached to them.<sup>147</sup> They are the only criminals to be considered an

---

<sup>146</sup> So too Shaw (1984) p8-9.

<sup>147</sup> *Digest* 4.9.3.1 states that a person entrusted with property is liable for it, even if the property is lost without his fault or it is damaged, "...nisi si quid damno fatali contingit." An amendment by Labeo adds that if anything is lost through shipwreck or pirates, an exeception is granted. cf. the *Codex Justinianus* (CJ) (234AD) 4.34.1: if deposits left with someone who has been killed are lost through an attack of bandits or another chance event, the heir of the person killed is not held responsible; and CJ 4.24.6 (225 AD) a creditor is not compelled to take responsibility for pledges lost through chance events, such as attacks of bandits; also CJ.4.65.12. *Dig.* 12.4.5.4: things that could possibly happen to a slave setting off to be manumitted included being killed by bandits, crushed by the collapse of a stable or being run over, (CJ. 6.46.6.pr. (532 AD) an example of a slave about to be manumitted being attacked by bandits or enemies) and cf.40.2.15.1; a slave could be manumitted if he assisted his master in battle, protected him from bandits, healed him when ill, or uncovered a plot; 13.6.5.4: a borrower was not responsible for something happening through old age, disease or something being seized by bandits; neither for (13.6.18.pr.): the deaths of slaves, attacks of bandits or enemies, traps of pirates, shipwreck, fire, or fugitive slaves. These were unpreventable events, "...quibus resisti non possit...", the recognised hazards involved in travelling. (However if something was borrowed for use at home and was then taken abroad, then the borrower was liable for disasters due to pirates, bandits and shipwrecks. cf also 44.7.1.4 and *Theodosian Code* 4.20.1 (379AD) a debtor should pay the full amount unless his fortunes were destroyed by banditry, shipwreck or fire) *Dig.* 17.1.26.6: accidental happenings - robbery by bandits, shipwreck or illness; 17.2.52.3 partners not liable for losses due to fire or banditry; 19.2.9.4 hirer of goats not liable if bandits drove them off, cf. CJ 4.65.1; *Dig.* 19.2.33-34 the owner of a farm only owes the tenant the return of the rent if the tenant is hindered by a person the owner is unable to prevent because of his greater strength or power, as if it happened through a bandit attack; 21.1.17.3 a slave is not classed as a fugitive if he runs from

overwhelming and unpreventable force so as to justify such an exoneration from legal liability. This comparison of their devastating effect to a natural disaster is found also in agricultural advice. The placement of farms, crops, walls and even beehives could be done so as to minimise the damage done by bandits and meteorological phenomena. Columella suggests that land will usually bring a profit unless it fails through storms or bandits.<sup>148</sup> There are also references in other sources casually equating the force of bandits and pirates to unpreventable disasters. Cicero comments that sailors were accustomed to tell tales of storms and pirates.<sup>149</sup> The Cilician pirates in the late Republic are said to have had the same effect as a storm in closing the sea to ships.<sup>150</sup> The island of Aenaria or Pithecusae gained the reputation of having the strength to repel fleets, pirates, monsters and storms.<sup>151</sup> If all else failed, the superstitious could place their faith in the power of charms to ward off bandits; travellers could hope that

---

an enemy, bandit, fire, or building collapse; 23.3.5.4: complications concerning dowries if a father is captured by enemies or bandits; 26.7.50.pr.: a *tutor* is not compelled to pay if the property of the *pupillus* is lost through bandits, also *CJ* 5.31.8; *Dig.* 27.1.13.7: a tutor's non-appearance could only be excused through illness, the condition of the sea, the weather or banditry; 35.2.30.pr.: an heir is liable to losses caused by the deaths of slaves and animals, thefts, plundering, fire, building collapse, shipwreck, bad debts and the force of enemies, pirates or bandits; 39.6.3.pr.: it was possible to make a gift *mortis causa* not only for the reason of illness, but from the proximity of death either from enemies or bandits or the cruelty or hatred of powerful men or when about to travel by sea; 42.5.12.2: taking possession of land could be impossible due to flooding or on account of the power of bandits; 49.16.14.pr.: unless a soldier proved that he was delayed by illness or by being detained by bandits, he was listed as a deserter; 50.17.23.pr.: fault is not attributed in the case of accidents to and deaths of animals which happen without blame, the escape of slaves not usually guarded, plunderings, riots, fires, floods and the attacks of bandits.

<sup>148</sup> Columella *De Re Rustica* 1.7.1: "...nisi si caeli maior vis aut praedonis incessit...". He also recommends that beehives should not be placed within very high walls, though he then acknowledges that it could be necessary to do so from fear of bandits, (9.5.3), and that (9.6.4) a brick wall could help hinder fire and plundering bandits. (Aesop *Fabulae* 157 has a bandit robbing a hive.) Varro *Res Rusticae* (1.12.4) notes that it is easier to protect houses built on higher ground from the sudden attacks of bandits, and regrets (1.16.2) that it is not possible to cultivate 'many outstanding lands' because of the banditry of the neighbours, such as 'certain peoples' in Sardinia and in Spain near Lusitania.

<sup>149</sup> Cic. *Pro Mur.* 4.

<sup>150</sup> Florus 1.41.

<sup>151</sup> Fronto ep.3.8.1.



the right front foot of a chameleon tied to the left arm by hyaena skin might protect them from banditry and other nocturnal terrors,<sup>152</sup> or that perhaps a vulture's heart, which was even more efficacious, would afford protection from attacks not only of bandits, but of snakes, wild beasts and the anger of powerful men.<sup>153</sup> The younger Seneca comments that to lose money through 'lust or gambling' was iniquitous, but to lose it though fire, banditry or another 'sad reason' was not.<sup>154</sup> Epictetus, noting that under the principate there was no longer wars or 'great banditry or piracy', asks whether the emperor could also prevent sickness, shipwreck, fire, earthquake or lightning.<sup>155</sup>

The prevalence of bandits also provided a convenient excuse for the unexplained absence of 'nuisances': for example, Teuta, who enjoyed a brief rule of the Ardiaeans in Illyria in the late third century B.C., imprisoned several envoys from Rome and killed others. On learning of the Romans' decision to go to war against her, Teuta is said by Dio to have become panic-stricken and blamed the disappearance of the envoys on bandits. Whether the Romans believed this or not, its plausibility was sufficiently credible for them to halt their campaign to demand the surrender of the bandits.<sup>156</sup> As the bandits were not forthcoming, the war proceeded. A similar pretext was used by Octavian who, Suetonius says, suspected the praetor Quintius Gallius of concealing a weapon at an audience, later had him removed from the tribunal by soldiers and tortured, and then ordered his execution. Suetonius claims that Octavian himself was responsible for the man's torture and execution, adding with gory detail that Octavian personally tore the man's eyes out. He adds that Octavian wrote that the man had attacked him, and after his banishment, subsequently died through 'shipwreck or the ambushes of bandits' (*latrones*).<sup>157</sup> Appian's account broadly follows Octavian's,

<sup>152</sup> Pliny *N.H.* 28.115 - though even Pliny found this suggestion by Democritus amusingly ridiculous and only quotes it for purposes of refutation.

<sup>153</sup> Pliny *N.H.* 29.77.

<sup>154</sup> Seneca *De Ben.* 7.16.3.

<sup>155</sup> Epictetus 3.13.9-10 & 13.

<sup>156</sup> Dio 12.49.5; Zonaras 8.19.

though he is suspiciously free from any responsibility for Gallius' fate. In this version, Gallius plotted against Octavian and then had his praetorship removed by his colleagues, his house destroyed by the people, and his life condemned by the Senate. When Octavian finally entered the scene, though he was the object of the plot, he mildly ordered him to join his brother with Antony in the East. After boarding ship Gallius was never seen again.<sup>158</sup> The Suetonian version could be malicious gossip, but allowing Gallius to depart was a propitious method of removing his presence from the city, and a cunning manoeuvre which then allowed him to be dealt with, away from the public gaze. If there was such a violent outcry against him from the people, even if it had been organised by Octavian's supporters, the effort involved indicates that Gallius was more than a minor nuisance to Octavian. If, as Carter says, Octavian would not have tortured him for risk of alienating people, then neither would a show of benevolence in allowing Gallius to depart have damaged this support.<sup>159</sup> But even if Gallius was not tortured, the disappearance, which could easily be blamed on shipwreck or bandit attack without any apparent association to him, was most convenient for Octavian.<sup>160</sup>

Bandits and pirates therefore had an unenviable and infamous reputation.<sup>161</sup> To a Roman, to be associated with the name of banditry was particularly invidious and dishonourable. Cleon, who had acted as a bandit for Antony and Caesar, and who was given a priesthood, is said to have transgressed a custom against eating pork and

---

<sup>157</sup> Suet. *Aug.* 27.4. Carter (1982) p123-4 dates this to late 43 or early 42B.C. and thinks that Suetonius' version of events is unlikely, as torturing free men was not permitted, and that Octavian would not have wanted to alienate the uncommitted at this stage.

<sup>158</sup> Appian *B.C.* 3.95. The younger Pliny puzzles over the disappearance whilst travelling of people he had known, wondering whether they had been killed with their slaves or by them. (*Ep.* 6.35.)

<sup>159</sup> Carter *l.c.*

<sup>160</sup> According to *HA Car.* 3.8, Caracalla had Pompeianus (Ti. Claudius Aurelius) killed in a manner so as to appear that bandits were the culprits. Ironically bandits may have been responsible; a subterfuge would seem unnecessary given that many others were killed by Caracalla's orders quite openly.

<sup>161</sup> Braund (1993) p198 notes the unacceptability of pirates to the Roman élite in reference to the harsh punishments given.

is condemned by Strabo as evincing the bandit's character, as a 'corrupter of sacred things'.<sup>162</sup> Cicero has a speaker muse that the differences between peoples' customs could be so vast that some peoples thought banditry was honourable, "*Vitae vero instituta sic distant, ut Cretes et Aetoli latrocinari honestum putent...*", while to the upper class Roman mentality, to commit banditry was a shameful deed.<sup>163</sup> Similarly Caesar wrote that the Germanic people regarded banditry committed outside their land no disgrace, and was useful for training youths.<sup>164</sup> According to Suetonius, the Claudian family rejected the *praenomen* Lucius, after two Claudii with the name were convicted, one of murder, the other of banditry.<sup>165</sup> Velleius Paterculus condemns Sextus Pompey with the comment that "he was not ashamed to make the sea unsafe with piratical crimes freed by his father's leadership and arms."<sup>166</sup> A law in the *Digest* decrees that a son could be disinherited if his father referred to him with an insult such as 'bandit', "*...et si cum convicio dixerit 'non nominandus' uel 'non filius meus', 'latro', 'gladiator', magis est, ut recte exheredatus sit...*".<sup>167</sup> The third century emperor Philip 'the Arab' is sarcastically insulted with a remark in the *Epitome de Caesaribus* that Philip was born in the lowliest place, with a most noble father;- a leader of bandits.<sup>168</sup> Another law records Hadrian's judgement of the case

<sup>162</sup> Strabo 12.8.9.

<sup>163</sup> Cic. *De Republica* 3.15; *De Off.* 1.128, "*Latrocinari...re turpe est...*". In *De Oratore* 3.65, he has a speaker declare that the Stoics say those who are not wise are slaves, bandits, enemies, or madmen, "*...omnes qui sapientes non sint servos, latrones, hostes, insanos esse dicunt...*". Cicero *Ad Fam.* 15.17.2 reports the death of Publius Sulla with careless indifference, "Some say it was by bandits, others from indigestion", (*alii a latronibus, alii cruditate dicebant*). Plut. *Mar.* 6: at the time of Marius' command in Further Spain in 114B.C. after his praetorship, Plutarch says banditry there was still considered most honourable.

<sup>164</sup> Caesar *De Bello Gallico* 6.23: "*Latrocinia nullam habent infamiam, quae extra fines cuiusque civitatis fiunt atque ea iuventutis exercendae ac desidia minuendae causa fieri praedicant.*" Pomponius Mela 3.2.3 also notes that the Germans were not ashamed of banditry, "*ius in viribus habent, adeo ut ne latrocinii quidem pudeat...*".

<sup>165</sup> Suet. *Tib.* 1.2.

<sup>166</sup> Vell. Pat. 2.73.3: "*...cum eum non depuderet vindicatum armis ac ductu patris sui mare infestare piraticis sceleribus.*"

<sup>167</sup> *Dig.* 28.2.3.

<sup>168</sup> *Epit. De Caes.* 28.4: "*Is Philippus humillimo ortus loco fuit, patre nobilissimo latronum*

of a man who killed his son while hunting because he was committing adultery with his stepmother; the father was deported to an island because his actions were seen to be more in accordance with those of a bandit than of a father.<sup>169</sup>

Cicero declared that Catiline's refusal to go into exile was so strong that he would rather suffer the ultimate dishonour: "...he would rather be killed committing banditry than live as an exile."<sup>170</sup> As an example of the method of 'amplification' as a useful technique in rhetorical description, Quintilian says that a man who is merely wicked (*improbis*) may through exaggeration become a *latro*.<sup>171</sup> Cicero in particular uses *latro* and *praedo* for rhetorical effect in his speeches. Frequently labelled in this fashion are his political enemies Catiline, Clodius and Anthony and others.<sup>172</sup> Shaw sees men defined as *latrones* because their position, their 'outlaw'

---

*ductore*." The Arabs had a reputation for banditry due to their nomadic lifestyle and plundering raids, eg Pliny *N.H.* 6.125, Strabo 16.1.26. Further, see Matthews (1989) p346ff.

<sup>169</sup> *Dig.* 48.9.5.pr.: "...quod latronis magis quam patris iure eum interfecit: nam patria potestas in pietate debet, non atrocitate consistere." Also at 48.5.40.4, Papinian's opinion was that a man could still be married to a woman exiled for her association with bandits as she had not been convicted of adultery, "*Mulierem ob latronum societatem exulare iussam citra poenae metum in matrimonio retineri posse respondi, quia non fuerat adulterii damnata*." Compare with *CJ* 5.17.2-3 (449 AD): a woman had grounds for proceeding with divorce if her husband was (amongst many other things) a bandit or a hider of bandits; a man had similar grounds if his wife was not a bandit, but a patron or supporter of bandits (*latronum fautricem*).

<sup>170</sup> *Cic. In Cat.* 2.16: "...latrocinantem se interfici mallet quam exulem vivere."

<sup>171</sup> *Quint. Inst. Orat.* 8.4.1; cf. 9.4.23; 11.3.175.

<sup>172</sup> Included here under the individual's name are Cicero's references to him as a bandit, or to his associates and supporters and their activities. The use of this terminology was not restricted to his speeches, but also appears in letters to and from his correspondants. **Catiline:** *In Cat.* 1.27; 1.31; 1.33; 2.2; 2.7; 2.22; 2.24; 3.17; *Pro Mur.* 84; *Pro Sulla* 70. **Gabinus:** *Post Reditum in Sen.* 11; *De Prov. Cons.* 9; 11; *De Domo Sua* 126. **Clodius:** *De Domo Sua* 24 (*archipirata*); 107; 122; 140; 147; *Pro Sestio* 1; 2; 26; 27; 34; 39; 76; 81; 130; 144; *In Piso.* 11; 30; *Pro Milo* 10; 17; 18; 30; 55; *Pro Caelio* 78; *De Paradoxa Stoic.* 4.27; 4.28; 4.30; (The Loeb translator of the *Paradoxes*, Rackham, p252 notes that Paradox 4 is a 'hardly veiled attack on Clodius'); *Ad Att.* 4.3.3; *Ad Qfr.* 2.1.3; 2.2.3. **Vatinius:** *In Vat.* 15; 19. **Piso:** *In Piso.* 25; 26; 57; 64; 96. **Julius Caesar:** *Philippics* 2.5; 2.6; *Ad Att.* 7.18.2; 14.10.1. **M. Antonius:** *Philippics* 2.9; 2.62; 2.87; 3.29; 4.5; 4.9; 4.15; 5.6; 5.18; 5.23; 5.30; 6.3; 6.4; 6.12; 8.9; 11.4; 11.7; 11.10; 11.14; 11.32; 11.36; 12.12; 12.15; 12.17; 12.20; 12.26; 12.27; 13.10; 13.16; 13.18 (*archipirata*); 13.19; 13.20; 13.26; 13.29; 14.8; 14.10; 14.21; 14.27; 14.31; *Ad Fam.* 10.5.3; 10.6.1; 10.14.1; 10.15.1 (Plancus to C.); 10.15.4; 10.23.3 (Plancus to C.); 10.24.3 (Plancus to C.); 12.2.2; 12.12.2 (Cassius

status placed them outside the state, and that "...once bandits had been defined as men who stood in a peculiar relation to the state, the label *latro* was available to be pasted on any "de-stated" person."<sup>173</sup> Bandits however were labelled thus from a judgement on their methods, rather than their relation to the state, and that once they had achieved a reputation as the worst sort of human being, this reputation together with the violent tactics used by men such as Catiline, made it an opportune word for Cicero to use for his political enemies, to express his abhorrence, rather than the notion that they had become 'de-stated'.

Varro records that some writers attribute the name of a certain provision-market or *macellum* to the *fur* Macellus who previously lived in that location and whose house had been demolished by the state.<sup>174</sup> In a fragment of another work by Varro there is more detail; it says that Numerius Equitius Cupes and Romanus Macellus used to practice banditry (*latrocinium*) in many places and when they were driven into exile, their possessions were confiscated and their houses demolished. In this version, they both lived in the same house, so that the Macellum is named after one, and the forum Cupedinis after the other.<sup>175</sup> This aetiology is almost certainly false. If either of these bandits ever existed and were exiled, it is highly improbable that a marketplace would be named after one of them. The purpose of destroying the house was to erase any evidence of the existence of dangerous criminals who threatened people's lives; those associated with the shameful practice of banditry were not worthy of the honour of being remembered at all, let alone in this manner.

---

to C.); 12.14.1 (Lentulus Spinther to C.); 12.25b.6; 16.27.2; *Ad Brut.* 9.2. *Dolabella*: *Ad Fam.* 12.12.2 (Cassius to C.); 12.14.1 (Lentulus Sp. to C.); 12.15.2,3,4,5,7 (Lentulus Sp. to C.); *Ad Brut.* 14.1; 16.1 (Brutus to C.).

<sup>173</sup> Shaw (1984) p23 and (1993) p307.

<sup>174</sup> Varro *De Ling. Lat.* 5.147.

<sup>175</sup> Varro *Antiq. Rerum Human.* 9.frag.1. Festus (125) says it was named after the bandit Macellus and when he was condemned, the censors decided to sell food in his house. Donatus *ad Ter. Eun.* 256, quotes Varro *Ant. Rer. Human.* Platner and Ashby record three *macella* in Rome in A *Topographical Dictionary of Ancient Rome* (London 1929) p322-3. It would seem unlikely that that other two *macella*, built by Augustus and Nero respectively (the Macellum Liviae and Macellum Magnum), would also retain the name of a bandit.

In the terms of the Roman world, a bandit or pirates was one who used certain methods in pursuit of booty. To steal through plundering, to wait in concealment, to ambush and attack, these were all attributes of *latrones* and *praedones*. The distinction between banditry on land and banditry on the sea was often ignored, as the outcome was the same, regardless of the method of travel. But these characteristic actions were also utilised at times by the Roman army and other formally declared enemies, and so the morally upright tone used when referring to bandits by ancient writers often has an unconvincing hypocritical ring. The fact that such bandits became formal enemies because they had increased the size of their group and the scope of their banditry, or, even though they were officially enemies, were still labelled 'bandits' serves to emphasise the sometimes artificial nature of the legal separation between formal enemies and these criminals. As Cicero notes, they were enemies of each individual, who could strike the traveller down anywhere, like a fatal disease or sudden storm. As bandits, however, these unannounced deeds of raiding and plundering and ambush and others of kidnapping and ransom earned them a scurrilous reputation which no Roman envied and to which great shame and dishonour were attached.

## Chapter Two: Social banditry

E. J. Hobsbawm's theories concerning bandits in society have been immensely influential on studies of banditry in the ancient world, particularly through his identification of 'social bandits'.<sup>1</sup> His studies draw together examples of banditry from many countries all over the world, ranging from the sixteenth to the twentieth centuries. The present chapter aims to investigate whether or not his interpretations of and terminology for banditry from these times however are applicable to the bandits in the Roman world.

Hobsbawm's concern with social banditry involves only a certain type of bandit, "...namely those who are *not* regarded as simple criminals by public opinion...[but who constitute] a form of individual or minority rebellion within peasant societies."<sup>2</sup> These bandits are seen as criminals by the state, but by their peasant society are considered heroes to be helped and supported, in return for which the peasants are not regarded as prey by this type of bandit.<sup>3</sup> These bandits, excluding the 'professional underworld gangs' and 'mere freebooters', he places into three main groups, the noble robber or Robin Hood, the primitive resistance fighter/guerilla or *haiduk*, and the avenger.<sup>4</sup> In these various forms these bandits all express peasant discontent, and their only 'programme' is "...the defense or restoration of the traditional order of things 'as it should be'...They right wrongs, they correct and avenge cases of injustice...".<sup>5</sup> Hobsbawm, as Shaw observes, deals with the *perception* of these men as Robin Hoods, in identifying them as social bandits.<sup>6</sup> However, despite his misgivings, Shaw views the compositions of the élite in the Roman empire as reflecting the fact that the

"type of the *social* bandit existed in popular belief, imagination and

---

<sup>1</sup> E. J. Hobsbawm, *Primitive Rebels*, Manchester (1959) and *Bandits*, London (1969).

<sup>2</sup> Hobsbawm (1969) p13.

<sup>3</sup> Hobsbawm (1969) p13-14.

<sup>4</sup> Hobsbawm (1969) p15.

<sup>5</sup> Hobsbawm (1969) p21.

<sup>6</sup> See Shaw (1984) p4-5 for criticism of the methodology of Hobsbawm's approach.

communication...beyond doubt ...because the image of the bandit was a useful one that could be exploited in contrasting just and unjust ideals of power in the ruling class itself. But barely beneath this use of the bandit as a foil to the tyrant, the unjust ruler and the unfair judge, is a powerful image of fearsomely compelling dimensions generated by people who desired that some such man could be found. They desperately wanted a saviour from the present networks of power in which they were enmeshed, a man who could rescue them from their oppression and who could provide for a genuinely just social order, a paradise.<sup>7</sup>

For Shaw, it is the idea itself that bandits acted in this manner that constituted a social protest. He argues that the reality of banditry was that as there were few genuine social rebels, it was a "...form of political *anachoresis*, leading...to the formation of another state patterned on an existing type."<sup>8</sup>

Do the ancient writers reflect this idea of social protest? Shaw explores this theory through the stories of two well-known bandits, Bulla Felix from Cassius Dio, and Maternus from Herodian. Herodian is the only source who describes the activities of Maternus in detail; two references in the *Historia Augusta* only refer fleetingly to the deserters who ravaged Gaul.<sup>9</sup> Do Maternus' deeds as reported by Herodian reveal any evidence of the popular perception of him as a 'Robin Hood'?

---

<sup>7</sup> Shaw (1984) p50-51.

<sup>8</sup> Shaw (1984) p51. Others however have followed Hobsbawm's arguments and terminology; Flam-Zuckermann (1970) p460-61; Garlan (1978) p4-5; K. Hopwood (1989) p174; Van Hoof (1988) p120 sees as Robin Hood figures bandits such as Bulla Felix, Maternus, Isidorus at the head of the Boukoloi in Egypt and Claudius, who is said to have dared to greet and kiss Septimius Severus. (Dio, 75.2.4). Thompson (1952) p15 sees Bulla as a "...mere kindly robber, a homely Robin Hood...", in contrast to Maternus, which he likens to the difference between robbery and "...something like revolution." Drinkwater (1984) p369 commenting on Thompson, views both Bulla and Maternus just as successful bandits. Minor (1971) p35-6 also sees Bulla's actions as Robin Hood-like in a "...localist protest against Roman economic oppression." MacMullen (1966) p193 calls Bulla, Claudius, Amandus and Aelianus 'folk heroes'.

<sup>9</sup> *HA, Pesc. Nig.* 3.4: "...[Pescennius] *ipse missus erat ad comprehendendos desertores, qui innumeri Gallias tunc vexabant.*" and *Commodus* 16.2: "*et ante bellum desertorum caelum arsit.*"



figure?

Persuading others to accompany him, Maternus deserted from the army and shortly afterwards had gathered many men 'of dubious character' into a band.<sup>10</sup> This gang then overran and plundered villages and fields. This behaviour would seem to eliminate Maternus at once from the 'social bandit' category, for a social bandit would not attack the property of those working the land, the peasants, on whose behalf he was supposedly protesting.<sup>11</sup> Nothing in the rest of Maternus' career as a bandit suggests any altruism in his actions or such a perception of them. Having raided lands and villages, his successes enabled him to buy the support of a greater crowd of criminals, who then attacked cities, releasing prisoners for their support, and he is said to have operated over Gaul and Spain, burning and plundering cities.<sup>12</sup> About A.D.186, Commodus ordered the provincial governors to move against him. Herodian says that learning of the force being massed against them, the band moved to Italy. The *Historia Augusta* indicates that there was a battle fought by one governor, Pescennius Niger, against the gang, and as a result of his 'honourable conduct' of the matter, he was recommended to Commodus.<sup>13</sup> The reliability of the *Historia Augusta* however is dubious, and it seems improbably that Pescennius Niger would be recommended to the emperor on the meagre basis of a fight with bandits which only resulted in forcing them from Gaul into Italy.

After moving into Italy, Herodian says Maternus organised a plan to assassinate Commodus and so rule the empire himself.<sup>14</sup> He thought to mingle with his followers in praetorian uniform at the annual festival of the Hilaria, where revellers dressed in various disguises, and so in this manner get close to Commodus.<sup>15</sup> As

<sup>10</sup> Herodian 1.10.1 : "Μάτερνος ἦν τις στρατιώτης μὲν πρότερον, πολλὰ δὲ καὶ δεινὰ τολμήσας. τὴν τε τάξιν λιπὼν καὶ πείσας ἑτέρους ἀπὸ τῶν αὐτῶν ἔργων συναποδρᾶναι, χεῖρα πολλὴν κακούργων ἐν ὀλίγῳ ἀθροίσας χρόνῳ, τὰ μὲν πρῶτα κώμαις τε καὶ ἀγροῖς ἐπιτρέχων ἐλήστευεν...".

<sup>11</sup> Hobsbawm (1969) p14.

<sup>12</sup> Herodian 1.10.1-2; see Dyson (1974) p150 similarly about Viriathus.

<sup>13</sup> HA, Pesc. Niger 3.5 : "in quo officio quod se honeste gessit...".

<sup>14</sup> Herodian 1.10.3.

this plot was betrayed by some of his men, Herodian speculates that it was provoked by jealousy, at having an emperor instead of a bandit leader.<sup>16</sup> Maternus was seized on the day preceding the festival and beheaded, while his men received 'worthy punishments'. This final plot sounds rather far-fetched and Shaw argues that it turns "...almost completely into myth..." and that this part of the story is "...almost completely dismissable as empirical fact."<sup>17</sup> However Herodian's translator notes that this story had been doubted and cites coin evidence which includes a medallion showing Salus and Hilaritas together, dated to early A.D.188.<sup>18</sup> This reassurance emanating from the coins seems to lend some veracity to the story that something occurred on or around the festival of the Hilaria, so lacking an alternative explanation for the coin evidence, Herodian's story cannot be dismissed completely.

Maternus is portrayed as a ruthless and ambitious bandit. It is doubtful that Herodian had the type of the 'social bandit' in mind or that he reflected public opinion of him as one. In fact the one deed that could be construed as benefiting his fellow man, that of releasing prisoners, is explicitly explained by Herodian as giving them their freedom in return for their support once freed. Herodian does not imply that this was the act of an altruistic man, a Robin Hood, nor that it was perceived as such, but portrays it as the deed of a self-serving criminal. Indeed, Maternus' apparent ambitions to replace Commodus suggest that he was a would-be usurper who was labelled a bandit by the emperor.<sup>19</sup> Herodian also uses this label for Maternus and his account does not suggest an attitude to him different from the prevailing one regarding bandits.

---

<sup>15</sup> Herodian 1.10.5-6.

<sup>16</sup> Herodian 1.10.7: "...φθόνος γὰρ αὐτοῦς ἐς τοῦτο παρώκυνεν, εἰ δὴ ἐμελλον ἀντὶ ληστοῦ δεσπότης ἐξεῖν βασιλέα...". It might be suspected however that Herodian was provoking Roman comments along the lines of 'we've got one already' with this comment.

<sup>17</sup> Shaw (1984) p45-6.

<sup>18</sup> Whittaker (ed. and transl.) *Herodian* Loeb edn., London 1969, p66-7n1. See further Mattingly and Sydenham (1923-) vol. 3 p359, and Mattingly (1968) vol. 4, clxiii, clxxxi, and table on cli.

<sup>19</sup> See MacMullen (1963) pp221-225 for the use of such terms for pretenders. Commodus moreover 'lay low' after the attack and went about with guards.

Nearly twenty years later, another so-called 'social bandit', Bulla 'Felix', made himself notorious with a band of 600 men plundering Italy for two years during A.D.205-6. Nothing is known of him except that he was an Italian, though several of his exploits demonstrate a familiarity with Roman military procedure, which might suggest that he was a deserter from the army.<sup>20</sup> The greater part of Dio's account of Bulla consists of various stories about his antics, which suggest that Dio gathered his stories of Bulla from various informants and put them together.<sup>21</sup> Why does Dio include this story of Bulla in his history? There is a fragment which contains a principle of Dio's thought on the composition of his history. Dio declared that he intended "...to write of the great deeds achieved by the Romans in peace and war worthy of memory...".<sup>22</sup> He repeats this in his summary of the events in A.D.6, saying that many wars occurred; that pirates overran many places, so that Sardinia was under military rule for some time, and that there were rebellions in some cities. He justifies the lack of any other detail about these occurrences by explaining that many things not worth mentioning happened, and that he would write of the greatest events, those worthy of mention.<sup>23</sup> Dio, like many other ancient writers, preferred not to mention unworthy pirates and bandits, as a general principle.<sup>24</sup> Those who do appear in Dio's history feature because of some unusual aspect of their behaviour. Dio has several sections discussing the Cilician pirates and their depredations, unusual because of their size, strength and scope of their operations which provoked a war, and because Pompey was given an extraordinary command against them.<sup>25</sup> Claudius, a

<sup>20</sup> Dio 77.10; Zonaras 12.10.

<sup>21</sup> Millar (1964), p146 notes that in this section, "...the anecdotal character of Dio's work is particularly marked."

<sup>22</sup> Dio frag. 1.1 : "...σπουδὴν ἔχω συγγράψαι πάνθ' ὅσα τοῖς Ῥωμαίοις καὶ εἰρηνοῦσι καὶ πολεμοῦσι δέλιως μνήμης ἐπράχθη...". Millar, (1964), p33.

<sup>23</sup> Dio 55.28.2-3 : "οὐ μέντοι καὶ περὶ πάντων αὐτῶν ἀκριβῶς, ἐπεζάξω· πολλά τε γὰρ ὡς ἐκάστοις καὶ οὐκ ἀξιολογὰ συνηνέχθη, καὶ οὐδὲν ἂν λεπτολογηθέντα ὠφελήσσειε. τὰ γε μὴ μνήμης τινὸς δέλια κεφαλαιώσας, πλὴν τῶν μεγίστων, ἐρῶ."

<sup>24</sup> Also Braund (1993) p209. See Harris (1980) p129f who notes one of the reasons for the paucity of evidence on the slave-trade is the reticence of writers to refer to the slave-traders and their despised occupation; Bradley (1987) p46 similarly comments on their 'low social esteem'.

bandit briefly described as overrunning Judea and Syria in the early 190's A.D. is mentioned for the occasion on which he approached Septimius Severus as if a tribune, greeted and kissed him and escaped without being discovered or taken later. Dio comments that it was 'an incredible deed'.<sup>26</sup>

Bulla was unusual for several reasons. He was 'lucky' to have survived two years as a bandit operating in Italy itself with the forces of the emperor against him, and his gang was particularly large. He is portrayed as having a remarkable lack of greed for a bandit, apparently taking only part of his victims' property and releasing them, and using craftsmen and then releasing them 'with a gift besides'.<sup>27</sup> He is also notable for his cheek and cleverness. He is supposed to have lured and captured the centurion pursuing him, and in a mock tribunal he dressed as a magistrate, and ordered the centurion to return with a message to his 'masters': "Feed your slaves, so they don't commit banditry."<sup>28</sup> Bulla's gang is reported to have included imperial freedmen, but this order may well have been mocking. Through the use of bribes he evaded Severus' men and reports from contacts *in situ* enabled him to pick his targets precisely. In addition he is said to have prevented two of his men from being thrown to the wild beasts by the ruse of visiting the prison where they were being held and in the guise of a governor claimed that he needed such men and had them released into his custody.<sup>29</sup>

Dio's repetition of these anecdotes of an unusual bandit however does not necessarily imply that he wrote him into his history to reflect popular desire for a 'social bandit' as a means of contrasting 'just and unjust ideals of power'.<sup>30</sup> An account of this type might have been more fitting for Dio's history of the reign of

---

<sup>25</sup> Dio 36.20 - 36.28.

<sup>26</sup> Dio 55.2.4: "...πράγμα παραδοζότατον...".

<sup>27</sup> Dio 77.3.

<sup>28</sup> Dio 77.5: "...ἔφη "ἀγγελλε τοῖς δεσπόταις σου διὰ τοὺς δούλους ὑμῶν τρέφετε. ἵνα μὴ ληστεύωσι."

<sup>29</sup> Dio 77.3.

<sup>30</sup> Shaw (1984) p50 - 51.

Caracalla, for example, whom he hated, than Severus, under whom his career benefited, whom he knew personally, becoming an *amicus* of the emperor and about whom his account has been described as being 'not unfavourable'.<sup>31</sup> It might be suspected that the monk Ioannes Xiphilinus, who made the epitome of Dio books 36 - 80 in the eleventh century, 'edited out' any unfavourable comments on Bulla, of whom he would doubtless have approved.<sup>32</sup> Bulla Felix sounds too good to be true, but this and his other unusual characteristics constitute a curiosity well worth reporting for Dio.

Shaw argues that in the stories of Bulla Felix and Maternus, one of the continuities in perception is that "...the big bandit often appears in the context of (and frequently in the aftermath of) the usurpation of power by a new emperor whose legitimacy is always suspect."<sup>33</sup> Commodus had been in power for ten years by the time Maternus' attempted assassination was planned, but Shaw then argues that the bandit may also appear

...at a critical point where the reigning emperor has reached a crisis of legitimacy, as in the case of Commodus who had become so unimperial in his conduct as to be susceptible to the charge of tyranny. The bandit is less a positively constructed alternative form of power than he is a symbol of what the emperor should be.<sup>34</sup>

Maternus' very actions however, cast doubt on this theory. Raiding and plundering are hardly the glorious deeds of a good emperor.

At the time of Bulla's banditry, Septimius Severus had been sole emperor for several years, and Dio begins the book in which Bulla's story is contained with the deeds of Severus which commemorate the tenth anniversary of his accession.<sup>35</sup> Severus' legitimacy does not seem to be in question. Was Bulla a 'symbol of what the

---

<sup>31</sup> Millar (1964) p150; 138-9.

<sup>32</sup> Cf. Millar (1964) p2.

<sup>33</sup> Shaw (1984) p48.

<sup>34</sup> Shaw (1984) p48.

<sup>35</sup> Dio 77.1.

emperor should be'? Dio was not strongly critical of Severus' leadership. Bulla was an unusual bandit, but he was still a bandit, with the accompanying unsavoury reputation. These bandits are placed in juxtaposition with the 'legitimate central power', but this is less a result of the authors' reflection of popular wishes for his own ideological propaganda, than of the reasons why they were recorded in the first place. Such bandits are unusual precisely because the emperors did in some way become involved (in Severus' case with Claudius, a direct contact) with these people who were otherwise unworthy of record. The deeds of the emperor were significant, and the bandits who were involved with them were raised in 'newsworthy' stature by the emperor's involvement. The writers contrast the bandit with the emperor, but this is not to elevate the bandit. Their accounts do however contrast the importance in the imperial ideology of the emperor as the bringer of peace and security, with his apparent inability to control a mere bandit.<sup>36</sup> In a world in which so much depended on the will and power of the emperor, to those whose careers depended on him, such stories of bandits' insolence serve to illustrate that the emperor could not quite control everyone all the time. When the news of Maternus' attacks reached Commodus, he is said to have become enraged, and in his letters threatened the governors for their negligence. Such bandit attacks could be seen as diminishing his absolute *auctoritas* over all people. It made him look foolishly impotent. This is stated more specifically in Dio. Severus, who had taken an interest in the hunt for Bulla, was angered that "... in Britain he was winning wars through others...", but he himself could not succeed against a bandit in Italy. The emperor despite all his power appeared weaker by comparison to his commanders.<sup>37</sup> Such stories may perhaps also have provided amusement at the emperor's expense, for those whose lives and careers were in the

---

<sup>36</sup> Braund (1993) p199ff discusses the 'ideology of eradication' particularly in regard to piracy.

<sup>37</sup> Dio 77.10.6. Dio may also have made more of this story because at the beginning of Severus' reign, the emperor had decided that the praetorian guard should be drawn from all legions, a move which was seen as leaving the young men of Italy no choice but to turn towards banditry and gladiatorial fighting. (75.2.4-6.) In the *HA*, Severus 18.6 he is described as 'an enemy to bandits everywhere'. However given the dubious reliability of this source, this may not be Severus' own portrayal, as Shaw (1984) p43 suggests.

hands of the emperor, to hear that bandits could be insolent, and in Bulla's case, dare to send orders to the emperor about his slaves. This does not however imply that they approved of the bandit himself. The emperor's *auctoritas* had merely had its image dented slightly and his pride wounded.

It has often been suggested that bandits must have possessed significant local community support or sympathy to survive.<sup>38</sup> Hobsbawm saw this support as deriving from the poor peasants; Van Hoof felt there was a 'natural alliance between the poor and the brigand'.<sup>39</sup> Horsley claims that "Some of the extant evidence shows quite clearly that ancient brigands no less than more recent Robin Hoods enjoyed the support and protection of the people."<sup>40</sup> However the evidence indicates that bandits did have their supporters and associates, but they were their 'partners in crime', or those now called 'fences', people who were involved on a *quid pro quo* basis, rather than being from any broader section of society. These partners could even be members of bandits' families. One law even gives more lenient penalties for those who harbour bandits because of their connections through blood or marriage ties.<sup>41</sup>

<sup>38</sup> e.g. MacMullen (1966) p193 claims there was a widespread sympathy 'felt or half-felt' towards bandits; Flam-Zuckermann (1970) p460-1; Hopwood (1989) p175: "Bandits seem to have enjoyed considerable support in their local communities, a fact recognized by the Roman lawyers who realised that such support was essential for the bandits to survive...". Hengel (1977) p49 goes against this trend: "As a rule the rural population were grateful when a governor took a hard line against the plague of robbers, which was widespread and from which they suffered severely." and also Matthews (1989) p346.

<sup>39</sup> Van Hoof (1988) p122.

<sup>40</sup> Horsley (1979a) p51. However, his citations tend to point to the fact only that these bandits had supporters who fell into the category of receivers or harbourers. *Dig.* 48.3.6.1 (see below); *P. Oxy.* 1408, dated between A.D.210 and 214 concerns the repetition of an order by Baebius Uncinus, a prefect in Egypt to the strategi of Heptanomia and Arsinoïte nome to search out bandits. In the accompanying edict, he declares that "...to destroy bandits separately from their harbourers is not possible it is clear to all...", but with these people removed, punishment would be swift. He acknowledges that there were 'many methods' of harbouring them - some did so because they were their associates in their deeds, and continues with 'others not sharing', but there the fragment ends. *P. Ant.* 87 contains fragments of an interrogation of a man about his connections with bandits and about suspects from a village.

<sup>41</sup> *Dig.* 47.16.2 (Paulus) Those who kept at their place a bandit either related by blood or marriage

The laws promise penalties equal in their harshness for receivers and harbourers of bandits as those for bandits themselves. Those who let bandits go free for a mercenary motive, i.e. for payment, deserved the (death) penalty of bandits.<sup>42</sup>

Banditry was a means of alleviating poverty for the desperate, but bandits ignored the poor not so much from 'fellow-feeling', but precisely because the poor did not possess anything they could steal.<sup>43</sup> It is difficult to find strong evidence to

---

are not to be acquitted and not to be punished quite as severely: for their crime is not equal to that of those who, not being related, harbour bandits.

<sup>42</sup> Also Shaw (1984) p37-8. Laws on receivers or harbourers: The *Lex de provinciis praetoriis* in early 100B.C. (Crawford et al. (1996) p231f), orders allied kings of the east to prevent harbouring; *Dig.* 1.18.13.pr.: Ulpian ruled that *receptores* be imprisoned, 'without whom a bandit was not able to hide long'. *Dig.* 47.9.3.3 & 4: Labeo ruled that receivers were held liable, since they had committed a crime no less than the attackers: "...quia receptores non minus delinquant quam adgressores.". *Dig.* 47.16.1.: Marcian on *receptatores*: "The worst kind of person is the receiver, without whom no one is able to lie low for long; and it is ruled that they be punished just as if they were bandits. In the same case are regarded those who, when they are able to apprehend bandits, through money received or part of the takings, let them go." *Dig.* 48.3.6.1 Antoninus Pius, when proconsul in Asia in A.D.134/5 (dating from Eck, (1970) p210) made an edict that irenarchs apprehending bandits should question them about their associates (*socii*) and receivers (*receptatores*). (Shaw (1985) p37 in this context says that the laws on rustling "...had to specify that receivers were to be punished "in accordance with their social rank": by exile from Italy for a period of ten years or some other less aggravated form of punishment." The *Digest* however at 47.14.1.3 imposes a lesser penalty for those of higher rank for the actual perpetrators of rustling; 47.14.3.3 gives exile for 10 years for receivers or harbourers of rustlers, without mentioning their status.) Also *C. J.* 9.39.1 (A.D.374) & 9.39.2 (A.D.451) (cf. *C. Th.* 9.29.1&2): A receiver of bandits is subject to corporal punishment or loss of means according to the *qualitas* of the person and the opinion of the judge. In *C.J.* 5.17.8.2-3 (A.D.449), a woman had grounds for divorce if (among other things) her husband was a bandit or a receiver of bandits (*latronum susceptor*), and a husband similarly if his wife was a supporter or patron of bandits (*latronum faulrix*). *C. Th.* 7.18.7 (A.D.383) Anyone with deserters or bandits on his farm would have the farm annexed, and if the owner was not aware of the bandits on his property, then capital punishment was the penalty for his managers. Paulus, *Sententiae*, 5.3.4: receivers were to be given the same punishment as bandits, for 'as their receivers suffered, their greed was halted'.

<sup>43</sup> Horsley makes this point in support of the social banditry argument, (1979) p437 and (1979a) p45. Blok (1972) p496 commenting on Hobsbawm wrote that "Rather than actual champions of the poor and the weak, bandits quite often terrorized those from whose very ranks they managed to rise, and thus helped to suppress them." Examples of the poor as immune from bandit targets: Apuleius, *Met.* 1.15.9: "What can bandits take from the poorest traveller?"; Juvenal, *Sat.* 10.22: "...an 'empty' (*vacuus*) traveller will sing openly at a bandit."; (cf. Ovid *Tristia* 2.1.271 for the girded traveller and bandit) the younger Seneca, *Ep. Morales* 14.9: "A bandit passes by a destitute (*nudum*) man; even



support arguments that certain bandits actually aided the poor. Bandit and pirate sympathy for the poverty-stricken was probably restricted to a particular section of the poor; themselves. Horsley claims that Seneca's statement that a bandit passes by a poor man is 'indicative'.<sup>44</sup> Seneca says this as part of a philosophical discourse in which he recommends methods of avoidance of various perils such as the anger of powerful men.<sup>45</sup> One of his suggestions to protect oneself from 'the mob' is to possess nothing that may be snatched by an *insidiator* and to carry the minimum amount of booty, and it is in this context that his comment on bandits occurs. A moralising statement that 'bandits pass the poor' however cannot be taken as evidence that they actually helped the poor. Horsley also cites a story of bloodshed by the Maratocupreni, from a village near Apamea in Syria in A.D.369, who travelling disguised as merchants and soldiers attacked "...*opimas domos et villas et oppida...*".<sup>46</sup> That they attacked the wealthy is no surprise; they are an obvious target for thieves. In another disguise, that of a *rationalis* and his retinue, they attacked the house of a wealthy man in a town, by behaving as if he had been proscribed and condemned to death. They took even the furniture and escaped.<sup>47</sup> Again however, there is no indication that 'the poor' derived any benefit from their booty; Ammianus comments that the Maratocupreni had built themselves houses, which were destroyed when their owners were repressed by the Romans.<sup>48</sup> Horsley's last citation is that of the anomalous Bulla Felix's injunction to the centurion to 'tell his masters to feed their slaves so they don't commit banditry.' Even if this outrageous message was actually sent, it does not demonstrate that Bulla had a "more systematic concern" for the poor in general but mistreated slaves.<sup>49</sup> Nor can this one

---

on a busy road, he is peaceful to a poor man." Lucian, *The Dream or the Cock (Gallus)* 22 has the Pythagorean cock declare that his poor master Micyllus needn't worry like a rich man about a *ληστής* taking his gold or digging through his walls.

<sup>44</sup> Horsley (1979a) p52.

<sup>45</sup> Seneca, *Ep. Mor.* 14.7-8.

<sup>46</sup> Amm. 28.2.11.

<sup>47</sup> Amm. 28.2.13.

<sup>48</sup> Amm. 28.2.14: "...*lares versi, quos ambitiose luctuosis aliorum dispendiis construxerunt.*"

instance be taken as indicative of the motives of most bandits. Strabo describes bandits of the Alps sparing the people in the plains - but for a purely pragmatic reason; in return for supplies of food and other materials, because the poor soil in the high Alpine area was not productive enough for them to provide for themselves.<sup>50</sup> Galen tells of one anonymous group of inhabitants who certainly did not support one particular bandit; in their hatred they left the body of the bandit by the road where he had been killed by a traveller, glad to see it eaten by the birds.<sup>51</sup> When Herod captured the bandit Ezekias and his henchmen and had them executed, the people of Syria, whose areas Ezekias had been attacking, were filled with praise for Herod.<sup>52</sup> The pretender Athronges in Judea and his supporters carried out bandit raids both on Romans and local inhabitants.<sup>53</sup>

Those who chose to associate themselves with crime did not all belong simply to a particular section of the population. It was not unknown for the wealthy, particularly in the later empire as evident from the laws, to have some form of involvement in banditry, whether through actual participation, receiving or harbouring, or patronage.<sup>54</sup> Plutarch claims that in the surge of piracy from Cilicia in the late

<sup>49</sup> Horsley (1979a) p52.

<sup>50</sup> Strabo 4.6.9.

<sup>51</sup> Galen *On Anatomical Procedures*, 1.2 (221): "...δὲ ὑπὸ μίσους ἐπέχαιρον ἐσθιομένῳ τῷ σώματι πρὸς τῶν ὁλωνῶν...". Apuleius *Met.* 8.17 has village inhabitants attack an approaching multitude, assuming they were bandits, setting dogs on them and hurling stones from the rooftops.

<sup>52</sup> Josephus *B.J.* 1.205 (= *Ant.* 14.160). Josephus also comments that the bandits in Judea were killing their own people, and bothered 'few Romans', *Ant.* 17.285.

<sup>53</sup> *Jos. B.J.* 2.60-65 = *Ant.* 17.278-284.

<sup>54</sup> Also Shaw (1985) p37 - 38. Callistratus in the *Dig.* 48.19.27.2 cites mandates which cover punishment of leading citizens who had actually committed banditry themselves. They were to be chained and an account of their deeds sent to the emperor. According to *Dig.* 3.3.19 (Ulpian) a defendant could change his procurator if in the power of bandits. Until the later empire, laws which discriminated between *honestior* and *humilior* when giving penalties did not apply to *latrones*, who were even lower than *humiliores*, i.e. the lower rank received the harsher penalties, see e.g. Garnsey (1968) 147f; Millar (1984) 127f; p147; MacMullen (1986) 152f; Bauman (1996) ch.11. However laws which gave lighter sentences to those of higher rank for involvement in banditry are more prevalent in the second half of the fourth century: *C. Th.* 9.29.2 (A.D.383 & 391) (*C.J.* 9.39.1 (A.D.374)) Harbourers were to face corporal punishment or loss of means according to rank and the

Republic, some of those who were wealthy, or illustrious or men of 'superior intellect' joined the pirates on their boats, which Plutarch explains by saying such men felt this brought them a 'certain distinction'. Broughton identifies them as many of the pirates whom the Romans encountered in their campaigns: Zenicetes of Olympus, Isidorus, Seleucus, Athenodorus (the plunderer of Delos in 69B.C.), Nico, and 'many tyrants' in Cilicia Tracheia.<sup>55</sup> The wealthy were of course not a united class clandestinely supporting banditry and piracy in various forms, any more than the poor. The affluent were obvious targets since they had possessions worth stealing, and they were tempting not only to rob but also to kidnap.

For some wealthy men, an incentive to become wealthier was thus offered through association with bandits or pirates. Cicero condemns Verres for acting in the manner of pirates, who despite the fact that they were the 'enemies of all', nevertheless become the 'friends of some', not only sparing them, but increasing their wealth with booty. In such a way they bought friendly contacts in coastal towns where the pirates might want or need to enter. Thus, Cicero says, they corrupted the formerly law-abiding town of Phaselis on the Lycian coast near Cilicia, by first trading with it, and then entering into alliance with it.<sup>56</sup> Cicero's rhetoric implies that the whole town

---

opinion of the judge; the interpretation gives cudgelling for a harbourer of lower status and a fine for a *melior*. C. Th. 1.29.8 (C.J. 1.55.6)(A.D.392) blames *patrocinia*, the protection of powerful men for the increase of crimes and abolishes it: "*Removeantur patrocinia, quae favorem reis et auxilium scelerosis impertiendo maturari scelera fecerunt.*" The *interpretatio* mentions in particular their protection over defendants or criminals (*reos*) and *latrones*. See also the laws cited above that give receivers of higher rank a lesser punishment.

<sup>55</sup> Plut. *Pomp.* 24.2: "ἤδη δὲ καὶ χρήμασι δυνατοὶ καὶ γένεσι λαμπροὶ καὶ τὸ φρονεῖν ἀξιούμενοι διαφέρειν ἄνδρες ἐνέβαινον εἰς τὰ ληστρικὰ καὶ μετεῖχον, ὡς καὶ δόξαν τινὰ καὶ φιλοτιμίαν τοῦ ἔργου φέροντος. Cf. also Appian *Mith.* 92. Broughton (1959) p522n112: Zenicetes fought against Servilius Isauricus (q.v.). Isidorus: Florus 1.41; Plut. *Luc.* 12 says he was killed by Lucullus. Seleucus: App. *Mith.* 78; Plut. *Luc.* 13; Orosius 6.2.24 & 3.2. Athenodorus: Phlegon III 606 (= Jacoby *FGrH* 257.12.13, p1164); Nico: Cic. *In Verr.* 2.5.79. Cilician leaders: Strabo 14.5.10. Broughton includes Athenio from Dio 27 fr.93, but as the Athenio in this fragment carries out a raid on Messana in Sicily, this is perhaps to be identified as the Athenion of the second Scilician slave rebellion.

<sup>56</sup> Cic. *In Verr.* 2.4.21.

was converted to piracy, for this is what he alleges Verres did to Messana in Sicily. It would only be necessary however to become 'friendly' with the powerful or those in a town in a position to buy goods and supply provisions and equipment and so forth. Those who disapproved could be silenced by threats of violence or even economic arguments.

Another indicator that although bandits and pirates had links with 'local society'<sup>57</sup> in the forms of their criminal associates, there was not a great deal of widespread community support, may be found in the length of their careers. If local society supported such men, then they might be expected to succeed as criminals for some time. The careers of most bandits however seem to have been relatively brief, though definitive 'statistics' are impossible because of the nature of the sources, which either ignore bandits and pirates completely, or only mention their unusual and interesting features, which rarely included the length of their career, if indeed it was known. Cassius Dio, having lived during the time of the apparently altruistic Bulla's activities in Italy, was in a position to be able to record that the life of Bulla Felix's gang ended with its leader after only two years.<sup>58</sup>

The duration of Maternus' banditry can be determined also, though less easily and precisely. Herodian dates the episode simply by saying that shortly after the execution of the praetorian prefect Tigidius Perennis (Herodian and Dio call him Perennius) for treachery against Commodus, another plot was formed against him by Maternus.<sup>59</sup> No exact date for the appointment of Perennis is known, but A.D.185 has been given as the earliest date for his execution.<sup>60</sup> Maternus must then have

---

<sup>57</sup> Shaw (1984) p37.

<sup>58</sup> Dio 77.10.1; 77.10.7.

<sup>59</sup> Herodian 1.10.1. Cf. Dio 72.9-10.1, *HA Comm.* 6.2 for death of Perennis.

<sup>60</sup> Whittaker (*Herodian*, Loeb vol.1 1969) p43 places the appointment of Perennis at 182 at the earliest; he was a colleague (according to Dio 73.10.1, *συνάρχος*) of praetorian prefect M. Tarruntenus Paternus and succeeded him after Paternus' execution for involvement in a conspiracy, dated to ?A.D.182 (Dio 73.5.1) Since the *HA, Comm.* 14.8 claims that none of the praetorian prefects appointed by Commodus held their offices for longer than three years, Perennis' death would then have occurred in A.D.185 See also PIR<sup>1</sup> p316-7.

deserted soon after this (rather than formed the plot soon after this, as Herodian seems to imply, for the plot would have been in existence a lengthy period before 187) and begun to build up his gang of followers. He was active at least in 186 and his plan to kill Commodus was foiled prior to the festival of the Hilaritas in late March A.D.187. Thus as a bandit Maternus lasted slightly longer than two years at the most.

A few bandits achieved unusual longevity in their criminal careers. Cicero cites from the fourth century B.C. Diogenes the Cynic as saying that Harpalus, a certain *praedo* regarded as '*felix*', was 'testimony against the gods' because he lived as a bandit for so long, though infuriatingly Cicero does not say how long.<sup>61</sup> Strabo similarly writes that Selurus, called the 'son of Etna', had been overrunning the region around Mt. Etna 'for a long time' with his bandit raids.<sup>62</sup> Here the contemporary nature of the source is no help, for Strabo is vague despite the fact that he himself had seen Selurus torn to pieces by wild beasts in the forum.<sup>63</sup> In 106B.C. a certain C. Titinius Gadaeus in Sicily was condemned to death, but escaped and lived as a bandit for two years until the Sicilian governor P. Licinius Nerva bribed him with promises of safety to infiltrate and betray the stronghold of a slave rebellion in 104, as he had killed many free men, but apparently not any slaves in his time as a bandit.<sup>64</sup> In the east in A.D.54 Felix the procurator of Judaea captured the ἀρχιληστής Eleazar son of Dinaeus (ben Dinai), who had been committing banditry for some twenty years.<sup>65</sup>

Josephus adds that the number of bandits crucified and people punished for their association with Eleazar were countless.<sup>66</sup> It would appear from this statement that

<sup>61</sup> Cic., *De Nat. Deorum* 3.83: "*Diogenes quidem Cynicus dicere solebat Harpalum, qui temporibus illis praedo felix habebatur, contra deos testimonium dicere quod in illa fortuna tam diu viveret.*"

<sup>62</sup> Strabo 6.2.6.

<sup>63</sup> Coleman (1990) p53 dates it the late 30's B.C.

<sup>64</sup> Diod. Sic. 36.3.5-6. Bradley (1989) p71 suggests that Titinius was a Roman citizen to judge from his name, but that the "...oddity of the *cognomen* Gadaeus might suggest that he was in fact a former slave." This is suggested more by the fact he was chosen to enter the slaves' headquarters than by his name.

<sup>65</sup> Josephus *B.J.* 2.253; he gives a less precise reference in *Ant.* 20.121, that Eleazar had lived in the mountains for many years.

the local community were behind Eleazar and his accomplices. In context however, this is less certain. Prior to his capture, Eleazar's gang had been involved in a Galilean revenge attack on Samaritans. According to Josephus, one or several Galileans travelling in a group to a festival were murdered at Gema (Ginae) in Samaria by some of the inhabitants.<sup>67</sup> Ventidius Cumanus, procurator A.D.48 - 52, was approached by the Galileans for justice, but did not act swiftly enough, and the Jewish masses together with Eleazar and his bandits attacked certain Samaritan villages, killing inhabitants and sacking and burning villages.<sup>68</sup> In the *Jewish War*, Josephus says only that the people had as their leaders Eleazar and Alexander in their raids against the Samaritans; in the *Antiquities*, Alexander is omitted and the people are said to have *invited* Eleazar to help.<sup>69</sup> Eleazar was not so much providing a service in return for their support, but was hired as a mercenary for his help as part of their informal army. When Cumanus did not respond, for whatever reason, with Roman justice, they resorted to revenge with the aid of mercenary bandits, who would be amply paid by the booty sacked from the Samaritan villages. The alliance was formed from expediency than from the "...close relationship between the brigands and the people who support them, protect them and even call on their aid."<sup>70</sup> After the burning of the Samaritan villages, Cumanus sent out cavalry and troops against the Jews, killing

---

<sup>66</sup> *B.J.* 2.253.

<sup>67</sup> *B.J.* 2.232 has one only killed; *Ant.* 20.118 has many; as Feldman comments, the killing of one would probably not have roused such fury. (ed. *Josephus, Jewish Antiquities* Loeb edn., Cambridge, Mass. 1965.)

<sup>68</sup> *B.J.* 2.234-5; *Ant.* 20.120 - 122; Tacitus *Ann.* 12.54. *B.J.* 2.233 says Cumanus did not act because he had other matters to attend to; in *Ant.* 20.119 Josephus goes further and claims that Cumanus had been bribed by the Samaritans to ignore it. After an investigation by Ummidius Quadratus, the governor of Syria, Cumanus and others were sent to Rome, where he was tried and banished. Tacitus' account, which is at odds with Josephus', claims that Cumanus and Felix (whom Josephus has as Cumanus' successor: *B.J.* 2.247; *Ant.* 20.137), procurators in Galilee and Samaria respectively, were behind the bandits themselves, sending bands against one another and receiving booty. Here Quadratus was given authorisation by Claudius to judge them and he put Felix among the judges who condemned Cumanus. In this version, there is no community support for the bandits.

<sup>69</sup> *B.J.* 2.235; *Ant.* 20.121: "...βοηθεῖν Ἐλεάζαρον τὸν τοῦ Δειναίου παρακαλέσαντες...".

<sup>70</sup> Horsley (1979a) p57. Issac (1984) p179-180 also sees popular support for bandits in the story of Eleazar.

many and imprisoning many others, including some of Eleazar's men.<sup>71</sup> Cumanus had also carried out reprisals on the local inhabitants earlier when Stephanus, an imperial slave, had been attacked and robbed of his belongings on the road to Bethoron. Cumanus sent soldiers to bring the inhabitants (or the leading inhabitants) in chains to him and to sack the villages.<sup>72</sup> That the villagers did not 'pursue or arrest the bandits' has been seen as evidence that they in fact supported them.<sup>73</sup> There are other reasons which explain their inaction, however; the villagers themselves were not attacked and lost none of their own possessions, and a lack of enthusiasm to pursue armed and dangerous bandits on behalf of others is understandable. Their 'inaction' does not necessarily indicate support.

That Eleazar should act as a mercenary is not an isolated incident in Judea. On the arrival of Josephus himself in Sepphoris, the inhabitants lured the ἀρχιληστής Jesus and his 800 men from the border of Galilee with the promise of money to attack Josephus. The attack was foiled when one of Jesus' men betrayed it to Josephus.<sup>74</sup> Josephus however released Jesus once the bandit had repented and promised loyalty to him. Josephus demonstrated a similar policy earlier in Gischala in the mid 60's A.D. when he sent for the strongest of the bandits and persuaded the people to pay them off, saying that to pay a small sum to them as mercenaries was preferable to having raids on their property.<sup>75</sup>

Eleazar's twenty year career as a bandit, it might be argued, could only have

<sup>71</sup> *B.J.* 2.238, *Ant.* 20.124.

<sup>72</sup> *B.J.* 2.228ff; *Ant.* 20.113ff. Issac (1984) p179 also notes other instances by Varus, governor of Syria c. 6 - 4B.C.: Roman troops transporting corn and arms to the legion was attacked near Emmaus by Athronges and his band; Emmaus was later burnt on Varus' orders. (*B.J.* 2.60ff & 71; *Ant.* 17.278 & 291.) Similarly he had Sepphoris in Galilee burnt after a raid on its arsenal by a Judas, son of the bandit leader Ezekias, who had been captured earlier by Herod. (*B.J.* 2.56 & 68; *Ant.* 17.271 & 289.)

<sup>73</sup> Horsley (1979a), p57.

<sup>74</sup> Josephus *Vita* 104 - 111. He is probably the same Jesus at *Vita* 200; a Galilean named Jesus with 600 men was hired in Jerusalem again by Josephus' enemies. Josephus no doubt regretted that he had released him after the first plot.

<sup>75</sup> *Vita* 77 - 78.

been possible with the support and protection of the people. There is little evidence of Eleazar's activities until he was invited to accompany the retaliations against the Samaritans, though it was known at the time that he was responsible for many murders.<sup>76</sup> It might reasonably be thought that this would not inspire general community support. If he did not cause banditry on a sufficient scale to bring himself to the attention of the Romans, as Bulla and Maternus and Eleazar eventually did, or provoke the local inhabitants to revenge, then it is unusual, but not impossible for Eleazar and his men to have succeeded in living as bandits for twenty years without the support of the local population. This is not to say that he did not have his 'contacts' and criminal associates in the community; he probably did, but not the support of the whole community. The very isolation and secrecy of bandits' lairs was their protection rather than the goodwill of the local society.<sup>77</sup> Even Hobsbawm concedes that 'Robin Hoods' could not last longer than two or three years.<sup>78</sup>

Given the general unpopularity of and paucity of local support for bandits, it was generally those who were desperate who were forced to become these criminals. One group who turned to banditry were deserters.<sup>79</sup> Maternus was a former soldier, and

---

<sup>76</sup> Both Horsley (1979a) p57n59 & (1981) p414n16; and Issac (1984) p181 cite the rabbinic sources regarding Eleazar which say that in his case, the "...regular sacrifice of atonement for an unknown murderer was discontinued, and he began to be called Ben Harazhan, son of the murderer." (Issac). (Mishnah, Sotah 9.9; Eleazar is also mentioned in *Kelim* 5.10; *Talmud. Keth.* 27a ; *Cant. Rab.* 2.18.)

<sup>77</sup> Eleazar might have been paid to stay away, but this is pure speculation.

<sup>78</sup> Hobsbawm (1969) p46.

<sup>79</sup> Laws on desertion: *C. Th.* 7.18.7 and 7.18.7.1 (A.D.383) punishment through confiscation of the farm on which deserters or bandits were hidden; *C. Th.* 7.18.14 (*C.J.* 3.27.2) (A.D.403) 'public vengeance' allowed against bandits and deserters; *C. Th.* 7.18.15 (*C.J.* 12.45.3) (A.D.406) those who desert to plunder and commit banditry 'do not evade the severity of a judge'; *C. Th.* 9.14.2 (A.D.391) punishment to be meted out on the spot, as if a bandit, to a soldier plundering fields. Jones (1964) p648 notes that there were episodes of desertions after the battle of Adrianople in 378 and after barbarian invasions in A.D.403 and 406, when morale was low after defeat. Other examples of deserters committing banditry in the second half of the fourth century (also MacMullen (1966) p195n4); Libanius *Or.* 18.104 says Julian collected an army from those who had been with Magnentius and were forced into banditry afterwards; though Zosimus' version (3.7) differs, saying that Julian before being Caesar, employed Charietto, a 'barbarian plunderer' with his gang, to counter the



the unrest caused by his gang was referred to as the *bellum desertorum*.<sup>80</sup> Spartacus is said to have been a deserter at one point in his life.<sup>81</sup> Shaw in his discussions of the cases of desertion from the army to banditry focuses on the factors of the harsh life in the army and of 'enforced desertion', which occurred when the local commander tried his luck as a usurper and his soldiers were then classified as deserters.<sup>82</sup> In addition, he suggests that veterans who may not have had the skills to be farmers, or the wish to go into business or were forced out of the army by ill-health, became bandits.<sup>83</sup> They need not have automatically turned to banditry however. Veterans gained a privileged status upon leaving the army. The idea that those who gave up these earned privileges to become hunted criminals would seem to be less likely than might first appear. They did not do so in large enough numbers to warrant legislation until the mid-fourth century.<sup>84</sup> Furthermore, if veterans were forced to retire early through illness, this would presumably also prevent the ex-soldier from making a living through banditry.<sup>85</sup>

---

Quadi bandit tactics with his own. St. Basil *Ep.* 268 in A.D.377 wrote of the road into Thrace being full of bandits and deserters; and Zosimus 5.22 mentions deserters in Thrace in A.D.400/401 after the battles against Gainas the Goth. Symmachus *Ep.* 7.38 (A.D.398) mentions the soldiers threatening the roads in Campania. Flam-Zuckermann (1970) p462 also notes instances of deserters turned bandit.

<sup>80</sup> Herodian 1.10.1 : "...στρατιώτης μὲν πρότερον...", and HA, *Comm.* 16.2.

<sup>81</sup> Florus (2.8.8) says he began as a mercenary in Thrace, then became a soldier, a deserter, a *latro* and finally a gladiator.

<sup>82</sup> Shaw (1984) p30.

<sup>83</sup> Shaw (1993) p314.

<sup>84</sup> *Codex Justinianus* 12.46.3 (A.D.353): "Those veterans who from negligence of life don't cultivate the land nor accomplish anything honourable but give themselves to banditry, are, stripped of all privileges of veterans, subject to penalties from the competent governors of the provinces." (*Veterani, qui ex neglegentia vitae neque rus colunt neque aliquid honestum peragunt, sed latrociniiis sese dederunt, omnibus veteranorum privilegiis exuti poenis competentibus a provinciarum rectoribus subiciantur.*) Cf. *Codex Theodosianus*, 7.20.7 (A.D.353): The law was more lenient regarding the punishment of veterans. Veterans 'differed from the rest in punishments' so that they were not thrown to wild beasts, or beaten. (*Dig.* 49.18.1.pr.). Sallust *In Cat.* 28.4 says Catiline's associate Manlius was able to gather men in Etruria, particularly bandits, of which there were many in Etruria, some from Sulla's veterans who had been settled there and whose 'luxurious living' had left nothing left of their plunder.

<sup>85</sup> With the exception of these veteran soldiers, the age of those actively involved in banditry and

There were other conditions in which soldiers turned to banditry. A twist on the situation of enforced desertion through the commander's attempt at usurpation is the example given in Dio, when it was the legitimate ruler who changed the rules. Tacitus claims that in the first century A.D., to get the money needed to send centurions on leave, soldiers turned to banditry, thieving or 'servile services'.<sup>86</sup> Septimius Severus changed the practice of drawing the praetorian guard only from Italy, Spain, Macedonia and Noricum, in favour of recruiting them from all the legions. Dio says it was 'most clear' that this change forced those Italians who had been in the army to become bandits and gladiators.<sup>87</sup> It is not possible to ascertain whether any soldiers or sailors deserted to become pirates, though it probably did occur.<sup>88</sup>

---

piracy are usually (and not surprisingly) said to be young. They were obviously those fit enough to withstand the rigours of such an existence. In the 190's B.C. the Romans were forced to send four triremes to counter a certain Spartan named 'Hybristas' whose piracy with the 'youth' of Cephallenia (*cum iuventute Cephallanum*) was causing difficulties with supplies from Italy. (Livy, 37.13.12) Octavian is said to have destroyed the people of the islands of Melita and Corcyra Nigra on the Dalmatian coast because of their piracy. Most were sold into slavery, but the youth were killed. (Appian, *Ill.*16.) Apuleius has his hero Lucius 'the ass' stolen by a group of young bandits (Apul. *Met.* 4.7), who are joined by another group of bandit youths (4.8) and a search for new young men to replace those killed is also suggested, (7.4).

<sup>86</sup> Tac. *Hist.* 1.46: "...per latrocinia et raptus aut servilibus ministeriis militare otium redimebant." Cf. also Josephus *Ant.* 17.269-270 for a mention of 2000 of Herod's disbanded soldiers who continued fighting.

<sup>87</sup> Dio 75.2.5-6.

<sup>88</sup> The army had extensive powers over the local community. Soldiers were permitted to requisition supplies, shelter and transport, and even people to help with the transportation of their goods; see Alston (1995) p58. Alston p53 notes that soldiers were seen as "...being beyond the normal workings of the law, a privileged group, protected by the emperor and their own political power. The swaggering, bullying soldier could do what he liked, confident that behind his actions was the power of the emperor." (Further, see MacMullen (1963) pp85-9 and Campbell (1984) p243-254 on demands made by soldiers to civilians and complaints by civilians about the military, and Mitchell (1976) pp106-131. MacMullen (1966) p195 suggests those soldiers sent into areas to pursue 'bandits' or others gained a love of pillage themselves and became outlaws.) This confident attitude and ease of requisition from local civilians may have tempted some soldiers to desert and put their training to good use in banditry. As seen previously, often there was only the official definition to distinguish between war and banditry. In their time as bandits, without the rigours of army discipline, any booty would then belong to them without the divisions involved in dividing it up amongst the rest of the army. Their experience in Roman procedure would furthermore assist their evasion of pursuit and capture.

One of the most frequent causes of piracy and banditry cited in the sources was poverty. The motivating force behind tribal raids ('banditry') is often attributed to poverty, particularly by Strabo, following his source Posidonios, who often related poverty to the scarcity of natural resources.<sup>89</sup> Among those peoples who are said to have turned to banditry are the Greeks and Trojans, 'in need' after the Trojan War,<sup>90</sup> the mountainous Lusitanians (because of poor land),<sup>91</sup> inhabitants of mountainous regions in general, whom he considered were prone to banditry, but on whom the government of 'good men' could be a civilising force,<sup>92</sup> several small, poor tribes around Comum,<sup>93</sup> those living in the Corsican mountains,<sup>94</sup> the Bessi in the Haemus Mountains in Thrace, (said to be called bandits even by bandits!), who 'led a wretched life',<sup>95</sup> the Achaei, Heniochi and Zygi, who descended from the poor land of the Caucasus Mountains to the Black Sea with their light boats to practise 'sea banditry' and kidnapping,<sup>96</sup> some tribes around the region of the Armenian and Median Mountains,<sup>97</sup> and those (not surprisingly) of Cilicia Tracheia ('Rough'

---

Maternus almost epitomises the arrogant soldier, the *miles gloriosus*, who deserted and terrorised the locals. Cf. Apuleius *Met.* 9.39 where a soldier demands the ass from its latest owner, the gardener, to carry the luggage of the governor. Also Millar (1981) p67-8.

<sup>89</sup> See Strasburger (1965) 40 - 53 on the influence of Posidonius' writings and his interest in piracy not only in the accounts of Strabo, but those of Plutarch and Appian. Flam-Zuckermann (1970) p457n2 lists the many mountainous areas mentioned for their banditry under the Empire, and Shaw (1984) p42n114 lists the tribes, which as he notes, would over time cover virtually everyone else except the Romans. See P. Brulé, *La Piraterie crétoise hellénistique*, Paris 1978 for argument against geographical explanations of piracy and Walbank's review *CR* 30 (1980) p82 - 83 for criticism of his alternative theories.

<sup>90</sup> Strabo 1.3.2 and cf. 3.2.13.

<sup>91</sup> Strabo 3.3.5. Diodorus Siculus (5.34) reports that impoverished young men among the Lusitanians would form large bandit gangs in the mountains and descend on the Iberians for plunder.

<sup>92</sup> Strabo 2.5.26.

<sup>93</sup> Strabo 4.6.6.

<sup>94</sup> Strabo 5.2.7.

<sup>95</sup> Strabo 7.5.12 (λυπρόβιοι)

<sup>96</sup> Strabo 11.2.12 & 17.3.24. Similarly Justin, 43.3.5 who comments that the Phoceans in the time of Tarquin supported themselves by 'banditry of the sea' (*latrocinio maris*) because of the 'smallness and poverty' of their land (*exiguitate ac macie terrae*).

<sup>97</sup> Strabo 11.7.1.

Cilicia), where, he says, the land was 'naturally suited' to banditry 'on land and sea'. The large tribes who lived beyond the mountains on the plains could be raided, and there was a supply of timber, harbours and secret anchors available for boats.<sup>98</sup> After the defeat of Viriathus in 139B.C., his conqueror Caepio still ceded the remnants of his forces enough land 'so that they would not commit banditry from want'.<sup>99</sup> Appian claims that many of the pirates turned to piracy as a result of their poverty, from the loss of both 'livelihood and country'. The Cilicians' numbers were said to be swelled by those from the Syrian, Cyprian, Pamphylian, and Pontic areas, and those who were escaping the upheavals caused by war in the east. Appian describes their predicament with the statement that they 'preferred to do wrong rather than to suffer it'.<sup>100</sup>

It has been argued that poverty and overpopulation were responsible for an upsurge in Illyrian piracy which eventually led to raiding on a larger scale from about 231B.C. and under Teuta to war with Rome in 229. Linked again to the poor quality of the land resources, the Illyrians' piracy was at first in order to gather food, and so the targets for their attacks were the agricultural areas rather than the towns.<sup>101</sup> The poverty and hunger of the mistreated slaves in Sicily is said to have been behind the first Sicilian slave war.<sup>102</sup> During the second slave rebellion in Sicily men who were

---

<sup>98</sup> Strabo 14.5.6. Cf. also 16.2.18 for the Ituraeans and Arabians in Syria on Mt. Libanus who preyed on plains people below. Not all banditry was synonymous with poverty in Strabo, however. The Alpine (H)elvetii, despite apparently being 'rich in gold', are said to have been turned to banditry against the Cimbri by their greed. (4.3.3) Strabo suggests that the Tyrrhenians (Etruscans) had become pirates after the loss of strong government and that it was 'likely' that it was after they were organized into separate cities by their violent neighbours that they left their 'fortunate land' for piracy, (5.2.2). Ormerod, (1924) p154 suggests that Tyrrhenian piracy was originally a means of self-defense against other aggressors from the sea, possibly from Greece, or the islands of Corsica, Sardinia and Elba.

<sup>99</sup> Appian *Ib.* 75.

<sup>100</sup> Appian *Mith.* 92; (transl. by White, Loeb edn, Appian (1912)) 96; see Magie (1950) p236ff for the Sullan treatment of the cities of Asia Minor after the second Mithridatic War, such as the 'razing of cities' and the persecution of those who had supported Mithridates; cf. also Dio 36.20.2 for the impact of war on the cities and the fugitives from such sentences.

<sup>101</sup> Polybius 2.5.1-2; 2.6.8 and Dell, (1967) p356-8.

<sup>102</sup> Diod. Sic., 34/35.2.2 & (*Const. Excerpta*) 27.

free but poor are said to have taken the opportunity to steal cattle and plunder stored crops, and murdered witnesses to prevent reports of their pillaging.<sup>103</sup> Josephus records that Petronius, the Syrian governor from A.D.39 to 42, was asked in an appeal from Jewish leaders to inform the Emperor Gaius that because the land was not sown, banditry would result from the subsequent inability to pay the tribute.<sup>104</sup> Bulla Felix was joined by poorly paid or unpaid imperial freedmen.<sup>105</sup> Cassius Dio has Maecenas in his speech to Augustus proffer the advice that the 'strongest and most vigorous men' and those 'in need of a livelihood' should be enrolled in the army, which would prevent them from being forced to turn to banditry for a living.<sup>106</sup> In the fifth century many in Gaul were forced into banditry by barbarian raids.<sup>107</sup> Exiles, guilty criminals and debtors were also among those who were forced to commit banditry. They were among a group of some 4000 men taken from Sicily to Italy in 210B.C. during the Punic War, who had been living by banditry and plundering.<sup>108</sup> C. Titinius Gadaeus, who infiltrated and betrayed the stronghold of a revolt of some Sicilian slaves in 104B.C., was an escaped condemned criminal.<sup>109</sup> The last task undertaken in a war in Spain in 195B.C. by the consul M. Porcius Cato, was to put a halt to banditry from the *castrum* at Bergium. Bandits were said to have taken it over, and made it a *receptaculum praedonum*, from which raids were being made on 'pacified lands'. A leader from the Bergistani is said to have escaped from it and approached Cato, whose soldiers attacked the walls, while those inside occupied the citadel. It is likely that

---

<sup>103</sup> Diod. Sic., 36.5.6 & 11.

<sup>104</sup> Josephus *Ant.* 18.274. Also Issac, (1984) p179. See also Jos. *Ant.* 15.344-348 for the people of Trachonitis, whose banditry was a living, and who stole from one another.

<sup>105</sup> Dio 77.10.

<sup>106</sup> Dio 52.27.4-5.

<sup>107</sup> See below on the Bagaudae.

<sup>108</sup> Livy 26.40.17.18.

<sup>109</sup> Diod. Sic., 36.3.5-6. Caesar claims that the forces of the Egyptian king's commander Achillas included many condemned criminals and exiles. This is a piece of slanderous political invective containing standard derogatory elements; the rest of the 20,000 strong army allegedly consisted of Gabinius' soldiers who had become accustomed to Alexandrian licentiousness and lax discipline, those collected from the *praedones* and *latrones* of Cilicia and Syria, and fugitive slaves. (*B.C.* 3.110).

many of these 'bandits' were those defeated or left homeless by the war.<sup>110</sup> This is supported by a report that the Bergistani near Tarraco had twice previously revolted and been subdued by Cato; after the second time, 'all' were sold.<sup>111</sup> Bergium is northeast of Tarraco, and it is probable that the bandits had escaped to Bergium from this enslavement. However Livy says that excluding those men who had seized the citadel and their relatives, Cato then directed the quaestor to sell the 'other Bergistani' and had the *praedones* killed.

It is possible to identify slaves as bandits in particular. Bulla Felix was said to have had 'many of Caesar's slaves' with him.<sup>112</sup> In the laws slave bandits in general are used only to provide examples for a law; the *lex Aquilia* concerned the ramifications of killing or wounding another's slave; the example given is that the killing of another's slave who was a bandit lying in ambush was not a punishable offence.<sup>113</sup> Under another law a slave could not carry out piracies on the orders of his owner with impunity, though he could only be charged after manumission.<sup>114</sup>

There was a particular group of slaves who frequently appear committing banditry in the sources; the shepherd bandits. They were so often linked to banditry that they were considered virtually synonymous with bandits.<sup>115</sup> Shepherds were in many ways similar to bandits, being mobile armed men living in remote areas, usually the mountainsides, removed from the direct control of authority and from contact with communities. Varro (ironically) recommends fit young men to be herdsmen on the trails, as they should be swift enough to follow the herd, strong enough to throw a weapon and protect it from wild animals and bandits.<sup>116</sup> Shepherds and banditry had

---

<sup>110</sup> Livy 34.21.

<sup>111</sup> Livy 34.16.9-10.

<sup>112</sup> Dio 77.10.5.

<sup>113</sup> *Dig.* 9.2.4. Also in *Mos. et Rom. Leg. Coll.* VII 3.1: "*si quis servum latronem occiderit, lege Aquilia non tenetur, quia <iniuria> non occidit.*"

<sup>114</sup> *Dig.* 44.7.20.

<sup>115</sup> Also Shaw (1984) p31. See also L. Robert 'Bergers Grecs' *Hellenica* VII (1949) 152ff.

<sup>116</sup> Varro *Res Rusticae*, 2.10.1-4.

been linked together from the beginning, in the mythical tales of Rome's origins. In Livy's version, Romulus and Remus, found by the shepherd Faustulus and raised among the shepherds, as young men are said to have wandered over the mountainsides for game, and would not only stand against wild beasts but also attacked *latrones* and relieved them of booty. This booty (which then became theirs) was then divided up among the shepherds (it was not returned to its owners), while their own band was 'growing daily'.<sup>117</sup> In addition they become involved in a dispute for the very bandit-like activity of raiding Numitor's property with their band.<sup>118</sup> Here Romulus and Remus are shepherd bandits in all but name, but for obvious reasons, Livy does not call the revered 'founders' of Rome by this name.<sup>119</sup>

The notoriety of shepherd bandits was due in large part to the fact that those who were involved in revolts or uprisings (particularly slave revolts) were shepherds who had been or were alleged to be involved in banditry. Viriathus the Spanish 'bandit' for example, was said to have begun as a shepherd.<sup>120</sup> In 97B.C. after slave revolts which included shepherd bandits had been repressed on Sicily in the late 100's, the praetor L. Domitius Ahenobarbus in Sicily had a shepherd crucified for illegally possessing a weapon (a spear). As the shepherd had only killed a particularly large boar which was subsequently presented to Domitius, the punishment is cited as an example of unnecessary severity.<sup>121</sup> Domitius had forbidden the use of weapons in Sicily specifically in order to drive out banditry, and a shepherd with a weapon was

---

<sup>117</sup> Livy 1.4.8ff.

<sup>118</sup> Livy 1.5.3f.

<sup>113</sup> For other versions involving the shepherds, see Dion. Hal., 1.79.6ff; Varro, *R.R.* 2.1.9; Plutarch *Romulus* 6ff; Florus 1.1.3; Servius 1.273; *Origo gentis Romanae*, 21ff.; Eutropius 1.1-3 states outright that Romulus founded the city at 18 while committing banditry among the shepherds (*cum inter pastores latrocinaretur*) and that Numa Pompilius gave laws and customs to the Romans who thanks to their 'custom of battles were thought to be bandits and semibarbarian'(!) (*qui consuetudine proeliorum iam latrones ac semibarbari putabantur*). Shaw, (1984) p23 calls Romulus and Remus 'shepherd chieftains of bandit gangs'. Dionysius of Halicarnassus also records a version of the beginnings of Rome in which certain wanderers grouped together and lived there by banditry and herding. (1.10.2) See Ovid *Fasti* 2.370; 3.63 for them fighting bandits.

<sup>120</sup> Diod. Sic. 33.1.1; Livy, *Per.* 52; Dio, Fr. 22.1; Orosius 5.4; Eutropius 4.16.

<sup>121</sup> Cic. *In Verr.* 2.5.7; Quint., *Inst. Or.* 4.2.17; Val. Max. 6.3.5.

thus considered an almost certain bandit candidate.<sup>122</sup>

In Livy there is a brief reference to a slave movement in Apulia in 185B.C., in which shepherds are described as 'making the roads and public pastures unsafe with their banditry', which resulted in 7000 being condemned after a *quaestio* by the praetor L. Postumius.<sup>123</sup> It has been suggested that these 'shepherd bandits' were in reality slave worshippers of Dionysus creating riotous disturbances against the suppression of the Bacchic cult which had begun in 186B.C.<sup>124</sup> Toynbee suggests that these bacchanals, calling themselves *βουκόλοι* (*pastores*) of Dionysus, were misinterpreted by Livy as two separate movements of 'shepherds' and bacchanals, but were in fact one.<sup>125</sup> However, there are a number of factors which suggest that it was an uprising of slaves. It is unlikely that those protesting at the suppression of the Bacchanalia in the Apulian area consisted solely of slaves, including slave shepherds (there surely were not 7000 slave shepherds in Apulia alone), given that those involved in the Bacchic cult elsewhere included citizens, and even *nobiles quosdam viros feminasque*.<sup>126</sup> It seems incongruous that only the Apulian members of the cult would retaliate in such a manner, given that those in Rome had fled, not attacked, their oppressors.<sup>127</sup> Livy gives the number of shepherds in the rebellion as 7000. Yet the figure he supplies for those involved in the Bacchic 'conspiracy' overall was also around 7000, which casts doubt on the existence of an equal number of slave bacchanals in Apulia alone.<sup>128</sup> They did not all flee to Apulia and arrange to stage

<sup>122</sup> Val. Max. 6.3.5.

<sup>123</sup> Livy 39.29.8-9: "*Magnus motus servilis eo anno in Apulia fuit. Tarentum provinciam L. Postumius praetor habebat. Is de pastorum publica infesta habuerant, quaestionem severe exercuit. Ad septem milia hominum condemnavit: multi inde fugerunt, de multis sumptum est supplicium.*"

<sup>124</sup> Toynbee (1965) vol 2, p320-21, expanding on Frank (1927) p130 (from Bradley (1989) p43n38), and more recently, Bauman, (1990) 334 - 348 and (1992) 37 - 38, who argues they were both slaves and Bacchanalians who were committing brigandage to collect funds for the cult.

<sup>125</sup> Toynbee p321.

<sup>126</sup> Livy 39.13.14. Bauman (1990) p341 follows the careers of those involved.

<sup>127</sup> Livy 39.17.4 -18.1.

<sup>128</sup> Livy 39.17.6: "*Coniurasse supra septem milia virorum ac mulierum dicebantur.*" At 39.15.8, they are described as *multa milia*.



resistance from there; moreover why did the banditry occur only in Apulia when it began in Etruria and the consuls were eventually given the task of destroying *omnia Bacchanalia* throughout *tota Italia*?<sup>129</sup> Finally Livy again refers to the shepherd rebellion and to the suppression of the Bacchanalia in 184B.C., but they are clearly mentioned as separate entities: "And Lucius Postumius the praetor, to whom the province of Tarentum had come, punished large conspiracies of shepherds, and carried out the remainder of the *quaestio* of the Bacchanalia."<sup>130</sup> In his previous reference to the slave uprising, Livy had stated that many were executed, but also that many had escaped, so it is not surprising that Postumius was still pursuing them. It seems improbable too that they would be pursuing funds for the cult through banditry whilst the Romans were trying to subdue them.<sup>131</sup> In this context of violent unrest by slave shepherds, Livy describes the rebellion using a term which described the actions of the *pastores* in a Roman sense - that is, *latrocinium*. Livy generally describes slave uprisings as 'conspiracies' and there is no exception for this occasion; in addition, since this was a significant uprising on a large scale but not war, the violence is called 'banditry'.<sup>132</sup>

Shepherd bandits appear in a significant role in fomenting revolt which resulted in the First Sicilian Slave War, which began in about 135B.C.<sup>133</sup> According to Diodorus Siculus, it was provoked by the many wealthy Sicilian landowners who mistreated their slaves and did not provide them with sufficient clothing or food, so that they turned to banditry to make up the deficiency.<sup>134</sup> They attacked and killed travellers at first and then progressed to attack the homes of those unable to protect

<sup>129</sup> Livy 39.8.3; 18.7.

<sup>130</sup> Livy 39.41.6: "*Et L. Postumius praetor, cui Tarentum provincia evenerat, magnas pastorum coniurationes vindicavit, et reliquias Bacchanalium quaestionis cum cura exsecutus est.*"

<sup>131</sup> Bauman, cited above.

<sup>132</sup> Livy's use of conspiracy at: 4.45.1; 22.33.2; 32.26 (x4); 33.36.1 (x2); 39.29.8; 39.41.6; and Frank (1927) p130 notes that he also uses it of the Bacchic cult, 39.8ff.

<sup>133</sup> The beginning of the revolt has been conjectured at 135B.C.; see further Green (1961) 28-29; Bradley (1989) Appendix 2 p140 - 141.

<sup>134</sup> Diod. Sic., 34/35.2.2 & (*Const. Excerpta*) 27. Also Jacoby (1926) for Posidonius (87, Fr 108).

themselves against a concerted body of men. After Eunus, a slave and charlatan 'magician' in the city of Enna was approached concerning rebellion, a group of 400 armed slaves under his leadership was assembled one night to attack Enna, where they were joined by many of the city slaves.<sup>135</sup> The slaves became considerably more organised and militaristic in their leadership and planning of the rebellion, in which owners were killed, Roman forces defied, and whole cities captured.<sup>136</sup> After the first three days Eunus had 6000 armed slaves under his command, which rapidly increased to over ten thousand men, whom Diodorus describes as 'soldiers'.<sup>137</sup> They were joined after a month by another group of rebellious slaves from Agrigentum and surrounding areas. This additional revolt was led by Cleon, who was a Cilician from the Taurus Mountains (and thus Diodorus comments, accustomed to banditry from childhood), who was a horse herdsman and bandit in Sicily.<sup>138</sup> After overrunning Agrigentum, his band of 5000 then swelled the numbers of Eunus' army.<sup>139</sup> Diodorus claims the numbers raised eventually totalled 200,000 and Livy describes these figures as an 'army'.<sup>140</sup> Regardless of the precise number, the slaves were sufficient to hold off Roman forces in a war that lasted several years until it was finally repressed by the consul P. Rupilius in 132B.C.<sup>141</sup>

The banditry of these slave herdsmen therefore was not a manner of 'guerilla' protest against their treatment. The shepherds were not acting as bandits against their masters nor on their behalf, as if for example under orders to take the booty to them; it

---

<sup>135</sup> Diod. Sic., 34/35.2.12, Florus 2.7.

<sup>136</sup> eg. Diod. Sic. 34/35.2.11f; 15; 18; 20; 43ff.

<sup>137</sup> Diod. Sic., 34/35.2.16. He earlier describes the bands of robbers as being like groups of soldiers. (34/35.2.2)

<sup>138</sup> Diod. Sic., 34/35.2.17 & 43. Diodorus does not say that he had been forced into banditry from poverty; rather he seems to imply that it was the inevitable continuation of his Cilician upbringing.

<sup>139</sup> Diod. Sic., 34/35.2.17.

<sup>140</sup> Diod. Sic., 34/35.2.17; Livy, *Per.* 56, gives Cleon a force of 70,000. Florus (2.7.6) says Eunus' forces in total numbered 60,000 and Orosius (5.6) says 70,000.

<sup>141</sup> Diod. Sic., 34/35.2.20ff; Cic. *In Verr.* 2.3.125; Livy *Per.* 59; Orosius 5.9.8; Val. Max. 2.7.3, 6.9.8, 9.12.ext.1 (*MRR* 1.498). See also Wiseman (1964) pp21 - 37 for the road-building at this time to facilitate the suppression of shepherd banditry.

was not a means of revenge but a means of living. Diodorus clearly says their banditry, like many other (non-shepherd) bandits, was to support their own existence. When they did protest and revolt against their owners, their method was open rebellion and warfare, with those originally small and scattered bands of shepherd bandits at its core.<sup>142</sup>

Banditry by slaves, though not necessarily by shepherds, appears to a lesser extent but again as a means of survival, not protest, in the Second Sicilian Slave War. The actions of Publius Licinius Nerva, the governor of Sicily in 104B.C., are cited as a significant provocation of this rebellion. He began hearings for slave manumissions after a senatorial decree that citizens of allied states should not be held in slavery in Roman provinces.<sup>143</sup> After some 800 had been freed however, he put a halt to the proceedings, bowing to the pressure, it is alleged, of the slave owners and/or bribery. The slaves who had gathered in hope of manumission withdrew to sanctuary at the shrine of the Palici. There they turned to banditry for supplies; as Bradley notes, there was little alternative for survival.<sup>144</sup> Open slave revolt in Sicily increased after this point, developing into a war which took four years to suppress, ending in 100B.C.<sup>145</sup>

The dangers posed by the large numbers of slaves and of slave shepherds and

<sup>142</sup> Diod. Sic., 34/35.2.2 & 30. See further, Green (1961); Shaw (1984) p40; Bradley (1989) ch.3.

<sup>143</sup> Diod. Sic., 36.3.1ff; Cassius Dio, 27.93, who omits mention of the decree.

<sup>144</sup> Dio, 27.93.3; Bradley, (1989) p72.

<sup>145</sup> Diod. Sic., 36.10; Cic. *In Verr.* 2.3.125 mentions 'Athenio and his fugitives'. Florus claims that the leader of one of the rebellious groups of slaves, the Cilician Athenion, was a *pastor*; Diodorus (36.5.1) says he was a Cilician and an *οἰκονομος*, or manager or overseer; it is probably unlikely that there were two leaders of two secondary rebellions in both slave wars on Sicily who were Cilicians and *pastores*. Bradley, (1989) p76 suggests he was a *magister pecoris*. See Verbrugghe, (1975) 189 - 204 on the many similarities in events in the accounts of the two slave wars, which he suggests were the result of Diodorus' source Posidonius gaining his information from oral sources in Sicily who confused the two rebellions. Strasburger (1965) esp. pp43, 49-50 also notes the similarities between Posidonius' description of this revolt and the descriptions of Plutarch and Appian on the increase in piratical activity. There is a single brief uncorroborated reference in the *Historia Augusta*, Gallieni 4.9, to another *servile bellum* on Sicily in the early 260's A.D. which was 'barely repressed', and which also involved 'wandering bandits'. It may have been added to 'spice up' the list of misfortunes in the Empire carried out allegedly in contempt of the Emperor Gallienus. Despite its dubious veracity, it demonstrates the continuing link between slaves and bandits in the Roman mind.

herdsmen in particular on the *latifundia* in Italy, who had the potential to revolt or like bandits and pirates to be used as armed gangs or as part of larger armed forces in political disputes, were well-known in the late Republic. Marius in 87B.C. gathered a large force of farmers and herdsmen from Etruria.<sup>146</sup> Those involved in Spartacus' rebellion included shepherds.<sup>147</sup> In his defence of Cluentius, Cicero argues that Cluentius' overseers (*vilici*) did not assault the *pastores* of Ancharius and Pacenus, but were defending their master's property as they were accustomed to do in disputes between shepherds.<sup>148</sup> One of the (many) charges he lays against Verres was that he took money from Sicilian landowners for releasing their slaves whom he had charged with conspiracy. The slaves allegedly involved were the *vilicus* of one owner; the *vilicos pastoresque* of another and a third owner, Apollonius, was placed into prison for not producing a *magister pecoris* charged with conspiracy in a rebellion.<sup>149</sup> In another speech, Cicero sarcastically suggests that some public records, claimed to have been 'lost' while travelling, must have been stolen by literature-hungry shepherds, a comment which indicates that it was recognised that travellers were harassed particularly by shepherd bandits at that time.<sup>150</sup>

It has been claimed that Catiline incited slave herdsmen to recruit them for his forces.<sup>151</sup> Bradley however argues that Catiline did not incite them, and that the slaves in his army are best described as fugitives. One of Catiline's allies, Marcus Caeparius, was to travel to Apulia to incite the shepherds specifically, but was prevented by his arrest.<sup>152</sup> The slaves in Apulia seem to have begun their own revolt but independent

<sup>146</sup> Plutarch, *Marius* 41; Appian, *B.C.* 67; also Iulius Exsuperantius 4, and Granius Licinianus 16F.. (cited by Wiseman (1971) p27n5) for shelter in Etruria given to Sertorius and Carbo in 82.

<sup>147</sup> Plutarch, *Crassus* 9.3; Appian, (*B.C.* 1.116) says slaves and freedmen from the land joined him.

<sup>148</sup> Cicero, *Pro Cluentio* 161. Cicero also defended Marcus Tullius whose villa had been attacked by an armed gang of slaves owned and sent by P. Fabius. See also Brunt, (1971) p551-557 on 'Violence in the Italian countryside'.

<sup>149</sup> Cicero, *In Verr.* 2.5.15ff.

<sup>150</sup> Cic. *Pro Flacco*, 39.

<sup>151</sup> Wiseman, (1971) p27; others' acceptance of slave involvement cited in Bradley, (1978) p329n2.

<sup>152</sup> Cic. *In Cat.* 3.14; Sallust, *Cat.* 46.3; 47.4; Bradley (1978) p332.

of the Catilinarian conspirators, though they may well have been prompted to take the opportunity while attention was on Catiline.<sup>153</sup> Cicero rhetorically sighs with relief that much bloodshed had been spared because Catiline had not gained control of the 'Italian tracks and herdmen's quarters'.<sup>154</sup>

Cicero claims his enemy Clodius used shepherds from the Apennines in Etruria, among his other nefarious deeds.<sup>155</sup> Cicero also charges Gaius Antonius with the intention of rousing a *fugitivorum bellum* with *pastores*.<sup>156</sup> Pompey is said to have raised a 'levy' of about 300 slave herdsmen from Apulia during the civil war.<sup>157</sup> M. Caelius Rufus sent Milo to the area around Thurii to stir up the *pastores* in 48B.C., though he did not succeed.<sup>158</sup>

During the empire, in the disturbances in Judea following the death of King Herod, the aspirant to the throne Athronges, a former shepherd, proclaimed himself king and with his four brothers raised bands of supporters and carried out raids until they were suppressed.<sup>159</sup> In the same summer as the defeat of Tacfarinas (A.D.24), a former soldier in a praetorian cohort, Titus Curtius, called on the 'fierce country slaves' to revolt, again in the Apulian area, around Brundisium. The movement was quashed however by the quaestor Curtius Lupus who had the responsibility for keeping order on the *calles*.<sup>160</sup> In A.D.54 one of the counts on which Domitia Lepida was condemned was that her slaves in Calabria through lack of restraint were 'disturbing the peace of Italy'.<sup>161</sup> A letter written between A.D.169 and 172 records

<sup>153</sup> Sallust, *Cat.* 30.2; 42.1; Bradley, (1978) 331-335.

<sup>154</sup> Cic. *Pro Sestio*, 5.12. Bradley, (1978) p332n24 notes that there is no evidence that this was in any case Catiline's intention, but it demonstrates the fear of shepherds' conversion into armed forces.

<sup>155</sup> Cicero, *De aere alieno Milonis* (Schol. Bobbio), 172.13St (in Crawford (1994) p290); *Philippics*, 12.23; *Pro Mil.* 26: "*Servos agrestis et barbaros, quibus silvas publicas depopulatus erat Etruriamque vexarat, ex Apennino deduxerat...*"; *Mil.* 50; 55; 74; 87, (Wiseman (1971) p27).

<sup>156</sup> Asconius 87.

<sup>157</sup> Caesar, *B.C.* 1.24.

<sup>158</sup> Caesar, *B.C.* 3.21.

<sup>159</sup> Jos. *B.J.* 2.60-65 = *Ant.* 17.278-284. Cf. *B.J.* 2.57-59 = *Ant.* 273-277 for Simon, a former slave of Herod's and another aspirant to the throne after Herod died, who committed banditry.

<sup>160</sup> Tacitus, *Ann.* 4.27.

the constant suspicion of *pastores*; innocent hired shepherds complained of frequent harassment by both the local *stationarii* and the magistrates at Saepinum and Bovianum, who claimed that the slaves were fugitives and that their pack animals were stolen.<sup>162</sup> The Emperor Maximinus (235-238) is reputed to have been a 'good' shepherd in his youth; with his band of young men he was supposed to 'lie in wait for bandits and defend his own people from attacks'.<sup>163</sup>

By the fourth century, the words 'shepherds', 'rustlers' and 'bandits' were equally interchangeable in the laws.<sup>164</sup> In A.D.364 cattle rustling had become such a problem in Italy throughout the areas of Picenum, Flaminia, Apulia, Calabria, Bruttium, Lucania and Samnium that a decree was issued forbidding the ownership of horses, except for senators, distinguished men, veterans, those administering provinces, decurions and those who had carried out military service 'under arms'. Others risked being punished as cattle thieves (*abactores*).<sup>165</sup> Another decree was issued a few days later to the governor of Campania, with the aim of weakening the efforts of *latrones*, which forbade *pastores* on imperial property and the procurators and managers of senators owning a herd of horses, or face the punishment of *abactores*.<sup>166</sup> As Shaw notes, the powerful landowners were thought to be collaborating with the *pastores* and overseers in their banditry - if they were not

<sup>161</sup> Tacitus, *Ann.* 12.65. Also see *ILS* 961 for more trouble from Apulian slaves.

<sup>162</sup> *CIL* IX 2438 = *FIRA* 1 no. 61. Similarly, Marcus Aurelius relates how he and a companion out riding approached two *pastores* who alerted one another: " '*Vide tibi istos equites*', inquit, '*nam illi solent maximas rapinationes facere*.' " (Fronto, *Ep.* 2.12, A.D.143). Also Shaw, (1984) p31n79. MacMullen (1974) p1ff describes the problems of the isolated shepherds, having among other things, to contend with bandits.

<sup>163</sup> *HA, Max.* 2.1. Shaw (1984) p36 translates *latronibus insidiaretur* as 'he went on raids with bandits'. This is incongruous with the context, which is favourable, praising his *virtute inter omnes milites clarus*, for example when he joined the army, and is without any sentence indicating that he 'mended his ways' to become *iustus*. See also the portrayal of Jesus as a 'Good Shepherd', John 10.1, 7-11.

<sup>164</sup> By A.D.292 the crimes of *latrones* and *pastores* were considered the same in law, *C.J.* 9.2.11.

<sup>165</sup> *C. Th.* 9.30.1. (30 Sept. 364).

<sup>166</sup> *C. Th.* 9.30.2. (5 Oct. 364). See *Dig.* 47.14 for laws dating from Hadrian which include forced labour and the punishment commonly given to bandits, death, as penalties for cattle thieves. Also *Sent. Pauli*, 5.18, and *Mos. et Rom. Leg. Coll.* 11.

actually directing the raids on other properties, with their private bands of armed men.<sup>167</sup> Later in A.D.409 it was forbidden to give children to shepherds to be raised, or else be seen as an associate of bandits.<sup>168</sup> Such laws also point to the inability or inadequacy of the local authorities to keep control in many areas of Italy at this time.<sup>169</sup>

One group of shepherd bandits who appear in both historical and literary sources are the shepherds or boukoloi on the Egyptian coast around Alexandria.<sup>170</sup> Strabo claims that the Egyptian kings set guardians at the village of Rhacotis (later Alexandria) to watch the harbour of Pharos against (particularly Greek) foreigners, and that the area around the village was given to the boukoloi who also acted as guards.<sup>171</sup> Later Strabo refers to Pharos as being guarded 'by the shepherd bandits' (ὑπὸ βουκόλων ληστῶν) who attacked ships which attempted to enter the harbour.<sup>172</sup> Winkler rightly distinguishes between the historical accounts of boukoloi at Pharos and the pseudo-realistic accounts of The Boukoloi in the later Greek novels of Achilles Tatius, Heliodorus and Lollianus, though he regards as belonging to the latter rather than the former Dio's account of an uprising in Egypt attributed to the Boukoloi in A.D.171/2. He argues that there was no continuity between the two groups and suggests that the name Boukoloi was adopted by a "...native Egyptian movement of resistance against

<sup>167</sup> Shaw (1984) p32.

<sup>168</sup> *C. Th.* 9.31.1. (At the end of the western Empire, this law neatly marks the repression of the custom which featured in the Romulus and Remus myths of the beginning of Roman history.) Cf. *HA, Probus* 16.6: Probus after subduing Isauria in A.D.280 settled veterans there with the condition that the male children be sent into the army at 18, so that they would not learn to commit banditry. Why they should become bandits is not explained; presumably it was implied, through association with the Isaurians who were notorious for their banditry.

<sup>169</sup> In A.D.399 another edict outlawed the use of horses by shepherds in the provinces of Valeria and again Picenum. Any accomplice *domini* or procurators faced exile. (*C. Th.* 9.30.5).

<sup>170</sup> The historical reality of shepherd life differs markedly from the idyllic view of shepherd life portrayed in pastoral poetry, in which the "...most common themes and motifs in the genre are concerned with unhappy love, the absence or death of friends, the ideal nature of rural life and the rural environment, the making of music...the values of peace, leisure, simple contentment, love, affection and friendship..." etc. A.J. Boyle, (ed. & transl.) *The Eclogues of Virgil*, Melbourne (1976) p6.

<sup>171</sup> Strabo, 17.1.6.

<sup>172</sup> Strabo 17.1.19, citing Eratosthenes.

foreigners...as a conscious identification with the oldest story of their forefathers' proud freedom from non-Egyptian control."<sup>173</sup> Julius Caesar however mentions that in his day the people of Pharos plundered 'in the manner of bandits' the ships which were unwise or unfortunate enough to land there and that he himself feared similar problems in entering the harbour.<sup>174</sup> This suggests that there was in fact some continuity in the form of a tradition of violence towards outsiders, called banditry by those attacked, from inhabitants in the area of Pharos.

Dio's account is as follows:

And those called the Boukoloi started an uprising in Egypt and moved the other Egyptians to revolt under a certain Isidorus, a priest. First in women's clothes they tricked the Roman centurion, as if wives of the Boukoloi, who were going to give gold to him for their husbands. When he approached they cut him down and sacrificing the companion with him they swore an oath on his entrails and ate them. Isidorus himself was the best of all in bravery. Then defeating the Romans in Egypt in pitched battle, they were within a little of capturing Alexandria, if Cassius had not been sent from Syria against them and conducted his strategy so as to break their agreement with each other and to separate them from each other, for because of their desperation and their numbers he did not dare to attack them as a whole, and thus quarrelling, he conquered them.<sup>175</sup>

The organised and open behaviour of these Boukoloi is not the usual hit and run tactic of bandits and pirates. The element of religious ritual, the killing and sacrifice, which Winkler sees as anecdotal and included for dramatic reasons in a traditional narrative formula, and the fact that the leader Isidorus was a priest, may indicate an alternative beginning to the uprising.<sup>176</sup> These factors suggest that a religious

---

<sup>173</sup> Winkler (1980) p181. See also Morgan, (1982), 221- 265.

<sup>174</sup> Caesar *B.C.* 3.112.

<sup>175</sup> Dio (Xiph.) 71.4. Also mentioned as the *Bucolici milites* in the *HA, Marcus Antoninus* 21.2 and *Avidius Cassius* 6.7.

<sup>176</sup> Winkler (1980) p178.



grievance may have been the inspiration behind the disturbance, and that the military skills of the shepherds were hired by the aggrieved. The hiring and deployment of agricultural workers as armed forces had occurred at other times in Africa alone; Tacfarinas in the early first century in Numidia had gathered 'wanderers accustomed to banditry' as part of his army.<sup>177</sup> Angry rich young aristocrats summoned armed supporters from the farm workers in Libya in the late 230's, who formed a 'great crowd' of followers. In a manner similar to the Boukoloi, the young men approached the procurator against whom their wrath was directed, with their weapons hidden under their clothing and their supporters behind them, and under the pretext of discussing payment of fines, stabbed him. The crowd of peasant workers then prevented any retaliation by the guards.<sup>178</sup> The Circumcellion uprisings in Africa in the fourth century were probably named after the itinerant workers who wandered 'around the *cellae*' on properties, and provided the muscle for Donatist minds who were directing the disturbances, though the 'army' could at times exceed its authority.<sup>179</sup>

Dio's account should not be wholly dismissed as 'fiction and anecdotal history'.<sup>180</sup> It is possible that the 'Boukoloi uprising' received its name from the boukoloi around Alexandria whose military skills were used in a similar fashion to the later forces of the Circumcellions, as instruments of revenge for a particular religious grievance, from which point the trouble escalated. It seems unlikely that a 'native Egyptian resistance movement' with apparently no continuity to the boukoloi of pre-Alexandrian times would pluck their name from those people placed hundreds of years previously in the area around the harbour of Pharos.<sup>181</sup>

---

<sup>177</sup> Tacitus *Ann.* 2.52.

<sup>178</sup> Herodian 7.4.3f; *HA, Gordiani*, noted by MacMullen, (1966) p198.

<sup>179</sup> eg. St. Augustine, *Contra Ep. Parmen.* 1.11.17. MacMullen, (1966) p200-1; Jones, (1959) p294-5.

<sup>180</sup> Winkler (1980) p181.

<sup>181</sup> Winkler (1980), p181. MacMullen (1964) pp185-6 and 191-2 notes the decline in the Egyptian religion.

Another aspect of bandit life which might be thought to strengthen the argument in favour of social bandits is their organisation. They are said to have had equitable systems of justice and for the division of plunder. These seemingly egalitarian arrangements, it might be argued, could have their origin in a background of poverty and from a sense of injustice at the system that forced them out of society and into their outlaw status. In a discussion on justice, Cicero reveals that there was a general belief that bandits and pirates, the quintessential 'lawless' people outside the rules of the rest of society, had their own system of justice; "...*leges latronum esse dicuntur, quibus pareant, quas observent.*"<sup>182</sup> He gives as an illustration of this justice the example of an *archipirata* who should make an impartial division of booty or risk being killed or deserted by his gang. Any member who stole from another would also risk expulsion. He cites as examples of bandit leaders who distributed the booty evenly Bardulis of Illyria and Viriathus in Lusitania.<sup>183</sup> His comment is unfortunately the only extant mention of this aspect of Bardulis' rule in the early to mid fourth century, so his reasons for acting thus may only be conjectured. Viriathus however receives more extensive praise in Diodorus Siculus for his division of booty. Viriathus was said to be even-handed in his distribution, rewarded his men on the basis of merit and bravery, and did not take his own share from the common portion.<sup>184</sup> In the eulogy for Viriathus, his own share of the spoils was said to be no greater than that of an ordinary soldier's.<sup>185</sup> This may well have been clever leadership on Viriathus' part, for Diodorus continues, 'because of this' the Lusitanians 'willingly went with him into danger' and gave strong loyalty to him over the years of the war with Rome. Viriathus would obviously not want to risk alienating his supporters.<sup>186</sup> Significantly, such

---

<sup>182</sup> Cic. *De Off.* 2.40.

<sup>183</sup> Cic. *De Off.* 2.40.

<sup>184</sup> Diod. Sic., 33.1.5 and 33.21a; repeated in Appian, *Ib.*, 75.

<sup>185</sup> Diod. Sic., 33.1.5. Cassius Dio (22.73) speaks of Viriathus' physical attributes and his astuteness, humility and the fact that he carried out war not for the power but for the love of it: *φιλοπόλεμος καὶ εὐπόλεμος*.

<sup>186</sup> Rubensohn (1981) p192-3 on Viriathus' motives suggests that his 'love of war' is as close to the reasoning behind Viriathus' actions as is possible to ascertain, as there is no sign of Viriathus' patriotic

alienation may have led to his death. During the negotiations with the consul Popillius Laenas in 139B.C., Viriathus is said to have not only killed some of the leaders of those who had deserted from the Romans, who had been demanded for punishment (among whom was his own father-in-law, Astolpas), but handed over the remainder of the deserters to Popillius, who then had their hands cut off.<sup>187</sup> Needless to say, this would not engender trust among other supporters. It is then less surprising that the three who agreed to betray and assassinate Viriathus after a shady deal with Q. Caepio were said to be Viriathus' friends. It seems that they saw it as a situation where it was 'either him or us'.<sup>188</sup>

The risk of betrayal among bandits and pirates was a very real danger. The belief that gangs of bandits and pirates possessed their own rules does have a basis in reality. They were 'lawless'; that is, they did not follow the laws of the rest of society, but they were not without rules and customs of their own, from sheer necessity.<sup>189</sup> Even Cicero recognised that equal division of booty was based on the reasoning that the leader's life was forfeit if he didn't, rather than on any social ideals. The same practicality is at the basis of the prohibition of theft or fraud between members of a group. If it did not exist, then the life of the band itself would be shortlived. Spartacus is said to have divided plunder impartially.<sup>190</sup> A tale of Liparean piracy in which the proceeds of a pirate raid on a Roman ship were divided among 'the community' has given rise to a comment that the Liparean islanders had a 'communistic organisation'.<sup>191</sup> The original statement in Livy was that "*Mos erat*

---

idealism for Iberia. He also notes at p195 that not all Iberians wanted to be 'liberated'.

<sup>187</sup> Diod. Sic. 33.7 for relations with his father-in-law; Dio 22.75 for the handover.

<sup>188</sup> Diod. Sic., 33.21; Appian, *Ib.* 74; Livy, *Per.* 54; Florus, 1.33; Eutropius 4.16; Orosius 5.14; *de Viribus Illustribus*, 71. See also Rubensohn (1981) p203.

<sup>189</sup> Apuleius' bandits in *The Golden Ass* or *Metamorphoses* cast lots for various tasks: to choose a lookout, (4.6); to choose how to kill a captive girl (6.27); to decide on a new leader, (7.9); even to the (probably deliberately exaggerated) ridiculous extent of serving food, (4.8).

<sup>190</sup> Appian *B. C.* 1. 116. Romulus and Remus are said to have shared their booty with the shepherds. (Livy, 1.4.9)

<sup>191</sup> Ormerod (1924) p157. Garlan, (1978) p4 sees it as evidence of a "...lien <<structurel>> entre la piraterie et l'Etat: la piraterie y faisait plus ou moins figure d'<<institution publique>>, d'<<industrie

*civitatis velut publico latrocinio partam praedam dividere.*"<sup>192</sup> The Roman ship had been captured according to Livy by Liparean 'pirates' in 394B.C. Plutarch's version differs in that the Lipareans thought the Roman ship was a becalmed pirate vessel and took it back to land and put them and their goods up for sale, thinking them pirates.<sup>193</sup> The ship did not contain ordinary merchants however, but official envoys on a visit to Delphi to present a massive gold bowl. Both versions attribute the release of the envoys to an important magistrate on the islands, a certain Tima(/e)sitheus. It might be thought difficult to believe that the Lipareans would not, having taken the ship and seen the inhabitants, have realised that the Romans were not pirates. The two accounts seem to be the result of different traditions from both sides who, since they were in a state of 'almost war', called the other side 'pirates'.<sup>194</sup> It seems unlikely that the division of the booty was 'communistic'; Buck argues that the piracy was not "...actually *publicum*, but with a measure of popular and official support."<sup>195</sup> In a state of not-quite war, acts of piracy to which officials turned a blind eye to, could be effective harassment whilst not provoking outright war. The 'privateers', in return for their work, would be able to divide the plunder among themselves.<sup>196</sup> It is possible that in this instance the 'privateers' went too far and captured the wrong ship, forcing Timasitheus to intervene, for which he was duly rewarded by the Romans.

Rhetorical exercises include statements which imply that there was a belief that the qualities of loyalty and trust were held to be of some value by pirates and bandits.<sup>197</sup> Obviously loyalty existed to a certain extent between members of a band

---

d'Etat>>."

<sup>192</sup> Livy 5.28.2.

<sup>193</sup> Plutarch *Camillus* 8. The capture by pirates is also mentioned in Diod. Sic. 14.93; Val. Max. 1.1.ext.4.

<sup>194</sup> Ogilvie (1965) p689.

<sup>195</sup> Buck (1959) p38.

<sup>196</sup> Similarly, Buck, (1959) p38.

<sup>197</sup> Quintilian *Dec. Min.* 267.12 "*Ego publicam appello fidem, quae inter piratas sacra est, quae inter armatos hostes indutias facit...*" and *Dec. Min.* 343.12 "*Fides supremum rerum humanarum vinculum est, sacra inter hostes, sacra (quod nuper comperi) inter piratas...*". See also Vogt (1974) pp78-79.

or their gang would not survive. Bandit gangs nevertheless had a tenuous existence. Several notorious bandits perished through betrayal by those close to them.<sup>198</sup> Bulla Felix is said to have been betrayed by his mistress.<sup>199</sup> Others were betrayed by their bandit associates, such as Viriathus, Maternus, and Jesus the ἀρχιληστής, a mercenary bandit in Judea who was betrayed by one of his men who deserted to Josephus.<sup>200</sup> The Bergistani bandits, mentioned above, are said to have been betrayed by a *princeps Bergistani*, who invited the Romans to put a stop to the banditry.<sup>201</sup>

The example of Lydius in Isauria demonstrates the risks of alienating support. After plundering Pamphylia and Lycia in A.D.277-8, he took refuge from Roman troops in the Lycian town of Cremna, which was situated on a cliff with deep ravines on one side. Facing a food shortage he is said to have driven out those who were too old or young to be of use in the siege. The Romans drove them back, whereupon Lydius is said to have had them thrown down one of the ravines. It would be hard to expect strong support from the townspeople after this, and the supply tunnel which was built to go beyond the Roman camp was subsequently revealed by a woman informer. Conditions became worse; Zosimus says all inhabitants of the city were killed except some of Lydius' closest allies. Lydius was eventually betrayed by one of his men whom he had punished for inaccurate shooting by being stripped and beaten. With the information from the informer, the Romans were able to shoot Lydius, who though mortally wounded, still had some of his men executed and made the rest swear not to capitulate. This oath however did not prevent them surrendering after his death.<sup>202</sup>

Betrayal is a significant factor in explaining why local support for bandits was on a lesser scale than many claim. The more people who knew of their existence

---

<sup>198</sup> Issac (1984) p171 (*Ekhah Rabbah* 3.6), notes that bandits killed a man who had joined their gang and then betrayed them.

<sup>199</sup> Dio 77.10.7.

<sup>200</sup> Herodian 1.10.7.; Josephus *The Life* 104-111.

<sup>201</sup> Livy 34.21.2.

<sup>202</sup> Zosimus 1.69-70.

surely increased the risk of betrayal. There are several rescripts which dealt with the matter of the credence or otherwise of counter accusations made by *latrones* who had been betrayed, which indicates that the betrayals of the well-known bandits above were not unusual occurrences.<sup>203</sup> Shaw claims that betrayal was in fact the "...principal mechanism by which the governor was expected to repress banditry...".<sup>204</sup> Relying on more local support than was absolutely necessary would then be very dangerous; once captured, there could be no 'honour among thieves'; if the information was not volunteered, there was no hesitation in using torture.

If loyalty among gang members could be tenuous, so too could their loyalty be to those who had hired them. Frontinus and Polyanus tell of the siege of Ephesus in 287B.C. by the Macedonians, in which the leader of the pirates, Mandro or Andron, hired by the Ephesians, was bribed by the Macedonians to betray the city. Once the Macedonians had captured the city however, the pirates were paid and sent away from Ephesus immediately, since their untrustworthiness was proven.<sup>205</sup> The Cilician pirates who were allied with Sertorius in the late 80's B.C. are said to have disagreed with him at one point. Plutarch says Sertorius was seized with a wish to live on some quiet islands heard about in a sailor's tale, and the pirates, disdaining peace and wanting booty, left him. They went to the aid of a certain Ascalis who was attempting to restore himself to the throne in Mauretania. Sertorius subsequently entered the fight on behalf of those opposing Ascalis.<sup>206</sup> Plunder, not loyalty, was the more important creed.<sup>207</sup> Cilician pirates are portrayed as equally unreliable in the case of Spartacus. He wanted to cross to Sicily and so made agreements and gave gifts to the pirates, but they are said to have then 'deceived him and sailed away'.<sup>208</sup> It has been suggested

---

<sup>203</sup> *Dig.* 48.18.1.26.

<sup>204</sup> Shaw (1984) p16.

<sup>205</sup> Frontinus 3.3.7; Polyaeus 5.19.

<sup>206</sup> Plutarch *Sert.* 7-9.

<sup>207</sup> Cf. Heliodorus' comment that bandits considered money more precious than life, and relationships were measured in terms of monetary gain, *Aeth.* 1.32 & 33.

<sup>208</sup> Plutarch *Crassus* 10.3-4.

that the reason for this might have been the proximity of Crassus' troops.<sup>209</sup> Plutarch however preferred to emphasise their 'treachery'. Josephus is careful to add that he 'trusts especially' the bandit mercenaries in his army.<sup>210</sup>

The untrustworthiness and treachery associated with bandits is evident in a few inscriptions among those that record people 'killed by bandits'. A number record that the victim was '*deceptus a latronibus*'.<sup>211</sup> The phrase *interfectus* or *occisus a latronibus* is a customary formula in the inscriptions; it was a fact of life, or rather, of death.<sup>212</sup> One inscription is testimony to the suffering caused by bandits. The victim was a man who "...*a latronibus atrocissima (sic) mortem [per]pessus est...*".<sup>213</sup> One traveller testifies to his adventure on a journey: "*Profectus sum et inter vias latrones sum passus; nudus saucius evasi cum meis; Saldas veni*".<sup>214</sup> Another, not so fortunate, was killed in a notorious area: "*Antonio Va[le]ntino princi[pi] leg. XIII gemin[ae inter]fecto a latro[ni]bus in Alpes Iul[ias] loco quod appellatur Scelerata...*".<sup>215</sup> Such inscriptions have been found in many places in the empire and demonstrate that bandits could strike at any time; they were an unpredictable but constant threat to travellers.<sup>216</sup>

The reality of bandit life was a harsh one. Frequently people began such a life from the need for a means of existence. Often they did not survive long, at times

<sup>209</sup> J. P. Brisson, *Spartacus*, Paris (1959) p232. (cited in McGushin (1994) p151.)

<sup>210</sup> Josephus *B.J.* II 583 (II.20.8).

<sup>211</sup> *CIL* III 8830 = *ILS* 5112 Dalmatia; *CIL* VI 20307 = *ILS* 8505 Rome; *CIL* XIII 3689 Belgica, Treveri: "*o crudele nefas, tulit hic sine crimine mortem damnatus, periit deceptus fraude latronum.*"

<sup>212</sup> Also noted by Shaw (1984) p10.

<sup>213</sup> *AE* (1934) 209 Dalmatia. Similarly, *CIL* VI 234 = *ILS* 2011 Rome: "*Genio exercitus, qui extinguendis saevissimis latronib. fidei devotione Romanae e[x]spectationi et votis omnium satis fecit*".

<sup>214</sup> *CIL* VIII 2728 = *ILS* 5795 Numidia.

<sup>215</sup> *ILS* 2646 near Tergeste.

<sup>216</sup> *CIL* II 1389 Baetica; 2813; 2968; 3479 = *ILS* 5928 Tarraconensis. *CIL* III 1559 = *ILS* 8009; 1579; 1585 = *ILS* 8021 Dacia; 2399 = *ILS* 8514; 2544 = *ILS* 8506 Dalmatia; 8242; 14587 = *ILS* 8504 = *AE* (1901) 19 Upper Moesia. Cf. *CIL* VIII 15881 = *ILS* 5505 Africa and *CIL* 2544 = *ILS* 8506 Dalmatia also for bandits. *CIL* XIII 259 Aquitania; 2282; 22647 Lugdunensis; 6429 Upper Germany; *ILS* 8507.

betrayed by members of their own band or captured by pursuers. The 'laws' of such bandits were essentially those dictated by the expedient needs for survival. Whether motivated by need or greed, this made the acquisition of booty an imperative, which made the wealthy an obvious target. Thus they ignored the poor, not because they had their support or a wish to spare them. These men were pragmatically selfish, not Robin Hoods, ignoring those who had nothing they could take. Their associations with lawful society were formed with those whom they needed as receivers, harbourers or patrons. In the later empire, the patronage of the powerful was so common that it was blamed for the increase in crime, and banditry in particular. The literary sources use the unusual bandits to demonstrate that the emperor could occasionally not maintain complete authority over everyone. Bandits were outside the control of society, the law and even the emperor. Bulla Felix and Maternus however are not portrayed as alternatives with 'just power' in contrast to that of the emperor; they are *latrones*, with all the derogatory overtones associated with the word. They commit crimes and receive their due punishment. The emperor's temporary inability to control them may also be seen in the stories of Dio and Herodian, thereby providing amusement by the diminution of his all powerful image.



### Chapter Three: Social banditry II. A late imperial example: the case of the Bagaudae

In the mid 280's A.D. the Bagaudae emerged in the Aremoric region between the Seine and the Loire in Gaul, and during the first half of the fifth-century in Gaul and Spain, as one group of people among many in the later Empire causing outbreaks of violence in the provinces. Thompson saw them as the oppressed peasant class who revolted against the ruling classes and intended to separate from the empire and establish their own independent state.<sup>1</sup> Drinkwater views the third-century Bagaudae as a movement of 'dislocated peasants' who in the absence of leadership from the Gallic aristocracy in the third-century 'crisis' were under the leadership of the remaining lesser lights: "...aristocrats, yeomen, or even visionaries and bandits."<sup>2</sup> The Bagaudae in the fifth century he sees as external communities outside Roman control, composed of refugees resisting the reconquest of the north of Gaul by Rome.<sup>3</sup> In contrast to Drinkwater, Van Dam argues that these Bagaudae were under the leadership of local traditional aristocrats, whose 'revolts', as seen by the centre, "...often represented attempts by local citizens to revive a Roman administration that was abandoning them."<sup>4</sup> Whittaker sees the Bagaudae generally as "...perhaps no more than extreme forms of local armies of dependants, taking aim at the traditional *domini-curiales* of the *civitates*."<sup>5</sup>

Diocletian turned his attention to the first outbreak of unrest attributed to those labelled 'Bagaudae' in Gaul after the defeat of his rival Carinus in A.D.285.<sup>6</sup> Under the joint leadership of Aelianus and Amandus, the 'rural people' had plundered land

<sup>1</sup> Thompson (1952) p18.

<sup>2</sup> Drinkwater (1984) p368.

<sup>3</sup> Drinkwater (1992) p215.

<sup>4</sup> Van Dam (1985) p53.

<sup>5</sup> Whittaker (1993) p288.

<sup>6</sup> Aurelius Victor *De Caesaribus* 39.17: *Namque ubi comperit Carini discessu Helianum Amandumque per Galliam excita manu agrestium ac latronum, quos Bagaudas incolae vocant, populatis late agris plerasque urbium tentare...*

and attacked cities. Diocletian appointed Maximian to deal with the Bagaudae, and he subsequently 'restored peace to Gaul'.<sup>7</sup>

The name Bagaudae which became Bacaudae in later sources, is thought to derive from the Celtic word for war, 'baga' and the suffix 'aud', to form a word meaning 'fighter' or 'warrior'.<sup>8</sup> Minor argues that the native Celts in western Gaul called the "...peasant insurgents *Bagaudae*...who if involved in a rebellion or insurrection, would be styled 'rebels' or insurgents".<sup>9</sup> Aurelius Victor writing in the mid-fourth century, is the earliest to mention the Bagaudae by name. He mentions that the appellation was derived from local inhabitants: "...*quos Bagaudas incolae vocant*...".<sup>10</sup> This word, applied by the Celts, may have been used as a designation for local bandits, which was then taken up and transmitted by the sources mistakenly as a more official title of a gang or a tribe. In this way it is possible that bagaudae became the Bagaudae. Van Dam notes another example of a name of a bandit gang designated by locals.<sup>11</sup> Sidonius Apollinaris in a letter to Bishop Lupus commends the bearers of the letter to the bishop, for they needed his help in tracing a man who sold a female relative of theirs who had been kidnapped. They had travelled to the Arvernian region in Gaul and discovered there that the woman had been taken by the Vargi. Sidonius explains that this was the name the natives called the local bandits.<sup>12</sup> In this fashion, the name Bagaudae did not degenerate to become a synonym for bandit

<sup>7</sup> Aurelius Victor, *De Caes.*, 39.17; Eutropius, *Breviarium* 9.20.3; Paeanius *Versio Graeca historiae Romanae Eutropii*, 9.20.3; Hieronymus, *Chronicon a. Abr.* 2303; Prosper, *Chronicon*, 938 (*Chronica Minora* ed Mommsen, I, 445); *Chronica Gallica anni DXI*, 443 (*Chron. Min.* I, 643); Jordanes, *Romana*, 296; Marianus Scottus, *Chronicon* 3.302.2 (in Migne, *PL* vol147, 692); Orosius, *Hist. adv. pag.*, 7.25.2; *Passio Typasii*, I; Theophanes *Chronographia a.m.* 5788; Zonaras 12.31. See also Minor (1971) p154f.

<sup>8</sup> Minor (1975) p320.

<sup>9</sup> Minor (1975) p320.

<sup>10</sup> Aurelius Victor 39.17. Orosius 7.52.2: "...*quos Bacaudas vocabant*..." and Jordanes 296, "...*quos Bacaudas dicunt*...". These sources seem to support the report of Aurelius Victor. The other ancient writers claim that they named themselves.

<sup>11</sup> Van Dam (1985) p31.

<sup>12</sup> Sidonius *Ep.* 6.4.1: "...*hoc enim nomine indigenas latrunculos nuncupant*...".

as Drinkwater suggests, rather it began as such.<sup>13</sup>

Minor prefers 'rebels' as a translation for Bagaudae, citing Paeonius' Greek version of Eutropius and his explanatory interpolation for 'Bagaudae': "...this is the name meaning native tyrants...",<sup>14</sup> seeing it as meaning 'rebels of the countryside'.<sup>15</sup> However, as he notes, *τύρραννος* may also be translated as 'usurper' or 'robber'.<sup>16</sup> Minor then cites Salvian, who declares that "...we call them rebels...whom we compel to be criminals."<sup>17</sup>

A constant theme in Salvian's treatise *De Gubernatore Dei*, written in the fifth century, is a highly moralistic criticism of the injustices he sees inherent in the Roman administrative system in Gaul. He describes the rich oppressing their victims the poor in terms which depict the rich as robbers who act for their own financial advantage but to the detriment of society. At one point, for example, he describes the Roman state as dying from the chains of tribute as if strangled by the hands of bandits, with the rich profiting from the poor.<sup>18</sup> Preceding the treatment of the Bagaudae, Salvian compares the *curiales* or tax-gatherers to 'tyrants' (*tyranni*) and bandits (*latrones*); asks where the entrails of widows and orphans were not devoured by the leading men; and declares that no-one was immune from the devastation of plundering banditry, except those like bandits themselves.<sup>19</sup> He then declares that people were forced by

<sup>13</sup> Drinkwater (1984) p370, and (1989) p201.

<sup>14</sup> Paeonius *Versio Graeca*, 9.20.3, "...ὄνομα δὲ ἔστιν τοῦτο τυράννους δηλοῦν ἐπιχωρίους...".

<sup>15</sup> Minor (1975) p321.

<sup>16</sup> Minor (1975) p321n10. Strabo 12.8.8 for example uses it to describe Cleon, who rose to power among a gang of bandits.

<sup>17</sup> Salvian *De Gub. Dei* 5.24 "...vocamus rebelles, vocamus perditos, quos esse compulimus criminosus."

<sup>18</sup> Salvian *De Gub. Dei* 4.30-31: "[Romana respublica] qua adhuc vivere videtur, tributorum vinculis quasi praedonum manibus strangulata moriatur, inveniuntur tamen plurimi divitum, quorum tributa pauperes ferunt, hoc est, inveniuntur plurimi divitum, quorum tributa pauperes necant."

<sup>19</sup> Salvian *De Gub. Dei* 5.18 : "Quae enim sunt non modo urbes, sed etiam municipia atque vici, ubi non quot curiales fuerint, tot tyranni sunt? Quamquam forte hoc nomine gratulentur, quia potens et honoratus esse videatur. Nam et latrones ferme omnes gaudent et gloriantur, si atrociores admodum quam sunt esse dicantur. Quis ergo, ut dixi, locus est, ubi non a principalibus civitatum

public prosecution to flee to the barbarians such as the Goths or Bagaudae, though they were unlike the Romans in many customs.<sup>20</sup> He does not criticise the barbarians, but merely notes their '*cultum dissimilem*'. He then explains that those who did not flee to the barbarians were forced to be barbarians, rather than Romans, and thus introduces the Bagaudae. He depicts them as people who were 'plundered, broken, killed' by 'evil and cruel judges' and who afterwards lost their Roman citizenship.<sup>21</sup> He repeats the charges against the judges, declaring that the people began to be like barbarians after they were "...strangled and killed by the banditries of the judges".<sup>22</sup> Salvian does not specify what the 'barbarian' activities of the Bagaudae were, but the inference to be drawn from the previous linking of the Bagaudae with the Goths and other barbarian groups is that they were carrying out (barbarian-like) plundering raids. Salvian specifically does not use the word *latrones* in reference to the barbarian tribes or the Bagaudae; they are not the object of his criticism and such a usage would obviously undermine his argument. He keeps such rhetorically effective and emotive barbs for the Roman bureaucracy, carefully only observing that the barbarian tribes were 'different'. When Salvian calls the Bagaudae 'rebels' whom the Romans 'forced to be criminals', therefore, it must be viewed as a distorted rhetorical exaggeration equal to that of calling judges' decisions 'banditry'; the reality is more prosaic and less dramatic.

The situation in Gaul in the late third century differed from the Gaul of Salvian's time. Prior to the Bagaudae in A.D.285, the last major disturbance caused by the advances of the Franks, Alamanni, and Lugii (Longiones) into Gaul, had been ..

---

*viduarum et pupillorum viscera devorentur et cum his ferme sanctorum omnium?....Nemo itaque horum tutus est neque ulli admodum praeter summos a vastatione latrocinii populantis immunes, nisi qui ipsis latronibus pares."*

<sup>20</sup> Salvian *De Gub. Dei* 5.21.

<sup>21</sup> Salvian *De Gub. Dei* 5.24: "*De Bacaudis nunc mihi sermo est, qui per malos iudices et cruentos spoliati, afflicti, necati, postquam ius Romanae libertatis amiserant, etiam honorem Romani nominis perdiderunt."*

<sup>22</sup> Salvian *De Gub. Dei* 5.26: "*... ut latrociniiis iudicum strangulati homines et necati inciperent esse quasi barbari, quia non permittebantur esse Romani."*

countered in A.D.277-8 by Probus and his subordinates.<sup>23</sup> After the barbarian incursions Gaul seems to have been relatively peaceful until the Bagaudae raids. The Bagaudae in A.D.285 do not appear to have been forced by desperation into banditry after the attacks of barbarian hordes. Groups of bandits may have been operating the country in Aremorica, who then formed or were gathered into a single large gang of bandits under the joint leadership of Aelianus and Amandus, which then carried out plundering on a large scale, similar to that of Bulla Felix and Maternus. Bandit raids by those nebulously termed 'rural people' by the sources however, does not necessarily denote peasant rebellion, merely those originating from a rural area in Gaul.<sup>24</sup>

The targets of the Bagaudae do not seem to indicate that their unrest was an uprising of peasants against injustices. In the account of Aurelius Victor, the Bagaudae had not only attacked cities but had plundered fields widely.<sup>25</sup> In the *Panegyric* to Maximian delivered in A.D.288 or 289, Mamertinus speaks of "the evil...of the two-shaped monsters in these lands...", which Maximian had repressed. This passage has been generally accepted as an allusion to the Bagaudic activities in Gaul in A.D.285. The evil occurred when

...ignorant farmers sought the habit of a soldier, when the ploughman imitated foot-soldier, when the shepherd the cavalryman, when the rustic plunderer of his own crops the enemy barbarian. Which I pass over quickly; for I see that you through *pietas* prefer the oblivion of that victory than glory.<sup>26</sup>

<sup>23</sup> Zosimus 1.64-8; SHA *Probus* 13.5ff; Orosius 7.24; Zonaras 12.29.

<sup>24</sup> For example, Aurelius Victor 39.17 calls them 'rustics and bandits': "...excita manu agrestim ac latronum..."; Eutropius 9.20.3 "*rusticani*"; Orosius 7.25.2: "...collecta rusticanorum manu..."; Mamertinus *Panegyric* 4.3: "...ignari agricolae..." *Chronica Gallica a. DXI*, 443, "*rusticos*"; Jordanes *Romana* 296, Prosper *Chronicon* 938; Marianus Scottus *Chronicon* 3.302.2 and Hieronymus *Chronicon a Abr.* 2303 all call them '*rustici*'.

<sup>25</sup> Aurelius Victor 39.17 "...populatis late agris plerasque urbium tentare...".

<sup>26</sup> *Pan. Lat. X (II)* 4.3-4: "...cum militaris habitus ignari agricolae appetiverunt, cum arator peditem, cum pastor equitem, cum hostem barbarum suorum cultorum rusticus vastator imitatus est? Quod ego cursim praetereo; video enim te, qua pietate es, oblivionem illius victoriae malle quam

In this passage there is an indication that these people had become bandits, without the author specifically calling them *latrones*. Mamertinus calls them 'the plunderers of their own crops'. If this was indeed a peasant revolt or rebellion against Rome, then to destroy their own or others crops and livelihoods would seem a curious method of reaction. For peasants who had become bandits, however, the plundering of fields for the purposes of provision or terrorisation seems explicable.<sup>27</sup> Nixon in his commentary on the *Panegyric* notes that Mamertinus, although "...clearly embarrassed by the subject, at least knows and divulges something about the origins of the movement, and doesn't dismiss the rebels as bandits *tout court*...".<sup>28</sup> It is possible however that Mamertinus intentionally avoided the mention of *latrones* altogether in this context. Instead he elevates the status of the *rustici* whom Maximian had been delegated to fight. He does not describe these opponents as 'bandits' (as he may well have done if their actual status was more worthy and therefore open to denigration), but depicts them as 'imitating' (the more worthy) footsoldiers, *equites* and (formal) enemy barbarians.<sup>29</sup> Despite his claim that Maximian would prefer the oblivion rather than the glory of this victory, Mamertinus attempts to make these foes more glorious. This panegyric is addressed to the commander sent to fight the Bagaudae, who would not be pleased by a reference to his battles with rustic bandits, unworthy and inglorious foes. It is primarily for this reason that Mamertinus 'passes over the matter quickly'. In addition, Mamertinus originated from Gaul, and may have possessed some information pertaining to the origins of the Bagaudae and its meaning of 'bandit', and thus been doubly reluctant to name them.<sup>30</sup>

---

*gloriam.*"

<sup>27</sup> Cf. Maternus, who plundered 'villages and fields', "...πρῶτα κώμαις τε καὶ ἀγροῖς ἐπιτρέχων ἐλῆστευεν...". (Herodian 1.10.1)

<sup>28</sup> Nixon (1978) p205.

<sup>29</sup> Drinkwater (1984) p349 sees this piece of comparison as an actual description of the Bagaudae organization, that they had created "...a sort of militia (comprising infantry and cavalry)....".

<sup>30</sup> Nixon (1978) p183.

There are reports by later Christian writers that a Theban legion used by Maximian against the Bagaudae in 285 had actually mutinied rather than fight them. Jullian suggests that the officers of the legion had not regarded the Bagaudae as honourable enemies since they were bandits and thus refused, a theory which Thompson considers 'improbable'.<sup>31</sup> The matter was confused as the later writers identified the Bagaudae as Christians, and thus the troops were presented as refusing to persecute Christians.<sup>32</sup> Without more substantial evidence, much weight cannot be placed on these later reports, but Jullian's theory that the officers did not wish to fight bandits is not as improbable as Thompson considers. It might be wondered however if they would dare refuse on these grounds.

In contrast to Mamertinus' account of the Bagaudae is his praise of the command of Maximian against his former subordinate Carausius and his allies the Franks in A.D.288 or 289. Carausius is labelled a pirate (*pirata*), and as Nixon points out, like the Bagaudae is never named.<sup>33</sup> In contrast to the Bagaudae however, and paradoxically, Carausius is, in a sense, a foe of enough worth to be called a pirate. But Mamertinus still makes fighting against 'pirates' more palatable and more glorious by recounting a tale about Hercules and pirates. The story was that the name 'Victor' had been added to Hercules' title in gratitude by a man who had been aided by the god in defeating pirates attacking his merchant ship. Thus for Maximian, who as the Caesar was portrayed as being Hercules to the Emperor Diocletian's Jupiter, the chore of overcoming pirates had been among the 'duties of his divinity for many centuries'.<sup>34</sup> Since the god Hercules could condescend to fight pirates, it was therefore not without glory for Maximian to follow his example. In this way,

---

<sup>31</sup> Eucher *Passio Acaunensium martyrum* 4; *Passio SS. Mauritii et Thebaeorum* 1-2 (*Acta Sanctorum* Sept. VI p345); *Vita S. Baboleni*, in Jullian (1920) p44-45; Thompson (1952) p16n19.

<sup>32</sup> Van Dam (1985) p54.

<sup>33</sup> Nixon (1978) p212; *Pan. Lat.* X (II) 12.1.

<sup>34</sup> *Pan. Lat.* X (II) 13.5: "*Hoc enim quondam illi deo cognomen adscripsit is qui, cum pirateas oneraria nave vicisset, ab ipso audivit Hercule per quietem illius ope victoriam contigisse. Adeo, sacratissime imperator, multis iam saeculis inter officia est numinis tui superare piratas.*"

Mamertinus emphasises the nobler aspects of Maximian's battles, and "...anything embarrassing is glossed over."<sup>35</sup> This panegyric brings out the paradoxical attitude of the upper-class writers to any mention of piracy and banditry. It was the standard practice to slander enemies with insults of *latro*, *praedo* or *pirata*, and Maximian follows this tradition in his comments on the unnamed Carausius. Carausius however had more status as an opponent than real, but very low status bandits such as the Bagaudae, so paradoxically his denigration by Mamertinus would not reflect badly on the commander fighting him. For Mamertinus to laud a victory over bandits however would imply an inglorious beginning for the 'Herculean' Maximian, as Diocletian's deputy.

Aelianus and Amandus had gathered the local bagaudae or bandits and terrorised the countryside and urban centres until subdued, behaviour similar to other bandits whose gangs operated on a large scale, such as Bulla Felix or Maternus. The 'purpose' or 'aim' of the group seems to have been no more than a search for booty. Van Dam suggests they may have had grander designs, for there are a few coins surviving that appear to give the title 'Augustus' to Amandus, but their authenticity is suspect.<sup>36</sup>

For the fourth century there is no record extant of the Bagaudae. Ammianus Marcellinus however remarks on the banditry 'throughout' the Gallic provinces in A.D.369. Minor sees this as "...proof of acute provincial unrest in Gaul."<sup>37</sup> This is not borne out by Ammianus, who merely describes the bandits' eye for profitable trade; they watched the 'frequented roads' and attacked 'without distinction anything rewarding'.<sup>38</sup> One of the many victims was Constantianus, the *tribunus stabuli* and

<sup>35</sup> Nixon (1978) p182.

<sup>36</sup> Van Dam (1985) p30. Reservations about the authenticity expressed by Webb (1933) p579, and outright distrust by Drinkwater (1989) p198n3. If such evidence were authenticated, then Aelianus and Amandus would then appear to be would-be usurpers who had gathered their own army, probably consisting of bandits or mercenaries.

<sup>37</sup> Minor (1971) p125.

<sup>38</sup> Amm. Marc. 28.2.10: "*Haec inter per Gallias latrocinium rabies saeva scatebat in perniciem multorum, observans celebres vias, fundensque indistanter quidquid inciderat fructuosum.*"



relative by marriage to the Emperor Valentinian, who was killed in an ambush.<sup>39</sup> His death does not signify a revolt or unrest in the Gallic provinces, only the success of ruthless bandits. Ammianus reports this episode briefly and it might be suspected that he refers to the bandits only as a means of introducing the death of Constantianus. There seems no other cause for mentioning this episode, as he does not record anyone being sent against the bandits, or their suppression. It may have been to provide a public obituary for Constantianus, whom Ammianus may have known, and wished to honour in his history.<sup>40</sup> Ammianus too did not wish to prolong a history with 'unworthy details'. Earlier, he wrote of Jovinus' battles against the Alamanni in Gaul in A.D.365-6, during which 6000 Alamanni were killed and 4000 wounded. After describing the 'brilliance' of these deeds, Ammianus declines to say anything about other 'less worthy battles' in various parts of Gaul because they produced nothing successful and it was not fitting to draw out a history with 'ignoble minutiae'.<sup>41</sup> This reticence provides a possible reason for the dearth of information about the Bagaudae for the fourth century in particular. If there were any outbreaks, they were too small to be worth noting, even if reports of their activity arrived at Rome. Any possible attacks were probably controlled by local officials.

The earliest evidence of the Bagaudae in the fifth century demonstrates the skill in banditry of these men, rather than a continuation of a peasant protest. The imperial general Stilicho sent Sarus in A.D.407/8 against the usurper Constantine, who had crossed from Britain and was attempting to add Gaul to 'his' territory. Sarus defeated one of Constantine's commanders, and captured a sizeable amount of booty. After this success he lay siege to Constantine at Valentia but was forced by two of his generals to withdraw. In trying to retreat across the Alps to Italy, he was forced to give the booty

<sup>39</sup> Amm. Marc. 28.10.10.

<sup>40</sup> Matthews (1989) pp10-11.

<sup>41</sup> Amm. Marc. 27.2.11: "*Praeter haec alia multa narratu minus digna conserta sunt proelia, per tractus varios Gallianum, quae superfluum est explicare, cum neque operae pretium aliquod eorum habuere proventus nec historiam producere per minutias ignobiles decet.*"

to the Bagaudae, in return for passage through the mountains.<sup>42</sup> There is little indication of a rebellion or 'separatist revolt' here.<sup>43</sup> The mountain passes offered an ideal opportunity for banditry, and the Bagaudae took it. Van Dam suggests they were "...surely no more than local inhabitants who were taking advantage of the difficult terrains to extort tribute from an army that had recently plundered a town."<sup>44</sup> This may have been the situation, but mountains often held bandit strongholds (Cilicia and the Taurus mountains, for example), and there may have been *latrocinium* in the area for some time which does not appear in the sources until a spectacularly newsworthy robbery such as this took place. Sulpicius Severus notes St Martin was attacked by bandits when crossing the Alps in the middle of the fourth century.<sup>45</sup>

A section of the comic play *Querolus* or *Aulularia* dated to the early fifth century has been seen as providing support for the notion that the Bagaudae were rebellious peasants.<sup>46</sup> Yet the passage suggests banditry, rather than revolt or rebellion. The old man Querolus declares that he wants to be a powerful man able to rob; his Lar claims that Querolus wants banditry, not power, and suggests that he go live by the Loire. Since the Loire is in the Aremoric area, this has been seen as a reference to unrest in that area.

Querolus Si quid igitur potes, Lar familiaris, facio ut sim privatus et potens.

Lar Potentiam cuiusmodi requiris?

Quer. Ut liceat mihi spoliare non debentes, caedere alienos, vicinos autem et

---

<sup>42</sup> Zosimus 6.2.5: "καταδραμόντων δὲ αὐτοῦ τῶν Κωνσταντίνου στρατηγῶν μετὰ μεγίστης δυναστείας, σὺν πολλῇ διεσωθῇ πονῶ, τὴν λείαν ἅπασαν δωρησάμενος τοῖς περὶ τὰς Ἄλπεις ἀπαντήσασιν αὐτῷ Βακαύδαις, ὅπως εὐρυχωρίας παρ' αὐτῶν τύχῃ τῆς ἐπὶ τῇ Ἰταλίᾳ παρέδου.

<sup>43</sup> Minor (1971) p131.

<sup>44</sup> Van Dam (1985) p49.

<sup>45</sup> Sulpicius Severus *Life of St. Martin* 5.4ff. Strabo 4.6.9 also notes the tradition of banditry in the Alps.

<sup>46</sup> Thompson (1952) 18-19. Van Dam (1985) p47 sees it as evidence of local Gallic private citizens exercising authority.

spoliare et caedere.

Lar        Ha ha he, latrocinium, non potentiam requiris. hoc modo nescio edepol, quemadmodum praestari hoc possit tibi. tamen inveni: habes quod exoptas. vade, ad Ligerem vivito.

Quer.     Quid tum?

Lar        Illic iure gentium vivunt homines, ibi nullum est praestigium, ibi sententiae capitales de robore proferuntur et scribuntur in ossibus, illic etiam rustici perorant et privati iudicant, ibi totum licet. si dives fueris, patus appellaberis: sic nostra loquitur Graecia. o silvae, o solitudines, quis vos dixit liberas? multo maiora sunt quae tacemus. tamen interea hoc sufficit.

Quer.     Neque dives ego sum neque robore uti cupio. nolo iura haec silvestria.

Lar        Pete igitur aliquid mitius honestiusque, si iurgare non potes.<sup>47</sup>

The Lar's paragraph describing what Drinkwater views as 'silvan freedom' rather than *latrocinium*, outlines a life lived according to the rules of what may be seen as bandit 'rough justice'.<sup>48</sup> The description used by the Lar of this life, that of 'capital sentences pronounced under an oak tree and recorded on bones' is a comically sarcastic comment on this 'justice'; the capital sentences are 'recorded' or carried out on the bones of the 'guilty'. The phrase 'men live there under the *ius gentium*' similarly is a play on the usual legal terminology. The law of the people is that of the bandit gang.<sup>49</sup> That this justice is not a part of any enticing 'silvan freedom' is also

<sup>47</sup> Emrich (1965) p67-8. The precise meaning of 'patus' is unknown; Thompson (1952) p19 presumes it is of Celtic origin, while Van Dam (1985) p47 suggests it is a corrupted Greek word (*παχυσ*, rich) or a Celtic one meaning 'master'. The context makes the general sense clear, which seems closer to the latter suggestion; in a mercenary life of bandit rule where *privati* give judgements, the rich would hold sway. Querolus, not being a rich man, sees instantly that he would be at a disadvantage in such a society.

<sup>48</sup> Drinkwater (1992) p210 who rules the play as inadmissible evidence because the life described in the Loire "...was not considered to be illegal: in particular it could not be classed as *latrocinium*..." and is in the end unsure what it refers to.

<sup>49</sup> Cf. the example in Cicero *De Off.* 2.40; if the archipirata did not share spoils equably, then he faced death or abandonment by his comrades: "...*qui archipirata dicitur, nisi aequabiliter praedam*

demonstrated by the fearful response of Querolus to the Lar's suggestion and his subsequent refusal to associate himself with such 'forest laws' after hearing of this 'justice'. The Lar suggests he look for something 'more honourable' than these laws; banditry was infamous for its inherent lack of honour.

If the passage is seen to refer to banditry in Gaul, it is likely then that the author of *The Querolus* had the banditry of the Bagaudae in the Loire region in mind when making this reference. Without a specific reference to the Bagaudae, however, it can only be a probable rather than a conclusive reference to them.

In A.D.435 Bagaudae are again said to be involved in a revolt against Rome. *The Gallic Chronicle of 452* records that at this time Further Gaul 'separated' from Roman society, following the leader of the rebellion, Tibatto, and that almost all those in slavery in Gaul conspired *in Bacaudam*.<sup>50</sup> Salvian writing in the 440's described the Bagaudae as those who had lost their citizenship.<sup>51</sup>

An indication that it may have been large-scale banditry is that these people are said to have conspired '*in Bacaudam*'. Thompson notes that it means "...not a peasant who took part in the movement but the movement itself."<sup>52</sup> This phrase suggests banditry, *bagauda*, which was caused by barbarian plundering raids in the Gallic provinces in the 430's. In A.D.435, the Burgundians are recorded as being

---

*disperiat, aut interficiatur a sociis aut relinquatur...*".

<sup>50</sup> *Chronica Gallica A. CCCCLII* 117 a. 435 (*Chron. Min.* p660) : "*Gallia ulterior Tibattonem principem rebellionis secuta a Romana societate discessit, a quo tracto initio omnia paene Galliarum servitia in Bacaudam conspiravere.*" Sigebertus Gemblacensis *Chronographia ann.* 435 : "*Gallia citeriore a Battone principe in rebellionem commota, conspiravere in Bagaudam omnia paene Gallorum servitia.*" Cf. also the mention of the rebellion in John of Antioch frag. 201. Thompson (1952) p11n1 suggests they may be rural serfs, followed by MacMullen (1967) p212n22. Van Dam (1985) p45 suggests that *servitia* refers to anyone in a subordinate status and that the *Chron. Gall.* a. 435 & 437 references are to one region near Auxerre where the citizens requested the intervention of Saint Germanus, and then Tibatto, whom Van Dam suggests was a local aristocrat, over the remission of taxes.

<sup>51</sup> Salvian 5.24: "...*postquam ius Romanae libertatis amiserant, etiam honorem Romani nominis perdiderunt.*"

<sup>52</sup> Thompson (1952) p11n3.

destroyed in war by the Huns sent by the Roman commander Aetius.<sup>53</sup> The Goths had also been rampaging in Gaul, attacking towns neighbouring their own; in A.D.436 the town of Narbo was relieved from the Goths' lengthy siege by Litorius.<sup>54</sup> Such barbarian raids provide an alternative to Salvian's explanation that the rich were squeezing the poor in helping to explain why the Bagaudae were active at this time. Rural people became bandits, forced perhaps by poverty into banditry, by having to flee their property, or by its destruction by barbarians. There seem to have been slaves included among them, but this is not necessarily a 'slave rebellion' or 'separation' from Rome. It is also possible that Tibatto took the opportunity while Roman (or barbarian) forces were occupied with the Burgundians and the Goths to rule with a gang of bandits in the Aremorican area. If it was such a large servile 'rebellion', which involved separation from Gaul, other sources are surprisingly silent. Salvian would surely not have lost the opportunity to include a large rebellion caused by wicked Roman administrators (perhaps he omits the outbreak because it wasn't caused by them) and Prosper ignores it, featuring the attack of the Visigoths and Burgundians for those years as more significant events. What would have been achieved in any case by a separation from Rome? It would effectively cut off any military help from Rome against the barbarians, and create a new enemy in the Roman forces.

The date when Tibatto and his crew were subdued is problematical. Prosper says Litorius broke the siege at Narbo in A.D.436 and in A.D.437 fought the Goths with Hun auxiliaries.<sup>55</sup> Sidonius Apollinaris in his *Panegyric* to Avitus has Litorius fighting the Goths in Narbo with 'Scythian' (Hun) horsemen after subduing the Aremoricians.<sup>56</sup> The *Gallic Chronicle* however says that with Tibatto's capture, the

---

<sup>53</sup> Prosper *Epitoma Chronicon* 1322 a.435: "Eodem tempore Gundicharium Burgundionum regem intra Gallias habitantem Aetius bello obrivit pacemque ei supplicanti dedit, qua non diu potitus est, siquidem illum Chuni cum populo suo ab stirpe deleverint."

<sup>54</sup> Prosper *Epitoma Chronicon* 1324 a. 436: "Gothi pacis placita perturbant et pleraque municipia vicina sedibus suis occupant, Narbonensi oppido maxime infesti. quod cum diu obsidione et fame laboraret, per Litorium comitem ab utroque periculo liberatum est..."

<sup>55</sup> Prosper *Epitoma Chronicon* 1322 a. 435 & 1326 a. 437. (*Chron. Min.* I 475).

movement subsided in A.D.437, which has usually been accepted as the year in which it ended, giving the Bagaudae a two year 'rebellion'.<sup>57</sup> From the accounts of Prosper and Sidonius, who were contemporaries, it appears the siege was lifted in 436, and that Litorius dealt with the Bagaudae before he did so. The chronological shortening reflects the lessening of the significance of the unrest fomented by the Bagaudae, from a two year rebellion to a gang plundering an area for a few months. Given the outbreaks of barbarian attacks and plundering in Gaul, there would be upheavals, with people displaced and forced into banditry, or who alternatively, seized the opportunity caused by the barbarians to carry out a bit of freebooting in the confusion. A further piece of evidence pointing to the fact that the separation from Rome or rebellion against the ruling classes did not exist is that in 451 the Aremorians were among the auxiliaries in Aetius' army fighting Atilla and the Huns.<sup>58</sup> As Van Dam comments, it seems inexplicable if there had been a 'province-wide' revolt of Aremorica against Rome.<sup>59</sup>

Tibatto is said to have been active again in A.D.444/5 in Aremorica. The only evidence for this is from Constantius' *Vita Germani*. The Alans, settled near Auxerre by Aetius, are said to have confiscated land from the landowners, instead of the usual method of sharing it, and fought the evicted landholders.<sup>60</sup> Bishop Germanus is said to have interceded with Goar, leader of the Alans, for a settlement, and then travelled to Ravenna to seek an indulgence. During his absence, however, 'Tibatto' raised a

<sup>56</sup> Sidonius Apollinaris *Carm.* 7.244 - 8: "...nova bella iterum pugnamque sub ipsis/ iam patriae muris periurus commovet hostis./ Litorius Scythicos equites tum forte subactos/ celsus Aremorico Geticum rapiebat in agmen/ per terras, Averno, tuas..."

<sup>57</sup> eg. Thompson (1952) p16; Drinkwater (1989) p195; Minor (1971) p137.

<sup>58</sup> Jordanes *Getica* 36.196, and Sidonius *Carm.* 7.547-9. Also noted by Thompson (1952) p20 and Van Dam (1985) p48.

<sup>59</sup> Van Dam (1985) p48. MacMullen (1966) p212 asks why the Bagaudae would wish to separate from an *imperium* that had become 'the sorriest excuse for an empire'.

<sup>60</sup> *Vita Germani* 28.40; *Chron. Gall.* 127 a. 442 (*Chron. Min.* I 660): "Alani, quibus terrae Galliae ulterioris cum incolis dividendae a patricio Aetio traditae fuerant, resistentes armis subigunt et expulsis dominis terrae possessionem vi adipiscuntur." See also Van Dam (1985) p46.

revolt in Aremorica. Aetius suppressed the revolt and in A.D.446 Flavius Merobaudes celebrated in his panegyric to Aetius this victory over 'Aremorica'. There has been dispute over the apparent second appearance of Tibatto, though it has been generally accepted.<sup>61</sup> The actions of the Alans provide a basis for local unrest, and the local Bagaudae might well have been involved as their experience would be welcomed by people placed into position of being virtual outlaws. It seems improbable that Tibatto would still be leading the Bagaudae however; once captured, his release is unlikely. Minor argues that Tibatto was not known to have been executed after being captured, and so lived on.<sup>62</sup> It was expected that a bandit leader would be executed; it would have been more remarkable if he had not. Constantius may have confused the A.D.445 uprising for the one in A.D.435 and mistakenly inserted Tibatto's name as its leader.

A brief record in one source suggests that the Bagaudae in addition had become mercenary bandits, hired for use in arguments by local political rivals. The *Chronica Gallica* in A.D.448 says that a doctor Eudoxius, 'a crooked but cunning man', 'stirred up the Bagaudae' and then fled to the Huns, perhaps caused by his identification as directing Bagaudae activity.<sup>63</sup>

Bagaudic activity is recorded in Spain in the 440's. As in Gaul, barbarians were overrunning Roman territory. The Suevi were active in Spain from the late 430's, moving over provinces, and gaining control over three of the five provinces.<sup>64</sup> The Bagaudae were active in Tarraconensis, a province not affected to

<sup>61</sup> Minor (1971) p142n74 notes the query, though believes Tibatto 'lived on to rebel again'. Also accepted by Thompson (1952) p16; Van Dam (1985) p46; Drinkwater (1989) p195.

<sup>62</sup> Minor (1971) p142n74.

<sup>63</sup> *Chron. Gall.* 133 a. 448 (*Chron. Min.* I 662): "Eudoxius arte medicus, pravi, sed exercitati ingenii, in Bagauda id temporis mota delatus ad Chunos confugit. Drinkwater (1992) p214 calls Eudoxius himself one of the Bagaudae. Minor (1971) p143 finds it a 'mysterious' incident.

<sup>64</sup> Minor (1971) p144; Van Dam (1985) 51-2. Hydatius Lemnicus 114 (*Chron. Min.* II 23) Rechila king of the Suevi attacked Baetica (A.D.438); 119 (*Chron. Min.* II 23) (A.D.439) He entered Emerita Augusta in Lusitania; 123 (*Chron. Min.* II 24) (A.D.441) By this date he had Baetica and Carthaginiensis in his control.

the same extent by the Suevi. A Roman commander Asturius was sent to Tarraconensis in A.D.441 and there killed a 'multitude of Bacaudae'.<sup>65</sup> It has been assumed that the reason for Asturius' deployment there was the Bagaudae.<sup>66</sup> However with the Suevi active in two-thirds of the provinces in Spain, it seems possible that he was sent to deter this threat, from a defensive position at Tarraconensis, and to prevent the Suevi from attempting to move into Gaul over the Pyrennees. While in the province he took no action against the Suevi, but killed a number of bandits or bagaudae.<sup>67</sup> This was also the position of Flavius Merobaudes in A.D.443, who replaced the recalled Asturius. He "...broke the arrogance of the Bacaudae of (the town of) Aracelli."<sup>68</sup> The Suevi posed a greater threat through the loss of territory, but the Roman forces had the strength to deal with plundering Bagaudae whilst in the region. The inability of the Roman forces to counter the barbarian Suevi is evident when in A.D.446 a third commander, the *magister militum* Vitus, was sent against the Suevi, but did not succeed and Baetica and Carthaginensis were subsequently plundered.<sup>69</sup> A peasant revolt or rebellion in Tarraconensis against the very forces who were protecting them seems improbable.

Two entries in Hydatius suggest that Bagaudae bandits in Spain had formed an alliance with or were working as mercenaries for the Suevi, who had made more territorial acquisitions. In 448 Rechiarius, who succeeded Rechila as king of the Suevi, had invaded 'further regions' for booty.<sup>70</sup> In A.D.449, a certain Basilius dared with his Bagaudae band to kill Roman *foederati* in the church at Tyriasso, and Bishop Leo in the same assembly.<sup>71</sup> In the same year, Basilius and Rechiarius

---

<sup>65</sup> Hydat. 125 (*Chron. Min.* II 24): "*Asturius dux utriusque militiae ad Hispanias missus Terraconensium caedit multitudinem Bacaudarum.*"

<sup>66</sup> Thompson (1952) p16; Minor (1971) p145; Van Dam (1985) p52; Drinkwater (1989) p196.

<sup>67</sup> It seems feasible that the name bagaudae could have spread to northern Spain over the centuries.

<sup>68</sup> Hydatius 128 (*Chron. Min.* II 24): "*brevi tempore potestatis suae Aracellitanorum frangit insolentiam Bacaudarum.*"

<sup>69</sup> Hydatius 134 a. 446. (*Chron. Min.* II 24).

<sup>70</sup> Hydatius 137 a. 448 (*Chron. Min.* II 25).

<sup>71</sup> Hydatius 141 a. 449 (*Chron. Min.* II 25): "*Basilius ob testimonium egregii ausus sui*



plundered the Caesaraugusta region and entering the cities of Ilerda through a trick, took captives.<sup>72</sup> These entries strongly suggests that the Suevi were using Bagaudae in their expansion over Spanish territory, rather than that the peasants were rebelling against the Romans, whose power over the area was obviously minimal. References to the Bagaudae then disappear from historical sources, though there is a mention of banditry at Bracara in western Spain in A.D.456.<sup>73</sup>

Often in examining those whom the Romans call bandits it is clear to the modern reader that these groups are in fact tribes who plunder, or political enemies and so forth. In the case of the Bagaudae however, this situation is reversed. Modern scholars have argued for various theories about the origin and purpose of the violence caused by Bagaudae, on the basis of often distorted, misleading and scanty primary sources. Important sources such as Mamertinus and Salvian, who do not categorise Bagaudae as 'bandits', have their own biases and propaganda purposes which cause them to specifically avoid this label or indeed from naming them altogether. The myth arose that those in Aremorican Gaul who were '*rustici*' and who fought Roman forces were fighting against Rome. It was only when such bandit gangs became too powerful and incurred the attention of the Roman army that they were in this position. Those who were bandits in Gaul and Spain for various reasons, forced into banditry through barbarian raids in Gaul, economic hardship or simply became bandits, were not a peasant class united against Rome; they were forced to be the 'enemy of all', as all bandits were; they must have preyed upon those working the land who had not lost their property in some way, in order to obtain provisions.

---

*congregatis Bacaudis in ecclesia Tyriassone foederatos occidit. ubi et Leo eiusdem ecclesiae episcopus ab isdem, qui cum Basilio aderant, in eo loco obiit vulneratus."*

<sup>72</sup> Hydatius 142 a. 449 (*Chron. Min.* II 25): "<Rechiarius mense Iulio ad Theodorem socerum profectus Caesaraugustanam regionem cum Basilio in reditu depraedatur. inrupta per dolum Ilerdensi urbe acta est non parva captivitas.>"

<sup>73</sup> Though it does not specifically refer to Bagaude and could be barbarian plundering, not bandits'. Hydatius 179 a. 456: "*In conventus parte Bracarensis latrocinantium depraedatio perpetratur.*" (*Chron. Min.* II 29). For Christian hagiographers' praise of Bagaudae, see Van Dam (1985) pp53-5.

## Chapter Four: Punishments for banditry and piracy

Roman laws concerning banditry and piracy ultimately derive from the law in the Twelve Tables, set up in 451/50B.C., regarding the punishment of thieves (*fures*). If a theft was committed at night and the owner killed the *fur*, then the owner was deemed to have been acting within the law and the thief was killed lawfully or rightly (*iure*).<sup>1</sup> M. Porcius Cato, while conducting a war as consul in Spain in 195B.C., captured a *castum* which had been commandeered by bandits and had them summarily executed.<sup>2</sup> This was accepted procedure. Cicero cites the law as forbidding a *fur* to be killed during the day even if he carried a weapon; if he used the weapon, the opponent should call out, so that witnesses could be called (lest he be charged with murder). That the law had scarcely changed, but was simply adapted to apply to the criminals of the later centuries is evident from Cicero's gloss: "...the Twelve Tables forbid a thief (*fur*), that is a robber (*praedo*) and bandit (*latro*), to be killed during the day...".<sup>3</sup> He also wonders at the fact that 'so many commit banditry with death placed on it'.<sup>4</sup> The Twelve Tables are still cited by Gaius in the *Digest* in the middle of the second century A.D. in the context of justifying the killing of a *servus latro* lying in wait for someone: "And so if I kill your slave bandit lying in wait for me, I will go free: for against danger natural sense allows self defense. The law of the twelve tables allow the killing of a thief caught at night...". Gaius also cites it in reference to thefts (*furta*).<sup>5</sup> By the time of the jurist Paulus, the late second/early third century A.D., the law justified the killing of a thief at any hour of the day: "If anyone kills a thief at night or by day when defending himself with weapon, he is not

<sup>1</sup> XII Tables 8.12 (Macrobius *Saturnalia* 1.4.19; Gellius 20.1.7).

<sup>2</sup> Livy 34.21.6.

<sup>3</sup> XII Tables 8.13; Cicero *Pro Tull.* 21.50: *praedo* may perhaps mean a pirate. Other refs to this law: Cicero *Pro Tull.* 20.47; *Pro Milo.* 9; Gellius 11.18.6; further see Crawford (1996) vol 2, pp609-12, esp. 612 for doubt that the rule that the victim had to cry out dates back to the XII Tables.

<sup>4</sup> Cic. *De Natura Deorum* 1.86 and see also 3.82.

<sup>5</sup> *Dig.* 9.2.4; 47.2.55. Also in *Mos. et Rom. legum collatio* VII 3.1 (Ulpian): "...si quis servum latronem occiderit, lege Aquilia non tenetur, quia <iniuria> non occidit."

held by this law..."<sup>6</sup> A law from the middle of the third century reflects the opinion that he who killed a bandit was acting lawfully: "If as you say, you killed a man committing banditry, there is no doubt that he who advanced with the intention of killing you, is seen to have been killed rightly (*iure*)."<sup>7</sup> Capital punishment was from early times in Roman history the fate of those who attempted armed robbery. The Twelve Tables also contain (scarcely) reduced penalties for thieves in a lesser category, i.e., those who were caught in the act in daylight without using a weapon. They received the 'lesser' penalty of flogging if free men and were then surrendered to the power of their former prey. If they were slaves they were flogged and then flung from the Tarpeian Rock.<sup>8</sup>

Despite the law, a claim that a man who had been killed was a bandit, was considered largely justification for his death. If bandits were not killed in the heat of action, as it were, then they would be executed afterwards in any case. Cicero, in defending Milo on the charge of killing Clodius when they met on the Appian Way, argues at one point that the death of a 'bandit' was justification enough and cited the law of the Twelve Tables as support for his argument.<sup>9</sup> Quintilian suggest that it is perfectly acceptable to argue similarly: "...if it is permitted to kill a nocturnal thief, what about a bandit?"<sup>10</sup> Another method of defense in court, he suggests, was to

<sup>6</sup> Paulus *Sententiae* 5.23.9: "*Si quis furem nocturnum vel diurnum cum se telo defenderet occiderit, hac quidem lege non tenetur...*". (= *Mos. et Rom. legem. Coll.* 7.2.).

<sup>7</sup> C.J. 9.16.3 (4) (A.D.265): "*Si, ut adlegas, latrocinantem peremisti, dubium non est eum, qui inferendae caedis voluntate praecesserat, iure caesum videri.*" Other references to the death penalty: *Dig.* 47.12.3.7; 48.19.27; 48.19.28.10 & 15; Paul *Sent.* 5.23.8 (= *Mos. et Rom. leg. coll.* 7.2); *C. Th.* 7.20.7 (= C.J. 12.46.3)(A.D.353); *C.J.* 3.27.1.1 (A.D.391); Justinian *Inst.* 4.3.2. Those associated with or hiding bandits also suffered their fate: *C. Th.* 7.1.1 (= C.J.12.35.9)(A.D.323) ; 7.18.7 (A.D.383); 9.29.1 (= C.J. 9.39.1)(A.D.374); 9.29.2 (A.D.383; 391). The Romans were not the only people to enforce this penalty. The Gauls believed that the execution of those caught in theft or banditry (*in furto aut in latrocinio*) was more gratifying to the gods; Caesar *De Bell. Gall.* 6.16. MacMullen (1986) p148 lists the other crimes to receive the death penalty, prior to A.D.200 e.g. parricide, livestock stealing, arson, etc.

<sup>8</sup> XII Tables, 8.14 (Gellius 11.18.8). Also Gaius *Inst.* 3.189 and Gellius 20.1.7.

<sup>9</sup> Cic. *pro Milo.* 9 & 10.

<sup>10</sup> Quintilian *Inst. Or.* 5.10.88: "...*si furem nocturnum occidere licet, quid latronem?*" Quintilian later cites Cicero's *pro Milo.* 9 & 10 on this point at 5.14.18 & 19.

attack the person the opposition was attempting to vindicate: "He was killed, but he was a bandit..."; or to evade the question 'Did you kill the man?', reply with 'he was a bandit'.<sup>11</sup> The general feeling of heartlessness towards the fate of bandits is evident in Seneca's lament about the gladiatorial bouts at midday in the arena. Condemned criminals were forced to fight to entertain the crowd in the midday session. He complains about the brutality of the bouts, because the men had no defensive covering armour, such as helmets or shields, and because every fight ended with death, with little skill involved. The defence of this, he imagines, will be the argument that the criminal "...committed banditry, he killed a man.". Seneca however does not argue with the death penalty itself for bandits, agreeing that it was a deserving punishment for someone who had killed another.<sup>12</sup> His complaint is more about the deficiency of what might be called Roman 'sportsmanship'. In the late empire, when many deserters were turning to banditry, one law ruled that to overcome deserters and bandits, and to administer punishment if they resisted, was called a matter of 'public vengeance'.<sup>13</sup>

When caught, the pirate or bandit could be interrogated and tortured to obtain information about his associates. Cicero maintains a theme of outrage at the torture he claims Verres carried out on Roman citizens, whilst not torturing the pirate captain. Varus, a Roman citizen, was to be subjected to torture in 43B.C. to reveal his associates by Minturnians who believed him to be a bandit. He is said to have protested at the indignity of this treatment.<sup>14</sup> Octavian had tortured certain pirates responsible for 'troubling the sea with mysterious *λησπῆριον*', who confessed that Sextus Pompey had sent them out.<sup>15</sup> Antoninus Pius, while proconsul in Asia in

<sup>11</sup> Quint. *Inst. Or.* 7.4.9: "*Occisus est, sed latro...*" and 9.2.12.

<sup>12</sup> Seneca *Ep. Mor.* 7.3-5: "*Quia occidit ille, meruit ut hoc pateretur...*". Also noted by Garnsey (1968) pp154-5; Bauman (1996) p81.

<sup>13</sup> *C. Th.* 7.18.14 (= *C.J.* 3.27.2) (A.D.403). Millar (1981) p71 notes that popular feeling against such criminals was not likely to wait for the governor to appear on his rounds of the province.

<sup>14</sup> Appian *B.C.* 4.28.

<sup>15</sup> Cicero *In Verr.* 1.1.13; 2.1.8 & 9; 2.5.65 (*pirata* escaped torture); 2.5.72 & 73; 2.5.118 & 119; 2.5.162 & 163; 2.5.169; 2.5.170; 2.5.179. For Octavian, see Appian *B.C.* 5.77 (also 5.80):

134/5A.D., put out an edict instructing irenarchs that in the event that they captured *latrones*, they were to interrogate them about their associates and harbourers and send the transcript to the *magistratus*.<sup>16</sup> Ulpian in the *Digest* says he summarises a number of previous rescripts, a statement which indicates that it was customary procedure for such captives to be tortured. The law concerns the complications arising about the reliance that should or should not be placed in the testimony of bandits or their betrayers received under torture. It is essentially a warning not to rely on the tangle of accusations of banditry and counter-accusations from the accused, but to consider whether they should be believed once the case has been examined.<sup>17</sup> Another law mentions that it was often the custom to keep the condemned criminal alive after being sentenced, in order that a *quaestio* could be held to obtain information on his associates.<sup>18</sup>

Bulla Felix was interrogated by Papinian, the urban prefect. Papinian is said to have asked 'Why did you commit banditry?', to which Bulla replied, 'Why are you a prefect?'. After Bulla's interrogation and death his entire band of 600 men was broken up; whether it was, as Dio says, through the want of Bulla's leadership, or whether it was perhaps through information received from Bulla's interrogation which contributed to a forcible dispersion by authorities. Bauman suggests that Bulla was tried by Papinian under the *lex Fabia de plagiariis*, since he had kidnapped imperial freedmen and artisans. There is no doubt from Dio's account that Bulla kidnapped the skilled workmen and then released them, and Dio seems equally clear that the imperial freemen in Bulla's band had joined of their own volition, since Dio specifically says that they were poorly paid, if at all. It would, in addition, seem unnecessary to try Bulla under the *lex Fabia* when he was already qualified as a *latro* to be 'tried' under

---

"ληστήριά τε αὐθις ἀφανῆ τὴν θάλασσαν ἠνώχλει....καὶ ὁ Καῖσάρ τινα ληστήρια συλλαβὼν ἐβασάνιζεν, οἱ Πομπήιον σφᾶς ἔλεγον ἐπιπέμψαι...".

<sup>16</sup> *Dig.* 48.3.6.1 (Marcian).

<sup>17</sup> *Dig.* 48.18.1.26.

<sup>18</sup> *Dig.* 48.19.29 (Gaius): "*saepe etiam ideo servari solent post damnationem, ut ex his in alios quaestio habeatur.*"

the banditry laws which automatically applied the death penalty.<sup>19</sup> Bauman also claims that Bulla committed all four crimes listed in the *Digest* under the instructions to the governor to search out and punish trouble-makers in the provinces, particularly the *sacrilegos*, *latrones*, *plagiarios* and *fures*.<sup>20</sup> Bulla was unarguably the last three, but Dio does not indicate that Bulla was at all interested in temple-robbing, which Bauman asserts is covered by the term *latro*.<sup>21</sup> Bulla in fact seems to have been more interested in hijacking people and goods, since he is said to have had an intelligence system which allowed him to know of everyone leaving Rome or coming into port at Brundisium, who they were, what they were carrying and the quantities they had with them.<sup>22</sup>

The importance attached to torture as a means of extracting information for the Romans about criminal associates is evident in an early fifth-century A.D. law in which provincial governors are instructed not to allow delays because of the Quadragesima or Easter in the questioning and torture of Isaurian bandits, in order to obtain the betrayal of their plans.<sup>23</sup>

Once condemned and tortured for information, in the public interest retribution was visited on the criminal swiftly, and carried out in the public eye.<sup>24</sup> The visible

<sup>19</sup> Bauman (1996) pp110-111.

<sup>20</sup> *Dig.* 1.18.13.pr. (Ulpian).

<sup>21</sup> Bauman (1996) p111n63.

<sup>22</sup> Dio 77.10.2-3. Cf. Cic. *In Verr.* 2.4.103f who claims that even the multitude of pirates had not attacked the temple of Juno on the island of Melita (which Cicero claims Verres had robbed) through reverence for its sanctity, though they passed it every winter (104). There were obviously wealthier targets.

<sup>23</sup> *C. Th.* 9.35.7. (= *C.J.* 3.12.8 (10)) (A.D.408); the Justinian version has 'in the questioning of bandits and especially of Isaurian ones' (*in quaestionibus latronem et maxime Isaurorum*). An earlier law had prohibited torture being used during the Quadragesima, *C.Th.* 9.35.4 (= *C.J.* 3.12.5) (A.D.380). Other examples of torture being used on bandits appear in: Philostratus, *Lives of the Sophists* 541, in which a proconsul tortures a bandit convicted on many counts; *P. Ant.* 87 in the late third century features fragments of a record of a man being questioned about the associates of bandits from a village. There is mention made of torture being used to extract confession in lines 13 and 14: (l.14) 'many tortures' (*διὰ τὰς βασάνους [τὰς] πολλὰς εἰρήκαμεν*). The schoolbook, 75 in Dionisotti (1982) p105 (also MacMullen (1986) p156) gives the example of a bandit interrogated, tortured by the interrogator, beaten and then subjected to more torture before being executed.

nature of such punishments was on one level intended to have an exemplary purpose.<sup>25</sup> A law specifically states that the purpose of 'fixing *famosos latrones* to a *furca*' in the places where they carried out banditry was to provide a deterrent to others from committing the same crimes and also to provide consolation to those whose relatives the bandits had killed on that spot.<sup>26</sup>

The *poena* could be inflicted in a number of ways. In the *Digest*, the formal definition of what was entailed in 'capital punishment' (*poena capitis*), was that it involved throwing the criminal to the wild beasts, or putting them to execution (by sword) or 'other similar punishments'.<sup>27</sup> Cicero makes great play on the claim that Verres did not have the pirate leaders beheaded, as it was expected, yet on the other hand he had Roman citizens executed in this way, some in place of the pirates.<sup>28</sup> Many infamous bandits were thrown to the wild beasts, but an exception to this was Maternus, who was beheaded on the same day as his capture. Commodus, who had been outraged by Maternus' attacks, did not want to display publically in the arena the man who had embarrassed him.<sup>29</sup>

Crucifixion, a slow and agonising death, was one of the 'other' means of

<sup>24</sup> *Dig.* 49.1.16 (Modestinus).

<sup>25</sup> See Coleman (1990) pp44 - 48 for an examination of the Roman penal aims for criminals as being those of retribution, humiliation, correction, prevention and deterrence; for public displays involving execution, p49ff.

<sup>26</sup> *Dig.* 48.19.28.15 (Callistratus): "*Famosos latrones in his locis, ubi grassati sunt, furca figendos compluribus placuit, ut et conspectu deterreantur alii ab isdem facinoribus et solacio sit cognatis et adfinibus interemptorum eodem loco poena reddita, in quo latrones homicidia fecissent...*". Also MacMullen, (1986) p151; Coleman, (1990) p46 & pp48-9; Bauman, (1996) esp. pp156-9 for a discussion of *poenae metus*.

<sup>27</sup> *Dig.* 48.19.11.3 (Marcian). See also 48.19.28 for gradations of capital punishment in general and 48.19.8.1 (Ulpian): governors were to use the sword rather than the axe, spear, club or noose, as a means of punishment.

<sup>28</sup> Cic. *In Verr.* 2.1.12; 2.5.67, 68, 71, 72 (also includes a claim that he had Roman citizens put *ad palum*), 73, 74, 75, 77, 78, 79; 2.5.156-57.

<sup>29</sup> Herodian 1.10.3 & 7. Other examples of beheadings: Appian *Spanish Wars* 68 (500 men under 2 so-called *λησταρχοι*, captured and beheaded); Plutarch *Antony* 67: The schoolbook 75 in Dionisotti (1982) p105.

execution. In such a manner public executions not only acted as a deterrent, but also as public entertainment. This and other such cruel deaths would have been considered revenge and some recompense for those who had suffered from banditry, in a society which held no sympathy for bandits or suffered from any romantic delusions about the reality of the ruthless viciousness of bandits and pirates.<sup>30</sup> One way in which they demonstrated their cruelty was to carry out crucifixions on their own captives.<sup>31</sup> Hengel in his study on crucifixion points out that it was regarded as a death associated with the utmost shame and dishonour, because it was one that was not only given to slaves so often it was known as the 'slaves' punishment', but also to other criminals such as pirates and bandits.<sup>32</sup> The two thieves who were crucified on either side of Jesus Christ were actually *λησται*.<sup>33</sup> A shepherd was crucified in Sicily by the praetor merely on the suspicion of being a bandit since he was carrying a prohibited weapon.<sup>34</sup> The procurator in Judea in A.D.54 crucified the bandit accomplices of the bandit leader Eleazar.<sup>35</sup>

The horrific and cruel nature of crucifixion was well known, but, Hengel notes, there was scarcely a protest against its use in principle.<sup>36</sup> Together with the lack of protest was a reluctance to actually mention the distasteful subject of crucifixion on the part of some authors; others, particularly writers of fiction such as Petronius and Apuleius and the writers of Greek romances make mention of it as a punishment for bandits and pirates with more freedom, since it provided a dramatic and gruesome

<sup>30</sup> MacMullen (1986) p151 comments they were considered "...wicked folk for whom hanging was literally too good."

<sup>31</sup> Hengel (1977) p49. Apuleius *Met.* 6.31-2; Sallust *Hist.* 3.75McGushin (=3.9M.); Pseudo-Quintilian, *Dec. Mai.* 5.16 (captives fear the cross: *horrent cuncta crucibus*), cf. also 9.6; Seneca *Contr.* 7.4.5 (*cruces eorum qui non redimuntur*); Xenophon, *Eph.* 4.6.2.

<sup>32</sup> Hengel (1977) p7ff; chs 4 - 8.

<sup>33</sup> *New Test. Matthew* 27:38; 27:44; *Mark* 15:27.

<sup>34</sup> Cic. *In Verr.* 2.5.7; Val. Max. 6.3.5; Quint. *Inst. Or.* 4.2.17.

<sup>35</sup> Josephus *B.J.* 2.253; cf. *Ant.* 20.160 for the deaths of other 'bandits'. In other instances, Josephus does not specify how the bandits were killed after their capture; *B.J.* 1.204 (= *Ant.* 14.159) Herod killed leader Ezekias and many bandits in Galilee; *B.J.* 2.271 (= *Ant.* 20.5).

<sup>36</sup> Hengel (1977) pp36-7.



realism to a story.<sup>37</sup> For example, in the *Satyricon*, Petronius adds a touch of verisimilitude by having the provincial governor of Asia order captured bandits to be fixed to crosses, and post a guard to prevent the bodies being removed from the crosses for burial. It is primarily a plot device, introducing a story designed to prove the fickleness of women, for the guard seduces a newly-widowed woman in Ephesus, famous for her fidelity, from mourning for her husband.<sup>38</sup>

A law recorded by Callistratus in the *Digest* that bandits should be punished at the place where the crimes were committed, to act as a deterrent to others and to provide consolation (*solacium*) to relatives of those who had been killed in the vicinity. Hengel rightly interprets Callistratus' wording of the nature of the punishment to signify 'crucifixion'.<sup>39</sup> The law begins: "*Famosos latrones in his locis, ubi grassati sunt, furca figendos compluribus placuit...*".<sup>40</sup> The word *furca* may be translated as either 'cross' or the ancient equivalent of a 'gallows', a forked wooden apparatus used for hangings.<sup>41</sup> The Christian influence on the compilers of the *Digest* is obvious from the lack of any references to 'crucifixion' or 'cross' in the entire *Digest*.<sup>42</sup> For a *summum supplicium* commonly used for slaves and criminals, it is conspicuous by its absence. It is obvious that, as Hengel also notes, the word *furca* had replaced the 'holy' word 'cross' in these laws.<sup>43</sup> The *Sententiae*

<sup>37</sup> Hengel (1977) pp37-8; 48-9; 77. Apuleius *Met.* 3.9; 4.10 (*patibulum*); at 6.31-32 there is a deliberate irony in the fact that the bandits suggest the very torments for a captive girl (burning alive, wild beasts, *patibulum*, torture) which they themselves could face if captured. Aesop *Fabulae* 157; Chariton *Chaereas and Callirhoe* 3.4.18 Pseudo-Manetho *Apotelesmatica*, 4.198; Firmicius Maternus *Mathesis* 8.22.

<sup>38</sup> Petronius *Satyricon* 111.

<sup>39</sup> Hengel (1977) p48.

<sup>40</sup> *Dig.* 48.19.28.15.

<sup>41</sup> The *Oxford Latin Dictionary* (1982) p748 uses this *Digest* reference as an example of either meaning. Berger (1953) p480 gives as an explanation of *furca*: "An instrument with two prongs used for the execution of the death penalty by hanging the criminal."

<sup>42</sup> The *furca* appears seven times as a penalty in the *Digest*: 48.13.7.pr; 48.19.9.11; 48.19.28.pr; 48.19.28.15; 48.19.38.2 & 3 and 49.16.3.10. The reference in 48.19.28.pr. is the point at which a mention of crucifixion or the cross might be expected to appear, at the beginning of a list of the stages of capital punishment, but it does not: "*summum supplicium esse videtur ad furcam damnatio.*"

<sup>43</sup> Hengel (1977) p40.

of Julius Paulus however escaped the Christian manipulation and lists the three *summa supplicia* as: "...*crux, crematio, decollatio*...".<sup>44</sup>

A well-known story involving the crucifixion of criminals is Julius Caesar's sentence on the pirates who captured him. Many of the stories associated with this episode are no doubt apocryphal, but the story does shed light on the manner in which the Romans dealt with pirates and how a *privatus* could take matters into his own hands. In late 75/4B.C. Caesar was sailing to Rhodes to study under the rhetorician Apollonius Molon.<sup>45</sup> He was captured by pirates near the island of Pharmacusa and was probably held there.<sup>46</sup> Plutarch and Polyaeus identify the pirates as 'Cilicians', though no other source identifies them as such. It is possible that Cilicians may have used the island as a base, but it is equally possible that they were pirates from another area. It is not surprising that the infamy of Cilician pirates at this time should cause later attributions of any pirate activity to them.<sup>47</sup> Caesar was held for 38 days while the ransom was raised for him by his retainers from the nearby cities on the coast, including Miletus.<sup>48</sup>

This period of detention gives rise to a number of apocryphal stories about Caesar's activities whilst in captivity. Velleius goes to the extent of justifying his inclusion of the bizarre story that Caesar did not take his shoes off or undo his belt day or night, in case changing his clothes caused him to come under suspicion from his

<sup>44</sup> Paulus *Sent.* 5.17; Hengel (1977) p33.

<sup>45</sup> See Ward (1975) pp267-268 and (1977) pp26-36 for dating of the incident to 75/4B.C. The sources are: Velleius Paterculus 2.41.3 - 2.42.3; Valerius Maximus 6.9.15; Plutarch *Caesar* 1.8 - 2.7; Suetonius *Vit. Iul.* 4.1 - 2 & 74.1; Auct. *De Vir. Ill.* 78 and Polyaeus 8.23.1.

<sup>46</sup> Val. Max. 6.9.15; Plut. *Caes.* 1.8; Suetonius *Iul.* 4.1. Plutarch (2.5) says when Caesar went after them, the pirate ships were still anchored near the island.

<sup>47</sup> Plutarch *Caes.* 2.2; Polyaeus 8.23. Plutarch (1.8) claims that at this time they already controlled the sea with their 'countless boats'. It could of course be argued that the other sources may have taken it as read that 'pirates' meant Cilician pirates.

<sup>48</sup> Vell. Pat. 2.42.1 says he was ransomed with the money from several cities; Plutarch says he sent all but three of his companions and slaves to various places to procure the money, and was held for 38 days until the ransom came from Miletus; Suetonius concurs with Plutarch that he sent all but 3 of his *comites servosque* to raise the money, and was held for almost 40 days; Polyaeus says a servant called Epicrates was sent directly to the Milesians to borrow the money for his ransom.

captors. Velleius calls this detail 'most important' and argues it should not be omitted because it cannot be described more grandly. The reason given for this behaviour does not seem to make a great deal of sense, as it might be thought that the pirates did not care a jot whether he changed or not. This is probably a confused version of Caesar's tale of his captivity; it may be that the pirates did not allow him a change of clothing or that they had confiscated the rest of his baggage and Caesar did not dare remove his clothes lest they be stolen, too. Woodman in his commentary on Velleius notes a suggestion by Goodyear that removing his clothes may have caused his captors to think he was on the verge of trying to escape by swimming, though this too seems unlikely. Woodman suggests it was part of Caesar's psychological battle with the pirates, in addition to trying to inspire both 'fear and respect' in them.<sup>49</sup> These stories about Caesar during his captivity all evince his bravado and superiority over the pirates. Suetonius for example claims that he was in a state of *summa indignatio* throughout his captivity, and Plutarch relates that he would order his captors to cease conversation when he wanted to sleep, generally treat them as if they were attendant guards, and read them poetry and speeches (calling them unappreciative 'barbarians'). Such examples suggest a good deal of propaganda was promulgated after this episode. Caesar was, after all, at a great disadvantage in this situation, having been captured and then held to ransom by pirates, a very inglorious and undignified position. There was also a certain dishonour associated with being kidnapped. A law in the *Digest* judges that an application to a magistrate, from which for example women, the young, the deaf and blind were excluded, was permitted however to someone who had been "...raped (or defiled) by the violence of bandits (*praedones*) or enemies...".<sup>50</sup> Ulpian cites Pomponius' concurrence with this law, which dates this notion of

---

<sup>49</sup> Woodman (1983) p56.

<sup>50</sup> *Dig.* 3.1.1.6 (Ulpian): "*si quis tamen vi praedonum vel hostium stupratus est, non debet notari, ut et Pomponius ait.*" The categories of those excluded are in 3.1.1ff. This is perhaps why the story spread that Caesar did not remove his clothes, to convey the impression that he was not 'defiled' by the pirates.

contamination to the early to mid-second century A.D. Can this however apply to Caesar's imprisonment in the late Republic? Given the nature of opinion about bandits and pirates at the time and that most of the tales seem to emphasise that the later great leader Julius Caesar was in control of the situation despite his actual status as a captive, it would suggest that there was also a notion of a loss of honour and *dignitas* in being kidnapped at that time.<sup>51</sup>

Another story of bravado attributed to Caesar is that involving the amount of his ransom. Valerius Maximus and Suetonius record that he was ransomed for 50 talents. Plutarch claims that the pirates initially asked for 20 talents but that Caesar laughed at them for not realising who he was and agreed to give them fifty. In reality this is highly improbable, given that this very large sum of money then had to be raised from a city or cities on the nearby coast, a task which took over a month.<sup>52</sup>

Once the ransom was paid, Caesar was released. Velleius says that he had 'forced' the pirates to give hostages to the cities which had contributed money before the payment was handed over, but no other source records this and again it is unlikely for several reasons; Caesar was in no position to force the pirates to do anything; and they would be unlikely to agree to send hostages for the reason of safety, as it is doubtful that the hostages would be released and the captors might doubly doubt the safety of the hostages, given that Caesar had plans for vengeance which he had been

---

<sup>51</sup> Compare Cicero *In Verr.* 2.5.144, where one of the charges against Verres is that Verres dared to imprison Roman citizens in the quarries at Syracuse, in the same confines as 'wrongdoing foreigners, criminals, pirates and enemies'. (Or where pirates would have been held if Verres hadn't released them all.) Millar (1984) p131 notes that during the Empire, "...temporary detention normally involved the defendant or convict being chained, and hence was regarded as inflicting *infamia*." Cicero does not mention *vincula*; it is the idea of degradation by association with vile criminals that he wishes to emphasise. Millar also notes (p132) a law in the *Digest* (4.6.10) which describes those *in vinculis* as being bound so that they cannot appear in public without indignity (*sine dedecore*). It is unknown whether Caesar was chained at any point during his capture or detention, but it is suspiciously notable that the sources stress his apparent freedom and *auctoritas* over the pirates.

<sup>52</sup> Butler and Cary (1966) p47 suggest that a comment in Plutarch's *Crassus* (7.5) attributed to Caesar ("Crassus, how great your delight will be hearing of my capture") is perhaps an ironic allusion to the fact that he was in debt to Crassus at the time and that the possibility of being repaid was not improved by this kidnapping.

airing in the pirates' hearing, a detail which is not as improbable as others.<sup>53</sup> Upon his release Caesar carried out his intentions for retribution immediately (in fact, Velleius places it on the night of the same day the ransom was paid). This incident provides an illuminating insight into the nature of the policing of piracy in the Republic. Caesar went straight to the coast and hastily gathered a fleet, even though he was, as Velleius points out, a *privatus*. The sources do not mention that this was a fleet commanded by any high-ranking official or aided by an official in the area; Caesar seems to have been acting on his own. Official authorisation in general does not appear to have been necessary as the local community was often the 'first line' of policing, since they were the ones affected by pirate or bandit activity, and were expected to defend themselves. The immediacy and speed of his revenge meant that Caesar did not have time to gather a large fleet from several cities, so there is a greater possibility that as Plutarch says, it came from Miletus only.<sup>54</sup> In this case, the sources do not say whose ships Caesar rounded up, only that they were 'on the spot'.<sup>55</sup> The local merchants and the wealthy would however be among those who owned ships in the area; their trade would suffer from piracy, so it seems reasonable to assume that they would be among those who would take the opportunity to provide ships and crews to take their own revenge on these pirates.

Plutarch says Caesar took the fleet to Pharmacusa (Velleius says they went "...in eum locum in quo ipsi praedones erant..."; presumably Pharmacusa is understood) and captured some (Velleius) or most (Plutarch) of the fleet and many men. Polyaeus' version that Caesar gave the pirates a magnificent banquet, drugged their wine and killed them while asleep, is in the realms of fiction. His last detail however, that Caesar then returned the money to the Milesians, has a more plausible ring; the return of the 50 talents would also have been a great incentive to the Milesians

<sup>53</sup> Vell. Pat. 2.42.1; Plutarch 2.4 says he threatened them with hanging, but Suetonius 4.2& 74.1 says the threat was crucifixion.

<sup>54</sup> Vell. Pat. 2.42.2 (*contracta classe tumultuaria*); Val. Max. 6.9.15 (*continuo*); Plutarch *Caes.* 2.5 (ἐὐθὺς); Suetonius *Iul.* 4.2 (*non distulit quin e vestigio classe deducta persequeretur*).

<sup>55</sup> Suetonius *Iul.* 4.2: "...e vestigio classe deducta..."; Butler and Cary (1966) p47.

to provide ships for the hope of its return. Caesar then placed his prisoners in custody, in Pergamum according to Plutarch, and went to the governor of Asia, M. Iunius Iuncus who was in Bithynia, either, as Velleius says, to obtain his sanction for executing the pirates or, according to Plutarch, to ask for direct action from him to punish them since he was proconsul.<sup>56</sup> Iuncus however was not in favour of anyone executing the pirates. Velleius depicts him as a timid man who did not approve of Caesar's 'bold' plans. When Iuncus' *inertia* became *invidia*, he declared he would sell the captives. Caesar then returned to the coast with 'incredible speed', significantly 'before any letters were received on this matter from the proconsul', removed the prisoners from detention and had them crucified.<sup>57</sup> Following Velleius, Plutarch says Iuncus declined to decide for the moment what fate the pirates should have, whilst at the same time 'casting longing glances' at the money Caesar had claimed from the pirates as booty (presumably excluding the ransom payment), which provoked Caesar to return promptly to the coast to crucify the pirates.<sup>58</sup> Suetonius uses this episode for the (ironic?) claim that it was evidence of Caesar's mercy. According to Suetonius, Caesar first ordered the pirates' throats cut before crucifixion, as he was 'most lenient' by nature (*lenissimus*), presumably on the grounds that it was a swifter death. If this anecdote is to be believed, then it is probably less a reflection of Julius Caesar's mercy than of his cunning and desire for immediate revenge. He had implemented retribution without the governor's authorisation and while the pirates were on the cross, there was the possibility that a letter could arrive from Iuncus prohibiting any such action, whereas cutting their throats meant an immediate and irreversible punishment.

It is not recorded that any censure was forthcoming for Caesar's actions in taking the initiative in the pirates' punishment. Since all the sources paint Iunius

---

<sup>56</sup> Vell. Pat. 2.42.3; Plut. *Caes.* 2.6. Ward (1977) pp26 - 36 unravels the textual problems to identify the governor as Iunius Iuncus and suggests he may be the Marcus Iunius in an inscription from Pergamum, *IGRP*, 4.408.

<sup>57</sup> Vell. Pat. 2.42.1-3.

<sup>58</sup> Plutarch *Caes.* 2.7.

Iuncus as indolently lax, the probability that his reputation suffered is greater, though it might be wondered if his bad reputation came about because Caesar had acted on his own authority; Caesar's defence may well have been to slander Iunius for his 'failure' to act. Only a few years later in 70B.C. Verres' failure whilst governor of Sicily to execute a captured *archipirata* drew prolonged criticism from his prosecutor Cicero.<sup>59</sup>

Crucifixion however was a slow death. For quick crowd entertainment in the arena it was too long.<sup>60</sup> Throwing a bandit or pirate to the wild beasts provided both a faster spectacle with more 'action', and an entertaining death which provided the crowd with a psychological and emotional satisfaction and exultation at seeing one of the 'common enemies of all' come to an appropriate end.<sup>61</sup> The crowd was capable in fact of calling for particular bandits to be brought into the arena. The response of the emperor Gaius might have caused the crowd to quell its enthusiasm lest they share the same fate, for when they demanded a certain bandit named Tetrinius, Gaius is said to have replied that 'those demanding were Tetriniuses'.<sup>62</sup> Coleman suggests that it was customary at least from the time of Claudius that the *damnati ad bestias* were usually the midday entertainment, between the morning (*venationes*) and afternoon (*munera*) programme.<sup>63</sup> Her translation of *meridiani* as 'lunch-time' might be taken to imply that it was a display considered to be of lesser importance to those carried out in the morning or the afternoon, that it was merely to fill in the time between, but this is misleading. Seneca's comment that he happened by chance to be at the *meridianum spectaculum* suggests that he attended a separate spectacle held specifically during the middle of the day. Certainly the time, money and effort expended on bringing such criminals to Rome would not be for a secondary 'performance' which may not have

---

<sup>59</sup> Cic. *In Verr.* 2.5.64 - 80 is a tirade on the theme of Verres' audacity in keeping the *archipirata* alive.

<sup>60</sup> See also Coleman (1990) p56.

<sup>61</sup> See also MacMullen (1986) pp150-1. Cf. Lucian *Toxaris* 59 also for criminals in the arena.

<sup>62</sup> Suetonius, *Gaius* 30.2.

<sup>63</sup> Coleman (1990) p5; Suetonius *Claudius* 34.2; Seneca *Ep. Mor.* 7.3-4; Tertullian *Ad Nat.* 1.10.47.

been watched, and Seneca's comment that 'in the morning men were thrown to the lions and bears, at midday to the spectators' is testimony to the popular interest in such spectacles.<sup>64</sup>

The leaders in particular of bandit and pirate bands are mentioned in the sources as being sent to Rome to provide entertainment for the arena, even from the provinces, a situation akin to arranging for wild beasts to be brought in from remote areas for a show.<sup>65</sup> During the reign of Nero, the procurator in Judea captured the infamous Eleazar, who had been committing banditry for some twenty years, together with many of his band. His lesser associates were crucified in Judaea, but Eleazar was sent to Rome.<sup>66</sup> A certain Selurus, 'son of Etna', who had been raiding the land around Mt. Etna in Sicily with his 'army' in the late Republic, was sent up to Rome as he had a certain notoriety and was used for a more elaborate display in which he was placed 'on high' on a tall scaffold, as if, Strabo says, to represent the mountain he no longer 'ruled', which was then made to dramatically collapse onto the cages (also designed to break) of the waiting beasts below. Coleman sees Selurus as an 'insurgent slave', though he may not have been; it cannot be judged from his name alone and Coleman herself rules out that he was a runaway slave follower of Sextus Pompey. She is also puzzled by the fact that Selurus was sent to Rome for punishment when a local execution would have been a better deterrent against other slave revolts.<sup>67</sup> As a deterrent, other members of Selurus' gang (surely he was not the only one captured) may have been executed in Sicily for this purpose. One explanation why he was sent to Rome was a similar reason for sending wild animals to Rome for entertainment; Selurus was used as a drawcard, being the highlight of the entertainment. In the case of particularly notorious criminals bandit leaders, it seems they could be used not just for gladiatorial fights, but the more unusual and dramatic deaths, involving elaborate

---

<sup>64</sup> Seneca *Ep. Mor.* 7.3-4.

<sup>65</sup> See Coleman (1990) p50ff for the public favour such shows bestowed on the organisers.

<sup>66</sup> Josephus *B.J.* 2.253; *Ant.* 20.161.

<sup>67</sup> Strabo 6.2.6; Coleman (1990) pp53-4.



constructions or wild beasts. Strabo himself was sufficiently impressed by the show involving Selurus to make the only extant record of him. His account also reveals that he obviously possessed some detailed information about Selurus. He was not just an anonymous bandit being executed, but a specific bandit leader called Selurus from Mt. Etna in Sicily, who had raided the area with a large band for some time. How did Strabo know this? It was not only Strabo who must have known, but also the rest of the audience, for the point of the whole display, placing Selurus on a scaffold and literally dropping him in it, would have otherwise been lost on the crowds. One way in which such information was disseminated was through a form of advertising. For gladiator shows there were programmes (*libelli*) put out and sold, which listed the combatants.<sup>68</sup> These programmes must also have included details on condemned criminals due to be executed. These executions were not only promoted in the programmes, but may also have been advertised in posters. Advertising the forthcoming deaths of notorious criminals such as bandits and pirates provided added spice to the proceedings for the spectators. They were not going to see anonymous criminals being executed, they were going to be entertained by watching a 'known criminal' getting his just desserts, an interest in seeing the 'baddie get his comeuppance in the end', a bloodthirstiness which is not absent from modern entertainment. Bulla Felix in the early third century was thrown to the wild beasts after his fate had been publically announced, as a sort of 'coming attraction'.<sup>69</sup> That Bulla was given this penalty again suggests that he was not so much of a 'Robin Hood' figure as has been argued. If he was indeed a favourite with the populace, then publically executing him would serve an exemplary purpose, and demonstrate the *auctoritas* of emperor Septimius Severus, who had taken an interest in his capture, but on the other hand would attract little public favour. If Bulla was 'well-regarded', then a swift execution out of the public eye on or shortly after his capture might have been expected.

<sup>68</sup> eg. Cic. *Phil.* 2.97; Ovid, *Ars Amat.* 1.167; Hopkins (1983) pp25-6.

<sup>69</sup> Dio 77.10.7: "*καὶ θηρίοις μετὰ τοῦτο ὑπὸ κηρύγματος ἐδόθη...*". Ironically, Bulla had previously rescued two of his men from being thrown to wild beasts, 77.10.3.

Seneca claims that he was inspired to write on *clementia* by an utterance of Nero's. This was occasioned by the imminent execution of two *latrones* by the prefect Burrus. Burrus pressed Nero to record the men's names and the reasons for their execution. When Nero reluctantly acquiesced, Burrus handed over the *charta* and Nero exclaimed "Would that I had not learnt to write!".<sup>70</sup> It is unlikely however that this is an example of *clementia* towards 'real' bandits, who would have been executed without such dilemma. Suetonius records a similar version of this episode, but does not say that the man (he has only one awaiting execution) was a *latro*, only that he had been condemned to death.<sup>71</sup> It has been suggested that both Burrus and Nero were attempting in this instance to avoid the *odium* of being seen to give people capital punishment.<sup>72</sup> This would be unnecessary in the case of bandits, so the condemned 'bandits' in this instance were probably labelled by the emperor with this name because they had offended him in some manner or they had intended (or were thought to intend) something worse, such as an assassination attempt.

In the fourth century the throwing of Isaurian bandit prisoners to the wild beasts was apparently the spark for a large scale outbreak of violence from the Isaurians. The Isaurians were inveterate 'bandits', as the Romans would have seen them; Ammianus describes it as their custom to 'keep the peace often, but as often to make unexpected raids'.<sup>73</sup> In A.D.354 they changed this policy, from committing *latrocinia occulta et rara* to outright war when they were outraged by the *indignitas* (so Ammianus reports they said) of some of their captive associates being thrown to the beasts at a *spectaculum* in the amphitheatre at Iconium in the region of Pisidia, which was 'contrary to custom' (*praeter morem*).<sup>74</sup> From the details Ammianus provides it seems that this was completely according to custom; to throw *latrones* to

---

<sup>70</sup> Seneca *De Clem.* 2.1.1-2.

<sup>71</sup> Suet. *Nero* 10.2.

<sup>72</sup> Bauman (1996) pp85-6.

<sup>73</sup> Amm. Marc. 14.2.1ff. Minor (1979) pp121-2. Cf. *HA Probus* 19.8 for Isaurian *latrones* in the gladiatorial fights at the entertainment in the arena after Probus' triumph in 281.

<sup>74</sup> Amm. Marc. 14.2.1. Hopwood (1989) p175-6 argues this episode indicates local support for bandits.

the beasts was not out of the ordinary. This incident may well have been seized upon by the Isaurians as a pretext for a violent protest against the Romans, since as Matthews points out, they did not attack Iconium in revenge, but instead went in the opposite direction to prey on ships on the coast.<sup>75</sup> It is notable that the two things Ammianus records that they protested about were particularly understandable from the Roman viewpoint; the indignity of public execution and the fact that it was somehow against tradition. The complaint was not one of the mistreatment of Isaurians. It has been suggested that the phrase *praeter morem* may imply that they were of a rank normally exempt from this penalty, or that they were punished for crimes normally overlooked. Roman citizens could not technically be thrown to the beasts, since when prisoners were condemned, they automatically forfeited their citizenship.<sup>76</sup> However they may have been former citizens of some standing, who perhaps were patrons or protectors of bandits.

Spectators were drawn to the sight of the detested criminals being given their just desserts.<sup>77</sup> In the late Republic there is evidence to suggest that a public display of

<sup>75</sup> Amm. Marc. 14.2.2ff; Matthews (1989) p363.

<sup>76</sup> Dig. 48.19.12 (Macer): "*itaque hi, in quos animadverti iubetur quique ad bestias dantur, confestim poenae servi fiunt.*"; 48.19.29 (Gaius). Matthews (1989) p363.

<sup>77</sup> There was even a mime which featured a criminal being crucified. This criminal, named Laureolus, has been cited as the crucifixion of a bandit leader, possibly based on an historical figure, e.g. Diehl *RE* 12.1016; Hengel (1977) pp35-6; Coleman (1990) pp64-5; Shaw (1993) p322. The sources are Josephus *Ant.* 19.94, who mentions a mime performed during the reign of Gaius in which the criminal is crucified; Suetonius *Gaius* 57 identifies the mime as *Laureolus*, and cites an occasion in which the actor playing the title role vomited blood as he hurried off, which was then performed by other actors copying his actions somewhat over-enthusiastically so that there was an abundance of blood on the floor. Juvenal *Sat.* 8.187 expresses his disgust that Lentulus, a *nobilis* (8.199) was playing the part of Laureolus, and that the actor as a result deserved to be crucified: "*Laureolum velox etiam bene Lentulus egit, / iudice me dignus vera cruce.*" A scholiast on Juvenal 8.187 explains: "*Hic Lentulus nobilis fuit et suscepit servi personam in agendo mimo et deprehensus in falso cruci fixus est.*" Martial *De Spectaculis* 7 gruesomely describes the torments of a criminal (probably a slave) placed in the role of Laureolus in the arena, hanging on a real cross and then being savaged by a bear:

*Qualiter in Scythica religatus rupe Prometheus  
adsiduam nimio pectore pavit avem,  
nuda Caledonio sic viscera praebuit urso*

condemned prisoners could be held by a provincial governor before the 'entertainment' began. This is revealed in one of Cicero's many criticisms of Verres, which also, allowing for exaggeration in Cicero's rhetoric, allows some insight into the attitude of the audience towards captured bandits and pirates. One of Verres' mistakes was that he did not display the captured pirate leader for public viewing before his execution. According to Cicero, it was customary, the *consuetudo omnium* that "...he who captured the leader of pirates or enemies willingly allows him to be openly before the eyes of all."<sup>78</sup> He claims that the usual crowd had gathered to see it, "...ut solet fieri...videre cuperent." He continues with a description of the 'homines maritime Syracusis', who had 'trembled at his (the pirate's) very name', being cheated of watching his torture and execution.<sup>79</sup> Cicero holds up in contrast Publius Servilius Vatia, proconsul in Cilicia 78 - 74B.C., who conducted campaigns over the provinces of Lycia and Pamphylia, and subdued the Isaurians beyond the Taurus mountains,

---

*non falsa pendens in cruce Laureolus.  
vivebant laceri membris stillantibus artus  
inque omni nusquam corpore corpus erat.  
denique supplicium...  
vel domini iugulum foderat ense nocens,  
templa vel arcano demens spoliaverat auro,  
subdiderat saevas vel tibi, Roma, faces.  
vicerat antiquae sceleratus crimina famae,  
in quo, quae fuerat fabula, poena fuit.*

Also Tertullian *Adv. Val.* 14. With the exception of Josephus *Ant.* 19.94, no source describes Laureolus as a bandit leader or even as a bandit. Diehl in *RE* cites the text of Josephus as being the crucifixion of a ληστῶν ἡγεμῶν, though he notes the Juvenal scholiast suggests that he was a slave. The Loeb edition (1969) of Josephus' *Antiquities* however has σταυροῦται ληφθεὶς ἡγεμῶν. *PIR*<sup>2</sup> L 132 notes doubt over the reading of ληστῶν and suggests "...potius autem persona ficta quam vera." The mime describes the punishment expected for a bandit and it is tempting to see it as including the death of a famous bandit, but there is no firm evidence that the mime featured a bandit leader, or even that Laureolus was a bandit at all (cf. the scholiast), still less that it was based on the existence of an historical figure.

<sup>78</sup> Cic. *In Verr.* 2.5.65: "...consuetudinem omnium tenetis - qui ducem praedonum aut hostium ceperit, quam libenter eum palam ante oculos omnium esse patiatur."

<sup>79</sup> *In Verr.* 2.5.65: "Homines maritimi Syracusis, qui saepe istius ducis nomen audissent, saepe timuissent, cum eius cruciatu atque supplicio pascere oculos animumque exsaturare vellent..."

(later taking the *cognomen* Isauricus), activities for which he achieved a triumph. Cicero praises him for having caught more pirate leaders than anyone before him, and importantly, did not deny the populace the pleasure of seeing these captive pirates.<sup>80</sup> According to Cicero, Servilius virtually went 'on tour' with this *iucundissimum spectaculum* of his captives in chains through the towns he travelled through (probably on his return route to Rome), to the delight of the gathered crowds. It has been observed that one of the purposes behind the extremes of punishment such as crucifixion, wild beasts and so forth, was the utter humiliation of the criminal before his death. They were a form of mockery, further distancing the criminal from the audience's sympathy, and which allowed the spectators to feel morally superior.<sup>81</sup> These parades of condemned criminals were part of this humiliation. Even the chains with which they were confined were seen as a further indignity.<sup>82</sup>

Eventually the practice of sending the notorious prisoners to Rome was made mandatory, since their executions provided an interesting spectacle for the crowds. Modestinus in the early third century quotes a law which directs provincial governors not to release condemned criminals to the wild beasts for 'public favour', or in other words, to increase their own standing with the populace, but were instead to consult the emperor if the prisoners possessed sufficient 'strength or cleverness' that they could be displayed to the Roman crowds.<sup>83</sup>

The ultimate parade of prisoners and simultaneous expression of victory over and humiliation of the vanquished *duces* of pirates and bandits occurred of course in the triumphal processions of their conquerors.<sup>84</sup> Just as their execution in the arena was enjoyed by the spectators, and hence they were sought after by the organisers,

---

<sup>80</sup> See Ch5 for Servilius' campaigns.

<sup>81</sup> Coleman (1990) pp46-7; Hengel (1977) p24 on indignity of crucifixion.

<sup>82</sup> *Dig.* 4.6.10; Millar (1984) p132.

<sup>83</sup> *Dig.* 48.19.31.pr.: "*Ad bestias damnatos favore populi praeses dimittere non debet: sed si eius roboris uel artificii sint, ut digne populo Romano exhiberi possint, principem consulere debet.*"

<sup>84</sup> For a description of the triumph and its components, see Gellius 5.6; Zonaras 7.21; Daremberg-Saglio (1877) pp488 - 491; Versnel (1970) p95. Further on the image of the triumphing general, see Versnel esp. chs 2, 8 & 9.

their inclusion in such processions implies that the *triumphator* knew they would not only testify to his strength as a commander, but also elicit a similar favour from the crowds. A triumph, like entertainment in the arena, was a *spectaculum*.<sup>85</sup> There were placards carried announcing such things as the places and peoples subdued, and even included pictures of the defeated leaders who were not present in the procession; at Pompey's triumph in 61B.C. for example, the images of the absent Mithridates and Tigranes were carried.<sup>86</sup> These placards probably also declared the names and origins of bandit and pirate leaders present in the procession, for much the same reasons as they were advertised in the arena, to provide interest for the crowd and in addition to enhance the general's glory through their defeat, contrasting his present position of victory with their former importance. After the triumphal procession the prisoners were usually executed in prison.<sup>87</sup>

There are references to such prisoners in the triumphal processions of those commanders who conquered pirates and bandits (or those peoples considered to be committing *latrocinium*). The importance of these prisoners in the triumph is evident from the effort to not only bring them from far-flung regions, but to hold them captive for some time, even years before a triumph was held. Servilius Vatia for his triumph in 74B.C. had taken the trouble to transport his pirate prisoners from Lycia and Pamphylia to Rome for this purpose. They were not Isaurians, since Cicero specifically describes the prisoners as pirates, and the Isaurians were inland dwellers.<sup>88</sup> As Servilius' last campaigns were those carried out in Isauria, it is evident that he had arranged for important captives such as these pirate leaders to be held prisoner from previous years until such time as they could be taken back to Rome

---

<sup>85</sup> e.g. Livy (36.13.15) has a Campanian envoy declare that he would not be dragged in chains through Rome as a *spectaculum* in a triumph; at 37.46.6 Livy describes a triumph as a *manificum spectaculum*; Cicero *In Verr.* 2.5.77 says the *duces hostium* were included in the triumph as a *pulcherrimum spectaculum* for the Roman people.

<sup>86</sup> Daremberg-Saglio (1877) p489; Appian, *Mith.* 117.

<sup>87</sup> Daremberg-Saglio (1877) p489; Cic, *In Verr.* 2.5.77; Livy, 36.13.15.

<sup>88</sup> See Ormerod (1922) for Servilius' campaigns, and in particular p37ff for discussion of the fact that Servilius did not enter the centre of pirate activity in Cilicia Tracheia.

for a triumph.<sup>89</sup> It may have been during this waiting period that the *nobilissimus pirata* Nico, as Cicero describes him, whom Servilius had captured, forced open his chains and escaped, but was unlucky enough to be recaptured by Servilius.<sup>90</sup> Given the effort expended on him, it is probable that he featured in the triumphal procession.<sup>91</sup> Cicero says that generals 'who were triumphing kept enemy leaders living longer', so that the *populus Romanus* could enjoy the sight of victory.<sup>92</sup> Such prisoners were kept in the prisons far longer than the condemned pirates and bandits being held for the next display in the arena, which Gaius acknowledges in the *Digest* could be a lengthy interval.<sup>93</sup> These inmates provoked outrage from authors on behalf of those unfortunate enough to be thrown into prison with them.<sup>94</sup>

Cicero describes Servilius taking his prisoners through the towns and then extravagantly claims that his triumph was "...of all triumphs the most pleasing and enjoyable to the Roman people." His explanation of the crowd's attitude is that

---

<sup>89</sup> Sources for Servilius' triumph: Cicero *In Pison.* 58, *In Verr.* 2.1.57, 2.5.66; Val. Max. 8.5.6; Eutropius 6.3.5; Rufius Festus, *Brev.* 12; Claudian *In Eutrop.* 1.217; Pseudo-Asconius 237 Stangl; also *CIL* 1<sup>2</sup>.2.741 = *ILS* vol 1, no.36.

<sup>90</sup> Cic. *In Verr.* 2.5.79.

<sup>91</sup> Another example of a prisoner escaping before a triumph is in Livy 37.46.5: M'. Acilius Glabrio celebrated a triumph in 190B.C. for his victories against Antiochus and the Aetolians in 191. Damocritus, the Aetolian commander, had escaped from prison a few days previously and while being pursued, managed to kill himself with a sword (a weapon which he had obviously just snatched from a guard on the way out of the prison). There were 36 *captivos nobiles* in Acilius' procession; the Loeb translator (Sage, 1935) notes that in 37.3.8 Livy said there were 43 Aetolian *principes* brought to Rome, (among whom was Damocritus), and suggests that others had died or escaped.

<sup>92</sup> Cic. *In Verr.* 2.5.77: "*At etiam qui triumphant eoque diutius vivos hostium duces reservant, ut his per triumphum ductis pulcherrimum spectaculum fructumque victoriae populus Romanus percipere possit...*".

<sup>93</sup> *Dig.* 48.19.29.

<sup>94</sup> eg. Cicero, *In Verr.* 2.5.144 and the Roman citizens in the quarry prisons; Livy, 3.58.3: Appius Claudius 'lay bound in prison among nocturnal thieves and bandits (*iacere vincium inter fures nocturnos ac latrones*.); 38.59.10 similarly about L. Scipio: "...*ut in carcere inter fures nocturnos et latrones vir clarissimus includatur...*". Josephus is scathing about Albinus, procurator of Judea in A.D.62-64, whom he claims released those who were in prison for banditry in return for bribes from relatives, *B.J.* 2.272 - 273; *Ant.* 20.200 - 215 gives a different version but still blames Albinus for releasing bandits from prison.

"...there is nothing sweeter than victory, and there is no more certain evidence of victory than of seeing those whom you have often feared, being led chained to their execution."<sup>95</sup>

A famous triumph which featured pirate leaders in the procession was that of Gnaeus Pompeius Magnus in 61B.C. It was an enormous triumph conducted over two days, which commemorated all Pompey's victories since 67B.C., against the pirates, Mithridates and Tigranes. The pirates had been defeated since mid-summer in 67B.C., and Pompey returned from his campaigns in the east in late 62, receiving his triumph on the 28th and 29th September 61B.C., so as captives the pirates had been held about six years.<sup>96</sup> It is a revealing indication of their immense worth to the general in terms of popular favour through his acclamation. Despite their popularity with the crowd, however, Plutarch seems to have been less impressed with the pirates than with other captives, since he begins his list of significant prisoners led in the procession with 'besides the pirate leaders....'. Among those that he considered worth identifying were a 'son of Tigranes'; Zosime, one of Tigranes' wives; Aristobulus, 'king of the Jews' and a sister and five children of Mithridates.<sup>97</sup> Appian is even more impressed with the 'big names', choosing to provide slightly more detail than Plutarch about the prisoners, for example that the 'son of Tigranes' was also named Tigranes, and includes the names of Mithridates' five sons and two daughters who were also in the procession. He does not mention any pirates by name but does note

---

<sup>95</sup> *In Verr.* 2.5.66. Cicero (2.5.67) subsequently asks ironically whether Verres had perhaps kept the *archipirata* alive so that the captive might be led before his own triumphal chariot, since after Verres had 'lost a Roman fleet and ruined a province', he would surely be given a naval triumph.

<sup>96</sup> References to the time taken to conclude the campaign against the pirates: Cic. *De imp.* 35 (forty-nine days after he set out from Brundisium; *Leg. Man.* 35 (war finished by mid-summer 67B.C.); Livy *Per.* 99 (within 40 days the seas were cleared, then finished the war by subduing them in Cilicia); Vell. Pat. 2.32.4 (in a short time); Plutarch *Pompey* 26 (western seas in 40 days; (28) all piracy cleared in under 3 months); Appian *Mith.* 95 (Pompey toured the western operations in 40 days, then the eastern in the same time, which cleared the seas and then (96) finished off the last resistance in Cilicia in a short time); Florus 1.41.15 (all accomplished in 40 days); Dio 37 (in the same year (i.e. 67)); Eutropius 6.12 (a few months); Auct. *de Vir. Ill.* 77.5 (within 40 days). For the other dates, see *MRR* 62 and 61B.C..

<sup>97</sup> Plutarch *Pompey* 45.4.



there was a 'crowd of captives and pirates who were attired in their native dress and were not bound' and that there were Cilician rulers (*οἱ Κιλικῶν τύραννοι*) in the procession. Unusually these prisoners were not executed, with the exception of Aristobulus and the younger Tigranes, and moreover Pompey sent all prisoners but the kings home.<sup>98</sup>

In May 62B.C. Q. Caecilius Metellus Creticus held his triumph for subduing the Cretan pirates during his campaigns while holding proconsular command for Crete from 68 - 65. His annoyance with Pompey for his interference with Metellus' campaign while on his own piracy campaign in 67 is well-known. This annoyance was justified, since Dio notes that Pompey had persuaded a tribune that the two leaders of the Cretans, Lasthenes and Panares, had surrendered to him, rather than to Metellus, thus deliberately depriving him of captives for his triumph.<sup>99</sup>

The triumphs of Servilius Isauricus and Pompey are notable for the fact that the sources refer specifically to pirates appearing in the triumphal procession. Other triumphs for victories predominantly over pirates and bandits which would also include them as prisoners in the procession, but are either not remarked on or not extant. These include for example the triumphs held by those with commands prompted by the outbreaks of piracy from Illyria in the late second century B.C., Cn. Fulvius Centumalus in 228B.C. for his victories against Queen Teuta and the Illyrians in 229B.C., and the triumphs of the consuls for 219B.C., L. Aemilius Paullus and M. Livius Salinator for their commands against Demetrius of Pharos in Illyria in that year.<sup>100</sup> For his defeat of the pirates operating from the Balearic Islands in 123B.C. after a brief campaign, Q. Caecilius Metellus Baliaricus received a triumph in

<sup>98</sup> Appian *Mith.* 116-117. For the other sources who refer to Pompey's triumph, see *MRR* 2.181.

<sup>99</sup> For the Cretans' surrender and Metellus' indignation in particular see: Vell. Pat. 2.40.5 (the poaching of *captivos duces* by Pompey from Metellus' triumph); Florus 1.42; 2.13.9; Appian *Sic.* 6.2; Dio (Xiph.) 36.19.3

<sup>100</sup> Fulvius: Degrassi (1947) 549-550; Eutropius 3.4. For the consuls of 219B.C.: Aemilius: Polyb. 3.19.12; & 4.66.8; Livius: Auct. *Vir. Ill.* 50; also Degrassi (1947) p550.

121B.C.<sup>101</sup> M. Antonius also held a triumph after his campaigns against the pirates during his command of Cilicia in 102B.C.<sup>102</sup>

The Romans' abhorrence of banditry and piracy is reflected in the severity of their laws, which justify the killing of a bandit if attacked, and the imposition of the death penalty if he was captured. The justification of this penalty was felt so strongly that those provincial governors who failed to impose capital punishment on pirates were duly criticised. The deaths of infamous bandits and pirates could also be used to provide a popular crowd entertainment in the arena. The captive leaders of bandits and pirates moreover were so highly regarded as a spectacle that they were even kept alive for years after they had been captured so that they could feature in the triumphal procession of their conquerors. The humiliation of the 'common enemies of all' was an important part of the process of retribution.

---

<sup>101</sup> Cic. *Fin.* 5.82; *Act. Tr.* Degrassi p82f; 560; Val. Max. 7.1.1; Pliny *N.H.* 7.142; Auct. *Vir Ill.* 61.6

<sup>102</sup> Plutarch *Plut.* 24.6; Degrassi (1947) 561-2.

## Chapter Five: The Roman response

### (i) 'Community policing'

Traditionally the first level of policing and defence throughout the Mediterranean was provided and organized by the local population or the person directly affected by banditry or piracy. The principle of the individual's self-defence in regard to bandits and pirates was one that survived throughout Roman history.<sup>1</sup> Cicero acknowledges that this notion of self-defence was expected and authorised by the laws, as indicated by the legality of carrying a weapon for the purpose of self-defence, not murder.<sup>2</sup> This protected the individual, while communities organized other procedures. One method of passive defence used by communities from the earliest times was to position settlements away from the coast.<sup>3</sup> The Sicani, for example, said to be the first inhabitants of Sicily, built their villages on the 'strongest hills' because of the threat from pirates.<sup>4</sup> Ormerod suggests that the Tyrrhenians (or Etruscans) used a more active strategy and that their own piracy actually developed after they built a fleet for the protection of their own coasts against other sea marauders.<sup>5</sup> The Massilians had placed a garrison on the Stoichades islands to counter piracy. This is described as being in 'ancient times' (*παλαιόν*); by 181B.C. the Massilians were complaining to the Romans about Ligurian piracy.<sup>6</sup> Similar passive defence measures were also advised for land owners. Columella in the first century A.D. advised that a villa should not be built next to the road as a means of defence against the 'plundering of

<sup>1</sup> See Lintott (1968) p4 and pp22-34 for the laws' authorisation of self-help, and Shaw (1984) p18-19 who also notes the state's dependence on self-help. See also the laws listed in Ch4n1ff concerning the justification of killing bandits.

<sup>2</sup> Cic. *Pro Mil.* 11: "...*etsi persapienter et quodam modo tacite dat ipsa lex potestatem defendendi, quae non hominem occidi...*". Lintott (1968) p23 and p120 identifies the law Cicero refers to as the *Lex Cornelia de sicariis et veneficis*; see also *Dig.* 48.8.1.

<sup>3</sup> This method was commonly used: see for example Thucydides 1.7 and Ormerod (1924) pp38 - 40.

<sup>4</sup> Diod. Sic. 5.6.2 (*διὰ τοὺς ληστές*).

<sup>5</sup> Ormerod (1924) p154.

<sup>6</sup> Strabo 4.1.10; Livy 40.18.4.

passing travellers', and that brick walls hindered bandits.<sup>7</sup> Varro recommended that houses be built on higher ground, as a protection against sudden attacks by bandits.<sup>8</sup> Laws discuss the ramifications of bandit attacks on property and storehouses.<sup>9</sup> Archaeological evidence records stout walls and towers on outlying farms and villas during the time of the empire.<sup>10</sup>

Another method of passive defence was to establish Roman coastal colonies. The earliest of these seems to have been Ostia in about 350B.C. The next colony, Antium, was conquered in 338, with colonists settled there and the inhabitants' piratical activities halted by the confiscation of their fleet.<sup>11</sup> Tarracina was established in 329 and other colonies followed throughout the third and early second centuries B.C.<sup>12</sup> Starr observes that the Romans were not 'enthusiastic sailors', since they did not maintain a navy and had to prepare a fleet for new campaigns, as seen for example by their response in 181B.C. to piracy, when the ships were let down from the slips.<sup>13</sup> The preferred response was to use the army on land. An infamous example of what has been called the Roman 'helplessness' on sea occurred in 349B.C. Greek pirates had already fought one inconclusive skirmish with the Gallic bandits who had come down to the coast. The efforts of the consul Camillus against them were similarly inconclusive. Neither side wanted to fight on the other's terms; the Greeks were unwilling to land, and Camillus was unwilling to put to sea, so the army effectively prevented them from landing by its presence until the Greeks eventually ran short of supplies and sailed away.<sup>14</sup> The tendency to leave the ships in the slips until

---

<sup>7</sup> Columella *R.R.* 1.5.7; 9.6.4; also 1.71; 9.5.3 for other measures; MacMullen (1974) p4. See Val. Max. 2.10.2 for a tale attributed to Scipio Africanus. His reaction to bandits approaching his villa was to employ members of his household as guards.

<sup>8</sup> Varro *R.R.* 1.12.4.

<sup>9</sup> *C.J.* 4.65.1 (A.D. 213); 4.65.12 (A.D.245).

<sup>10</sup> MacMullen (1963)(b) pp139-151.

<sup>11</sup> Starr (1943) pp57-8; also Ormerod (1924) p161; for Antium: Livy 8.14.8; Strabo 5.3.5; Florus 1.5.10. Strabo says pirates from Antium were the subject of complaints from Alexander and Demetrius Poliorcetes.

<sup>12</sup> Starr (1943) p58; Thiel (1954) p12.

<sup>13</sup> Starr (1943) p60.

needed is matched by the custom of levying the army when necessary. Armies however were readied far more often, since obviously raids and wars fought on land were more frequent than maritime battles. The offices of *duumviri navales classis ornandae reficiendaeque causa* were not created until 311B.C. and each *duumvir* received a fleet of only ten ships, which was not a standing force. This does not suggest a powerful fighting force, and it probably deserves the tag 'insignificant'.<sup>15</sup> Coastal or 'maritime' colonies could protect the coasts in the meantime.

Through the fire beacons placed on a watch-tower or hill, coastal people were warned of the approaching danger from pirates. During the Punic War both sides used coastal watch-towers to signal the approach not of pirates but of the enemy fleet. In 218B.C. the Sicilians' vigil in towers along the coast near Lilybaeum warned the town of the Carthaginian fleet.<sup>16</sup> In 217B.C. the watch-towers (*speculae*), which the Spanish had built partly as a means of defence against *latrones* around the coast near the Ebro river, were used by the Carthaginians, who saw the Roman fleet approaching and sent a *signum* to Hasdrubal.<sup>17</sup> Octavian fortified the Italian coast with 'many watch-towers' to prevent raids by Sextus Pompey's ships, and arranged for new triremes to be built at Rome and Ravenna.<sup>18</sup> Cicero gives a famous account of the rousing of defenders by watchmen in Sicily while Verres was governor. Watchmen (*vigiles*) and temple guards (*custodes*) in Agrigentum prevented Verres' slaves from carrying off a statue from the temple of Hercules by raising shouts to alert the town to an attack from an unexpected quarter. It was not, as Cicero says, a surprise attack from an enemy or pirates, (*non hostium adventu necopinato neque repentino*

<sup>14</sup> Livy 7.25-26; Thiel (1954) pp7-8.

<sup>15</sup> Livy 9.30.4. Ormerod (1924) p161; Starr (1943) pp57-8; Thiel (1954) pp9f gives it the ignominious title.

<sup>16</sup> Livy 21.49.8 -10. Other examples of the use of *speculae* for attacks by land (during war) and sea in Livy: 23.27.4; 27.28.16; 28.7.1; 29.23.1; 31.24.4; 34.26.4; 37.23.1 & 5; 44.28.8; 44.29.3. For such towers, particularly in the Greek islands, see Ormerod (1924) pp41 - 49; (1924b) pp31 - 36, and Pritchett (1991) pp352 - 58, who also lists previous studies.

<sup>17</sup> Livy 22.19.6. Pliny *N.H.* 35.169 says the watchtowers were built by Hannibal.

<sup>18</sup> Appian *B.C.* 5.80.

*praedonum impetu*), the more usual threat, which he implies these guards would normally be watching for, but an attack by Verres' henchmen. According to Cicero, the inhabitants of the entire town were roused to arm themselves, and they then subjected the thieves to a stoning (*lapidatio*), which was enough to rout them. As Lintott suggests, such self-help was probably employed throughout Italy in smaller settlements and villages.<sup>19</sup> Verres also sent men to rob the temple at the more isolated community of Assorus. There the *aeditumi* and *custodes* sounded a warning signal on a horn to summon help from the land around the temple.<sup>20</sup>

Appian tells of townspeople in Italy actually carrying out a hunt for bandits. During the proscriptions ordered by the Triumvirate in 43B.C., a certain Varus, one of the proscribed, first took to the hills, then stopped to hide in the marshy ground near Minturnae. It was at this time however, that the local Minturnians were conducting a search through the marsh for bandits which uncovered the luckless Varus. They believed him to be a bandit, sentenced him to death, and intended to torture him to betray his associates, at which point he is said to have protested at the indignity of torture, since he was a former consul. The Minturnians did not believe this story (note the law in the *Digest* which warns of the claims from accused bandits), and he would probably have been executed by them if he had not been recognised by a centurion and subsequently beheaded as one of the proscribed. Syme asserts that Varus actually tried to pass himself off as a bandit. Since Varus was trying to avoid being killed in the first place, this is highly unlikely, given the summary justice meted out to bandits.<sup>21</sup>

In A.D.190 Commodus wrote to the town of Bubo in Lycia thanking magistrates, council and people for their efforts in suppressing bandits, capturing some

---

<sup>19</sup> Cic. *In Verr.* 2.5.93: "...sicut erat antea semper consuetudo, praedonum adventum significabat ignis e specula sublatus aut tumulto...". For the defence at Agrigentum, *In Verr.* 2.4.94 - 95. Lintott (1968) pp6 - 15 also for discussion of *lapidatio*.

<sup>20</sup> Cic. *In Verr.* 2.4.96.

<sup>21</sup> Appian *B.C.* 4.28. There was no consul of this name; Syme, (1956) p208 suggests that he may have been one of 10 former praetors granted the *consularia ornamenta* by Caesar. Varus may have declared he was a former consul perhaps when the claim that he was a Roman citizen did not impress his captors, in the vain hope of evoking the respect held for that position and thus prevent his death.

and killing others.<sup>22</sup> Dio uses a telling phrase to describe the arrest of the Emperor Macrinus on the run in A.D.218: he was 'seized by the firstcomer (or 'anyone') as if a bandit'.<sup>23</sup> Macrinus was arrested by a centurion, which Dio knew. However the phrase not only casts an intended slur on Macrinus, it reflects the principle of self-defence which could be applied by all.

The practice of leaving bodies of crucified criminals on display was one deterrent. Another method cited by Palladius was seen outside a church on the mountain of Nitria in north Africa. This consisted of three trees, each with a whip hanging from them, which constituted a promise of flogging to wrongdoers such as bandits if caught.<sup>24</sup> A law in A.D.451 directs provincial governors to procure civilians to help with the removal of bandits from properties. If they were not sufficient, due to the size of the band, then the army would be used.<sup>25</sup>

Such self-defence measures taken by individuals or small villages and towns were effective against relatively small groups of marauders. However once these bands became so large that they exceeded the capacity of local populations to cope with, then a larger power could be appealed to for help to suppress the marauders. As Rome became the strongest power in the western Mediterranean, it was found necessary for Roman magistrates commanding armed forces to become involved in the policing of banditry and piracy to protect Rome's friends, allies and trading routes.

In the East, the role of protector had been assumed by Rhodes for many years until its position was eroded by the Romans in 167B.C. Strabo praises Rhodes for the fact that through its dominance over the sea, it had 'overpowered piracy'.<sup>26</sup> It was not altruistically motivated of course, such a strong naval force was necessary to protect their position as a trading power.<sup>27</sup> One third century inscription tells of three

---

<sup>22</sup> AE (1979) 624.

<sup>23</sup> Dio 79.40.5: "...συλληφθεις ὑπὸ τῶν τυχόντων ὥσπερ τις ληστής...".

<sup>24</sup> Palladius *Laus. Hist.* 7.3.

<sup>25</sup> C.J. 9.39.2.

<sup>26</sup> Strabo 14.2.5: "...ληστήρια καθεῖλε...".

<sup>27</sup> Magie (1950) pp71 - 3; 282n9; on the Rhodian record, Ormerod (1924) pp132ff.

brothers, one of whom was killed fighting pirates, and the other two fighting Tyrrhenians. The Tyrrhenians were, as Ormerod suggests, probably also engaged in piratical activity.<sup>28</sup>

After the expansionist ambitions of Antiochus III for the Seleucid empire had been defeated by the Romans with their allies Rhodes and Pergamum in 190B.C., at the conference in Apameia in 188B.C. Rhodes was given more control than any other Greek city-state over some of the former Seleucid territory. It gained a large proportion of Caria and the coast of Lycia, which Rhodes treated as subordinate provinces complete with governors.<sup>29</sup> Their status however was not popular with the Lycians, whose protestations and rebellions prompted the Romans to retract their 'grant' of Lycia in 177B.C. Dissatisfaction also emerged in rebellions in the Carian towns of Caunus, Alabanda and Mylasa in 167B.C. Relations between Rome and Rhodes soured, beginning in 171B.C., when Peseus of Macedon sent envoys asking Rhodes to assume the role of peace negotiator if Rome should attack the Macedonians. The Rhodians declined, but there were those both on the Rhodian side who disapproved of the alliance with Rome, and those on the Roman side who were suspicious of Rhodian power. The situation deteriorated to the point that there was a suggestion by a praetor to declare war on the Rhodians.<sup>30</sup> This suggestion was not taken up, but in 167B.C. after conquering Macedon in the war against Perseus, the Senate 'freed' Lycia and Caria from Rhodes.<sup>31</sup> Furthermore the Rhodians were ordered to remove their garrisons from the cities of Caunus and Stratonicea, whence exiles had recently arrived in Rome, although the Rhodian acquisition of them pre-dated the grant in 188B.C..<sup>32</sup> A Rhodian envoy subsequently complained that these measures would inflict a significant loss in revenue on Rhodes, since from Caunus and

<sup>28</sup> *SIG* 1225, dated to c. 225B.C.; Magie (1950) p282n9; Ormerod (1924) p130; on the Tyrrhenians, p152ff.

<sup>29</sup> Magie (1950) pp108 - 112.

<sup>30</sup> Magie (1950) p110n66.

<sup>31</sup> Polybius 30.5.12; Livy 44.15.1; Magie (1950) p110n67.

<sup>32</sup> Polybius 30.21.2; Appian, *Mith.* 23; Magie (1950) p110n68.



Stratonicea alone the income was said to be a yearly total of 120 talents.<sup>33</sup> In addition, a senatorial measure which was aimed at reducing the powerful Rhodian trading position and economy, and which ultimately had unforeseen consequences for the rise of piracy in the Mediterranean, was to make Delos a free port. This had a significant impact through the loss of money raised from Rhodian customs duties and by enticing traders to the other port.<sup>34</sup> The decline in revenue and trading affected the funding for a strong naval presence. The diminished state of Rhodian power is evident twenty years later. In skirmishes in a war (called a *bellum piraticum* by Trogus) with the Cretans in 155B.C., the large Rhodian ships could not compete with the smaller Cretan ships which had greater manoeuvrability, and are compared by Diodorus to large bears being harried by little dogs who eventually succumb to such treatment, and the Rhodians as a consequence were said to be in the 'greatest distress', and resorted in part to superstitious use of amulets and spells, and to the stratagem of appointing as magistrates those who had been rejected, in the hope of reversing their fortune.<sup>35</sup> The responsibility for conducting large-scale policing in the east now effectively lay with the strongest remaining power in the Mediterranean - Rome.

## (ii) Protecting the provinces during the Republic

Once the local population could no longer cope with the attacks of bandits or pirates, the request was made for help. Complaints were originally directed to Rome, but later they were sent to the provincial official who was empowered to act. The 'provincial governor' was the official in command, who had been granted the use of *imperium* in a province. They were usually consuls or praetors, or former consuls and praetors. A governor's *imperium* could be continued, or 'prorogued' after his year-long term of office had expired, to allow a certain task to be finished, such as a

---

<sup>33</sup> Polyb. 30.31.1 - 8.

<sup>34</sup> Polyb. 30.31.10-12; Magie (1950) p110, and see n69 for discussion of the amount lost from the revenue.

<sup>35</sup> Diod. Sic. 31.38; 31.43 - 45; Polyb. 33.16 - 17; Pompeius Trogus *Prol. Hist. Phil.* 35; Magie (1950) p111.

war or subjugation of a rebellion.<sup>36</sup> A law in the *Digest* later specifically directs the governors of provinces, as one of their judicial tasks of office, to seek out *latrones* and to punish them:

It is fitting for a good and responsible governor to take care that the province which he rules is peaceful and quiet. This he will obtain without difficulty if he works carefully to free the province from wrongdoers and searches them out: for he must seek out temple-robbers, bandits, kidnappers and thieves, and as each wronged, punish him accordingly, and imprison their harbourers, without whom a bandit is not able to long hide.<sup>37</sup>

This law is derived essentially from the task of policing piracy and banditry which had been carried out by Republican magistrates.<sup>38</sup> Once the magistrate had decided to act, or had been directed by the Senate to act on a complaint, lacking a police force as such, he had the *imperium* to direct lesser magistrates, the army and navy in a policing role to quell the violence.

Camillus when consul had attempted to curtail the raids of pirates on the coast of Italy in 349B.C. It was hardly a crushing victory and Livy describes it as 'unmemorable'.<sup>39</sup> This is a phrase which has important implications, for it is often applied to a magistrate's policing of banditry or piracy, when mentioned at all.

Magistrates who carried out this task quietly and successfully might receive only brief mentions, if at all, in ancient writers. For example, in 114B.C., Marius was allotted the province of Further Spain, where, it is briefly noted, he subdued

<sup>36</sup> On provincial administration, see Magie (1950) pp159 - 60; Lintott (1993) p22f Richardson (1994) pp564-598.

<sup>37</sup> *Dig.* 1.18.13.pr. (Ulpian *de officio proconsulis*): "*Congruit bono et gravi praesidi curare, ut pacata atque quieta provincia sit quam regit. quod non difficile obtinebit, si sollicitè agat, ut malis hominibus provincia careat eosque conquirat: nam et sacrilegos latrones plagarios fures conquirere debet et prout quisque deliquerit, in eum animadvertere, receptoresque eorum coercere. sine quibus latro diutius latere non potest.*"

<sup>38</sup> Cic. *In Verr.* 2.5.80 for example says that there was the expectation that during the summer months, praetors would go on a travelling inspection of their province. Braund (1993) pp201-3 notes the pride taken in suppressing piracy in the Greek world.

<sup>39</sup> Livy 7.26.13: "*Cum Graecis a Camillo nulla memorabilis gesta res.*"

banditry.<sup>40</sup> L. Caecilius Metellus, successor to Verres in Sicily in 70B.C., as *propraetor* conducted a campaign against pirates in Sicily. Cicero uses him as a contrast to the appalling record of Verres as governor. According to Orosius, Metellus successfully fought both a land and sea battle against the *archipirata* Pyrganion, "...who, with the Roman fleet beaten held possession of the port of Syracuse..." and plundered it.<sup>41</sup> Metellus reversed many of Verres' decisions in his administration of the province, but then defended Verres and furthermore obstructed Cicero in the gathering of evidence for his prosecution.<sup>42</sup> Cicero notes that while his brother Quintus was governor of Asia from 61-59, *latrocinia* had been suppressed in Mysia, and that banditry on the 'roads and lands' in general had been subdued.<sup>43</sup>

Provincial officials' *imperium* allowed them to issue their own edicts, some of which were issued in their efforts to control banditry. The edict of L. Domitius Ahenobarbus is known to us and was well known in antiquity precisely because of his severity in enforcing it. As praetor of Sicily in 97B.C. he had banned the possession of weapons in an attempt to curtail banditry.<sup>44</sup> The coming of the principate did not alter this process; in Egypt papyri give evidence of prefects' decrees which describe measures against banditry. In A.D.154 the prefect of Egypt, M. Sempronius Liberalis, declared that there would be a three month amnesty for people to return home who had fled through poverty from taxes and had stayed away from fear of proscription. He warns them against committing banditry or associating with bandits, since raids would be suppressed by *epistrategi*, *strategi* and soldiers. Anyone caught wandering about after the amnesty would be arrested and taken to him as a 'confessed

---

<sup>40</sup> Plut. *Mar.* 6.1.

<sup>41</sup> Livy *Per.* 98; Orosius 6.3.5. Cic. *In Verr.* 2.5.91 & 95 - 100 says that the pirate chief responsible for burning the beached Roman fleet and then sailing into the harbour of Syracuse in glee at this victory was called Heraclio.

<sup>42</sup> e.g. Cic. *In Verr.* 2.2.62 - 65; see *MRR* for 70B.C. for other sources.

<sup>43</sup> Cic. *Q.f.* 1.1.25.

<sup>44</sup> Cic. *In Verr.* 2.5.7; Val. Max. 6.3.5: "...cruci fixit, quia ipse ad exturbanda latrocinia, quibus provincia vastabatur, ne quis telum haberet edixerat."; Quint. *Inst. Or.* 4.2.17.

criminal'.<sup>45</sup> The prefect L. Baebius Aurelius Juncinus was conscientious about his duty to repress banditry. About A.D.210 - 214 he wrote to his *strategi* a second time, reminding them that in his first letter he had already written to order them to investigate banditry and warned of the dangers if they did not, and that he regarded this sort of matter as important, so he included with this letter his decree, which he wanted publically displayed, promising punishment to those who harboured bandits.<sup>46</sup>

The ethos prevalent in Roman upper class culture of pursuing individual glory through their achievements had a special significance in regard to their military performance in general, and to their policing role in particular, while in possession of public office in a province. It was not simply the case that once an aspirant to a position had been elected, he was content with the title and was prepared to be given any province for the honour to serving the Roman *res publica*. In the first instance, not all public office holders were enthusiastic about provincial commands. Like many city dwellers today, provincial areas were regarded by the inhabitants of Rome as barbarian backwaters devoid of culture. The use of exile as a threat and punishment is testimony to the strong attraction of the city, and the comments made by Ovid, sent into exile to Tomis on the Black Sea, in the *Tristia* provide an example of (albeit elegant) complaint about this punishment. Cicero, who was himself very pleased to return to Rome after his exile in 58, tells a self-deprecating story against himself and his feeling of importance about his achievements while quaestor in Sicily in 75B.C. He imagined that his quaestorship would be the talk of Rome, but was deflated when he arrived back in Italy at Puteoli to discover that someone there had so little interest and information about such matters that they thought that Cicero had been in Africa. He says that he took care then to keep himself in the 'public mind' by making sure his presence in Rome was being 'seen by the public eye'.<sup>47</sup> This no doubt contributed to the reasons why Cicero refused a province after his praetorship in 66. During his

<sup>45</sup> *B.G.U.* 372; translation in Lewis and Reinhold, (1955) pp374 - 5. Cf. *P. Oxy* 3364 (A.D.209) for imperial edicts ordering people home and a fine of fifty thousand sesterces for sheltering them.

<sup>46</sup> *P. Oxy.* 1408.

<sup>47</sup> Cic. *Pro Planc.* 64-66; cf. Cic. *Ad Fam.* 2.12.2-3; Richardson (1994) p593.

consulship in 63 he was allotted the richer province of Macedonia, but again declined and it was given to his fellow consul C. Antonius Hybrida, who wanted a province, in place of Cisalpine Gaul.<sup>48</sup> Those who, like Cicero, were more interested with the current political state in Rome and their role in it, could exercise the option of remaining there. Neither Crassus or Pompey had taken provinces following their consulships in 70B.C. It has been plausibly suggested that the consuls of 77B.C., D. Iunius Brutus and Mam. Aemilius Lepidus Livianus, refused to go to the aid of Metellus Pius who was fighting Sertorius in Spain, because they were reluctant "...to undertake a difficult, dangerous and unrewarding war...".<sup>49</sup> In 69B.C. the consul Hortensius declined to take the command against the Cretan pirates because he wanted to stay in Rome to exercise his influence, and the command was then given to the other consul Metellus.<sup>50</sup>

### (iii) Glory Seekers

A provincial command however could provide a magistrate with considerable opportunities, both for making money either illegally, by for example extorting money from the provincials, such as Verres' notorious exploitation for which he became infamous, or legally, by conducting a military campaign from which booty could be gathered.<sup>51</sup> Furthermore it also gave governors the chance of obtaining considerable honours through these military exploits, which were rewarded with public acclaim in Rome. This system made provincial commands more palatable by the possibility of the furtherance of his personal status for the magistrate. A triumph through the streets

<sup>48</sup> After the praetorship: Cic. *Pro Mur.* 42 (Murena also had been reluctant to go to a province); after the consulship: Cic. *In Pis.* 5; *Ad Fam.* 5.2.3; Sallust *Cat.* 26.4; Plut. *Cic.* 12.4; Dio 37.33.4.

<sup>49</sup> Seager (1979) p17; Cic. *Phil.* 11.18.

<sup>50</sup> Plut. *Pompey* 23.3-4; Vell. Pat. 2.31.1; Zonaras 10.2. Hortensius: Dio (Xiph.) 36.1a. Another instance of the refusal of provincial commands: in 109B.C. the praetor Cn. Cornelius Scipio had refused Spain, according to Valerius Maximus 6.3.3b.

<sup>51</sup> For example, see Cic. *De imp.* 64-68 on the plunder to be gained, and the money many praetors were making in the provinces from the public monies.

of Rome was the highest form of public acclamation that a commander could receive. A barely lesser triumph could be held on the Alban Mount outside Rome, particularly by generals refused a triumph in the city; and there was an *ovatio*, which was still a significant victory procession, but was regarded as a lesser form in which the commander wore a wreath of myrtle, not laurel, the *toga praetexta*, not the *uestis triumphalis*, and entered the city on foot or later on horseback, rather than riding in a chariot.<sup>52</sup> Preceding a triumph, though a triumph did not always follow afterwards, was a *supplicatio*, a feast of thanks-giving to the gods, which was requested by the commander, who sent a letter to the senate requesting such honours after a victory.<sup>53</sup> Cicero declares that being a winner at the Olympic games was 'almost greater and more glorious' than to triumph at Rome.<sup>54</sup> An additional honour and perpetual reminder to all of a commander's victory was the adoption a *cognomen* which was derived from the region he had conquered, which for example, Scipio Africanus, Servilius Isauricus, and Metellus Balaricus among others, adopted.

There was in addition a general rule to decide whether a triumph or a lesser procession was received. Aulus Gellius wrote in the second century A.D. that successfully defeating a 'proper' enemy could earn the general a triumph, but defeating unworthy bandits or pirates or slaves only merited an ovation: "The reason for an *ovatio* and not a triumph is when either the wars were not declared properly and were not carried out with a proper enemy (*iustus hostis*), or when the name of the enemy is low and is not suitable, as of slaves or pirates, or, with a surrender quickly made, a 'dustless,' as it is said, and bloodless victory occurred."<sup>55</sup> The origin of this rule is

<sup>52</sup> Versnel (1970) pp165 - 168; triumph on the mons Albanus, p281f; Bonfante Warren (1970) pp50 - 51; Plut. *Marcellus* 22.

<sup>53</sup> Versnel (1970) pp171-4.

<sup>54</sup> Cic. *Pro Flacco* 31: "*hoc est apud Graecos, quoniam de eorum gravitate dicimus, prope maius et gloriosius quam Romae triumphasse.*" This was to emphasise how greatly the loss was felt of the former Olympic boxing winner Attyanas, from Adramyttium in Mysia, who had been killed by pirates.

<sup>55</sup> Gellius *Noctes Atticae*, 5.6.21: *Ovandi ac non triumphandi causa est, cum aut bella non rite indicta neque cum iusto hoste gesta sunt, aut hostium nomen humile et non idoneum est, ut servorum piratarumque, aut, deditione repente facta, "inpulverea", ut dici solet, incruentaque victoria obvenit.*"

uncertain. The proviso about a slave war is said to be dated to no earlier than the first century B.C., though Florus attributes similar motivation to Perperna in 132B.C.<sup>56</sup> The sentiment of Florus is indicative of how such victories over the 'lesser opponents' were viewed. He is approving of M. Perperna's humility and his respect for the triumph; Perperna is said to have besieged the rebellious slaves in Sicily at Enna in 132B.C. and subdued them once their supplies were exhausted, punishing the surviving 'bandits' as Florus put it, with chains and crucifixion. He is said to have been 'content' with an ovation, 'lest he injure the dignity of a triumph' by the servile inscription. This may indicate that a rule about lesser enemies was in force at the time, and that Perperna probably more or less gracefully accepted that he would not receive a triumph in any case.<sup>57</sup>

The powerful however had the influence to bend the rules. Crassus, after his defeat of Spartacus and the fugitive slaves celebrated an ovation in 71B.C. He was said to have used his influence to sway the senate to allow him to be crowned with a laurel crown, not the myrtle one normally used for ovations.<sup>58</sup> The propaganda disseminated by Octavian frequently portrayed his battle with his political enemy Sextus Pompeius as a struggle against 'pirates', 'slaves' and Pompeius as their 'pirate' leader. Even later in his *Res Gestae* he wrote *mare pacavi a praedonibus*. It may have been for this reason, and prompted by a strategic false modesty, that he only celebrated an ovation for his victory over Pompeius in 36B.C. Among his many other

<sup>56</sup> Versnel (1970) p165; cf Richardson (1975) p61.

<sup>57</sup> Florus 2.7.8: "...fuitque de servis ovatione contentus, ne dignitatem triumphi servili inscriptione violaret." See Degraasi (1947) 558 for discussion of whether Florus was mistaken, and whether his successor P. Rupilius, who finished the subjugation, received a triumph.

<sup>58</sup> Cic. *In Pis.* 58; Gellius, *Noc. Att.* 5.6.23; Pliny *N.H.* 15.125; Degraasi (1947) 565 ; Plutarch *Crassus* 11.8 does not mention the wreath request, portraying Crassus as more modest, in not asking for a triumph, while Jerome, *Chronicon* ad ann. 70 has Crassus triumphing. Gellius 5.6.24 also notes that the consul of 189B.C., M. Fulvius Nobilior, was criticised for awarding his men crowns for the 'lightest reason', and even for building ramparts, rather than storming them. Florus 2.8.1-2 begins his episode on Spartacus with a discourse on the shame to Rome of fighting armed slaves, unworthy adversaries. See also his comments at 2.7.1.

honours however, he had been granted the right to wear the triumphator's laurel wreath.<sup>59</sup>

With such great incentives, there was a certain cynicism concerning the reasons why men wanted commands in provinces even in antiquity. Triumphs were frequently sought by provincial governors, and to achieve this a sizeable battle in which the Romans were victorious was needed. This was best achieved by full-scale war. Other circumstances in which the Roman army was required to keep control, that is, against banditry and piracy, were less certain to bring any recognition. Paradoxically, while ambition for these rewards was acceptable, overt ambition for them was not, though it was not always concealed.

It was not unknown for generals to send in false reports on the number killed in their victories in their ambition for a triumph.<sup>60</sup> Valerius Maximus writes that two laws had been introduced because of the triumph-seeking nature of many generals:

Certain *imperatores* wanted triumphs to be decreed to themselves on account of *levia proelia*. Those to whom this occurred were warned by law that no one would triumph unless he had killed 5000 of the enemy in one battle: for indeed not from the number, but in the glory of the triumphs our ancestors thought the honour of our city would be more elevated. Moreover lest such an outstanding law be blotted out by the desire of laurel, it was supported with the help of another law, which L. Marcius and M. Cato, tribunes of the plebs [in 62B.C.], brought: for a penalty was threatened to generals who dared to send back by letters to the senate either a false number of enemies killed in battle or of citizens lost, and it orders them, when they first enter the city, to swear truly to the urban quaestors about the number [killed] on both sides from those written to the senate.<sup>61</sup>

---

<sup>59</sup> *Res Gestae* 25 and the ovation at 4; Degraasi (1947) 569 in which both the *Fasti Triumph.* and *Fasti Barb.* do not mention 'pirates' but refer to it as being *ex Sicilia*; Appian *B.C.* 5.130; Dio 49.15; Suet. *Aug.* 22 who also refers to it as being *post Siculum bellum*; Orosius 6.18.34; Jerome *Chron.* ad ann. 33.

<sup>60</sup> Livy 33.22.9; at 33.22.7 Q. Minucius, who was granted a triumph in 197 for his activities in Liguria, is accused of having fought *levia proelia*. Versnel (1970) p304.



Appius Claudius Pulcher is said to have been denied a triumph even though he had the requisite number of slain enemies, because he had also lost 5000 of his own men. If Orosius is correct, this dates the law to at least 143B.C., and it has been suggested that two triumphs in 180B.C. which was awarded without a battle having been fought was the probable reason for this law.<sup>62</sup> Strabo observes that there had been wars between the Salassi, a tribe which inhabited a valley among the mountains in Transpadane Gaul and owned rich gold mines, and the Ceutrones, who were downriver and resented the Salassi diverting the river for mining purposes. After the Romans had acquired the mines from the Salassi, they continued to have disagreements with the publicans. Thus, Strabo says, Roman commanders had 'plenty of pretexts for war'.<sup>63</sup> Dio states that Claudius was one of these commanders. As governor of the province of Italy, he had been sent to resolve the dispute between the tribes, but began war against the Salassi, though no complaint had been made about them.<sup>64</sup> The Salassi however inflicted a defeat on him, which presumably was when he lost 5000 soldiers.<sup>65</sup> Claudius' ambition for a triumph led him to hold his own triumph regardless, defying a tribunician veto by having his daughter, a Vestal Virgin, accompany him in the procession.<sup>66</sup>

In 193B.C. one of the commanders of the war in Spain, the praetor Gaius Flaminius fought several battles during the winter, but because his opponents were considered to be bandits rather than soldiers, Livy regards this as unworthy of recording in any detail, "...through the winter several battles not worthy of memory were conducted against the attacks of bandits rather than enemies...". Directly

<sup>61</sup> Val. Max. 2.8.1.

<sup>62</sup> Orosius 5.4.7; Richardson (1975) p62.

<sup>63</sup> Strabo 4.6.7: "οὕτω δὲ συνεβαινε τοὺς στρατηγιῶντας αἰὲ τῶν Ῥωμαίων καὶ πεμπομένους ἐπὶ τοὺς τόπους εὐπορεῖν προφάσεων ἀφ' ὧν πολεμήσουσι."

<sup>64</sup> Dio 22 fr. 74.1.

<sup>65</sup> Obsequens 21; Orosius 5.4.7; Cf. Livy *Per.* 53.

<sup>66</sup> Cic. *Pro Cael.* 34; Val. Max. 5.4.6; Suet. *Tib.* 2.4, Dio 22 fr. 72.2; Macrobi. *Sat.* 3.14.14; Degrassi (1947) p558.

following this is a description of the successes of his fellow praetor, M. Fulvius Nobilior, which Livy begins with: "Greater deeds were achieved by M. Fulvius."<sup>67</sup> Fulvius fought the Vaccae, Vettones and the Celtiberians, and captured the king Hilernus alive. The juxtaposition between the accounts of the deeds of the two men provides a useful example in the historian's selection of material for record. Like Camillus above, Flaminius had fought battles which were not worthy of memory. Flaminius' opponents were considered by Livy too insignificant to even name in a history, let alone include any further details about the battle. The work from that winter would not merit public acclaim for Flaminius. Unless such bandits were 'newsworthy'; that is, they had a band of considerable size, and/or an infamous leader, and fought a substantial battle, against the Romans their Roman protagonist had little chance of achieving glory or hope of an *aeternum nomen* from his deeds. Livy transfers this Roman distaste for fighting unworthy opponents to the Numidian king Syphax, who did not pursue the former leader of the Massylians Masinissa into the mountains himself because, Livy explains, it was beneath him, since it was 'scarcely kingly to pursue a wandering bandit'.<sup>68</sup> Livy claims that a Lucius Furius fighting with his legions against the Aurunci tribe in the mid-fourth century B.C. found 'bandits rather than enemies', and consequently finished the war in the first battle, "*Ibi praedonum magis quam hostium animi inventi; prima itaque acie debellatum est.*"<sup>69</sup> This battle was not only fought against bandits, but it was practically 'dustless' as well. Consequently, there was considered to be little honour or reward gained in defeating such people.

Strabo in his description of the peoples who lived by 'sea banditry' on the Armenian coast of the Black Sea, who would often practise kidnapping, comments that

<sup>67</sup> Livy 35.7.7-8: "*per hiemem proelia aliquot nulla memoria digna adversus latronum magis quam hostium excursiones...sunt facta. Maiores gestae res a M. Fulvio. Is apud Toletum oppidum cum Vaccaeis Vettonibusque et Celtiberis signis collatis dimicavit, exercitum earum gentium fudit fugavitque, regem Hilernum vivum cepit.*"; Orosius 4.20.16 & 19. See also Braund (1993) p209 on historians' concerns with higher themes than bandits and pirates.

<sup>68</sup> Livy 29.31.12 "*Sed vix regium videbatur latronem vagum in montibus consecrari.*"

<sup>69</sup> Livy 7.28.3.

whereas local rulers would attack the pirates in coming to the aid of those who had been kidnapped, in the Roman ruled lands, sufferers were not so lucky, with little help because of the 'negligence' of the Romans.<sup>70</sup> The initial defeats inflicted on Roman forces in 73B.C. by Spartacus and his supporters were in part the result of the Roman underestimation of their strength. The Romans thought they were dealing with an outbreak of banditry, and so, Appian says, the praetor C. Claudius Glaber took 'hastily picked forces', and was defeated.<sup>71</sup> Diodorus also imputes this reasoning to the Seleucid king Demetrius, who 'thought lightly of Diodotos Tryphon as a bandit', and only sent soldiers to arrest him, but was later forced to send a general to counter the threat from his army.<sup>72</sup>

Appian observes that there were those who took provincial commands because they were ambitious for 'glory, profit or a triumph'.<sup>73</sup> The man who inspired this comment, M. Aemilius Lepidus Porcina, the consul of 137B.C., had been sent to replace his fellow consul Mancinus. Mancinus had been conducting a war in Hispania Citerior, and was recalled to stand trial after he had been forced to sign a treaty with the Numantines, as Fabius Maximus in 140B.C. had been forced by Viriathus, when surrounded by the enemy. As in 140, the Senate again refused to ratify a treaty obtained in such an ignominious fashion. While Aemilius Lepidus was in Spain awaiting their decision on further action however, he decided on his own authority to attack the Vaccaei on a false charge of supplying the Numantines, and besieged the city of Pallantia. When the Senate learned of this, they sent messengers to deliver a decree to Aemilius, ordering him not to attack the Vaccaei, since there had been so many other defeats in Spain, it was futile to start another war. It was, as Orosius calls it, an *iniustum bellum*. Aemilius refused to comply and carried on with the siege but was

---

<sup>70</sup> Strabo 11.2.12.

<sup>71</sup> Appian *B.C.* 1.116 (Appian combines Glaber with his replacement, P. Varinius, *MRR* 2.115n1); also on Glaber, Plut. *Crassus* 9.2; Florus 2.8.4; Orosius 5.24.1; cf. Livy *Per.* 95.

<sup>72</sup> Diod. Sic. 33.4a: "ὁ δὲ Δημήτριος πρῶτον μὲν ὡς ληστοῦ τινος κατεφρόνει...".

<sup>73</sup> App. *Sp.* 80; Richardson (1994) p594. Cf. Dio 54.12.1 commenting that some sought honours merely for rounding up bandits.

then forced to retreat through want of supplies. He was relieved of his command and finally, on his return to Rome was given a fine.<sup>74</sup>

Earlier in 171B.C., the desire for warfare rather than ordinary governor's tasks was taken to the extreme by a magistrate who was dissatisfied with the province he drew in the lot, which resulted in a ludicrous situation. It had been arranged that the consuls should draw lots for the provinces of Macedonia and Italy.<sup>75</sup> C. Cassius Longinus had expressed his preference for Macedonia, since a war was to be conducted there against Perseus. He received however the quieter *provincia* of Italy, while his colleague P. Licinius Crassus was allotted Macedonia.<sup>76</sup> Cassius' province also extended to Gaul, where, Livy says, he did not manage to achieve anything 'memorable'. The senate was then informed somewhat to its disbelief by legates from Aquileia that Cassius and his army had actually left his province altogether and set out through Illyria, another magistrate's province, intending to travel to the war in Macedonia. Legates were hastily despatched with a senatorial decree to prevent him beginning a war against any people without the senate's permission.<sup>77</sup>

Appian is also dubious about the motives of the consul of 119B.C., L. Caecilius Metellus Delmaticus, who fought against the Dalmatians in Illyria and later celebrated a triumph in 117B.C.<sup>78</sup> Appian asserts that there was no reason for the war except that Metellus wanted a triumph, and that Metellus' only accomplishment, since he was received by the Dalmatians as a friend, was to spend the winter at Salona. Metellus and his army nevertheless must have conducted some sort of campaign, in order to merit the triumph. It is quite possible however that his activities did not justify a

---

<sup>74</sup> Livy *Per.* 56; Appian *Sp.* 80 - 83; Orosius 5.4.19 - 5.5.14. For other sources on Mancinus' defeat, see *MRR* 1.484.

<sup>75</sup> Livy 42.31.1.

<sup>76</sup> Livy 42.32.1-5.

<sup>77</sup> Livy 43.1.4-12. See the *lex de provinciis praetoriis*, Crawford *et al.* (1996) p239 Cnidos copy Col. III 11-15 for prohibition of magistrates travelling outside their own provinces with their armies or not. Crawford *et al.* p260 note that the Cnidos inscription refers to one of the *plurimae leges veteres* mentioned by Cicero, (*in Pis.* 50) which was the Lex Porcia or the Lex Antonia de Termessibus, also in Crawford *et al.* (1996) (Law 19) p331ff.

<sup>78</sup> Appian *Ill.* 11; Livy *Per.* 62; Eutropius 4.23.2.

triumph. The Dalmatians had been subdued once before on the basis of complaints about their raids (see below) and it is likely that Metellus' triumph for repression of their probable banditry was disapproved by some senators.

Appian's suspicious sentiments are echoed in the midst of a tirade on the ambition for triumphs in Cicero's speech *In Pisonem* delivered in 55B.C..<sup>79</sup> He returns Piso's taunts about his exile with his own, by playing with the fact that although Piso had been proconsul in Macedonia from 57 to 55B.C., he had not received a triumph and subsequently had declared he did not want one. Cicero manifests complete disbelief at the unlikelihood of this claim, declaring that he had often noticed that those who wanted a province were concealing their desire for a triumph, and moreover no-one who openly sought an army could conceal it.<sup>80</sup>

#### (iv) Refusal of requests for triumphs

Lacking a strong case that his conduct of operations while in command of a province was worthy of reward could result in the refusal of a triumph for a governor. A triumph was not solely based on merit however; it also depended on the political strength of the supporters or enemies of the hopeful commander.<sup>81</sup>

L. Licinius Crassus while governor in Cisalpine Gaul during his consulship in 95B.C. carried out some minor operations which would otherwise be unknown if not for the noteworthy fact that he was refused a triumph. His request was blocked by the other consul for 95, Q. Mucius Scaevola.<sup>82</sup> Cicero explains that it was a rejection for crushing people too insignificant even to be called 'enemies of the Romans'.<sup>83</sup> He

<sup>79</sup> Cic. *In Piso*. 53 - 63.

<sup>80</sup> *In Pis*. 56.

<sup>81</sup> See also Richardson (1975) p60ff.

<sup>82</sup> Cic. *In Pis*. 62, Asconius 15C; Val. Max. 3.7.6. Marshall, (1985) p109 notes "Crassus had merely suppressed bandits in Cisalpine Gaul, and Scaevola no doubt used the argument that a victory over these was hardly worthy of a triumph...". Nisbet (1961) p126 comments similarly, "Guerilla warfare did not justify a triumph."

<sup>83</sup> Cic. *De Inventione*, 2.111.

declares crushingly that Crassus had "...almost examined the Alps with a surgeon's probe to find where there was no enemy, another reason for a triumph...". He adds that C. Cotta, proconsul in the same province of Cisalpine Gaul in 74 B.C., also wanted (and gained) a triumph for his victories, though he too did not face a proper enemy. Cotta however died before it could be held.<sup>84</sup>

Cicero from his reluctantly accepted province of Cilicia in 51 B.C. bemoans the fact that the Pindenissitae, who surrendered to him after a siege, were an 'unknown' people. Operating in the Amanus mountains, between Cilicia and Syria, he conducted a battle in which he captured some strongly protected forts and burnt them. On the strength of this, he was hailed *imperator* by his soldiers. He finished by besieging the town of Pindenissus, which was subsequently conquered.<sup>85</sup> These victories however were not in the course of an officially declared war. There was war threatening on the borders from the Parthians, and the Cappadocians were also stirred up, but Cicero and his army did not face them. He, of course, knew that his little campaign was not war, and since he could not technically refer to it as *bellum*, and knew what inglorious terminology could be uncharitably applied to anything less than war, he avoided this term in his descriptions of his actions whilst nevertheless emphasising the war-like aspects of his campaigns in his letters. For example, he says he marched to the Amanus Mountains, which were always 'full of enemies' (*plenus hostium*), where they killed a great number of 'enemies'.<sup>86</sup>

He feigns disdain for the accolade *imperator*, particularly in view of his opinion that the governor of Syria in 51 - 50 B.C., M. Calpurnius Bibulus, 'wanted to be equal with this empty title'. Bibulus was campaigning in the same mountains where Cicero had conducted his battles, and Cicero regarded him as merely being in search of

---

<sup>84</sup> Cic. *In Piso*. 62: "*L. Crassus, homo sapientissimus nostrae civitatis, specillis prope scrutatus est Alpibus, ut, ubi hostis non erat, ibi triumphus causam aliquam quaereret: eadem cupiditate vir summo ingenio praeditus, C. Cotta, nullo certo hoste flagavit: eorum neuter triumphavit. quod alteri illum honorem conlega, alteri mors praeripuit...*".

<sup>85</sup> Cic. *Ad Att.* 5.20; *Ad Fam.* 2.7; 2.10; 15.4; 15.14 (and prescripts of these letters *ad fam.* for the title *imperator*); *Phil.* 11.34; Plutarch *Cic.* 36; *MRR* 2.243.

<sup>86</sup> *Ad Att.* 5.20.

a triumph; looking, as he puts it, 'for laurel in the wedding cake'. Cicero was no doubt sorry to report to Atticus that Bibulus subsequently suffered an embarrassing reverse in his campaign.<sup>87</sup> Nevertheless, despite Cicero's scorn for the title, he still employed it. He too was eager to secure a triumph himself, a hope which he did not conceal. His friend Caelius Rufus wrote to Cicero in the province not only enquiring about the possibility of obtaining wild animals for the arena, but also Cicero's chances for a triumph.<sup>88</sup> Earlier in 66B.C. in his *De Imperio Cn. Pompei*, Cicero had acknowledged the 'difficulty' for a commander engaged in the provinces of Asia, Cilicia, Syria or the 'interior kingdoms' to think of 'anything else except the enemy and glory'.<sup>89</sup> Cicero, despite his scorn for Bibulus, is revealed to be no less affected by this preoccupation.

Cicero's ambition however faced opposition from M. Porcius Cato. Cicero's comments to Cato demonstrate the high expectation that a provincial governor could achieve a triumph. He wrote to Cato with a description of his military operations in Cilicia, and asked him to support his aspiration for a triumph. At the same time however he was attempting to demonstrate his modesty, and declared that he was not a glory seeker, which was evident from his previous refusals of a province: "Thus I overlooked both an equipped province and the not uncertain hope of a triumph."<sup>90</sup> Cicero's arguments to support his triumphal hopes are weakened by the fact that he

---

<sup>87</sup> Cic. *Ad Att.* 5.20. On Bibulus' lack of performance while governor: Cic. *Ad Att.* 6.1.13 & 15; 6.5.3; 6.8.5 (in which Cicero accuses him of wanting a triumph); 7.2.6-7; 7.3.5; *Ad Fam.* 2.17 (in which Cicero reveals not only that Bibulus disliked him, but that he was (according to Cicero's not unbiased opinion) attempting to take the credit for some of Cicero's achievements); 8.6.4 (Caelius waxes sarcastic about Bibulus' losses in the Amanus Mts); for other references, but none that add any significant achievements to Bibulus' name: Caesar *B.C.* 3.31.3; Livy *Per.* 108; Plut. *Ant.* 5.2; App. *Syr.* 51.

<sup>88</sup> Rufus' hopes: *Ad Fam.* 2.10.2 - 4; 2.12.3; Cicero's: *Ad Fam.* 2.12.3; 2.15.1; 15.4.13; 15.6; *Ad Att.* 6.8.5; 7.1.5&7; 7.2; 7.3.2; 7.4.1; 7.7.3-4 (here he also expresses his dislike of *imperium*, suggesting that if he was given it again, he would throw it out of the first gate he came to).

<sup>89</sup> Cic. *De Imp. Gn. Pomp.* 64: "*Difficile est in Asia, Cilicia, Syria regnisque interiorum nationum ita versari nostrum imperatorem, ut nihil aliud nisi de hoste ac de laude cogitet.*"

<sup>90</sup> Cic. *Ad Fam.* 15.14.13: "*Itaque et provinciam ornatam et spem non dubiam triumphi neglexi.*"

could not actually refer to his own campaign as a *bellum*, though he does his best to accentuate the positive aspects of his magistracy. It is particularly noticeable since he refers to the imminent war with the Parthians, and the *magnum bellum in Cappadocia*. He claims that he was prepared to fight the Parthians, but in the meantime he decided 'to pacify Amanus and remove the perpetual enemy' from it. At Erana, which he describes as 'not a *vicus* but like an *urbs*', a 'great multitude of the enemy' were killed, though obviously not 5000 or more, since he would have mentioned this in support of his case. At the end of the siege of Pindenissum, where he might be expected to say that he had 'completed the war', he can only say that after fifty-seven days, *rem confeci*. The closest he manages to mentioning 'war' is in a set phrase; he expresses his hope for the honour the Senate usually grants for 'warlike matters' (*quia senatu tribui rebus bellicis solet*). Finally he is forced to argue that he prevented a war with the presence of his army, and falls back on his good administration of the province.<sup>91</sup> Despite all his efforts however, Cicero could not hide the fact that he had fought only tribespeople. Plutarch states outright that he fought bandits.<sup>92</sup> Cato was not convinced and answered with a defence of his opposition to the motion for a *supplicatio*, informing Cicero in no uncertain terms that a 'triumph does not always follow a *supplicatio*'.<sup>93</sup> Both Cicero and Bibulus were only voted a *supplicatio*.<sup>94</sup> Cicero was particularly bitter about this, since Cato had voted for a *supplicatio* of twenty days for Bibulus (who was also Cato's son-in-law), which Cicero considered a disgrace, since he felt Bibulus had achieved very little in comparison with his own successes.<sup>95</sup> Despite Cicero's pride in his provincial administration however, the banditry (*magna latrocinia*) which he blamed partly for the slow arrival of the mail when he arrived in Cilicia, was still prevalent when he departed.<sup>96</sup>

---

<sup>91</sup> *Ad Fam.* 15.14.

<sup>92</sup> *Plut. Cic.* 36. Plutarch also claims that he conducted a war.

<sup>93</sup> *Ad Fam.* 15.5.

<sup>94</sup> Cicero: *Cic. Ad Fam.* 2.15.1; 3.9.4; 15.5 (from Cato) 15.6; 15.10.2; 15.13.2-3; *Ad Att.* 7.1.7; 7.2.7; Caelius *Ad Fam.* 8.11.1-2 describes the political opposition to the *supplicationes* being decreed. Bibulus: *Ad Att.* 7.2.6-7.

<sup>95</sup> *Cic. Ad Att.* 7.2.6-7.



### The importance of war to provincial governors

On occasion the threat posed or the trouble caused by piracy and banditry was so great that it became a question of seeing it as war, rather than banditry. This created a different situation in regard to the willingness of Roman magistrates to assume a provincial command and to carry out a thorough suppression. In a war, there was a far greater chance of the commander achieving personal glory and a triumph, through victorious battles. There was a fine distinction between war and banditry, and it is not surprising that commanders are accused of provoking war in search of a triumph. One was considered a far nobler task than the other. The importance of the prospect of a triumph to a general should not be underestimated.

The decision to declare war in the Republic was usually made by the senate alone. Rich observes that "...the decision to start hostilities must frequently have been taken by Roman commanders on the spot without reference of any kind to the authorities at home."<sup>97</sup> The decision therefore whether a conflict was a war against *hostes* or *latrones* could present more complications when a commander presented a petition for a triumph for a 'war' he had commenced on his own authority.

Senatorial opinion on the nature of the conflict could decide the vote for a triumph. Gn. Manlius Vulso was provincial commander in Asia as consul for 189B.C. and proconsul in 188 - 187B.C. In the first year he began a campaign on his own initiative against the Gauls in the interior.<sup>98</sup> He requested a triumph, but opposition sparked a senatorial debate on the matter. Livy has the consul of 187B.C.,

---

<sup>96</sup> Cic. *Ad Fam.* 2.9 (cf. 10.31.1: Asinius Pollio in Spain also mentions the difficulty in receiving mail because of banditry); *Ad. Att.* 6.4.1.

<sup>97</sup> Rich (1976) pp13-15; he argues that the evidence for war votes suggest that the matter was generally put to the assembly for a war against an enemy overseas where no permanent Roman province existed. Eight war votes by the assembly are thought certain, in the period from 237 to the end of the Republic: to declare the first Punic War against Carthage in 237B.C., for the Second Punic War in 218, the Second Macedonian War in 200, the Syrian War in 191, the Third Macedonian War in 171, the Third Punic War in 149, the Jugurthine War in 111 and the First Mithridatic War in 88.

<sup>98</sup> Polybius 21.33-39; Diod. Sic. 29.12-13; Livy 38.12-27; other sources, *MRR* 1.360.

M. Aemilius Lepidus protest in the senate that both consuls of 189, Manlius and M. Fulvius Nobilior (Lepidus was feuding with the latter), were 'wandering around threatening war on nations on whom no war had been declared' (*quibus bellum indictum non sit*), and 'selling peace'.<sup>99</sup> One of the arguments used against him was that since he couldn't 'find war' anywhere else, he used his army against the Galatians on his own authority rather than that of the senate and the assembly. He was asked which of the proper procedures, ie decrees voted, restitution demanded and delegates sent, had been followed by him so that it could be considered a "...public war of the Roman people and not your own private banditry..." (*...publicum populi Romani bellum et non tuum privatum latrocinium...*).<sup>100</sup> After the senate adjourned, Livy says, giving the impression that Manlius would be refused, his relatives and friends lobbied the senators, and the senior senators also extended their *auctoritas* in support of Manlius, arguing that never before had an *imperator* defeated the enemy, concluded matters in the province and brought home the army and not been honoured with a triumph. This appeal to tradition apparently worked, for Manlius celebrated a triumph.<sup>101</sup>

When war had been declared and the opponents were officially considered *hostes*, it was still acknowledged that slaves were 'lowly enemies' for example, by the use of the phrase *bellum servile*. Despite the fact that the commander's opponents were considered to be of lesser worth however, it was formally defined a war, and this carried a greater significance for the general. There was an immense difference in perception of a suppression of troublesome pirates or bandits and conducting a formal war, and this difference is reflected by the writers of the upper classes, who are reluctant to record anything not 'worthy of memory', which often meant bandits or pirates, but who will write a great deal on warfare. The prospect of a war could

---

<sup>99</sup> Livy 38.42.8-13.

<sup>100</sup> 38.45.4-7. The entire debate: 38.44.9 - 38.50.3.

<sup>101</sup> Livy 50.3; 39.6.3-7.5; Degraffi (1947) 554; Pliny *N.H.* 34.14; *De Vir. Ill.* 55; Florus 1.27.3 claims he was refused a triumph because the senate did not approve the pretext for war; Augustine, *Civ. Dei* 3.21; *MRR* 1.369.

stimulate intense rivalry in the hope of gaining a magistracy and a *provincia* among the politically ambitious, and strong competition was incited in the attempt to achieve a command, such as the famous struggle to give Pompey the command against the pirates. Although he fought against pirates, it is the *bellum* half of the phrase which confers such importance. Cicero, when arguing for the appointment of Pompey to the command against Mithridates in 66B.C., refers to the pirates and Pompey's conduct in the *bellum* against them, and attempts to give it further dignity by the euphemistic phrases 'naval war', and 'maritime war'.<sup>102</sup> Paradoxically, while it was considered demeaning to fight bandits and pirates, when fighting an enemy in a war, it was perfectly acceptable to call them 'bandits'.

Cassius Dio claims that Julius Caesar, governor of Farther Spain in 61 - 60B.C., might have cleared out banditry in the province 'without any great work', but was unwilling because he wanted glory from greater deeds. Instead he attempted to move the inhabitants of the Herminian Mountains to the plains, so that they would be unable to use their fortified position for banditry. Dio asserts that Caesar knew that they would refuse to move, and thus provide a legitimate 'pretext for war' (*πολέμου τινὰ ἀφορμήν*).<sup>103</sup> Caesar led an army against the Lusitani and the Callaeci during his period as governor, eventually defeating them. He also settled disputes between cities, and brought in debt reforms. Did he however provoke the war?

The sources do not report that Lusitania had taken up arms in open rebellion, as for example, the Allobroges had done earlier in Gallia Narbonensis. Cicero merely mentions that he will say nothing about the distinctions he then describes, which were given to the Spanish by Caesar: how he settled disputes, established laws, took a sort of inveterate barbarity from the customs and ways of the people of the city of Gades, and conferred the highest zeal and benefits on the state.<sup>104</sup> Livy notes that Caesar "...*Lusitanos subegit*...", which follows directly after a mention of the subjugation of

<sup>102</sup> Cic. *De Imp. Gn. Pomp.* 28 *naval bellum*; 58 *maritime bellum*; elsewhere he calls it war: 31-2; 34; 35; 63.

<sup>103</sup> Dio 37.52.3.

<sup>104</sup> Cic. *Pro Balb.* 43.

the Allobroges, "*qui rebellaverant*", but significantly he does not compare the two.<sup>105</sup> Velleius Paterculus only praises his wonderful '*virtus*' and '*industria*' in Spain.<sup>106</sup> Suetonius' account is negative, depicting Caesar as eager to arrive and depart from the province once it had been 'pacified', without mentioning any need for this pacification.<sup>107</sup> Plutarch reports that Caesar raised 10 cohorts in addition to the 20 already there, conquered the Callaeci and the Lusitani, (again, not mentioning any revolt on their part) then marched to the sea, subduing the tribes not complying with the Romans, carried out debt reforms, and settled disputes between cities.<sup>108</sup> Appian's account has Caesar being sent into Farther Spain to make war 'where necessary'. Those who were 'stirred up' (*σαλεύω*) or 'kept aloof/remained apart' (*λελπω*) from the Romans still, he subdued. Appian then notes that those who 'revolted again' were subdued by Octavian, "*καί τινα αὐθις ἀφιστάμενα Ὀκταοῦλος...ἐχειρώσατο*."<sup>109</sup> This last sentence seems to indicate a first uprising against the Romans. However this may be explained as a description of the response of these people being 'subdued' by Caesar as a 'revolt'. The pressure from Caesar was the cause of the reaction against the Romans, rather than Caesar and his forces responding to a rebellion. Appian is less ambiguous in the *Civil Wars*, stating that Caesar, since he considered administrative matters 'useless', neglected them, and attacked the tribes until the whole of Spain was tributary to Rome.<sup>110</sup>

It seems then that lacking a significant enemy, Caesar subdued tribes in Spain for his own ambitious purposes. The sources do not say that the province was entirely peaceful, but neither do they mention a rebellion against the Romans. There seems to

<sup>105</sup> Livy *Per.* 103.

<sup>106</sup> Vell. Pat. 2.43.4.

<sup>107</sup> Suet. *Iul.* 18. Later he repeats allegations of 'certain men' that Caesar had pillaged some Lusitanian towns even though they had not refused his orders and opened the gates to him. (*Iul.* 54.) While this is doubtless only slander, it probably reflects the lack of initial rebellion.

<sup>108</sup> Plut. *Caes.* 11-12.

<sup>109</sup> App. *Ib.* 102.

<sup>110</sup> App. *B.C.* 2.8.

have been some dispute or unrest between cities; Suetonius at one point suggests that Caesar hurried to the province either to avoid his creditors in court or 'to help the imploring allies'.<sup>111</sup> The 'trouble' in the province would appear to be in the nature of 'inter-tribal' disputes, carried out through bandit raids and perhaps, if Suetonius is to be believed, one side may have called on the Romans to intervene, though the other sources do not report this plea. Caesar had little to lose from attacking people who were not entirely sympathetic to Rome and who were fighting each other. He was heavily in debt, and the plunder from any victories would (and did) alleviate his financial difficulties, and to achieve a glorious triumph would hardly harm his chances of being elected consul.<sup>112</sup> Cicero had described in 66B.C. the hatred of foreign nations for some of the generals sent out by Rome, who looked for wealthy cities against whom they could find an excuse for war in order to plunder them.<sup>113</sup> Caesar's actions seem to follow this obviously well-used formula.

There was moreover a precedent for moving people around a province and achieving a triumph. In 180B.C., M. Baebius Tamphilus and P. Cornelius Cethegus had merely transferred the Apuani from Liguria to Samnium without a fight, and were voted a farcical triumph by the senate. Livy's comment is that they were 'the first to triumph without conducting a war'.<sup>114</sup> The ridiculousness of the situation was evident from the paucity of booty or prisoners in the procession. They probably considered this their only chance of *gloria*, (though it seems to have become infamy) since Livy cuttingly says they did 'nothing memorable' in their consulships the previous year. Caesar ensured this would not be said of him.

Dio's report that Caesar, as an ambitious man seeking glory for future advancement, while provincial governor provoked a war to achieve this aim, rather than carry out the more mundane 'governor's work' policing bandit raids, appears to be an unsympathetic but probably accurate account. In his biography of Caesar,

---

<sup>111</sup> Suet. *Iul.* 28.

<sup>112</sup> Suet. *Iul.* 18; 54.1; Plut. *Crass.* 7; *Caes.* 11; App. *B.C.* 2.8.

<sup>113</sup> Cic. *De Imp. Gn. Pomp.* 65-66.

<sup>114</sup> Livy 40.37.9; 40.38; Richardson (1975) p62.

Gelzer takes Dio's version as correct, saying that Caesar did try to move the bandits in the Herminian Mountains, and had originally hurried to the province because he "...knew that the Lusitanian part of the province was infested with bandits, and gave this as the official explanation for his premature departure, but in this way also avoided senatorial interference with his plans."<sup>115</sup> Even if Caesar did give this reason (and it seems unlikely; the Suetonian 'call of the imploring allies' has more credibility as an excuse for leaving Rome early), no-one would have believed it. A governor did not hurry off to fight bandits, particularly not an ambitious man like Caesar, looking to enhance his career. When the senate assigned to the consuls Caesar and Bibulus in 59B.C. provinces consisting of forests and pastures, (*silvae callesque*), Caesar is said by Suetonius to have been 'greatly incited' by this *iniuria*.<sup>116</sup> There were no opportunities for triumphs in such areas. Significantly, he eventually chose the Gauls from all the provinces, specifically because they were more suitable places for gaining triumphs, "...*cuius emolumento et oportunitate idonea sit materia triumphorum*."<sup>117</sup>

Those who sought magistracies were ambitious politicians, and furthering a career and attaining personal glory was not easily achieved by performing essentially policing tasks in a province against the lowliest dishonourable criminals. Political enemies could seize upon the fact that although a battle or campaign may have been fought against an enemy, if the enemy was composed of people they considered to be pirates or bandits, the success was valued less than a campaign against honourable enemies.

---

<sup>115</sup> Gelzer (1968) p61 -2.

<sup>116</sup> Suet. *Iul.* 19.2.

<sup>117</sup> Suet. *Iul.* 22.1. Rolfe comments that the phrase '*silvae callesque*' "...seems to designate provinces where the duties of the governor would be confined to guarding the mountain pastures and keeping the woods free from brigands". J. C. Rolfe (transl.) *Suetonius*, Loeb 1913, p23. Also Brunt (1971) p291 who suggests the justification for the allocation was the suppression of brigandage prevalent in the hills, which Octavian later assigned as a task for Sabinus; Appian *B.C.* 5.132.

### (v) Wars against bandits and pirates in the Republic

As a result of the Roman reluctance to perform a policing role, piracy or banditry was often a significant factor in Roman decisions to go to war. Prior to the first Illyrian War in 229B.C., the Ardiaean tribe under King Agron in Illyria had been extending their attacks both on land, and on sea in their small boats, or *lembi*, from about 231B.C.<sup>118</sup> Polybius tells us that they had also been active in large numbers on land. Agron is said to have been paid by Demetrius of Macedon to help the Acarnanians in the city of Medion against the Aetolians, in which Agron deployed an army of 5000 Illyrian men, transported by the *lembi*; that Elis and Messenia in the Peloponnese had been raided by them; and that they also attacked and plundered the city of Phoenice in Epirus under the general Scerdilaidas, also with 5000 troops.<sup>119</sup> While at Phoenice, they are said to have also robbed and in the process killed many Italian merchant traders, and taken 'not a few' prisoner.<sup>120</sup> It is here that a well-known discrepancy in the sources, between Appian and Polybius, occurs over the precise cause for the Romans' decision to enter into the war with Illyria.<sup>121</sup> Polybius' version begins convincingly enough with the comment that the Romans had previously 'taken no heed of those who had made complaints against the Illyrians', but now when approached they appointed two emissaries, Gaius and Lucius Coruncanius to investigate.<sup>122</sup> His narrative however, then diverges into drama. The ambassadors approached Queen Teuta, who had taken over the throne on the death of her husband Agron in 230, and was beseiging the island of Issa. Teuta, whom Polybius portrays as a haughty and arrogant character, listened to the ambassadors and then declared that

<sup>118</sup> Further on the causes of this piracy (essentially, poor resources), see Dell (1967) pp344 - 358; against Dell, Hammond (1968) p4n14.

<sup>119</sup> Polyb. 2.2-7.

<sup>120</sup> Polyb. 2.8.1-3.

<sup>121</sup> See for example, Ormerod (1924) pp169ff who follows Polybius' version with the importance of Teuta; Badian (1964) pp1-10 (Polybius); Hammond (1968) p4-6 (Polybius); Errington (1989) p86ff (Appian). Rich (1976) pp72 - 73 argues against interpreting the comments Polybius attributes to the younger man's temper as a formal declaration of war.

<sup>122</sup> Polyb. 2.8.3-4; Hammond (1968) p5n16 doubts even then that the Senate would have been 'much moved by individual complaints'.

'no public wrong' would come to Rome from Illyria, but that she would not stop 'Illyrians plundering on the sea'. The incensed younger Coruncanus declared that Rome would force a halt to such acts, and at this, Teuta lost her temper, and as the legates left in their ship, sent assassins to kill him. The news of this at Rome provided the stimulus for the decision for war. Teuta in the meantime sent out more *lembi*, which made an attack on Corcyra, which was captured and placed under the command of Demetrius of Pharos and also besieged Epidamnus.<sup>123</sup>

Appian's version of the war is far shorter and less dramatic. He cites Agron as responsible for capturing a section of Epirus, and Corcyra, Epidamnus and Pharos and placing garrisons on them. At the threat of his fleet, Issa asked for help from the Romans, who sent ambassadors to investigate. Illyrian ships intercepted the ambassadors, killing the Issan envoy Cleemporus and the Roman ambassador Coruncanus, and Rome then invaded Illyria. During this time Agron had died, leaving his son Pinnes in the regency of Teuta, and the war was fought with Teuta as leader.<sup>124</sup>

Errington discusses some of the criticisms of Polybius' account. Among other things, he does not include details such as the existence of Agron's son Pinnes or of the Issan envoy Cleemporus, a name which is attested as coming from Issa, and which Appian would have no reason to invent.<sup>125</sup> In both versions nevertheless, the Illyrians' piratical activities on the sea and complaints to Rome, whether they came from Issa or individuals, had prompted the Romans into sending envoys to investigate. Most sources cite the killing of one ambassador or more on the sea as the reason for declaring war.<sup>126</sup> Teuta's claim, which Dio presents as a desperate attempt to stave off war with Rome, that they were killed *ὑπὸ ληστών*, was indeed accurate.<sup>127</sup> This final

---

<sup>123</sup> Polyb. 2.8.4 - 10.

<sup>124</sup> Appian *Ill.* 7.

<sup>125</sup> Errington (1989) pp86-88. Both Dio 12.49.3 and Zonaras 8.19 feature Pinnes.

<sup>126</sup> Polybius and Appian, cited above; Dio 12 fr49.3-5 and Zonaras 8.19 have multiple ambassadors; Orosius 4.13.2 cites 'legates' being killed. Eutropius 3.4 does not mention causes for the war.

<sup>127</sup> Dio 12.49.5.



'piracy' provided a convenient pretext for declaring a full scale war, since the Illyrians' recent activities had not been directed at Roman territory, though they had demonstrated that they were a powerful force which was threateningly close to Italy.<sup>128</sup>

Although this was the Romans' first foray into the East, it seems that the Romans had no interest in controlling Illyria, as suggested by the settlement after the Roman victory, which weakened the Illyrians' power, but did not totally destroy it, nor did they tax the Illyrians, or place governors or garrisons there.<sup>129</sup> The war was declared and concluded in 229B.C. by the commanders and consuls L. Postumius Albinus and Cn. Fulvius Centumalus. Territory was given to Demetrius of Pharos to control, as a reward for his desertion during the war to the Romans, when he had surrendered his command of Corcyra, and Teuta surprisingly was allowed to maintain control of 'a few places'.<sup>130</sup> The treaty also contained another significant clause, which Polybius says 'affected the Greeks the most', which ordered that Illyrians were not to sail south of Lissus with more than two vessels, and these were to be unarmed. Since this particular measure in a treaty between Rome and Illyria 'affected the Greeks', it strongly suggests the corroboration of the stories that 'unheeded complaints' had been made to Rome about Illyrian piracy. It was in fact Demetrius of Pharos' piratical trip against Greeks which decided the Romans to begin the 'Second Illyrian War' in 219B.C. The Romans had been reluctant to police such banditry before the war, and the treaty terms are another indicator of this reluctance. Notably however, Centumalus received a triumph.<sup>131</sup>

Prior to the second Illyrian war however, there are brief references to the subjugation in Istria of the Histri in 221-220B.C. Some writers call it a war, but significantly the campaign barely rates more than a sentence in any account.<sup>132</sup> Appian

<sup>128</sup> Badian (1964) p4-5; Errington (1989) p88.

<sup>129</sup> Badian (1964) pp9-10; Errington (1989) pp89 - 90.

<sup>130</sup> Pol. 2.12.3-4; Appian *Ill.* 7; Errington (1989) pp89-90.

<sup>131</sup> Degraffi (1947) 549-550; Eutropius 3.4.

<sup>132</sup> Livy *Per.* 20: "*Histri subacti sunt.*", (cf. Livy 21.16.4) while it is significantly not mentioned in Polybius at all.

says that the Istrians were involved in piracy with Demetrius of Pharos, and that after the Romans had finished the Gallic War in 222B.C., they 'sailed out and conquered the pirates'. Since Appian then goes on to say that the next year they fought with Demetrius, the 'pirates' dealt with seem to be the Istrians.<sup>133</sup> Eutropius says that a *bellum* was fought against them, because they had been attacking ships carrying grain.<sup>134</sup> Orosius mentions that the consuls of 221B.C. Minucius and Cornelius had conquered the Istrian enemies but with the loss of 'much Roman blood', while Zonaras adds the detail that they had taken parts of Istria by war, but other areas had surrendered.<sup>135</sup> It does not seem to have been a particularly auspicious episode, which accounts for the brevity of the references to it. The consuls were not only fighting against pirates, but they suffered apparently significant losses, yet were victorious in some places without a fight. This perhaps suggests that the Romans had underestimated the strength of their pirate opponents, and had been forced to ask for reinforcements to prevent a humiliating defeat.<sup>136</sup> There is also the possibility that it was not formally a war, and that the consuls had been assigned Istria as a *provincia* after complaints from merchants about the Histrians' piracy and after a brief campaign brought it under control, which only the later writers dignify by mistakenly calling a war.<sup>137</sup>

The consuls in 219B.C., who were the commanders in the second Illyrian War, were more politically astute. The event which triggered the war was a piratical raid by Demetrius and Scerdilaidas in 220B.C., which sailed well past Lissus with ninety

<sup>133</sup> App. Ill. 8: "οἱ δέ, ἐπεὶ τὰ Κελτῶν διετέθειτο, εὐθὺς μὲν ἐπιπλεύσαντες αἰροῦσι τοὺς ληστές...".

<sup>134</sup> Eutropius 3.7: "*M. Minucius Rufo P. Cornelio consulibus, Histris bellum inlatum est, quia latrocinati navibus Romanorum fuerant, quae frumenta exhibebant, perdomitque sunt omnes.*"

<sup>135</sup> Orosius 4.3.16: "*Deinde Histri novi hostes excitati sunt: quos Cornelius Minuciusque consules multo quidem Romanorum sanguine subegerunt.*"; Zonaras 8.20, who confuses Ister with Istria; see also Dell (1970) pp30 - 38 for a discussion of the war.

<sup>136</sup> Dell (1970) p31 however views the campaign as a 'military success' which furthered Minucius' career, since he was master of horse and dictator in 217.

<sup>137</sup> Dell (1970) regards it as a war; Badian (1964) p13 refers to it as a campaign and Errington (1989) as an expedition.

*lembi*, and plundered many of the Cyclades.<sup>138</sup> In the intervening years since the first war, Demetrius had married Triteuta, the mother of Pinnes and thus in becoming regent, became ruler over the Ardiaeans. He had also contributed 1600 men to the forces under the Macedonian king Antigonus Doson who fought in the victorious battle at Sellasia against Sparta in 222B.C., though this did not directly impinge on Roman interests.<sup>139</sup> Demetrius' voyage was seized upon by the Romans as breaking the treaty of 228B.C. However it has been pointed out that if Polybius' account, following his Roman source Fabius Pictor, is to be believed, Demetrius' actions were foolhardy, if not foolish. It might be thought that Demetrius would have seen the Romans' power recently demonstrated in Gaul and Istria, and would not provoke it against himself in such a blatant manner. He had also seemed to attempt to avoid provocation by not attacking any 'friends of Rome' on his plundering voyage.<sup>140</sup> Nevertheless his expedition is depicted in the sources as having broken the treaty, and this is no doubt how it was argued in the senate. It is explicable then that Polybius' Roman source omits Scerdilaidas from the piratical raid, for he did not suffer from the Roman reprisals, and this would have reflected adversely on their reasons for initially declaring war.

Errington suggests that as there were no other opportunities in 219 for the consuls L. Amilius Paullus and M. Livius Salinator to conduct a military command, they exaggerated the seriousness of the raid and the broken treaty conditions.<sup>141</sup> The

---

<sup>138</sup> Polybius at 3.16 omits any mention of Scerdilaidas, and the forty ships he commanded, leaving Demetrius with fifty, but at 4.16.6-9 Scerdilaidas and his ships are included. (Cf. also 4.19.7-9 for Demetrius' return.) (Badian (1964) p30n62 notes that 3.16 derives from Roman sources.) Demetrius is also said to have attacked cities in Illyria under Roman protection. Appian *Ill.* 8 mentions piracy as Demetrius' chief crime. Dio 12.53 and Zonaras 8.20 give Demetrius' plunderings of nearby tribes as the first matter which drew the Romans' attention towards him and then his attack on their 'allies' drew out the Roman forces.

<sup>139</sup> Polyb. 2.65.4, Errington (1989) p91.

<sup>140</sup> See Badian (1964) p12ff; Hammond (1968) p10ff; Errington (1989) p91ff.

<sup>141</sup> Errington (1989) p93. He also argues convincingly that the Macedonians were not particularly strong at this stage, and that if as Polybius says, the Romans acted in the face of fears of growing Macedonian power, to remove Demetrius and do little else was a remarkably ineffectual response.

subsequent ease of victory in their campaign bears out the notion of exaggeration. Demetrius had garrisoned Dimale (as Polybius calls it) or Dimallum, placed his friends in power in other cities and then barricaded himself at Pharos. Aemilius Paullus (Polybius omits the other consul Livius) arrived at Dimallum, and conquered it after only seven days of seige, after which other towns surrendered. The fleet then proceeded to Pharos, where Demetrius' forces were manoeuvred into fighting the advancing Romans in front and were then attacked from behind them, and were thus quickly defeated.<sup>142</sup> The settlement after the war left Illyria in much the same situation following the war of 229B.C.; Pharos and Dimallum became friends of Rome, and Pinnes remained leader of the Ardiaei. The Romans had not extended any more control over Illyria than previously.<sup>143</sup> After this victory, both consuls were given surely unmerited triumphs, but consuls who had the ability to persuade the senate of the need for war could obviously also argue convincingly for triumphs.<sup>144</sup> The piracy of Demetrius seems to have been the barest pretext for a war, which was sought by influential consuls who were also blatant triumph seekers.

Liguria seems to have become notorious as a hunting-ground for triumph hunters. The consuls of 182B.C., L. Aemilius Paullus and Gn. Baebius Tamphilus were both assigned to Liguria, where their 'matters were successful', but Livy does not supply any further detail about their campaigns, which suggests that they were thought to be negligible. This is supported by the fact that they were given the barest recognition for their actions, a *supplicatio* for one day.<sup>145</sup> The Ligurians disbanded their army, Baebius Tamphilus returned to Rome for the elections, and Aemilius wintered in Pisa with his army, since there was a report that 'Transalpine Gauls' were being armed, and it was thought they would enter Italy.<sup>146</sup> In 181B.C. both consuls

<sup>142</sup> Polybius 3.18-19; Hammond (1968) p12-15 for Dimallum not Dimale.

<sup>143</sup> Badian (1964) p17; Hammond (1968) p11-12; Errington (1989) p93-94.

<sup>144</sup> Also noted by Errington (1989) p93.

<sup>145</sup> Livy 40.1.1; 4 legions enrolled for the Ligurian campaign 40.1.5; 40.16.4. See Livy 39.1f; Ormerod (1924) p162ff; Harris (1989) pp114-118 for Roman wars in Liguria.

<sup>146</sup> Livy 40.17.6-8.

were again assigned the Ligurian province, because the Massilians had complained about Ligurian piracy, and Istria was added as a *provincia* since Tarentum and Brundisium had reported piracy from across the sea.<sup>147</sup> The consuls arranged for *duumviri navales* to organize twenty ships to be let down from the slips and crewed and to take command of ten ships each, one fleet to patrol as far as Massilia and one past Brundisium, to Barium.<sup>148</sup> That such ships needed to be removed from the slips demonstrates the manner in which those in Rome left communities to their own defences until they were no longer able to curtail the threat. It was also a purely defensive manoeuvre since the fleet does not seem to have joined Fabius in operations off Istria. However it was not the consuls, but the proconsul Aemilius Paullus who took the opportunity to attack the coastal Ligurian Ingauni on land. The campaign began disastrously, with the Roman camp being besieged and Aemilius forced to send for reinforcements. The *duumvir* C. Matienus was directed to sail with his fleet to the assistance of Aemilius.<sup>149</sup> Aemilius however decided to attack the Ingauni before the reinforcements arrived, broke out and defeated the opposition, whom Livy admits were disorganized, with 15000 Ligurians killed and 2300 captured, and 32 ships were also taken by Matienus. After this defeat the Ligurians surrendered.<sup>150</sup> Aemilius was granted a three-day *supplicatio* and then a triumph, but his 'war' does not seem to have been a particularly auspicious one. Livy may be reliant on a source biased against Aemilius, for Plutarch portrays it more favourably, but Aemilius nevertheless seems to have been attempting to anticipate the consuls of 181 in any action in Liguria.<sup>151</sup> The news that Aemilius was besieged is said by Livy to have caused *magna trepidatio* in Rome, since Fabius had started war with the Histrians and his army could not be recalled, the consuls were not in their province, and neither had their troops been

---

<sup>147</sup> Livy 40.18.3--4; Strabo *Aemil.* 6.3.

<sup>148</sup> Livy 40.18.7-8.

<sup>149</sup> Livy 40.25-26.

<sup>150</sup> Livy 40.27-28.8; Plutarch *Aem.* 6.1-7; Frontinus *Strat.* 3.17.2.

<sup>151</sup> Livy 40.34.7-8; Elogia *C.I.L.* 1<sup>2</sup>.1 pp194 & 198; Degraffi (1947) p554; Vell. Pat. 1.9.3; Auct. *De Vir. Ill.* 56.1 Harris (1989) p115 is also sceptical about this war, suggesting that Aemilius Paullus attacked with the 'reason or pretext being piracy'.

levied. It might also be thought that a campaign against pirates might have the fleet acting concurrently with the campaign, rather than hastily sent to help.<sup>152</sup> Plutarch says that he was hopeful of a second consulship, and it might well be suspected that he had wanted to receive a triumph for a victory as a great achievement in his first consulship, but since he had only received a *supplicatio*, took the opportunity to be the first to attack the Ingauni on the grounds of piracy while he had proconsular *imperium* in the hope of a triumph.<sup>153</sup> There were triumphs awarded over various Ligurian tribes throughout the second century B.C., in 197, 181, 180 (2), 179, 177, 175 (2), 166 (2), 158, 155, 123, 122 and in 117B.C. That the lightweight nature of many of these triumphs was notorious emerges in comments by Cicero, in which he prefers to place the significance of a great orator's speech (i.e. Lucius Crassus) higher than two 'fortress triumphs' in Liguria.<sup>154</sup>

Little more is known about the Istrian campaign in 181: the praetor in Gaul Q. Fabius Buteo is said to have conducted a *bellum* there since the Istrians were 'hindering the colony at Aquileia'.<sup>155</sup> The lack of any further detail about Fabius' campaign suggests 'nothing memorable' happened, though his *imperium* was prorogued for 180 in Gaul. It was not until 178/177 that a more significant war was conducted in Istria.<sup>156</sup> Livy's account says that Apulia was given to the praetor Lucius Duronius and that 'Histria was added' because of the complaints of piracy, which implies that it was added to Duronius' *provincia*, (*L. Duronio Apulia; et Histri adiecti, quod Tarentini Brundisinique nuntiabant maritimos agros infestos transmarinarum navium latrociniis esse*).<sup>157</sup> However as Sage notes, there is either a mistake, or this sentence is misplaced, since Buteo campaigned in Istria, (with no mention of province poaching) and Duronius had been in Apulia and later in 180

<sup>152</sup> Livy 40.26.

<sup>153</sup> Plutarch *Aem.* 6.8.

<sup>154</sup> See Degrassi (1947) p552ff for the triumphs; Cic. *Brutus* 255-6.

<sup>155</sup> Livy 40.26.2-3.

<sup>156</sup> Livy 41.1-12.

<sup>157</sup> As *MRR* 1.384 lists the provinces.

returned from Illyria with ten ships, presumably the same ten which had been sent to patrol off the coast of Apulia.<sup>158</sup> In fact it might be wondered to what extent piracy from Istria caused it to be added as a *provincia*, or whether it was an excuse for repression of the natives near the newly founded colony at Aquileia, since the fleet did not sail there, but patrolled off Apulia and only a year later Duronius claimed that 'all the maritime banditry' was being caused by Gentius in Illyria.<sup>159</sup> Ormerod argues that the Istrians were considered Illyrians, but it seems incongruous that Brundisium and Tarentum should complain about 'Illyrian' piracy from Istria when there was an Illyrian area much closer to their coasts where pirates were active, and particularly since a fleet patrolled opposite that area.<sup>160</sup>

Illyrian piracy was again the subject of Roman attention in 180B.C. Proprætor L. Duronius returned from his province to report that King Gentius in Illyria was responsible for 'all the piracy' in the Adriatic sea; that Duronius had sent legates who had not been received and that Roman citizens and Latin allies had suffered *iniuriæ* in Illyria, and that some citizens were even prisoners. Ambassadors from Gentius at Rome excused the king's absence as a result of illness, and the Roman senate temporised by sending another prætor, C. Claudius, to investigate.<sup>161</sup> Nothing however is known to have resulted from this mission. In 170, after the beginning of the Macedonian war under Perseus in 172B.C., Gentius was regarded as 'suspect'. Ships were sent to Issa, and a force under Appius Claudius Centho was sent to Illyria as a reminder of the Romans' power.<sup>162</sup> Gentius' support however was sought by

<sup>158</sup> Livy 42.1; Sage, Loeb edn, Livy 1938 p58n2. Ormerod (1924) p180n3 similarly on the ten ships.

<sup>159</sup> Livy 39.55.4-6; 40.26.2-4 & 34.2-4.

<sup>160</sup> Ormerod (1924) p180-181. He suggests that Gentius in Illyria was 'encouraging' them, but the subsequent war with the Istrians was fought against their leader Aepulo (41.11.1), and Gentius would no doubt have suffered retribution if the Romans thought he had been supporting them.

<sup>161</sup> Livy 40.42.1-5. Livy 44.30.1-6 follows Polybius at 29.13 in accusing him of constant drunkenness, as well as murder and cruelty towards his subjects.

<sup>162</sup> Livy 43.9.4-7. It is not certain what operations Claudius carried out, if any, in Illyria, since Livy attributes to him a disastrous attempt to retake the town of Uscana, in which he suffered a defeat,

Perseus in 169, and after haggling over monetary terms for some time with Perseus, Gentius imprisoned two Roman ambassadors in 168.<sup>163</sup> By this act, he entered the war and the Romans finally responded in force to a now formal enemy. The praetor L. Anicius Gallus defeated some of Gentius' *lembi* on the coast and then turned to the land battle.<sup>164</sup> Some cities surrendered to Anicius, and after being besieged for a short time at Scodra, the king surrendered also. The 'Illyrian war' was completed with thirty days, and Livy observes that the 'result of the war had been reported at Rome before its beginning'.<sup>165</sup> Anicius sent Gentius and his relatives back to Rome a few days after the news of the victory; they would feature in his triumph. Gentius had escaped Roman retribution for years because his activities were too insignificant, but by entering the war, he posed a greater threat. Livy admits that Anicius' triumph in 167B.C suffered by comparison to L. Aemilius Paullus' magnificent triumph over Perseus and the Macedonians, since Anicius was the lesser general, in *nobilitas* and rank (he was praetor to Aemilius' consul in 168), and Livy says that Gentius 'could not be compared' with Perseus, nor the Illyrians to the Macedonians, nor the amount of spoils, but the triumph was not to be scorned as it had its merits.<sup>166</sup> It must be wondered if this triumph would have been achieved without war being declared on Gentius. After the victory the Romans established loose authority over the area. Livy

---

which Livy also later attributes to L. Coelius (Claudius 43.10 & 11.11; 43.21.4; Coelius 43.21.1-3), the latter version *MRR* 1.422 follows. The probability that he did very little is also suggested by Livy's comment (below) that the result of the war conducted by Anicius was reported at Rome before its beginning. The account of Livy 44.30.10-12 suggests that Claudius intended to begin the war but was overruled by Anicius.

<sup>163</sup> Negotiations: Polybius 28.8-9; 29.3-4 & 8; Livy 43.19.13-20.4 & 23.8; Diod. Sic. 30.9; Result: Livy 44.23, 27.8-12; Appian *Mac.* 18; *Illy.* 9; Plut. *Aem.* 13.1-3. The Romans had already previously tried to make Gentius an ally and failed, with the legate L. Decimus suspected of taking bribes, Livy 42.37.2 & 54.8.

<sup>164</sup> Livy 44.30.13-15 says that there were 80 *lembi* plundering the coast, and his account seems to suggest that some surrendered, but there is a lacuna at this point; Appian *Ill.* 9 reports also that Anicius had captured ships.

<sup>165</sup> Livy 44.30-32; 45.3.1-2; Appian *Ill.* 9 says 20 days; Plut. *Aem.* 13.3; Florus 1.29; Eutrop. 4.6.4; Zonaras 9.24.

<sup>166</sup> Livy 45.35ff for the debate over Aemilius' triumph and the descriptions of the triumphs; Polyb. 30.22; Diod. Sic. 31.8.9-13; Vell. Pat. 1.9.5-6; Appian *Ill.* 9; Eutrop. 4.8. Degraffi (1947) p556.



reports that 220 Illyrian *lembi* were given to Corcyra, Apollonia and Epidamnos.<sup>167</sup> Anicius and a commission of five *legati* announced in Illyria that the people would be free, but their country would be divided into three parts, and that those who were already loyal to Rome or had defected to it during the war would be exempt from taxes, but otherwise the rest would have to pay half the tax which they formerly paid to the king.<sup>168</sup>

The subjugation of the Dalmatians in 156-155B.C. is an example of how the Romans could justify a war so that it was on their own terms, so that the reasons for it appeared worthy, even if the opponent was not. The people on the island of Issa had complained several times about the Dalmatians' attacks, and there were also complaints about them from the Daorsi tribe.<sup>169</sup> This would have been considered as piracy and banditry, which explains the Roman reluctance to respond, but the complaints eventually prompted the senate to send a commission to investigate these claims in 158B.C. The legates were said to have been rudely received, the Dalmatians did not listen to the legates or provide them with food or shelter, but confiscated their horses and threatened the legates with violence. The senate was annoyed at the treatment of its legates, but Polybius says 'other reasons' persuaded them to declare war, reasons which are notable for their silence on piracy or banditry or any complaints about them:

But their chief motive for action was that for several reasons they thought the time a suitable one for making war on the Dalmatians. For to begin with they had never once set foot in those parts of Illyria since they had expelled Demetrius of Pharos, and next they did not at all wish the men of Italy to be utterly undone by the long peace, it now being twelve years since the war with Perseus and their campaigns in Macedonia. They therefore resolved by undertaking a war

---

<sup>167</sup> Livy 45.43.10.

<sup>168</sup> Livy 45.17.1&4; 45.26.11-15; Diod. Sic. 31.8.2f. It is not known how the three divisions were to be controlled; Derow (1989) pp317-318 suggests that it may have been similar to the Macedonian settlement which divided the land into four separate areas, with no intermarriage, ownership of land or buildings across the boundaries, though they governed themselves.

<sup>169</sup> Polyb. 32.9.

against the Dalmatians both to recreate, as it were, the spirit and zeal of their own troops and by striking terror into the Illyrians to compel them to obey their orders. These, then, were the reasons why the Romans went to war against the Dalmatians, but to the world at large they gave out that they had decided on war owing to the insult to their amabassadors.<sup>170</sup>

The consul of 156B.C., Marcius Figulus, was sent against them and after some reverses, he eventually besieged the city of Delminium.<sup>171</sup> The consul of 155B.C., P. Cornelius Scipio Nasica, then captured and destroyed Delminium and celebrated a triumph.<sup>172</sup>

The bind in which those glory seekers who were assigned to control banditry were caught is described by Appian. During the war against Viriathus, in 138B.C. the consul Decimus Iunius Brutus (later Callaicus) was sent against the many groups of 'bandits' who were plundering Lusitania in 'imitation' of Viriathus. Iunius is said to have considered his task problematic, since it would be difficult to overtake the bandits through the country when they were moving swiftly from place to place. It was a thankless task, 'a disgrace if he failed, nor illustrious if he conquered.'<sup>173</sup> So in place of following the bandits, he attacked the towns with the aims (in Appian's order) of revenge, booty for the army and the thought that the bandits would disperse with the threat to their homes. He is described as 'laying waste' everything in his path, including women fighting with the men. It is hardly a flattering portrayal of the beginning of his campaign. He clearly achieved more success than Appian or his sources are willing to allow since even the descriptions of his further campaigns are not depicted as particularly glorious victories; for example, it is noted that there were towns which had surrendered to him and then rebelled, which it was then necessary

<sup>170</sup> Polyb. 32.13 (transl. Derow (1989) pp320-21); Zonaras 9.25.

<sup>171</sup> Livy *Per.* 47; Florus 2.25 says they were known for their *latrocinia*; App. *Ily.* 11; Obseq. 16.

<sup>172</sup> Livy *Per.* 47; Strabo 7.5.5; *Fasti Triumph.* 155; Frontinus *Strat.* 3.6.2; Obseq. 16; Auct. *De Vir. Ill.* 44.4; Ampelius 19.11; Zonaras 9.25.

<sup>173</sup> Appian, *Sp.* 71: "...αλσχρον ου καταλαβόντι, και νικήσαντι τὸ ἔργον ου λαμπρόν...". He mistakenly calls him Sextus Iunius Brutus.

for him to subdue.<sup>174</sup> However if the beginnings were not auspicious he went on to other campaigns, particularly in Callaecia, since he is in other sources attributed with conquering Lusitania and then Callaecia by 136, from which he took his *cognomen*. He then returned to celebrate a triumph over the two areas at some time between 136 and 133B.C.<sup>175</sup> Appian's account however warns that to 'conquer Lusitania and Callaecia' was perhaps not as glorious as it might appear, and that some regarded it unfavourably. Appian does not report his triumph, though he seems well informed on other details, and perhaps the possible later dating may indicate that the opposition created delay.

In 123B.C. the consul Q. Caecilius Metellus began a campaign against the inhabitants of the Balearic Islands, and the sources in this case acknowledge that it was caused specifically by the piracy which was being conducted from these islands.<sup>176</sup> Morgan has demonstrated the validity of Strabo's observation, following his source Posidonios, that only a few native islanders were involved in the piracy, which was in fact carried out by newcomers, whose influx had resulted in a sudden outbreak of piracy from the islands. Morgan suggests that these recent arrivals were refugees from the Roman campaigns in Sardinia and Liguria, from 126 and 125B.C. respectively, and that the senate's primary reason for this campaign was to prevent support from the islands reaching those in the provinces and thus hasten the subjugation of these other areas.<sup>177</sup> Metellus does not seem to have faced particularly strong opposition in achieving this objective. The sources provide details about the use of the slingshot by the islanders, in which they were trained from childhood, but not any major battle. When the Roman fleet approached their ships, Metellus had the decks screened with hides to provide protection against the slingshot attacks.<sup>178</sup> The pirates are then said to

<sup>174</sup> Appian *Sp.* 71-73.

<sup>175</sup> For the other sources for Iunius' campaigns, and the dating of his triumph, see *MRR* 1.483ff, from 138B.C.

<sup>176</sup> Strabo 3.5.1; Florus 1.43.2; Orosius 5.13.1. Livy *Per.* 60 does not mention piracy in the brief reference to the campaign.

<sup>177</sup> Morgan (1969) esp. pp221-2, 226-9.

have fled from close fighting with the Romans to the hills on the islands and had 'to be sought out to be conquered'.<sup>179</sup> Orosius reports this was accomplished with 'great slaughter' of the inhabitants.<sup>180</sup> Morgan suggests that this may have been enough to reach the '5000 dead enemies' limit, since Metellus achieved a triumph, however undeserving.<sup>181</sup> Metellus also placed 3000 colonists from Spain on the islands.<sup>182</sup> The sources do not report a single large engagement on land because there wasn't an 'engagement' as such, and Metellus would not have reported how he achieved his figures.<sup>183</sup> Metellus does not emerge creditably from this campaign. He no doubt knew that it was only a small campaign and furthermore, it was against pirates, so he made the best of his opportunity, and overran the two islands, not only killing the piratical newcomers, but some of the thirty thousand innocent and unprepared inhabitants, who are said to have been peaceful, despite their accuracy with the sling.<sup>184</sup> Metellus not only received a triumph for this campaign in 121B.C., he also took the cognomen 'Baliaricus'.<sup>185</sup> The repression of the pirates and their few islander allies alone would not have been enough to justify a triumph. It was no wonder that a bitter source on the Balearic islands told Posidonios that a few wrongdoers had caused all to be tarred with the same brush.<sup>186</sup>

The Romans had expanded their loose hegemony over the east. They had not only weakened Rhodian power, they had destroyed Carthage in 146, and in the succeeding decades they assisted the weakening of other powers which had threatened their own interests, such as the Seleucids.<sup>187</sup> Furthermore Attalus III in Pergamum

<sup>178</sup> Strabo 3.5.1; Diod. Sic. 5.18; Florus 1.43.4-5; Morgan (1969) p219f.

<sup>179</sup> Florus 1.43.6.

<sup>180</sup> Orosius 5.13.1.

<sup>181</sup> Morgan (1969) p230.

<sup>182</sup> Strabo 3.5.1; Morgan (1969) p230-1.

<sup>183</sup> Morgan (1969) p230n57.

<sup>184</sup> Diod. Sic. 5.17.2-3 - that they were not generally known for their piracy is evident in the comment that they ransomed their women from pirates; Strabo 3.5.1.

<sup>185</sup> See the sources cited above and Cic. *De Fin.* 5.82; Degraffi (1947) 560; Val. Max. 7.1.1; Pliny *N.H.* 7.142; Auct. *De Vir. Ill.* 61.6.

<sup>186</sup> Strabo 3.5.1; for Posidonios' visit to the islands, Morgan (1969) p218-9.

had died in 133 and left his property in his will to the Roman people. This did not go unchallenged, and the Romans fought a war against Aristonicus until they were victorious in 129. This added a significant part of Asia Minor to Roman rule, in addition to Macedon and Greece. Roman policy in the east during the second century has been called "...aggressive, often treacherous, unpredictable, cruel and immoral."<sup>188</sup> Their policies had led to the situation in which "...all major Hellenistic states, whether monarchies or republics, were either eliminated, reduced to the role of satellites of Rome, or henceforth entirely negligible...[and] political domination shifted to other powers, to the Romans, the Parthians, the Jews."<sup>189</sup> One power which emerged with the weakening of the other states in the late second century is significant for its role in supporting piracy. About 113B.C., Mithridates VI Eupator 'The Great' in Cappadocia by Pontus came to power and established himself as a new force in the east the Romans would have to reckon with for the next forty years.<sup>190</sup>

The next significant command against pirates was the first of several against the same foe; the infamous Cilician pirates. Ormerod claims that there was in effect a pirate war fought against them from 102 to 67B.C.<sup>191</sup> While this is an exaggeration, certainly there were several attempts to repress the piracy in the area. Both Strabo and Appian note that the geographical features of Cilicia Aspera or Rough Cilicia favoured the practice of banditry by land and sea, having little harbours and islands from which to attack, high cliffs which provided good defensive advantages for fortresses, mountains providing ships' timber, and large plains beyond the mountains which could be easily raided.<sup>192</sup> The Cilician mercenary pirates had been hired by the usurper Diodotos Tryphon about 145B.C., and he used the base of Coracesium, on the coast of Cilicia, in his struggle against the Seleucid king Demetrius II.<sup>193</sup> Strabo

<sup>187</sup> See Habicht (1989) pp324 - 387, esp. 'The decline of the Seleucids' p356ff.

<sup>188</sup> Habicht (1989) p382.

<sup>189</sup> Habicht (1989) p386.

<sup>190</sup> Hind (1989) p129ff.

<sup>191</sup> Ormerod (1924) p192.

<sup>192</sup> Strabo 14.5.6; Appian *Mith.* 92.

attributes the rise of Cilician piracy from this time, as a result of Diodotos' organization of them. There are few other details about their piracy for some years after Diodotos. The Romans, Strabo says, were not overly concerned about people outside the Taurus.<sup>194</sup> A commission including Scipio Aemilianus was sent on a tour about 140B.C., inspecting the peoples and cities in the east and they decided that the piracy was the fault of the rulers. Strabo declares that the Romans could not be judged harshly since they had other concerns closer to them which demanded their attention.<sup>195</sup> There is nothing known to have resulted from these tours. In the east as in the west, communities organized their own defence systems. An inscription in the late second century from Ephesus thanks the Astypalaeans for attacking and rescuing captives from pirates who were plundering the shrine of Artemis.<sup>196</sup>

In 102B.C the Roman senate sent Marcus Antonius, the orator and grandfather of the triumvir, against the Cilician pirates.<sup>197</sup> Ormerod suggests that as Strabo claims their slave trading was rampant, complaints about the pirates' slave-trading activities had become so serious that they warranted repression. Their involvement in the slave trade will be discussed further below.<sup>198</sup> There is remarkably little evidence about Antonius' activities when praetor in Cilicia in 102.<sup>199</sup> If it was a significant expedition, more praise might be expected from the sources. When Cicero was prosecuting Verres thirty years later, he chose Servilius Isauricus as an example of an

---

<sup>193</sup> Strabo 14.5.2; Habicht (1989) p364.

<sup>194</sup> Strabo 14.5.2.

<sup>195</sup> Polybius and Posidonius in Athenaeus VI 105, p273 A; Strabo 14.5.2; Justin 38.8; Diod. Sic., 33.28b.1-4; Magie 1950 2.1160n11. Strabo 14.5.6 discussing Cilicia Tracheia notes the Romans' practical reasons for preferring that the region be controlled by kings rather than Roman administrators: the Roman magistrates were not constantly present, nor did they always have armed forces.

<sup>196</sup> *I.G.* 12.3.171.

<sup>197</sup> See Ferrary (1977) p657n138 for the suggestion there could be a predecessor to Antonius in Cilicia, though he acknowledges it is dependent however on uncertain epigraphic dating.

<sup>198</sup> Ormerod (1924) p208-9; Strabo 14.5.2.

<sup>199</sup> See Broughton (1946) pp35-40; Magie (1950) 2.1161n12; Ferrary (1977) pp624-7 demonstrates *contra* Broughton, that Antonius' command lasted only a year.

exemplary successful campaign against pirates, though he admired Antonius for his oratory.<sup>200</sup> Cicero has only brief references to Antonius' campaigns in Cilicia. He once refers to him as the man who 'fought a war (*bellum*) against the pirates', who had proconsular *imperium*, who visited Athens on the way to Cilicia, and also notes that one of his quaestors was C. Norbanus, and his prefect was M. Gratidius, who was killed in Cilicia.<sup>201</sup> A Rhodian inscription records the name of another quaestor, Aulus Gabinus.<sup>202</sup> Another inscription refers to his journey with a fleet through the Isthmus of Corinth, and relates that while he continued to Side on the Pamphylian coast near Cilicia, the pro praetorian legate Hirrus fitted out the fleet in Athens.<sup>203</sup>

The other literary sources give sparse details. Livy says "M. Antonius, praetor in Cilicia pursued the maritime bandits."<sup>204</sup> The phrasing 'pursued the pirates' is notable as it hardly indicates a crushing victory. Trogus says a war was conducted there by Antonius.<sup>205</sup> Plutarch notes he received a triumph.<sup>206</sup> However as the references to

<sup>200</sup> See Cicero's *De Oratore*, for example.

<sup>201</sup> Cic. *De imp. Gn. Pomp.* 33: "...qui cum praedonibus antea ibi bellum gesserat..."; *De Orat.* 1.82; 2.3. 2.197-202 for C. Norbanus. M. Gratidius: Cic. *Brut.* 168; Broughton (1946) pp36n9. See Magie (1950) 2.1161n12 who summarises discussion on the nature of his command. It was given to Antonius as a military commander over the area, not as a governor of a formal province, and his command was essentially a naval operation.

<sup>202</sup> *I.G.R.R.* 4.1116. See Broughton (1935) p35-40 who argues that Antonius' command lasted two years, on the grounds that he had two quaestors; Ferrary (1977) pp625-6 argues that Norbanus would have thus held two positions concurrently in Dec. 103, as he was *tr. pl.* in 103. He suggests therefore that Norbanus was probably Antonius' quaestor in his consulship.

<sup>203</sup> *C.I.L.* 1<sup>2</sup>.2.2662 ll. 3-6: '*Auspicio <Antoni Marc>i proconsule classis Isthmum traductast missaque per pelagus. Ipse iter eire profectus Sidam, classem Hirrus Athenis pro praetore anni e tempore constituit...*'. Broughton (1946) p35f. Sherwin-White (1976) p4-5 argues that this does not refer to the Antonius of 102, but to his son who had a command against pirates from 74-71; refuted by Ferrary (1977) pp640-643. Tacitus *Ann.* 12.62 refers to a Byzantine embassy who mention their help to 'Antonius in the pirate war'. Given that Antonius 'Creticus' did not reach Cilicia, Tacitus seems to refer to the Antonius of 102, and this is also suggested by the order in which it is placed. Tacitus firstly mentions their help to Antonius, then their offers to Sulla, Lucullus and Pompey; similarly, Ormerod (1924) p226n5.

<sup>204</sup> Livy *Per.* 68: "*M. Antonius praetor in Ciliciam maritimos praedones persecutus est.*" Obsequens 44 boldly asserts that "*Piratae in Cilicia a Romanis deleti.*"

<sup>205</sup> Trogus (Justin) *Prolog.* 39.

<sup>206</sup> Plutarch *Plut.* 24.6; Degraffi (1947) 561-2 who dates it to 102. Both Plutarch *l.c.* and Cicero

his campaign are marked by their brevity, it suggests that they were victim to editing by the writers in favour of other matters, being included in the category of 'not worthy of mention', since they were not considered particularly memorable battles against ignominious pirates. The pirates' lesser status is perhaps also reflected by the fact that a praetor and not a consul was sent against them. Livy's summary for example, in which Antonius is given one line, focuses on the activities of Marius, and includes detail on his battles with the Teutoni, Ambrones, and the Cimbri, giving figures of the thousands of enemies slain and the thousands captured.<sup>207</sup> Antonius' campaigns have perhaps gained more significance than they deserved because they are seen as the first in the series of Roman efforts against the later notorious pirates. He did enough to ensure that he would receive a triumph, though this may owe more to his political acumen and support. He was a successful candidate for the consulship of 99B.C., despite the fact as Ferrary comments, the law of 100B.C. on the praetorian provinces could be seen as reflecting badly on his magistracy.<sup>208</sup> It might be suspected that Antonius' supporters were also instrumental in the vote for his triumph.<sup>209</sup>

At this time a piece of Roman legislation was passed concerning a number of matters. The law has been reconstructed from Greek translations on two inscriptions, one found at Delphi and one found more recently at Cnidos. Earlier this century the Delphic inscription was thought to be the *lex Gabinia*, then was dubbed the '*Lex de piratis persequendis*', and the 'piracy law', but the two inscriptions have recently been published under a more indicative title, the '*Lex de provinciis praetoriis*' and its date has been established as belonging to early February 100B.C.<sup>210</sup> As Lintott has observed, the law is not major policy, consisting of essentially routine decisions.<sup>211</sup> It

---

*De imp. Gn. Pomp.* 33 note that ironically Antonius' daughter was later kidnapped by pirates.

<sup>207</sup> Livy *Per.* 68.

<sup>208</sup> Ferrary (1977) p657.

<sup>209</sup> Broughton (1946) p37n14 notes he did not assume a provincial command during his consulship, and is not known to have held one after it; Cic. *De Or.* 3.10.

<sup>210</sup> Both were published together by Hassall, Crawford and Reynolds (HCR) in 1974 and again recently by Crawford, Reynolds, Ferrary and Moreau (Crawford *et al.*) (1996) p234f, with Latin and English translations and a full bibliography relating to the law.



nevertheless provides important evidence for provincial administrative procedures and in particular Roman policy towards the suppression of piracy.

Below are the full sections of the inscriptions particularly relevant to the province of Cilicia, and Roman measures against piracy.<sup>212</sup>

Delphi Copy Block A is very fragmented.

#### Cnidos Copy, Column II

ll. 1-11 [---? it has seemed good?] to the Roman people according to this statute, so that to none of the nations may there befall injury or [insult], for [who]ever? shall have received a charge?, insofar as it shall be possible, to act without wrongful deceit, so that the citizens of Rome and the allies and the Latins, likewise those of the nations who are friends of the Roman people may sail in safety and obtain their rights.

The remainder of Cnidos copy Column II, ll. 12-31 is a new clause which concerns directions to consuls about sending soldiers to the Macedonian governor, the provisioning of these soldiers with corn and contracting for it.

Cnidos Copy, Column III ll. 1-15 states the prohibition on the provincial governor travelling outside his province or marching an army out without the senate's decree, except for transit or on a 'state matter', and this also applied to his staff. Lines 16-21 permit the contribution of taxes to king or kings allied with Rome and lines 22-27 notes that Lycaonia was the *provincia* of the governor of Asia.<sup>213</sup>

#### Cnidos Copy Column III ll. 28-41

<sup>211</sup> Lintott (1976) p71.

<sup>212</sup> Crawford *et al.* (1996) p253ff.

<sup>213</sup> See Crawford *et al.* (1996) p260f. for the ambiguities contained in these lines regarding the holding of the *provincia*.

The senior consul is to send letters to the peoples and states to whom he may think fit, to say that the Roman people <will have> care, that the citizens of Rome and the allies and the Latins, and those of the foreign nations who are in a relationship of friendship with the Roman people, may sail in safety, and that on account of this matter and according to this statute they have made Cilicia a praetorian province. And likewise to the king holding sway in Cyprus and the king ruling at Alexandria and in Egypt and the king ruling at Cyrene and the king[s ---]

Delphi Copy, Block B, ll. 8-27

ll. 8-14

[--- And likewise] to the king ruling in the island of Cyprus and to the king [ruling at] Alexandria and in Egypt [and to the king] ruling at Cyrene and to the kings ruling in Syria [who have] a relationship of friendship and alliance [with the Roman people, he is to send letters] to the effect that it is right for them both to see that [no] pirate [use as a base of operations] their kingdom [or] land or territories [and that no officials or garrison commanders whom] they shall appoint harbour the pirates and to see that, insofar as [it shall be possible,] the Roman people [have (them as) contributors to the safety of all. And these] letters being sent to the kings according to this statute [he is to give] to the Rhodian ambassadors [? and he is to see? --- that] whoever has a charge in these matters see to [their] safety [according to the (relevant) statutes and] the law.

ll. 14-20

[And if any other ambassadors] shall be presented and it shall be appropriate, as they choose, [in like manner] he is to report the business to the senate and the senate is to be consulted, [just as shall seem to him to be according to the public interest] and his own good faith. Whatever the senate decree concerning this matter, the magistrates and promagistrates [now in office, each of them is to see, as he shall deem it proper,] that it be put into effect. The consul, whose business it shall be - or whoever else [shall convene the senate] - that he [grant] to the embassies [access to the senate, to the ambassadors from the] Rhodian people who may be in Rome he is to grant access to

the senate *extra ordinem*. And he is to see that a decree of the senate be passed [when] he has brought them in [according to this statute, whether] it is a statute or a plebiscite; and it is to be lawful for him to do this without personal liability.

## II. 20-7

The praetor [or the proconsul? designated?] to the province of Asia, <to whom> the province shall have fallen [in the consulship] of Gaius Marius and Lucius Valerius [is to send] letters to the peoples [and states and to] the kings written down above [and] likewise [to those to whom] the consul [shall think it proper] to write, [as he shall deem it proper,] according to this statute. [And] he is to send a copy [of this] statute to the cities and states, to whom [it is appropriate] to send [letters] according to this statute. [And he is to see, insofar as] it be possible, that whatever letters he send according to this statute, to whomever he send them, that they be delivered according to [this] statute, [and that, according to the customs of those] to whom letters may be sent according to this statute, the letters, engraved on a bronze tablet, [or if not either on a marble slab or even] on a whitened board, be openly [published] in the cities [in a sanctuary] or *agora*, in such a way that people shall be able to read (them) [properly] from ground level. [And] he is to write in this way [and in no other way] in order that this [may happen] everywhere, [and the others] over whom they may have command are to do this (also). And whoever [may have a charge] according to this statute, is to see that [this be done.]

Cnidos Copy, Column IV, ll. 5-30 again refers to the duties of the governor of Macedonia, to arrange for the collection of revenue, to be in the province at least sixty days, to protect friends and allies of Rome and to establish the boundaries of the uetigal of the Chersonese.

Lines 31-9 states that if a provincial governor of Asia or Macedonia were to abdicate his magistracy, he retained his *imperium*, to punish, to coerce, to administer justice, to judge, to appoint *iudices* and *recuperatores*, [registrations] of guarantors and

securities, emancipations, and immunity from persecution until he returned to Rome. Lines 40-2 states that in the event of the abdication of a quaestor or proquaestor from Asia or Macedonia, he is to take thought for public moneys....This is where the text breaks off, but is thought to be continued in

#### Delphi Copy, Block C

ll.4-8 which state that he has the ability to levy fines, and is also immune from prosecution until his return to Rome.

Lines 8-10 state that the present governor of Asia or Macedonia is to give an oath to enact his duties according to this statute.

Lines 10-15: Other magistrates, except tribunes and governors are to swear to this law.

Lines 15-19 forbid any action against the statute or not to give oath according to the law; lines 19-24 give a fine of 200,000 sesterces as punishment; and lines 24-30 forbid blocking the prosecution of people under this law.

#### Cnidos Copy, Column V ll.1-46

This lays down procedures for a trial before *recuperatores*, with provisions for the selection of *recuperatores* and summoning of witnesses, and for fines to be paid if guilty, but not in the event of acquittal.

Much of the discussion on the law has centred on Cnidos copy Col. III ll. 28-41 for the importance it may have for the date of Roman annexation of Cilicia.<sup>214</sup> The general recent consensus is that "...these lines mean no more than that Cilicia is being made a praetorian province for the coming year...", which was not a permanent arrangement, and in any case had already been arranged previously in 102 for M. Antonius.<sup>215</sup>

<sup>214</sup> See Crawford *et al.* (1996) for the bibliography.

<sup>215</sup> Lintott (1976) pp81-2; Crawford *et al.* (1996) p261-2. See Ferrary (1977) p627 on Cilicia's position as a province probably not until after Servilius Vatia's campaigns in the 70's; also Liebmann-Frankfort (1969) 447-454; Badian (1964) p161.

The law recognises that by making Cilicia a praetorian province again, there was still a problem with piracy after the campaigns of M. Antonius. The law also indicates that the senate felt some responsibility to extend an element of control in the situation in Cilicia, but the fact that there was no governor of Cilicia at the time of the passing of the law, as shown by the absence of an oath to be taken on his part, suggests that there was not a strong sense of urgency.<sup>216</sup> Neither is there a record of there being a praetor for the province for that year. After all, as Ferrary notes, it was hardly a new problem.<sup>217</sup> In the meantime Rome wanted its allies to share some of the burden of policing. The senior consul was to send letters to the allied kings in Cyprus, Alexandria, Egypt, Cyrene and Syria, not just requesting their help in 'contributing to the safety of all', but specifically to ask that they not allow pirates to use their land as a base, and to prevent their appointed officials or garrison commanders from receiving/harboursing pirates.<sup>218</sup> The law includes Syria in this command. Strabo suggests that Syria had been the target of slave-trading pirates, since he says that the kings of Cyprus and Egypt were aiding the pirates, and were cooperating in the slave trade, as they and also the Rhodians were enemies of Syria.<sup>219</sup> The inclusion of Syria with the other areas together in the law suggests that it no more than any other state was particularly targeted. The pirates' involvement in slave trading activities in any case does not appear as significant at this stage as Strabo suggests. This is indicated in the law, which reveals a concern with piracy on the sea, rather than with the numbers of people taken from areas on land by pirates to be sold into the slave trade. On the Cnidos copy, on columns II at ll.10-11 and III ll. 34-35 an intention to ensure safe conduct on the sea is expressed twice, and it specifically states that 'because of this'

<sup>216</sup> Lintott (1976) pp81-82; Crawford *et al.* (1996) p262.

<sup>217</sup> Ferrary (1977) p657, citing Scipio Aemilianus' commission.

<sup>218</sup> Delphi Copy Block B ll. 10-11: "...[γράμματα ἀποστελλέ]τω καὶ ὅτι δίκαιόν ἐστ[ιν αὐ]τοὺς φροντίσαι, μὴ ἐκ τῆς βασιλείας αὐτ[ῶν μήτε] τῇ[ς] χώρας ἢ ὀρίων πειρατῆ[ς] μηδεὶς ὁρμήσῃ μηδὲ οἱ ἀρχοντες ἢ φρούραρχοι οὐς κ]αταστήσουσιν τοῦ[ς] πειρατὰς ὑποδέχωνται...".

<sup>219</sup> Strabo 14.5.2; Westermann (1955) p65.

the decision was taken to make Cilicia a praetorian province. Strabo himself reports the pirate tactics of the Lycian Corycaeanes, who were accustomed to enter other harbours, in order to overhear merchant conversations concerning their cargoes and destinations (methods later used by Bulla Felix) and then attack and plunder the ships once they had put out to sea. The Corycaeanes' spying technique had become so well-known that they were proverbial for nosiness.<sup>220</sup> Rickman notes that there had been a corn shortage in 104B.C., and suggests that Antonius was sent to deal with the pirates because they had been interfering with the corn supply for Rome.<sup>221</sup> This further suggests that Antonius' expedition was sent to deal with pirate interference with the ships on the corn supply routes, rather than their slave-trading.

The law further suggests that there was at least a notable level of corruption on other coastal areas and that officials were paid to look the other way, either by the pirates directly, or by the people who were supplying them and buying their booty.<sup>222</sup> Presumably if the Romans had felt that the kings were more directly involved, their response would have been stronger against them than sending letters with the Rhodian ambassadors who were in Rome at the time, asking them to clean up their coasts.<sup>223</sup> The governor of Asia was also to distribute letters to them and to see to it that the law was published. The piracy it seems was essentially emanating from the Cilician area, which the Romans acknowledge was their area to police by again making it a praetorian province. Antonius however was not replaced immediately, indicating the customary Roman upper-class reluctance for policing, though they had attempted to reduce the pirates' trading and supply opportunities through a crackdown on their associates on the coasts of allied kingdoms.

Ormerod argues that the rise of Cilician piracy was caused not just by the 'negligence' of the Roman policing in the east, but by the Romans' tacit acceptance of it because it was a source of slaves for the Italian farms, since pirates were acting as

---

<sup>220</sup> Strabo 14.1.32.

<sup>221</sup> Rickman (1980) p50.

<sup>222</sup> Cf. Strabo 11.2.12; Black Sea pirates supplied with mooring places, etc on the Bosphorus.

<sup>223</sup> Crawford *et al.* (1996) p262.

slavers.<sup>224</sup> He cites the oft-quoted section from Strabo, who claims that the pirates were 'pretending to be slave-dealers' because of the profits offered from this practice, using Delos, which was proverbial for its notoriety as a slave-market, and it is in this context that the famous statement occurs that ten thousand slaves could be passed through the port of Delos in a day.<sup>225</sup> Ormerod argues that "Posing as ordinary slavers, they frequented the port of Delos, where we are told that tens of thousands of slaves changed masters in a day, the principal purveyors being the pirates and the tax-farmers."<sup>226</sup> However Strabo claims that Delos had the ability to handle ten thousand a day, (however exaggerated this may be), not that pirates or slave dealers and *publicani* were providing these numbers by preying on the coastal areas.<sup>227</sup> The source which could provide such numbers was warfare, when great numbers of the conquered could be enslaved. Piracy has often been cited as a source of slaves and there is no doubt that there is evidence of kidnappings and ransom by pirates, though less of slave-trading. Finley rightly pointed out that silence on this matter proves little, "...Greek and Roman writers and epigraphical texts are as noisy about piracy as they are silent about the slave trade...[since piracy] was indiscriminate in its victims, seizing Greeks and Italians who fell its way as well as barbarians.". Appian for example does not mention the pirates' slave-trading, but says they attacked towns and kidnapped wealthy citizens for ransom and artisans, who seem to have been made slaves by the Cilicians themselves, who valued their skills.<sup>228</sup> Moreover Finley argues that piracy was a factor in the slave supply, but it was not the central method by which slaves

---

<sup>224</sup> Ormerod (1924) p207. Followed by Westermann (1955) pp65-66; Vogt (1974) p87; Starr (1989) p62; see also Shaw (1984) pp39-40; Pohl (1993) Ch2.

<sup>225</sup> Strabo 14.5.2.

<sup>226</sup> Ormerod (1924) p207; Diod. Sic. 36.3 who quotes Nicomedes of Bithynia as refusing to provide men for the Cimbrian wars because so many of his people had been carried off by the tax farmers and were now enslaved. See Rostovtzeff (1941) p782-2, who notes Nicomedes himself probably sold off his subjects into slavery.

<sup>227</sup> Delos' ability to handle such numbers is also doubted by Westermann (1955) p65. Garlan (1987) p10 sounds a similar warning.

<sup>228</sup> Appian *Mith.* 92-93, 96. See Dio 77.3 on Bulla's interest also in kidnapping artisans.

were supplied: "...even when it was most active piracy could not have been a complete explanation..."; the army "...was always a more significant factor in the picture than piracy."<sup>229</sup> Victorious Roman armies could provide the slave-traders with many more captives than pirates. One example alone from the beginning of the first century B.C. gives enormous numbers of captives from war. In 102-101B.C. Marius conquered the Teutoni and the Ambrones, with ninety thousand captured, and his defeat of the Cimbri yielded sixty thousand captives.<sup>230</sup>

As discussed above, around 100B.C. the 'Cilicians' involvement in the slave trade at that point was probably to a lesser extent than has been claimed. Later the pirates certainly were more widespread and sailing in large numbers, and it is then that their dealing in slaves was probably most prominent. There are several examples in the sources of people, usually the 'rich and famous', who were kidnapped and held to ransom. It provided also a popular literary plot.<sup>231</sup> Caesar's kidnapping and ransom in 75/4 is well-known, not least for the poor response of the governor of Asia, M. Iunius Iuncus, said to have been more interested in selling the pirates Caesar had captured than executing them. Caesar's ransom was raised from nearby Asia Minor. The captain of a ship in the fleet which was pursued and then captured by the pirates off Sicily in Verres' governorship, who was said to be a *homo nobilis* from Haluntium, was ransomed by the Locrians at public expense.<sup>232</sup> Cicero comments

<sup>229</sup> Finley (1962) pp57-8. Also Harris (1980) p124; Bradley (1987) p43ff. See Finley and Garland (1987) p9ff for the importance of trading in slaves in general as a source. Sherwin-White (1976) pp3-4 also suggests that the weakening of powers which had formerly provided fleets for policing greatly contributed to the increase in piracy.

<sup>230</sup> Livy *Per.* 68; cf. Plutarch *Marius* 21.2; 27.3.

<sup>231</sup> See for example, Apuleius *Met.* 4.23ff (On Apuleius also see Mackay (1963) 147-152); Plautus *Miles Glor.* 118; *Poenulus* 897; *Rudens* 40; Terence *Eunuch* 114; Statius *Thebaid* 496-8; Pseudo-Quintilian *Dec. Min.* 257; 311; 342; 343; 373; 388; *Dec. Maior.* 5; 6; 9; Seneca *Contr.* 1; 7; 9; (see Petronius' satirical comment on these 'declamation pirates' in general, *Satyricon*, 1.3; and Bonner (1949) p7ff.) In the Greek novels, kidnapping by pirates and bandits is a common theme: see Xenophon *An Ephesian Tale*, Achilles Tatius *Leukippe and Kleitophon*, and Heliodorus *An Ethiopian Story*, collected in Reardon (1989). For Heliodorus also see Morgan (1982) pp221-265.

<sup>232</sup> Cic. *In Verr.* 2.5.90. Cf. Strabo 11.2.12 on the piracy of the Heniochi and their practice of kidnapping, and the response of the local rulers, who 'often attacked' the pirates, contrasted with the



that the generous were those who 'ransomed captives *a praedonibus*' at their own expense.<sup>233</sup> In the early 60's the pirates were even taking captives from the coast of Italy. The daughter of M. Antonius the commander in 102 was kidnapped from Misenum. Roman legates were taken and held to ransom on their journey to Rome returning from other countries. Two praetors in 68B.C., Bellinus and Sextilius, were captured together with their retinues and lictors.<sup>234</sup> When Pompey captured Cilicia, there were captives there awaiting ransom, some of whom had been there so long that they returned home to find they had been given up for dead.<sup>235</sup> Cicero's enemy P. Clodius Pulcher was captured by pirates in 67, while he was (probably) prefect in the fleet of Marcius Rex in Cilicia. Clodius is said to have been annoyed at Ptolemy in Egypt for refusing to ransom him. The lack of a ransom is reported in several sources; Appian's account says Ptolemy contributed only two talents, apparently not enough, towards Clodius' ransom; Strabo develops the tale, saying the pirates disdainfully returned Ptolemy's money since the amount was pitifully small and released him without ransom; and Dio reports the pirates are said to have released him through fear of Pompey. Cicero of course seizes upon the kidnapping to claim that Clodius was so depraved that he had even 'satisfied the lusts' of the Cilician pirates.<sup>236</sup> Though most examples of the kidnappings by pirates mention the well-known, Cicero does however acknowledge the risk of enslavement in general by sailing with pirates on the sea.<sup>237</sup>

---

Roman-ruled territories and the poor response of governors.

<sup>233</sup> *De Off.* 2.56; cf. 2.63 on ransoming slaves.

<sup>234</sup> Antonius' daughter: Plutarch *Plut.* 24.6; Cicero *De imp.* 33 (*liberi*); Appian *Mith.* 93 notes there were several upper-class women seized. Praetors and retinue: Cicero *De imp.* 32-33: 53; Appian *Mith.* 93 cites the areas targeted as Brundisium and Etruria; Plutarch *Pompey* 24.6.

<sup>235</sup> Appian *Mith.* 96.

<sup>236</sup> Cic. *De Harusp. Resp.* 42; Crawford (1994) p301 in the commentary on fragment 20 of Cicero's speech *De aere alieno Milonis*, (Schol. Bob. 173.16St.) which also mentions the ransom, suggests that in the *De Harusp.* comment Cicero insinuates that Clodius couldn't obtain a ransom so was released after providing sexual favours to the pirates. Strabo 14.6.6; Appian *B.C.* 2.23; Dio 36.17.2-3; 38.30.5; on Clodius' command, *MRR* 2.148.

<sup>237</sup> *Pro leg. Man.* 31; See also Cic. *In Verr.* 2.5.63ff on the captives taken by Verres from the pirates; in *Pro Flacco* 31 he claims many were still captured by pirates from Asia even after Pompey's campaigns. Laws in the *Digest* record that it was possible to ransom kidnapped slaves and

It has been convincingly argued that Sulla's command as praetor in Cilicia in the 90's (probably 96) was initially intended to be a command against the pirates, as Antonius' had been, but became a campaign to replace the king of Cappadocia on his throne, against Mithridates.<sup>238</sup> Magie doubts this attribution, partly because the earlier sources such as Livy and Plutarch, do not refer to his activities in Cilicia, only Cappadocia, and is sceptical that Plutarch could not find anything about this episode worth mentioning, particularly since he possessed Sulla's memoirs as a source.<sup>239</sup> However, it is far from inexplicable that a commander sent to deal with Cilician pirates and then directed by the Senate against an obviously more important and more worthy enemy in Cappadocia should play down or ignore this fact when he was able to claim the more auspicious deed of placing Ariobarzanes in power in that region, nor that a writer should ignore the unmemorable fact that his command was originally in Cilicia, particularly since it was against pirates. However the fact that he was sent there, though did not campaign in Cilicia, suggests the persistence of piracy.

Mithridates had retired from Cappadocia, but was far from defeated.<sup>240</sup> He advanced again into Cappadocia, while Roman attention had been turned away from the east by the Social War, in 91/90, ousting Ariobarzanes and installing Ariarathes, and also taking the opportunity to dislodge Nicomedes from the throne of Bithynia, and installing his own candidate Socrates.<sup>241</sup> Both exiled kings appealed to Rome for support, which sent an investigative commission under M'. Aquillius, who ordered Mithridates to withdraw.<sup>242</sup> Mithridates acquiesced, and even had Socrates

---

even a ship: for the latter: *Dig.* 14.2.2.3 (Paulus, quoting Servius, Ofilius (Ofellius) and Labeo, jurists from the late Republic/early Empire); slaves: *Dig.* 24.1.28.1 (Paulus); 24.3.21 (Ulpian). Crawford (1977)(a) pp121-122 suggests that the sudden fall in slave-trading caused by Pompey's campaigns in 67 was responsible for the increase in trading to the Dacian region.

<sup>238</sup> Badian (1964) pp157-178; Ferrary (1977) p627. *MRR* 2.15f lists the sources for Sulla's command. Hind (1994) p142 is still unconvinced as to the dating.

<sup>239</sup> Magie (1950) 1.284.

<sup>240</sup> See Hind (1994) pp129-164 for a recent full discussion of Mithridates, his ambitions and campaigns; also Magie (1950) pp199-231.

<sup>241</sup> Appian *Mith.* 15 & 57.

executed.<sup>243</sup> The Roman pressure on Nicomedes to then attack Mithridates was a provocative move. Mithridates sent an embassy to the commissioners to protest, and with the Roman dismissal, sent Ariararthes in to dislodge Ariobarzanes again. A second embassy which listed Mithridates' many allies was interpreted as a threat, and the commissioner decided upon war in 89B.C.<sup>244</sup> Mithridates however defeated the Roman forces with his huge army, said to consist of 250,000 infantry, 40,000 cavalry and 400 ships, and replaced the Roman supremacy over Asia Minor with his own.<sup>245</sup> Sulla was then sent against him. To counter Mithridates' control of the sea, Sulla sent his quaestor Lucius Licinius Lucullus to gather a fleet in 87/86B.C., and the difficulties he faced demonstrate the extent of Mithridates' power and the menace of the pirates. Sulla had asked the Rhodians to supply ships, but they were prevented by Mithridates' fleet. Lucullus travelled to Alexandria, Syria, Crete, Cyrene, and Rhodes and Pamphylia, not visiting the cities associated with piracy. On his journey to Egypt he is said to have been attacked by pirates, and lost most of his ships. Resupplied with ships by Ptolemy, at Cyprus he learnt that 'enemy ships' were aware of his movements, and were waiting for him, but by setting out unexpectedly from Cyprus and sailing with reduced sails during the day, he took the fleet to Rhodes.<sup>246</sup> He refused to help Fimbria in his siege of Mithridates at Pitane by blockading Mithridates' retreat by sea. The precise reason for this refusal is not known; it may have been a command from Sulla, or that he did not wish to allow Sulla's enemy to claim the credit for ending the war, or he may have wished to avoid confronting the might of Mithridates' fleet, as he had done before. Mithridates escaped to his fleet, and Lucullus proceeded to join Sulla, not without skirmishes with enemy ships.<sup>247</sup> The subsequent terms offered which

<sup>242</sup> Appian *Mith.* 10f; Justin 38.3.

<sup>243</sup> App. *Mith.* 11; Justin 38.5.8.

<sup>244</sup> Appian *Mith.* 11-17; Justin 38.3; Memnon 30.3.

<sup>245</sup> Appian *Mith.* 17; see Hind (1994) p144ff; Magie (1950) 1.210ff. Mithridates failed however to overcome Rhodes, Appian *Mith.* 24-27.

<sup>246</sup> Cicero *Acad.* 2.11 & 61; Plut. *Luc.* 2.2-3.3; Appian *Mith.* 33; 51 (Sulla is said to have started building ships while waiting for Lucullus) 56; Josephus *Ant.* 14.114; Auct. *De Vir. Ill.* 74.2.

<sup>247</sup> Magie (1950) 1.228; Hind (1994) p160; Plut. *Luc.* 3.4-4.1; App. *Mith.* 52; Orosius 6.2.10.

Mithridates eventually accepted in 85B.C. included the surrender of seventy ships with their crews and equipment.<sup>248</sup>

Appian says that Mithridates had encouraged pirate raids on the coast in his initial conquest of Asia. It continued after his defeat and had become more organised, so that raiding pirate ships 'resembled fleets'. They were attacking not only ships, but harbours, fortresses and cities; Iasus in Caria; the island of Samos, and Claxomene in Ionia. Moreover they stole from the temple on the island of Samothrace booty said to be worth 1000 talents, while Sulla was on the island.<sup>249</sup> With such large raiding parties, which probably carried off people as well as booty, it is more likely that it is during these years that the rise in slave-trading occurred, and when the city of Side in Pamphylia became known as a dock and a slave market for the pirates.<sup>250</sup> Cicero in the *Verrines* implies that Phaselis in Lycia had also relatively recently become a haunt for Cilician pirates; he says the pirates traded there, then were in partnership with it.<sup>251</sup> This probably occurred under the influence of Zenicetes. Sertorius in 81B.C. is said to have captured the Pityussae islands near the coast of Spain with the help of Cilician pirates, and they left him in search of more booty by fighting for a claimant to the throne of Mauretania.<sup>252</sup>

In the east, L. Licinius Murena left in Asia in 83-82B.C. by Sulla, gathered a fleet. for use against the pirates. However he then advanced inland and attacked the ruler Moagetes at Cibyra, in Lycia and also took the towns of Bubon and Balbura.<sup>253</sup> Appian comments that Murena attacked the pirates but achieved little. Murena then went on to raid areas in Cappadocia, in a transparent attempt to win a triumph, which

<sup>248</sup> For the terms, see Plut. *Sulla* 23.5f; Appian *Mith.* 55 & 58; Licinianus p26f., Livy *Per.* 83; Vell. Pat. 2.23.6; Florus 1.40.12; Memnon 35.2.

<sup>249</sup> Appian *Mith.* 63; 92.

<sup>250</sup> Strabo 14.3.2.

<sup>251</sup> Cic. *In Verr.* 2.4.21. Cf. Strabo's comments on the peaceful Lycians, 14.3.2 and their refusal to join the Cilicians in their piracy, 16.2.14. See also Maroti (1968) pp233-38 for discussion on an oracle against the pirates sought by the Syedrians in Pamphylia.

<sup>252</sup> Plut. *Ser.* 7-9.

<sup>253</sup> Cic. *In Verr.* 2.1.89; Strabo 13.4.17; Appian *Mith.* 64; 93; Auct. *De Vir. Ill.* 74.2.

he received, though he is said to have been recalled by Sulla.<sup>254</sup>

The next known governor of Cilicia in 80/79, the proconsul Dolabella was more interested in increasing his own wealth through extortion of the provincials during his command, for which he became notorious, (and Cicero emphasises that Verres was his legate at the time), than his military activity.<sup>255</sup> He too disregarded the suppression of piracy. Unfortunately the early sources for the campaigns of Servilius Vatia in 78-74B.C., the sections of the histories of Sallust and Livy, have been lost, and the evidence exists only in the fragments and epitomes of their works, and epitomes by later writers. Nevertheless Servilius' campaigns emerge as the first successful attempts against the pirates for over twenty years.<sup>256</sup> He was sent in 78B.C. with proconsular *imperium* following his consulship in 79 and collected a fleet for his first campaign, against the pirates on the coast.<sup>257</sup> The preparation delayed the beginning of the campaign probably until the spring of 77B.C. The pirates' light boats were said to have been no match for his fleet and he won a victory over them, though not without loss (*incruenta*).<sup>258</sup> He then went on to conquer the Lycian cities of Phaselis, Olympus and Corycus.<sup>259</sup> During this he defeated Zenicetes, a man said by Strabo to

<sup>254</sup> Appian *Mith.* 64-66; 112; Cic. *De Imp. Gn. Pomp.* 8; Degraasi (1947) p563. See *MRR* 2.64 for other mentions of Murena's raids in Cappadocia.

<sup>255</sup> Cic. *In Verr.* 1.11; 2.1.41-102; 2.2.109; 2.3.177; Asconius 26; 74C; Pseudo-Asconius 194; 206; 208; 234; 236; 240; 242; 245 Stangl; *Schol. Gron.* 325; 329; 333 Stangl. See also Magie (1950) 1.286f.

<sup>256</sup> See Ormerod (1922) pp35-56 for Servilius' campaigns, and Magie (1950) 1.287f; 2.11647f.

<sup>257</sup> Ormerod (1922) pp37-39 suggests that Servilius' active campaigning years were 77 - 75, and in 74 was succeeded by Octavius, to reconcile the differences between Cicero *In Verr.* 2.3.211 that Servilius command lasted a *quinquennium*, and Orosius 5.23.22 and Eutropius 6.3 who give him a *triennium*. See also Magie (1950) 2.1167. Suet. *Iul.* 3 says Julius Caesar 'served under Isauricus in Cilicia for a short time', but in which capacity is not known; he is not listed in *MRR*. On learning of Sulla's death in 78 he returned to Rome. Gelzer (1968) p22 suggests it was 'military training'.

<sup>258</sup> Florus 1.41.4; obliquely referred to by Strabo 14.3.3.

<sup>259</sup> Cic. *De Leg. Agr.* 2.50; *In Verr.* 2.1.21; 2.4.22; Sallust *Hist. fr.* 1.115-119; 2.63 McGushin (= 1.127-132; 2.81 Maurenbrecher (M.)) Strabo 14.5.7; Florus 1.41.5; Orosius 5.23.22; Eutropius 6.3, Ps.-Asc. 237 Stangl. He also conquered areas in Pamphylia: Cic. *De Leg. Agr.* (Attaleia) 1.5; 2.50; Strabo 14.5.7; Eutropius 6.3. Livy *Per.* 90 erroneously says he achieved success against the

have controlled these Lycian cities and many places in Pamphylia. Zenicetes' stronghold was on Mt Olympus, near the Lycian Corycus, (not the Cilician city of the same name) and when it was captured by Servilius, set fire to his household and himself.<sup>260</sup> Following these victories, Servilius went inland to Isauria for his next campaign. The Isaurians were said to be bandit-like, and this seems again to be a use of the customary term for tribal raids.<sup>261</sup> Servilius' invasion of the Isaurians led to the conquering of the two main towns, Isaura Vetus and Isaura Nova.<sup>262</sup> He did not however actually enter Cilicia Tracheia. The pirate towns on the Cilician coast itself were not fought in Servilius' campaigns.<sup>263</sup> It has been suggested that he wanted to conquer the new territory of Isauria, since the Isaurians would have had little contact with the piracy on the coast. The pride taken in his victories and in conquering the new area is demonstrated by his adoption of the *cognomen* Isauricus. As Syme notes, given Cilicia's association with piracy, a commander would hardly want the *cognomen* 'Cilicius'.<sup>264</sup>

Servilius is one commander who seems to have deserved his triumph, though once again the pirate menace from Cilicia was not dealt with, despite the subjugation of their Lycian associates.<sup>265</sup> Magie comments that his victories seem 'more spectacular than real', since Isauria had no strategic or economic importance, and that their banditry could affect little in any case, as they were not near main trade routes.<sup>266</sup>

---

'Cilicians'; Vell. Pat. 2.39.2 says he conquered the Cilicians, cf. also Amm. Marc. 14.8.4.

<sup>260</sup> Strabo 14.5.7. See also Ormerod (1922) p40f; Magie (1950) 2. 1168-9.

<sup>261</sup> Strabo 12.6.2; Sallust 2.67 (= 2.85 M.) See also Minor (1979) pp117-127 for discussion of Isaurians.

<sup>262</sup> Sallust 2.69 (=2.87 M.); 3.1 (=3.1 M.); Strabo 12.6.2; 14.3.3; Livy *Per.* 93; Frontinus 3.7.1; Florus 1.41.5; Vell. Pat. 2.39.2; Eutropius 6.3; Festus *Brev.* 11f.; Orosius 5.23.22. See also Syme (1987) pp131-134 for Servilius' campaigns.

<sup>263</sup> Ormerod (1922) p42ff Magie (1950) 2.1170; they also note that the sources claim he conquered, or subdued 'Cilicia'; in addition to the sources cited above, see Livy *Per.* 93; Vell. Pat. 2.39.2; Festus 12.3.

<sup>264</sup> Syme (1987) p138.

<sup>265</sup> Appian *Mith.* 93 dismisses Servilius' efforts by saying that he achieved no great deed.

<sup>266</sup> Magie (1950) 1.290-1.

Ormerod argues that these victories in Iauria were preparatory to a combined land and sea campaign against Cilicia, for which Antonius' command was intended, but were delayed by the Mithridatic war. However it has since been pointed out by Sherwin-White that the sources record that Servilius had opened up the first road through the Taurus Mountains, which then linked Pamphylia to the Cappadocian regions and he convincingly argues that this had little to do with the suppression of piracy, but instead was part of the Roman effort against Mithridates.<sup>267</sup>

In early 74B.C. L. Octavius, the governor of Cilicia and successor to Servilius, died in office.<sup>268</sup> The consul L. Licinius Lucullus, who had earlier collected the fleet for Sulla, was among those who were eager to receive the province, not because they intended to fight piracy, but because there was an impending third war with Mithridates. After some political manoeuvring, (i.e. by influencing Cethegus' mistress Praecia) Lucullus was given the province not only of Cilicia, but of Asia, and later the command against Mithridates, since he was still in Rome in late 74, and the war did not begin until 73B.C.<sup>269</sup> During the war the other consul of 74, M. Aurelius Cotta, in his province of Bithynia was given command of a fleet, but in land battle with Mithridates' forces, he was soundly defeated and forced to retreat to Chalcedon. Mithridates' ships then entered the harbour, burned four of Cotta's ships and took the other sixty with them.<sup>270</sup> Later in the war Mithridates sent 50 ships under the Sertorian general Marius (Appian calls him Varius) to the Aegean, and Mithridates sailed with rest of the fleet to Nicomedia, and a storm is said to destroyed many ships in both fleets. Lucullus meanwhile had collected a fleet from the cities in Asia, (he is

<sup>267</sup> Ormerod (1924) pp219-20; Sherwin-White (1994) pp232-3; Orosius 5.23.22; Eutropius 6.3; Festus *Brev.* 12.

<sup>268</sup> Sallust *Hist.* 2.82 (=2.98M.); Plut. *Luc.* 6.1.

<sup>269</sup> Plut. *Luc.* 6-7.1; Appian *Mith.* 70; 72; Cic. *Mur.* 33; *Flacc.* 85; *Acad.* 2.1; Vell. Pat. 2.33.1; Memnon 37; Sallust *Hist.* 2.82 (McGushin) (=2.98M.); see McGushin 2.24 & 73-74 for frag. 3.8 (= 3.17M.) which he argues refers to Lucullus' machinations to receive the command. For the dating, see Sherwin-White (1994) p234: Cic. *Pro Clu.* 90, 108, 136-7.

<sup>270</sup> Cic. *Mur.* 33; Sallust *Hist.* 3.12-13; 4.67.13 (= 3.23-24; 6.69.13M.); Livy *Per.* 93; *C.I.L.* 1<sup>2</sup>.1, p196; Plut. *Luc.* 5.1; 6.5; 8.1-3; App. *Mith.* 71; Memnon 37-39; Eutrop. 6.6.2; Auct. *De Vir. Ill.* 74.4; Oros. 6.2.13.

said to have refused the offer of a fleet from Rome), and divided some of it between two commanders who sailed to attack coastal and inland cities in the Propontis and Western Bithynia. Lucullus with the rest of his fleet captured 13 ships nearing Lemnos and their commander, a pirate named Isidorus was killed. He then defeated Marius' fleet in two battles on Lemnos and near Tenedos, capturing thirty-two ships.<sup>271</sup> Lucullus then moved his fleet north, and attempted to prevent Mithridates entering the Pontus. Mithridates however was able to retreat into the Black Sea, where a storm destroyed sixty (Appian) or eighty (Orosius) of his ships and 10,000 men were lost. Mithridates' own ship was in danger of foundering, so he was transferred to a pirate ship, (said to be that of the *archipirata* Seleucus, though he is only identified by Orosius) and was taken safely to the coast.<sup>272</sup> Ormerod attributes to Lucullus 'most of the credit' for Pompey's successes against the pirates, because his victories over Mithridates at sea "...prepared the way for the subjugation of the pirates...".<sup>273</sup> Mithridates' fleets however seem to have suffered as much damage from storms or more, compared to that caused by Lucullus. Moreover the pirate menace was later considered strong enough for the Romans to think it warranted assigning a massive campaign by land and sea to Pompey.

By 75 the pirates were widespread over the Mediterranean. A speech attributed to the consul in 75, Cotta, declares that the shores of the provinces and of Italy were beset with 'enemies'.<sup>274</sup> Appian describes their operations as having become more

<sup>271</sup> Plut. *Luc.* 12.2ff (Florus 1.41.2 mentions a pirate Isidorus who had been plundering the Aegean, and then goes on to describe Servilius' operations against the pirates. Ormerod (1924) p206n2 argues that Florus somehow implies that Isidorus' activities were before the Mithridatic Wars, but the reference to Servilius would seem to indicate otherwise. *RE* Bd. 9.2.260 no. 4 regards them as the same person. Other references to the capture of the ships in Appian *Mith.* 77, Memnon 42.2.) Other refs to the battles off the islands; Cic. *Leg. Man.* 21; *Arch.* 21; Appian *Mith.* 76-77; Eutropius 6.6.3; Orosius 6.2.20-22.

<sup>272</sup> Cic. *Leg. Man.* 21; *Mur.* 33; *Arch.* 21; Sallust *Hist.* 3.35-38; 4.67.14 McGushin (= 3.52-56; 4.69.14M.); Livy *Per.* 95 Plut. *Luc.* 13.2f; App. *Mith* 76-78; Memnon 42.2f; Eutropius 6.6.3 & 8.1-2; Orosius 6.2.22-24; cf. 6.3.2.

<sup>273</sup> Ormerod (1924) p221.

<sup>274</sup> Sall. *Hist.* 2.44.7 (= 2.47.7M.) (quoted below)



organized, with larger ships, no longer making raids like pirates with a few small ships, but in ranks of biremes and triremes with pirate leaders who were like commanders, and thus they regarded themselves as more like a military organization, with 'soldier's pay' instead of pirates' plunder. They were not just carrying out plundering raids, but were attacking islands and unfortified towns and if the walls of other towns could not be undermined or knocked down, they besieged and then plundered them, taking the wealthy to hold for ransom or artisans to Cilicia to work in chains on various tasks, such as shipbuilding, since they were also bringing in timber, iron and brass materials. With such success it is not surprising that they saw themselves as akin to 'kings, tyrants and great armies'. Appian says there were 'tens of thousands' of them, and with retreats or harbors and their own signal fires, all over the Mediterranean, their sway reached the Pillars of Hercules, while their headquarters were in Cilicia Tracheia. Their ships were numbered at 1000.<sup>275</sup> While the figures are probably exaggerated, there is no doubt of their prevalence. Plutarch's account lists details of the temples plundered round the Aegean at Claros, Didyma, Samothrace, Hermione, Epidaurus, the Isthmus, Tarnarum, Clauria, Actium, Leucas, Samos, Argos and Lacinium.<sup>276</sup> Cicero asserts that the cities of Samos, Colophon and Cnidus were captured, and that the port of Caieta on the coast of Latium was plundered by the pirates in front of a praetor. Plutarch comments that the ransoming of captured cities, said to be 400, was a 'disgrace to the Roman leaders'.<sup>277</sup> It was not safe to sail in winter, not only because of the dangers posed by the inclement weather, but because of the pirates, who were now operating in winter also.<sup>278</sup> They must have felt they could operate around Italy with impunity, since they were even going along the coastal roads of Italy on plundering raids, and Cicero mentions the fear of using the Appian

---

<sup>275</sup> Appian *Mith.* 92-93; Plut. *Pomp.* 24.3-4.

<sup>276</sup> Plut. *Pomp.* 24. Plutarch identifies the temple of Hera on Samos as the one plundered; it seems to have been a popular target; see Cic. *In Verr.* 2.1.50-52; 61 for Verres' 'plundering' of the temple of Juno on Samos when legate and *legatus pro quaestore* in Cilicia in 80-79 under Dolabella.

<sup>277</sup> Cic. *De imp.* 33; Plut. *Pomp.* 24.4.

<sup>278</sup> Dio 36.22.2; Cic. *De imp.* 31.

Way.<sup>279</sup> Their scorn for Roman power is reflected in Plutarch's famous story that whenever a captive appealed to the fact that he was a Roman for protection, they would mock them by pretending to fear them and beg their forgiveness, kneeling as if suppliant, then dress the captive in a toga and boots, and let them go - by lowering a ladder over the side of the ship in the midst of the sea and saying that it was time to disembark, and would help by force if necessary.<sup>280</sup> Plutarch's imagination presents them as extravagantly revelling in their wealth, with ships equipped with instruments, 'gilt-edged sails, purple hangings, and silver-plated oars', and drinking their way along the coasts.<sup>281</sup>

By now the pirate menace was so widespread that it was necessary to create a command which covered the Mediterranean. This sort of command against pirates, in comparison to others, was regarded as conferring *gloria* upon the holder, and therefore became the object of much political competition. M. Antonius, the son of the praetor in 102, was given the command in 74B.C., with the support of the consul Cotta and Cethegus' *factio* in the senate.<sup>282</sup> Here too because of the missing sources, there is only fragmentary evidence for his campaigns, but Antonius has gained a reputation for incompetence. The nature of his *imperium* has been the centre of much discussion since the time of Mommsen.<sup>283</sup> This has been caused by passages in Cicero in which he refers to Antonius' *imperium* as *infinitem* and Velleius Paterculus, who states that Pompey's *imperium* was *aequum* to that of the proconsuls' in all provinces, and that similar power had been given to Antonius: "...Cn. Pompeius ad eos opprimendos mitteretur essetque ei imperium aequum in omnibus provinciis cum

<sup>279</sup> Plut. *Pomp.* 24.6; Cic. *De imp.* 55.

<sup>280</sup> Plut. *Pomp.* 24.6-8. As Ormerod (1924) p232 comments, the ancient method of walking the plank.

<sup>281</sup> Plut. *Pomp.* 24.3-4. Braund (1993) p198 notes mimicry of the Roman establishment in this behaviour.

<sup>282</sup> Ps.-Asc. 259 Stangl: "Hic est M. Antonius, qui gratia Cottae consulis et Cethegi factione in senatu curationem infinitam nactus totius orae maritimae...". Cf. Plut. *Luc.* 5.3ff for Cethegus' influence at that time.

<sup>283</sup> For more recent discussions, see Jameson (1970) pp539-60 (who argues for *maius imperium*); Maroti (1971) pp259-272; Seager (1979) pp35-36: (argues for *aequum imperium*).

*proconsulibus usque ad quinquagesimum miliarium a mari. Quo scito paene totius terrarum orbis imperium uni viro deferebatur; sed tamen idem hoc ante septennium in M. Antonii praetura decretum erat.*"<sup>284</sup> The discussion has centred on the nature of the *imperium* of both Antonius and Pompey in relation to that of other provincial magistrates in possession of *imperium*: was it *aequum* or *maius*? Those favouring the latter argument have cited as support Tacitus' statement that at the time when Cn. Corbulo was to fight the Parthians during Nero's reign, all the tetrachs, kings, prefects, procurators, and governors of neighbouring provinces were to obey his orders and his *potestas* was 'almost to the level of Pompey's power' during his command against the pirates.<sup>285</sup> Firstly, the matter of the *imperium infinitum*. Maroti argues that because it extended to every coast in the Mediterranean, it meant that it was "...not limited to the territory of one province." However as Jameson notes, Pompey's *provincia* was very clearly defined in the geographical sense; to the Mediterranean and the coasts for a limit of fifty miles inland.<sup>286</sup> Thus his *imperium* was limited to his sphere of command, or *provincia*, be it a massive one, as was that of any magistrate. Jameson observes that Cicero's references are all in the context of contempt or disparagement, and that it is simply a matter of rhetorical exaggeration.<sup>287</sup> As discussed above, the law concerning praetorian provinces in 100 had restated the law that no governor was to leave his province without permission, and note also the

<sup>284</sup> Cic. *In Verr.* 2.2.8; 2.3.213; for other uses of the *imperium infinitum*, *De Domo* 23; 55; cf. *De Leg. Agr.* 2.33 for *infinita potestas*. Ormerod calls Antonius' command *maius imperium infinitum*; *MRR* 2.101, an *imperium infinitum*. Vell. Pat. 2.31.2. Also Ps.-Asc. 202; 259 Stangl (quoted above); Lactantius, *Inst. Div.* 1.11.32. The *De Domo* references are to Piso and Gabinius, who in 58B.C. as consuls supported Clodius' bill for Cicero's banishment, and with Clodius' help had arranged to receive the provinces of Macedonia for Piso and Syria for Gabinius, so it is not surprising that Cicero should sarcastically declare they had 'unbounded' *imperium*. See *MRR* 2.193-4 for Piso and Gabinius' consulships.

<sup>285</sup> Tac. *Ann.* 15.25: *Scribitur tetrarchis ac regibus praefectisque et procuratoribus et qui praetorum finitimas provincias regebant, iussis Corbulonis obsequi, in tantum ferme modum aucta potestate, quem populus Romanus Cn. Pompeio bellum piraticum gesturo dederat.*

<sup>286</sup> Maroti (1971) p267 and see also p260 for Mommsen; Jameson (1970) pp544-5. For the ancient sources for Pompey's command, see below.

<sup>287</sup> Jameson (1970) pp542-3.

furore with which the senate learned that a provincial governor had left his province and crossed through another's with his *imperium* and his army. Governors were permitted to retain their *imperium* until they returned to Rome, and those with *imperium* were not permitted to enter the city gates. Carefully defined limits were given to *imperium*, for use within a specified province. However the commands which were given to Antonius and Pompey involved an *imperium* over a gigantic *provincia*, one which would overlap the provinces of other magistrates, over the boundaries of their *imperium*. Cicero's comments on Antonius occur because of his alleged 'oppression' of the Sicilians, in another governor's province; his comment *imperium infinitum* may also imply the sense that the holder's *imperium* was 'unlimited' or 'unbounded' by the normal provincial boundaries and the laws concerning them. Velleius' statement may be accepted; Pompey's *imperium* was *aequum* to that of the proconsuls in terms of his 'provincial command', but it was *maius* in reality since it allowed him to pursue his command through other provinces also.<sup>288</sup> If it had been formally *maius* then no doubt other sources as well as Velleius would have used this term.

In 74 when M. Antonius was praetor he was appointed to the task of being the 'guardian of the coasts under Roman rule'.<sup>289</sup> However despite the nature of Antonius' *imperium*, the effectiveness of his command seems to have suffered because of the lack of resources. The speech attributed to Cotta recorded in the fragments of Sallust's *Histories* declares that war and the lack of revenue depleted by war was responsible for a smaller fleet than the one which formerly protected the

---

<sup>288</sup> Lintott (1993) pp115-116 notes that Augustus had *maius imperium proconsulare*, which "...specifically permitted him to intervene in provinces of which he was not the appointed governor." This *imperium maius* may have been given to Agrippa: see V. Ehrenberg and A.H.M. Jones, *Documents illustrating the Reigns of Augustus and Tiberius*<sup>2</sup>, Oxford (1975) p167 no. 366; K. Chisolm and J. Ferguson, *Rome The Augustan Age*, Oxford (1981) p94 B57; D.C. Braund, *Augustus to Nero: A Sourcebook on Roman History*, London & Sydney (1985) p42 no. 73.

<sup>289</sup> Sallust *Hist.* 3.2 (= 3.2M.): "*Qui orae maritimae, qua Romanum esset imperium, curator <nocent>ior piratis.*" See also Marotti (1971) pp259-272 on Antonius' command.

supply routes.<sup>290</sup> His power to draw on other Roman provinces for supplies was resented, probably in particular by the governors of other provinces, provoking Cicero's remarks that his requisitioning in Sicily was the result of his *imperium infinitum*.<sup>291</sup> This and his reputation of being overly generous or even careless with money helped create the image of Antonius a *dissolutissimus largitor* who was 'more harmful than the pirates'.<sup>292</sup> Antonius' deputies added to this reputation. Cicero reports that a *praefectus* under Antonius caused *iniuria* to a wealthy woman at Lilybaeum in Sicily named Agonis by taking some of her slave musicians because he 'wanted to use them in the fleet'.<sup>293</sup>

Velleius comments that the granting of this command to Antonius had not raised the concern Pompey's caused because Antonius' personality or power was neither feared nor envied; "*Sed interdum persona ut exemplo nocet, ita invidiam auget aut levat: in Antonio homines aequo animo passi erant...*".<sup>294</sup>

He began his campaign in the western seas, and attacked at a point on the Ligurian coast. The narrative of Sallust does not describe an auspicious beginning to the campaign. The attack on a narrow harbour entrance allowed the Ligurians' weapons to reach the ships, while Antonius' legate Mamercus was having trouble pursuing their ships safely on the calm summer ocean, and several days were wasted *per dubitationem*. This ended when the Ligurians apparently withdrew, possibly in

<sup>290</sup> Sall. *Hist.* 2.44.7 (= 2.47.7M.): "...Macedonia plena hostium est, nec minus Italiae maritima et provinciarum, cum interim vectigalia parva et bellis incerta vix partem sumptuum sustinent; ita classe, quae commeatus tuebatur, minore quam antea navigamus."

<sup>291</sup> Cic. *In Verr.* 2.2.8; 2.3.213; 215-216; Ps.-Asc. 259St. goes further, saying that Antonius "...Siciliam et provincias omnes depopulatus est...". Cf. also Dio 36.23.2, for a remark that the Romans sent out fleets and commanders who achieved nothing but caused their allies hardship, and SIG<sup>3</sup> 748 for the provisioning from Greece.

<sup>292</sup> Sall. *Hist.* 3.2 (quoted above) & 3 (= 3.2&3 M.); Ps.-Asc. 239. Cicero *In Verr.* 2.1.60 says that the reputation that Antonius did not keep accounts was false: "...nam fecit diligentissime...", and Plutarch *Ant.* 1 while admitting that Antonius was not an illustrious man, he was 'kind and generous', and gives a story of his generosity in giving away a silver bowl. See Ormerod (1924) p223-7; Magie (1950) 1.292-3 for unfavourable accounts of Antonius' command.

<sup>293</sup> Cic. *Div. in Caec.* 55; Ps.-Asc. 202St.

<sup>294</sup> Vell. *Pat.* 2.31.2-4.

response to a summons from the Terentuni, and the Romans then sailed to Spain.<sup>295</sup> There the pirates had a base at Dianium.<sup>296</sup> The fragment however only reveals that four days later Antonius attacked a town on the coast in the region of the Aresinarii tribe, which has been identified as the island town of Emporiae, near the river Dilunus. He made a combined land and sea assault in a surprise attack but it appears the locals were strongly fortified, and nothing more is known about this attack.<sup>297</sup>

The event for which Antonius is particularly notorious was his attack on the pirates operating from Crete.<sup>298</sup> Appian reports that Antonius sent legates to them, which received arrogant replies.<sup>299</sup> The leader of the Cretans fighting against Antonius is said to have been Lasthenes, a wealthy man from Cnossos who was later demanded by the Romans as a hostage with another man Panares, and who later when threatened by Metellus, placed his money in his house and set fire to it, then escaped himself.<sup>300</sup> The fragments of Sallust reveal only fragments of disasters: one ship carrying a cohort was separated from the rest of the fleet and was 'surrounded' by two pirate boats; bodies hanging from prows of ships and a reference to three years of wasted time.<sup>301</sup>

<sup>295</sup> Sall. *Hist.* 3.6 (= 3.5M.) (& see McGushin's commentary, 2.66ff) : "<Ligurum><co>pias Antonius ha<ud fa>cile prohibens a <navibus>, quia periaci telu<m pote>rat angusto intr<oit>, ne>que Mamercus host<ium navis> in dextera commu<nis> classis aestate qu<ieta> tutior in aperto s<eque>batur. iamque diebus al<iquot> per dubitationem <trit>, cum Ligurum praes<idia cessissent> in Alpibus, Terentun<orum ac> citu quaestio fac<ta ad> Sertorium perve<hi cum> Antonio ceterisque p<lace>ret, navibus in Hispa<niam> maturare. postqua<m vero> in Aresinarios ve<nere om>ni copia navium l<onga>rum, quas reparat<as ha>bebant quaeque no<n> <tempestatibus afflict>ae erant>."

<sup>296</sup> Sall. *Hist.* 1.114 (= 1.124M.), see McGushin, comm. 1.181; 3.69. The port had also been used by Sertorius with the pirates. Cic. *In Verr.* 2.1.87f asserts that Verres sold a fully armed ship he had obtained from Miletus to two inhabitants, Lucius Magius and Lucius Fannius, who had recently been declared by the senate to be public enemies, and were said to be using it to carry messages from Dianium to Sinope (ie Mithridates) in the Black Sea.

<sup>297</sup> Sall. *Hist.* 3.7 (= 3.6M.) and comm. 2.70-72.

<sup>298</sup> Appian *Sic.* 6.1 says the Cretans were supplying Mithridates with men, and thus they supported the pirates and their efforts against Antonius; see also Strabo 10.4.9; Diod. *Sic.* 40.1.2; Plut. *Pomp.* 29.1; *I.G.*<sup>2</sup> II 399 and 844 (= *S.I.G.*<sup>3</sup> 535) for their piracy. For their connection with Mithridates, see also Memnon 48.

<sup>299</sup> Appian *Sic.* 6.1.

<sup>300</sup> Appian *Sic.* 6.1-2.

Florus relates that Antonius rashly attacked the island carrying 'more fetters than arms' on his ships and as a result of his overconfidence, the pirates intercepted ships and hung their prisoners' dead bodies from them on display.<sup>302</sup> Florus also claims that the '*Creticum bellum*' was due to the Romans' wish to conquer the island, though pirates were certainly operating from the island. Antonius may have hoped to conquer the island rapidly and gain a triumph, and the *cognomen* Creticus.<sup>303</sup> However he was forced to make a treaty with the pirates and he died before returning to Rome.<sup>304</sup> The reception the news of such a treaty would have received at Rome can be well imagined.<sup>305</sup> Cicero may have had this episode in mind when he said that no oath should be sworn with a pirate.<sup>306</sup> The *cognomen* Creticus can only have been given in derision of his hopes and the ignominious end to them. After a three-year command he had achieved little; his campaign barely affected the pirates. However Antonius' mistakes or deficiencies as a commander were not entirely responsible, since the resources he was given were scarcely on the same scale as Pompey's.<sup>307</sup>

Rome in the late 70's was occupied with other matters more pressing than piracy, such as Mithridates, Sertorius and Spartacus. In these years there were several famous incidents, attacks, or kidnappings by pirates. Caesar had been kidnapped in

<sup>301</sup> Sall. *Hist.* 3.74 (= 3.8M.): "*Et forte in navigando cohors una grandi phaselo vecta a ceteris deerravit, marique placido a duobus praedonum myoparonibus circumventa.*"

<sup>302</sup> Florus 1.1.42.1-3; Sall. *Hist.* 75 & 75 (=3.8 & 9M.).

<sup>303</sup> Plut. *Ant.* 1.1; Appian *Sic.* 6.1.

<sup>304</sup> Sall. *Hist.* 3.76 (= 3.16M.); Diod. *Sic.* 40.1; Cic. *In Verr.* 2.3.213; Livy *Per.* 97; Plut. *Ant.* 2.1; Ps.-Asc. 202; 239St. *Schol. Bob.* 96St.

<sup>305</sup> See Diod. *Sic.* 40.1-3; Dio 35.fr 111; Appian *Sic.* 6.1-2 for the aftermath of this treaty. The Cretans sent an embassy to Rome; Appian says this was after a declaration of war, but this would seem to be too late; the account of Diodorus places it before the declaration. Cic. *In Verr.* 2.2.76 notes the war was possible in late 70B.C., and Diod. *Sic.* 40.1 says they observed the terms of the treaty with Antonius for a time before sending their embassy. The Romans rejected any pacific overtures and demanded that the Cretans surrender all their pirate ships, return the Roman prisoners, give three hundred hostages, hand over the leaders Lasthenes and Panares, and pay 4000 talents in silver. The Cretans refused such exorbitant terms, and in 68 war began with Rome.

<sup>306</sup> Cic. *De Off.* 3.107.

<sup>307</sup> Also McGushin (1994) pp67-68.

late 75 or early 74B.C. while sailing to Rhodes. Spartacus was to have been taken by the pirates to Sicily.<sup>308</sup> In 69 Delos was sacked by Athenodorus.<sup>309</sup> There were also the pirate attacks on Sicily, well-publicised by Cicero's prosecution of Verres. Among Verres' extortionate deeds in his province in his three years as *propraetor* from 73-71B.C., Cicero claims he was also responsible for the weakening of its fleets and thus its guard from the pirates. Cicero claims that he was in collusion with them, but Sallust is more cautious, suggesting that it could be his *neglegentia*.<sup>310</sup> In particular Cicero says that he had exempted the large town of Messana from providing a ship or crew to the fleet, contrary to the terms of a Roman treaty with Messana, and had demanded one from Tauromenium, which was exempt.<sup>311</sup> Cicero then gives an account of how the fleet expenditure was managed. Each city, not only in Sicily, but in every province, usually paid the money to the naval captain, the *nauarchos*, who then accounted for the expenses. Verres, Cicero claims, was the first to change this practice by arranging for the money to be given to him, who then appointed his own commanders. He also accepted money from cities for the exemption of sailors from naval duty, and from sailors for their release. This, Cicero proclaims, was done so openly that the pirates were aware of it.<sup>312</sup> Sicily still possessed a fleet however, and it managed to capture a pirate ship, though Cicero does his best to denigrate the deed. P. Caesetius and P. Tadius were patrolling with ten undermanned ships off Megara near Syracuse when, Cicero says, they did not so much 'capture' the ship as happen upon it when it was overladen with plunder. The ship was taken for Verres' inspection at Syracuse, where he confiscated the plunder and captives, treating the 'old and ugly' as *hostes*, but took the young, beautiful or skilled for his own, distributing them to his friends, and sending six musicians to a friend in Rome. Then follows the declamation

<sup>308</sup> Plut. *Crass.* 10.3-4.

<sup>309</sup> Phlegon in Jacoby *FGrH* 257.12.13, p1164.

<sup>310</sup> Sall. *Hist.* 4.54 (= 4.53M.): "*Suspectusque fuit, incertum vero an per neglegentiam, societatem praedarum cum latronibus composuisse.*"

<sup>311</sup> Cic. *In Verr.* 2.5.42-59; cf. also 2.3.13; 2.4.3ff for his activities in Messana.

<sup>312</sup> Cic. *In Verr.* 2.5.60-62.



on Verres' failure to execute the pirate captain.<sup>313</sup> The other episode was more threatening. Verres gave the command of a fleet, formerly held by a legate, to Cleomenes from Syracuse, in order that, Cicero alleges, Verres could indulge himself with Cleomenes' wife on the shore. The fleet consisted of seven ships contributed by various towns in Sicily, though again undermanned, and which sailed out from Syracuse. Four days later it put in at the promontory of Pachynus for supplies. (Cicero has the men half-starved grubbing about for palm roots, while Cleomenes was drinking on the beach.) While there a message was received that the pirate ships were in the nearby harbour of Odyssea. It was apparently considered too risky to fight them, for Cleomenes directed his ship to the safety of Helorus. His ship was the swiftest of the fleet, and left the others behind; Cicero says that not only was it the fastest ship, it was the least undermanned. Two ships were overtaken by the pirates and captured; the captain of one was held for ransom, and the other captain killed. Of the remaining five ships which reached Helorus, Cleomenes' was left afloat while the crew escaped to the shore, while the other ships were run up onto the beach. All were set alight by the pirates, under the leadership of the *archipirata* Heracleo. Given the fact that there were only four pirate ships, Cicero may be interpreting events to suit his argument, since it might be thought that the seven ships would not be daunted by the pirates, particularly when as Cicero points out, Cleomenes' ship was a quadrireme, which would have towered over the pirates' ships. It may be more probable that the ships were proceeding to Helorus after gathering supplies and that the slower ships were simply caught, and that Cleomenes, being well ahead, may have been unaware of the pirates' presence, and thus left his ship. Cicero notes that it was ironically the fire-signal of the flaming ships which alerted people to the presence of the pirates. The Syracusans armed themselves and awaited the pirates. The pirates, unhindered by any fleet, sailed in and around the harbour, brandishing the palm roots found on the Sicilian ships, Cicero adds, but they were no doubt aware that the inhabitants of

---

<sup>313</sup> In *Verr.* 2.5.63ff. Cf. *Verr.* 2.1.9f for Verres' behaviour with the property (handsome and educated men) of his *pupillus* when he was killed.

Syracuse were forewarned, and since they were only four *myoparones*, they did not attack, though Cicero makes much of the ignominy of their mere presence in the harbour.<sup>314</sup> Verres' governorship was hardly exemplary; there is no doubt that he was corrupt, but he was probably not actively in league with the pirates, though he had not helped defend Sicily from them, and as Cicero frequently notes, his behaviour was no better than theirs. As seen previously, policing piracy was not a high priority for many provincial governors, and Verres was no exception, enriching himself at the expense of the province and its defences, despite the prevalence of the pirates round the coastlines of Sicily and Italy at the time.<sup>315</sup>

One of the consuls of 69, Q. Hortensius Hortalus, chose not to take the provincial command of Crete, and it was given to the other consul, Q. Caecilius Metellus.<sup>316</sup> The reports that the pirates were so undaunted by Roman power that they had the audacity to enter the Tiber and burn a consular fleet in Ostia, may refer to his fleet.<sup>317</sup> The war began in 68B.C. and lasted until 65. Metellus besieged and conquered Cydonia, which Appian reports was when he came to terms with the Cretan Panares, who surrendered it to him, while Lasthenes escaped to Cnossos.<sup>318</sup> Metellus then conquered other cities in Crete, including Cnossos and Lyctus.<sup>319</sup> He was helped by the differing opinions on the island; one group did not want war, and was in favour

<sup>314</sup> Cic. *In Verr.* 2.5.80ff.

<sup>315</sup> Crawford (1977b) cites the first episode in which Verres took the captives for his own as evidence of 'Roman complicity in the slave-trade'.

<sup>316</sup> Dio (Xiph.) 36.1a; Appian *Sic.* 6.2; Plut. *Pomp.* 29.1; *Schol. Bob.* 96St.

<sup>317</sup> Cic. *De imp.* 33; Dio 36.22.2 adds that this was done in other Italian harbours as well.

<sup>318</sup> Appian *Sic.* 6.2; Livy *Per.* 98; 99; Vell. *Pat.* 2.34.1; Florus 1.42.4-5; Phlegon fr. 12 (= *FGrH*, p1164.). Panares was one of the men originally demanded as a hostage by the Romans (Diod. *Sic.* 40.1.3), but only Lasthenes appears as one of the hostages in Appian. Velleius says that the leaders Lasthenes and Panares had collected a force of 24,000 men who for three years fought the Romans. Florus' account says that Metellus defeated Lasthenes and Panares. Phlegon only refers to the defeat of Lasthenes. It may be that Panares was conquered in the siege of Cydonia, early in the war, while Lasthenes carried on with the fighting. Dio 36.19.3 notes that Pompey prevented Metellus from having Panares and Lasthenes in his triumph.

<sup>319</sup> Livy *Per.* 99; Appian *Sic.* 6.2; Florus 1.42.4. Cf. also Cic. *Pro Flacc.* 30; 63; 100; *Ad Brut.* 1.8; Val. Max. 7.6.ext. 1; Eutrop. 6.11.1; Oros. 6.4.2 for Metellus in Crete.

of acquiescing to the Roman demands for hostages, etc, against the opinion of Lasthenes and his supporters.<sup>320</sup> No source doubts the success of his campaign, and by 66B.C. he had conquered the island, which was to become a Roman province. The most famous aspect of his command is the interference in its conduct he received from Pompey when he was conducting his sweep of the seas in 67. Some of the Cretan towns wanted to surrender to Pompey who was in Pamphylia. Diodorus says that some Cretans prior to the war had been in favour of acquiescing to the Roman demands for hostages and money, in opposition to Lasthenes and his supporters.<sup>321</sup> It was probably these people who contacted Pompey, wanting to escape the ferocity of Metellus, noting that it was within his jurisdiction as all parts of the island were within the fifty mile limit.<sup>322</sup> Pompey accepted their surrender, and then demonstrated that he felt his *imperium* to be greater than the proconsul Metellus' by writing to Metellus to halt the war. Furthermore he sent one of his officers, L. Octavius, to receive the towns' surrender and hostages. According to Plutarch, not even Pompey's friends approved of Pompey's treatment of Metellus.<sup>323</sup> Metellus' reaction to this was to ignore Pompey's command to stop the war, but he did not ignore him altogether, for according to Dio, he deliberately attacked those towns which had surrendered to Pompey, ignoring their protests. He also paid no heed to Octavius, nor to Pompey's commander in Macedonia and Greece, L. Cornelius Sisenna, who travelled to Crete to attempt to persuade him otherwise. The reaction to Antonius 'Creticus' merely gathering supplies from other provinces was strong, so Metellus' reaction to Pompey's interference is not surprising. He went on to attack Eleutheria and Lappa, despite the presence of Octavius in the latter town. This provoked Octavius to take over command of the army of Sisenna, who had recently died, and to fight on the Cretan side with Aristion, occupying Hierapydna, and thus as Plutarch points out, Octavius

---

<sup>320</sup> Diod. Sic. 40.1.3.

<sup>321</sup> Diod. Sic. 40.1.3.

<sup>322</sup> Cic. *De imp.* 35; 46; Plut. *Pomp.* 29; Appian *Sic.* 6.2; Florus 1.42.6.

<sup>323</sup> Plut. *Pomp.* 29.1-5; Appian *Sic.* 6.2; Florus 1.42.6 (who says the envoy was called Antonius); Dio 36.17a-19; see also Seager (1979) pp38-9.

was seen to be fighting on the side of the pirates. Aristion had previously defeated Metellus' forces in Hierapydna led by L. Bassus in a sea battle. This occupation lasted until Metellus approached, and they attempted to escape by sea, but were caught by a storm and shipwrecked. By this time, Pompey had completed the pirate war, and was preparing to sail to Crete, but was given the Mithridatic command, which Dio says, he now preferred to the Cretan matters. Metellus completed his subjugation of the island, and according to Appian received Lasthenes' surrender.<sup>324</sup> He received a triumph, although it was delayed, no doubt by Pompey's supporters, until 62 and he took the name Creticus from this war.<sup>325</sup>

Pompey however dealt with the majority of the pirates. The speech Sallust attributes to Cotta in 75B.C. had alluded to the difficulties at that time in protecting corn shipments, and other sources report that the pirates were causing a serious problem. Appian describes the Romans as being 'pressed by famine'.<sup>326</sup> Livy's summary of these events begins with the statement that Pompey was given the command to 'pursue the pirates who had cut the grain trade', which implies that the shortages in Rome were a significant factor, rather than the problems pirates were causing elsewhere.<sup>327</sup> On the day Pompey's appointment for the war was announced, grain prices dropped in Rome. Significantly, his first move according to Cicero when he was commander was to visit Sicily, Africa and Sardinia to establish troops and fleets there to protect the corn suppliers.<sup>328</sup>

The proposal for Pompey's command raised a massive outcry from the senate because of its sheer magnitude.<sup>329</sup> Moreover, unlike normal provinces, no lot was

<sup>324</sup> Livy *Per.* 99; Plut. *Pomp.* 29.1-5; Vell. Pat. 2.44.2; Appian *Sic.* 6.2; Florus 1.42.6; Dio 36.17a-19; 45.

<sup>325</sup> Cic. *In Pis.* 58; Degrassi (1947) p566; Sallust *Cat.* 30-3-4; Vell. Pat. 2.34.2; 40.5; Florus 1.42.6; 2.13.9; Appian *Sic.* 6.2; Dio 36.17a; 19.3; Asc. 15; 63C; *Schol. Bob.* 96St. Eutropius 6.11& 16.

<sup>326</sup> Appian *Mith.* 91; 93; Dio 36.23.1. See also Rickman (1980) pp50-51.

<sup>327</sup> Livy *Per.* 99. Plutarch's account (*Pomp.* 25.1) of the reasoning is similar.

<sup>328</sup> Cic. *De imp.* 34; 44; Plut. *Pomp.* 26.2.

<sup>329</sup> For Pompey's command see also Jameson (1971) pp539-560; Seager (1979) pp30-39; for the distribution of his forces Ormerod (1923) pp46-51.

drawn for it as it was clearly intended for one man, the successful general Pompey, and was proposed by his ally, the tribune Aulus Gabinius.<sup>330</sup> Gabinius asked that there be a commander chosen from the former consuls, who would be appointed to this command with proconsular *imperium* against the pirates for three years, and who would have the ability to choose fifteen legates with praetorian *imperium* from the senate for the different areas, to have two hundred ships, to levy soldiers and sailors, to be empowered to draw from the treasury at Rome and *publicani* in the provinces 'as he wished', and the *provincia* for this commander's *imperium* was to cover the whole of the Mediterranean, from the Pillars of Hercules to the east and furthermore fifty miles inland from the islands and coasts.<sup>331</sup> Lessons had been learnt from the example of Antonius and there were going to be abundant resources this time; Pompey had no intention of becoming a laughingstock. Complying with the ethos of the appearance of modesty, not to covet a command openly, Gabinius did not name Pompey, in order to allow the crowd to demand that he be appointed. Pompey could then 'reluctantly' accept, after making a speech initially 'declining the command'. He no doubt hoped that this performance would demonstrate to the senate that popular demand was the impetus behind the request for such a command.<sup>332</sup>

Senators reacted to the proposal to give a man who was moreover a *privatus* the largest command in the Roman world with strong opposition. Never before had a pirate command generated such feeling. Such a large *provincia* combined with the enormous powers to gather money, equipment and forces for one man was threatening, and they feared the consequences for the *respublica* in its imbalance. Plutarch describes the law as proposing a 'monarchy' and a power that was *ἀνυπεύθυνος*, absolute or irresponsible. Velleius explains that it was not considered

<sup>330</sup> Cic. *De imp.* 52; 57-58; Vell. Pat. 2.31.2; Plutarch *Pomp.* 25.2: "Γαβίνιος, εἰς τῶν Πομπηίου συνήθων..."; Dio 36.23.4; Seager (1979) p33.

<sup>331</sup> Plut. *Pomp.* 25; Dio 36.23.4; 34.3; 36a; 37.1; Vell. Pat. 2.31.2; Appian *Mith.* 94; Zonaras 10.3. Jameson (1970) p544 notes the discrepancies between the sources over the precise figures.

<sup>332</sup> Cic. *De imp.* 44; Dio 36.23.5-24.1. His desire for the command; Sall. *Hist.* 5.9; Dio 36.24.5-26; Seager (1979) pp33-4.

safe to bestow extraordinary commands on men who might retain them or put them aside at will.<sup>333</sup> Feelings on both sides were running high; the senate almost lynched Gabinius, and the consul Piso barely survived the crowd's retaliatory attack on the senate.<sup>334</sup> However in spite of the violence, the attempts to obtain a tribunician veto and the reasonable speech from Catulus outlining the dangers of such a position being appointed, the *lex Gabinia* was passed.<sup>335</sup> Letters were written to every king, ruler, people or city to ask for their cooperation with Pompey in all matters.<sup>336</sup> The supplies given to Pompey actually exceeded the original specifications. Plutarch says Pompey was able to ensure that he was provided with 120,000 men, 5000 cavalry, and 500 ships, two quaestors and he gave 24 legates praetorian power. Appian adds that he was also given 6000 talents.<sup>337</sup> Pompey intended to carry out a proper suppression against the pirates this time; the ignominy if he had not would have ended his career.

Pompey with methodical organization allocated his resources under thirteen propraetorian legates throughout the Mediterranean to the Hellespont and the Black Sea, with a number of ships each.<sup>338</sup> Pompey had 60 ships and intended to attack Cilicia himself and Florus comments "*Sic Cilix dignus victoria Pompei visus est...*".<sup>339</sup> The campaign began as Antonius' had done, in the western seas, after he had secured the corn suppliers' defenses.<sup>340</sup> The tactics were overwhelmingly successful, and the western half was considered cleared in forty days. Pompey was forced to make a detour to Rome to deal with the obstructions being caused by the

---

<sup>333</sup> Plut. *Pomp.* 25.2; Vell. Pat. 2.31.4.

<sup>334</sup> Dio 36.24.1-3; Seager (1979) pp33-34.

<sup>335</sup> Cic. *De imp.* 59; Cic. *Phil.* 11.18; Asc. 71; 72C; *Schol. Bob.* 98St.; Sall. *Hist.* 5.20 (= 5.24M.) and also 5.18 (= 5.22M.); Plut. *Pomp.* 25.3-7 (Caesar was the only senator not to oppose it, in order to win popular support); Dio 36.30-36a; Vell. Pat. 2.32.1-2; Val. Max. 8.15.9; Seager (1979) pp34-5.

<sup>336</sup> Appian *Mith.* 94.

<sup>337</sup> Plut. *Pomp.* 26; Appian *Mith.* 94 adds one more legate and reduces the cavalry to 4000, and the navy to 270; also Seager (1979) p35.

<sup>338</sup> Plut. *Pomp.* 27; Appian *Mith.* 95; Florus 1.41.7-11; Ormerod (1923) p46ff.

<sup>339</sup> Florus 1.41.7 & 12; Plut. *Pomp.* 26.3.

<sup>340</sup> Cic. *De imp.* 34.

consul Piso, who was discharging men Pompey had recruited but this was quickly resolved, without Gabinius resorting to the law to deprive Piso of his consulship.<sup>341</sup> Pompey then departed for the eastern seas from Brundisium, and after brief visits to Athens and Rhodes, sailed for the final effort against Cilicia.<sup>342</sup> The pirates had withdrawn into defensive positions in Cilicia, and engaged Pompey in a sea battle off the promontory of Coracesium. Pompey defeated them on the sea and after a short land campaign, the cities surrendered one after another, caught unprepared by the rapidity of the progress of his campaign.<sup>343</sup> Cicero says that within forty-nine days of setting out from Brundisium, he had conquered Cilicia.<sup>344</sup> There were said to be over eight hundred ships captured, 20,000 prisoners taken and about 120 towns and supply points and forts captured.<sup>345</sup> From the Cilicians arms, ships, vessels on the slips being prepared and quantities of building materials were confiscated, and the timber was burnt.<sup>346</sup>

Pompey's humanity towards captured pirates also contributed to his successes, as more were prepared to surrender quickly in return for being spared. This however did not mean all were treated in this manner. Plutarch notes that with the help of those spared, others were sought out and 'punished' by Pompey. Appian records that ten thousand pirates were killed. Pompey not only spared many, but he resettled them in various towns and areas. Many were settled at the city of Soli in Cilicia which had been attacked and devastated by Tigranes, and it was renamed Pompeiopolis. Other

<sup>341</sup> Plut. *Pomp.* 27; Dio 36.37.2; Seager (1979) p37.

<sup>342</sup> Athens: Plut. *Pomp.* 27.3; Rhodes: Strabo 11.1.5; cf. Florus 1.41.8 for the Rhodian contingent in the fleet.

<sup>343</sup> Plut. *Pomp.* 28; Appian *Mith.* 98; Livy *Per.* 99; Dio 36.37; Florus 1.42.12f; Strabo 11.1.6; 14.3.3 & 5.2; Pliny *N.H.* 7.93; Eutropius 6.12.1-2; Auct. *De Vir. Ill.* 77.5; cf. Lucan *Phars.* 1.121ff; 2.576-579; 8.24-27. See *S.J.G.*<sup>3</sup> 749A&B for Pompey's acclamation as *imperator*.

<sup>344</sup> Cic. *De imp.* 35.

<sup>345</sup> Appian *Mith.* 117; at 96 he says that 71 ships were captured and 306 surrendered; Plutarch *Pomp.* 28.2-3 says 90 ships with brass beaks were taken; at 45 he cites the figures from Pompey's triumphal signs: 800 pirate ships (also Zonaras 10.5); Strabo 14.3.3 claims 1300 boats were burned; Pliny *N.H.* 7.93 cites 846 ships captured, cf. 7.97-98; Diod. Sic. 40.4.

<sup>346</sup> Appian *Mith.* 96.

places in Cilicia to receive settlers were Mallus, Epiphaneia and Adana, and even Greece at Dyme in Achaea.<sup>347</sup> Such measures the sources describe as a sign of Pompey's humanity and wisdom. Plutarch waxes philosophical, avowing that it would allow violent men to be made gentle by agriculture.<sup>348</sup> Appian comments that those who had committed piracy through poverty and not 'depravity' were resettled, and Dio also notes that it would prevent poverty provoking such acts again.<sup>349</sup> This was indeed a humane move and an unusual one; the expected procedure would have been to sell the captives into slavery.<sup>350</sup> It is not surprising that it was not without criticism at the time.<sup>351</sup> There may however have been another motive. Pompey was highly ambitious. He was not beyond interfering with Metellus' command in Crete, was eager to accept the responsibility for Cretans' surrender, and even deprived his rival *triumphator* of his captive leaders.<sup>352</sup> He may well have wanted to appear to have great *clementia* and wisdom, in professing to want to prevent such piracy occurring again. It was not without personal motive however. Such a move would not only make him appear magnanimous, it would give him enormous patronage over these resettled areas. Seager notes that he had during his time in Spain established influential links with *clientelae* by his *beneficia*.<sup>353</sup> To have friendly towns in Cilicia

<sup>347</sup> Cic. *De imp.* 35; Livy *Per.* 99; Appian *Mith.* 96; 115; Plut. *Pomp.* 27.4-28; Vell. Pat. 2.32.4-6; Florus 1.41.13-15; Dio 36.37.4-6; Strabo 8.7.5; 14.3.3 & 5.8. Servius *In Verg. Georg.* 127 (cf. Prob.) says that the Virgilian reference to an 'old man of Corycian' peacefully tending the poetically idyllic land in Tarentum is one of the Cilician pirates Pompey settled on 'Calabrian lands'. It seems improbable that Pompey would settle Cilician pirates in Calabria; if based on a real figure, it may be that the man may have moved from Dyme in Achaea to Italy.

<sup>348</sup> Plut. *Pomp.* 28.3-4.

<sup>349</sup> Appian *Mith.* 96; Dio 36.37.5-6.

<sup>350</sup> The sources' benevolent opinions have been followed by others, for example Magie (1950) 1.300; Seager (1979) pp37-38.

<sup>351</sup> Plut. *Pomp.* 29.1; Vell. Pat. 1.32.6; reflected in Lucan 1.346: "*An melius fient piratae, Magne, coloni?*".

<sup>352</sup> Compare with his poaching of Crassus' triumph over Spartacus, Plut. *Pomp.* 21: *Crassus* 11; Seager (1979) p22.

<sup>353</sup> Caesar *B.C.* 1.29.3; 2.18.7: "*Caesar...tamen constituerat nullam partem belli in Hispaniis relinquere, quod magna esse Pompei beneficia et magnas clientelas in citeriore provincia sciebat.*"



would also be a benefit in the impending final war with Mithridates. He also took the opportunity to establish his patronage over vast areas in the east in his settlements after the war with Mithridates.<sup>354</sup> His resettlement of the pirates then may be seen less as a humane gesture, or an attempt to 'control violent men by fixing them in settled communities' (Appian records that thousands were killed in any case) than as a consistent part of his efforts to increase his sphere of patronage.<sup>355</sup> In fact such a resettlement of pirates would have to be portrayed as a more noble gesture in justification of it, given the prevailing attitudes towards pirates and bandits, and bearing in mind the outraged reaction of Caesar to the inclination of the governor Iunius Iuncus to sell the pirates who kidnapped Caesar, and the anger of the Sicilians and Cicero that Verres should spare a pirate captain. Pompey's humanity towards the conquered was also demonstrated by the fact that the majority of the prisoners who appeared in his triumphal procession were not executed following the parade through the streets, but were instead released. Such a move also increased his power as a patron. For example, King Tigranes, who had surrendered to Pompey, was permitted to keep control of Armenia, but his relatives were included in the triumphal procession. Pompey is said to have made it clear to Tigranes that he was worth more to Pompey as an ally than as a triumphal prisoner, thus establishing Tigranes' debt to Pompey. This message was also reinforced by the execution of Tigranes' son, the younger Tigranes, following his appearance in Pompey's triumph, and whose ambitions for his father's throne had been foiled by Pompey.<sup>356</sup> Moreover as a conqueror who had at that time achieved overwhelming victories over wide territories, Pompey could thus appear nobly magnanimous to the Roman people in this demonstration of *clementia* towards vanquished enemies.

This is not to undermine the magnificence of Pompey's achievements. In three months he had subdued the pirates who had been rampant over the Mediterranean for

---

<sup>354</sup> See Seager (1979) pp52-55.

<sup>355</sup> Shaw (1984) p28n70.

<sup>356</sup> Plut. *Pomp.* 45.4; *Comparison of Agesilaus and Pompey*, 3.2; Appian *Mith.* 117; Seager (1979) pp49-50.

many years, and by virtue of the enormous range of his command, his *imperium*, his resources, military organization and rapid and overwhelming success it became the single most famous pirate command in Roman history. He was able to identify the organization needed for such an enormous task and carry it out highly successfully. Pompey could not, of course, rid the Mediterranean permanently of pirates, any more than anyone could prevent crime from happening again.<sup>357</sup> He did however reduce it to a manageable level. Cicero claimed in 66 that there were no pirate ships "...*intra Oceani ostium*...".<sup>358</sup> But Pompey himself acknowledged that he had not completely eradicated piracy even after his command. Cicero reports that on Pompey's suggestion in 62B.C., the senate decided "...*ut classis in Italia navigaret*". The necessity for a fleet demonstrates the need to protect against the presence of piracy.<sup>359</sup> Cicero says that in that year the senate spent 4,300,000 sesterces for the protection of the Adriatic and Tyrrhenian seas, and in 61B.C. money was also spent on a fleet. Moreover he states that *equites* were placed along the *ora maritima*.<sup>360</sup> Little however is known about measures around Italy after these years, and it may indicate a drop in the level of effort due to the customary disinterest in policing.<sup>361</sup> Pompey also arranged for a fleet to be levied from Asia.<sup>362</sup>

Cicero himself had to admit, and even argue, that pirate ships were still present. He defended L. Valerius Flaccus in 59B.C. on a charge of extortion while *propraetor* in his province of Asia in 62, a charge which included raising money for a fleet and not spending it all on the vessels. While praising Pompey, Cicero admits that he could not be held responsible for the appearance of a little pirate boat.<sup>363</sup> He could also cite

<sup>357</sup> Despite the extravagant claim in Florus 1.41.15; cf. Strabo 14.3.2.

<sup>358</sup> Cic. *De imp.* 34; cf. Strabo 3.2.5 and Braund (1993) p201.

<sup>359</sup> Similarly, Braund (1993) pp206-7 on assertions that piracy had disappeared during the first two centuries of the principate.

<sup>360</sup> Cic. *Pro Flacc.* 30. Gelzer (1968) p65 asserts the Mediterranean "had been swept clear of the pirate plague" by Pompey.

<sup>361</sup> Starr (1960) p4 suggests the fleet was placed on the slips.

<sup>362</sup> Cic. *Pro Flacc.* 29 & 32.

<sup>363</sup> Cic. *Pro Flacc.* 28-29.

as an example of the need for the protection of a fleet the capture of 'many people' by pirates in Asia and the death of Atyanas of Adramyttium, an Olympic victor, in a pirate attack.<sup>364</sup> Cicero however notes a weakness in his argument is that his brother, Q. Tullius Cicero, proconsul of Asia from 61 to 59, had not levied any money for rowers for a fleet, thus indicating that his client may have exaggerated the need for the fleet. Cicero however justified Flaccus' behaviour and he was acquitted.<sup>365</sup> There was however a resurgence of piracy from the people in Dyme. After being driven off their land during the civil war, it seems the pirates had resorted to their former trade. Cicero comments in 44B.C. that it was easier to avoid the soldiers rather than the pirates at sea.<sup>366</sup>

It has been thought that the report in Dio that Gabinius when in his province of Syria from 57 - 55B.C. as proconsul treated Syria badly, 'like the groups of bandits flourishing then', is a reference to continuing piracy on the coasts of Syria.<sup>367</sup> However this seems to refer rather to internal unrest, which was resulting in banditry in Syria, than to piracy on the coast. Cicero in his criticism of his foe Gabinius does not take the opportunity to castigate him for the neglect of the coasts, but for the *latrocinia*, murders and so forth, which he alleges were happening in the province, and his treatment of the *publicani* in Syria.<sup>368</sup> Moreover Cicero notes that Gabinius, defending a charge of *maiestas*, in his argument that his invasion of Egypt by land and sea to restore Ptolemy Auletes to the throne was justified in the interest of the state, claimed that he feared the fleet of Archelaus, "...because he thought the sea would be

---

<sup>364</sup> Cic. *Pro Flacc.* 31.

<sup>365</sup> Cic. *Pro Flacc.* 33.

<sup>366</sup> Cic. *Ad Att.* 16.1.3 and 16.2.4. Shackleton-Bailey (1967) p281 suggests that they had been dispossessed by Caesar.

<sup>367</sup> Dio 39.56.1: "ὁ Γαβίνιος πολλὰ μὲν καὶ τὴν Συρίαν ἐκάκωσεν, ὥστε καὶ τῶν ληστικῶν, ὁ καὶ τότε ἤκμαζε...". Also 39.56.5 & 39.59.2 in which *ληστής* is also used; the latter reference contains the complaints of the Syrians about them, and the assertion that the *publicani* were having difficulty collecting taxes because of their presence; Ormerod (1924) p249; Seager (1979) p39; also *MRR* 2.203 & 218.

<sup>368</sup> Cic. *Prov. Cons.* 9-13.

filled with pirates."<sup>369</sup> This is a pretext to justify his invasion; he argued that the fleet, unlike the army, was permitted to cross the borders of provinces, and that he had therefore not broken the law.<sup>370</sup> Sherwin-White observes that Gabinius had spent considerable time suppressing revolts in Judea during his period as governor.<sup>371</sup> Josephus, who praises Gabinius' performance as a governor, does not mention piracy, but notes that Gabinius found Syria in disorder after his return from Egypt, as a result of the second of these rebellions, which he also suppressed.<sup>372</sup> The 'banditry' in the province was probably the result of such unrest. This also accounts for the complaints of the *publicani* in Dio that as a result of the banditry they were unable to collect taxes. Widespread rebellions and banditry would affect their collections over the province in this way, whereas it seems unlikely that pirate raids on the coast would have the same effect.<sup>373</sup> Cicero also would surely have mentioned this, but he only criticises Gabinius' relations with the *publicani*, which as Sherwin-White observes, were the result of Gabinius' control of the tax arrangements in Syria, which did not always favour the *publicani*.<sup>374</sup> Thus it seems that the references to *λησται* in Dio have simply been misinterpreted as referring to piracy.

Sextus Pompeius and his supporters were characterised in the sources as pirates.<sup>375</sup> History was 'written' by his conqueror Octavian, and since Sextus gained control of the sea, and lost the war in 35B.C., he is depicted as a pirate, just as Cicero called his political enemies bandits or pirates. If Pompeius had been acting on land, Augustus, as he later became, no doubt would have claimed that he had 'cleared the

<sup>369</sup> Cic. *Rab. Post.* 20. See *In Pis.* 50 for Cicero's criticism of Gabinius for crossing borders with his army without permission; see also Sherwin-White (1984) pp277-8.

<sup>370</sup> Sherwin-White (1984) p278 notes the weakness of this argument.

<sup>371</sup> Sherwin-White (1994) pp272-3.

<sup>372</sup> Josephus *Ant.* 100-104; (= *B.J.* 176-187); see also Sherwin-White (1994) 271-273 for a favourable account of Gabinius' proconsulship.

<sup>373</sup> Cic. *Prov. Cons.* 11 says the *publicani* suffered from the *praedo* Gabinius.

<sup>374</sup> Sherwin-White (1984) p276.

<sup>375</sup> e.g. Livy fr. 128; Strabo 5.4.4; Plut. *Ant.* 32; Florus 2.18.2; Appian *B.C.* 4.83ff; Dio 48.17ff; (cf. the decree that no senators could be tried for 'piracy', 49.43.5.); Vell. Pat. 2.73.3; Lucan *Phars.* 6.422.

land of bandits'.<sup>376</sup> The task of blackening his name was made easier by Pompeius' tactics, which included raiding the coast of Italy and controlling the grain supply, which would have revived the memories of a hungry public of the pirates at their worst.<sup>377</sup> Such labels were however political propaganda.<sup>378</sup>

After defeating Sextus Pompey, Octavian began a custom which was the forerunner to that which would be followed by Roman emperors throughout the centuries. He delegated the task of suppressing the banditry which was rampant throughout Italy and even Rome in the wake of the recent wars to a subordinate, in this case Calvisius Sabinus, while he went off to Illyria and Dalmatia to fight a war from 35 to 33B.C. Prior to the civil war Julius Caesar had sent a force over in response to a complaint from the Liburnians about the Dalmatians and other Illyrians, but this detachment was destroyed. The Illyrians had also taken the opportunity to attack and destroy an army under Gabinius in late 48, and had attacked Vatinius in 44B.C. There is also a claim that they were raiding Italy during the civil wars, perhaps taking the opportunity offered by the disorder in Italy.<sup>379</sup> There was however little justification for the war; Dio specifically states that the Illyrians had not provoked it, and that Octavian wanted to give his troops experience against a weaker foe.<sup>380</sup> Essentially his reasons were to win greater glory on his part and give his troops experience for the forthcoming conflict with Antony. Gruen observes that it was also part of a strategy to improve his military reputation and to contrast it with that of Antony.<sup>381</sup> The mere suppression of banditry in Italy was not great or glorious enough to achieve his ambitions. Calvisius receives a brief notice in Appian that he had many bandits executed and that he restored order in a year.<sup>382</sup> Octavian's campaigns however

---

<sup>376</sup> *Res Gestae* 25.

<sup>377</sup> See for example Appian *B.C.* 5.67-74.

<sup>378</sup> For a full and recent account of this period, see Pelling (1996) pp1-36.

<sup>379</sup> Appian *Ill.* 12-13; at 15 Appian says he was drawing on information from Augustus' account of his deeds; *B.C.* 5.145.

<sup>380</sup> Dio 49.36.1; cf. 37.1.

<sup>381</sup> Gruen (1996) p172. Pelling (1996) p46 describes it as "...winning some glory for himself with cheap foreign blood."

receive more extensive treatment, a task aided by his memoirs.<sup>383</sup> During this campaign he punished the islanders on Melita and Corcyra Nigra for their piracy, executing the young men and selling the others into slavery. He also confiscated the Liburnian ships because they had been committing piracy.<sup>384</sup> Given the lack of justification for the campaign reported in Dio, however, it might be suspected that the extent of their piracy and plundering of the Italian coast was exaggerated for Octavian's own purposes.

#### (vi) Piracy and banditry under the empire

Augustus established several measures which provided more effective policing of both banditry and piracy. Under the principate, the responsibility for policing and suppressing banditry and piracy devolved down the ranks of officials. An emperor could not, nor did he want to, attend to the policing of banditry or piracy over the entire empire.<sup>385</sup> He could disregard upper-class objections to such matters; those who wanted public offices could apply themselves to the given task.

On land, Suetonius notes that bands of *grassatores* had been seizing travellers, placing them in slave-prisons (*ergastula*) and putting them to work. Augustus established guard posts in 'suitable places' in Italy and investigated the *ergastula*.<sup>386</sup> Such measures contributed to local efforts to protect themselves against bandits.

---

<sup>382</sup> Appian *B.C.* 5.132.

<sup>383</sup> Appian *Ill.* 16-28; *B.C.* 5.145; Florus 2.23; Suet. *Aug.* 20 & 21; Dio 49.36-38; 49.43.8; cf. Strabo 7.5.4; Gruen (1996) p172-4.

<sup>384</sup> Appian *Ill.* 16.

<sup>385</sup> For a similar view, Shaw (1984) p34.

<sup>386</sup> Suet. *Aug.* 32. Appian also asserts that about 35B.C. a system of night-watchmen was established, *B.C.* 5.145. The reference to people used in the prisons may perhaps suggest a labour shortage. Sextus Pompey had used many slaves to crew his fleet. (Augustus in the *Res Gestae* 25.1 claimed that after this war 30,000 were returned to their owners, and he moreover crucified 6000 slaves; Brunt and Moore (1967) p66). A story of slave-snatching is told by Appian, *B.C.* 4.30, who cites the story of a young man called Atilius, who fled when he found he was proscribed, but was then captured by 'a man accustomed to commit banditry on passers-by and bind them to work'. Atilius escaped in his chains but was killed when discovered by soldiers.

Tiberius is said to have established more *stationes* in an effort to guard against *latrocinia* in Italy.<sup>387</sup> Strabo records Augustus' building of roads through the Alps to control the passes.<sup>388</sup> He sent A. Terentius Varro Murena in 25B.C. to subdue the Salassi in Transpadane Gaul. He had tried twice previously through his commanders to attempt to defeat the Salassi, who had a 'custom of banditry', and who during the civil wars had taken the opportunity to charge tolls on people passing through their area, for example taking a drachma per man from Decimus Brutus, as he was fleeing from Mutina. Varro finally conquered them and sold them into slavery, and the colony of Augusta Praetoria was established in the area.<sup>389</sup>

Another of Augustus' measures was the creation of permanent fleets and commands. This provided a more active defence system for the coasts of Italy.<sup>390</sup> One fleet was stationed at Ravenna, and the other at Misenum, with subsidiary bases along the coasts, each with a *praefectus classis* in command.<sup>391</sup> Other fleets were also established during the period of the empire at Syria, Egypt, Mauretania, the Black Sea, on the Danube and Rhine rivers and the English Channel.<sup>392</sup>

There are reports in the sources to outbreaks of *latrocinia* under Augustus. Dio mentions Augustus' 'deal' made with the Spanish bandit Corocotta.<sup>393</sup> Strabo

<sup>387</sup> Suet. *Tib.* 37.1: "*In primis tuendae pacis a grassaturis ac latronciniis seditionumque licentia curam habuit. Stationes militum per Italiam solito frequentiores disposuit.*".

<sup>388</sup> Strabo 4.6.6.

<sup>389</sup> Appian *Ill.* 17; Dio 49.34.2; 49.38.3; 53.25.2-5; Strabo 4.6.7; cf. Gruen (1996) p169-161 for Augustus' subjugation of the Alps.

<sup>390</sup> Starr (1943) p62ff. The navy was used on land as well as sea. Tacitus *Ann.* 4.27 records that sailors were used by the quaestor Cutius Lupus to put down an attempt by Titus Curtisius to raise the *pastores* into rebellion around Brundisium; *CIL* XI.6107 (A.D. 246) records the use of sailors from Ravenna and praetorian soldiers against banditry: "*Aurelius Munatianus evocatus ex cohorte VI pr(a)etoria p(ia) v(indice) Philippiana agens at latrunculum cum militibus n(umero) XX clas(sis) ppr(r) Ravennatis p(iae) v(indicis) Filipporum.*"

<sup>391</sup> Suet. *Aug.* 49; Strabo 4.1.9 cites also a station at Forum Iulium in southern Gaul. Tac. *Ann.* 4.5 (cf. also *Hist.* 3.43) says the fleet was sent to Forum Iulium soon after Actium. See further Starr (1960) chapters 1-2 for a discussion of these fleets and their commanding officers.

<sup>392</sup> See Starr (1960) chapters 6-7; he dates the beginnings of the Syrian, Egyptian and the river fleets to the Augustan period, the Mauretanian to the time of Claudius, the *classis Britannica* to Gaius and the Pontic fleet to Nero. For a more recent discussion, see Keppie (1996) pp383-4; 393.

suggests that the region of Cilicia Tracheia was given over to the control of King Archelaus of Cappadocia in about 24B.C. because it was well suited to banditry on land and sea, and the Romans thought the constant presence of a local ruler would be more effective than Roman magistrates who were periodically stationed there.<sup>394</sup> A similar effort to give local rulers more responsibility for policing may be seen in the suppression of banditry in Syria. Inhabitants from Damascus complained to Varro, the governor of Syria in 23B.C., about the raids of bandits from Trachonitis. The bandits were being encouraged by Zenodorus, tetrach of Ituraea, who is said to have been taking a share of their booty. Varro wrote to Augustus, who replied that the governor should suppress the banditry, and also assigned the territory of Trachonitis to King Herod to ensure it would not be used as a base for banditry again.<sup>395</sup>

Dio briefly notes that in A.D.6 Sardinia was overrun by *λησται*. The province was then to given a military governor for many years, rather than a senatorial one, until Nero returned Sardinia to the senate. However Dio tantalisingly does not say any more because it was not 'worthy of record'.<sup>396</sup> It seems however that he refers to banditry rather than piracy on Sardinia. Varro had noted its unsuitability for cultivation due to the prevalence of bandits.<sup>397</sup> Furthermore Tacitus records that a senatorial decree was passed in A.D.19 to send 4000 freedmen who practised Jewish or Egyptian rites to Sardinia to suppress banditry on the island.<sup>398</sup>

---

<sup>393</sup> Dio 56.43.3.

<sup>394</sup> Strabo 14.5.6 (cf. 12.1.4 & 2.7). See also Magie (1950) 2.1138n24 for the grant of Cilicia Tracheia.

<sup>395</sup> Jos. *B.J.* 1.398-99 = *Ant.* 344-349; Strabo 16.2.20. On Herod's efforts to control them, see *Ant.* 16.271-292. Other references to Roman suppression of bandits in Judea and Syria in the first century A.D. have been discussed elsewhere; see also Horsley (1981) pp409-432; Issac (1984) pp171-203; Goodman (1996) pp750-761.

<sup>396</sup> Dio 55.28.1-3. On the return of Sardinia to the senate, Paus. 7.17.3. Ormerod (1924) p257n2 thinks Dio refers to banditry; Braund (1993) p201 sees it as piracy; Crook (1996) p106 calls it a 'recrudescence of the corsairs.'

<sup>397</sup> Varro *R.R.* 1.16.2; cf. Strabo 5.2.7 for the mountainous Diagesbes' plundering of arable districts on Sardinia.

<sup>398</sup> Tac. *Ann.* 2.85.



Dio provides a similarly brief note to report that the Isaurians also in A.D.6 began 'bandit raids' which led to war, until they were subdued. He does not say by whom.<sup>399</sup> Another passage in Dio states that after the rebellions in Illyricum in A.D.6-8 had been subdued, banditry continued for some time, which, Dio comments, was to be expected from such tribes after such disturbances.<sup>400</sup>

Velleius claims that under Tiberius the *pax augusta*, as he calls it, spread to 'all corners of the world', keeping them safe from the fear of *latrocinia*.<sup>401</sup> Epictetus also claims that there were "...no longer wars, or battles or great banditry or piracy...", and that it was safe to travel by land or sea at any hour of the day.<sup>402</sup> It has been rightly pointed out that he is careful to say 'no great banditry' and that with the exception of Epictetus, such statements are usually accompanied by fulsome praise of emperors. The suppression of these criminals had become part of the imperial ideology, with the emperor portrayed as the protector of society.<sup>403</sup>

Though there are references, albeit usually brief, to banditry, there are notoriously few references to piracy under Augustus and indeed during the principate for the most part of the first two centuries. The responsibility for the paucity of information particularly about piracy in the first two centuries of the principate partly lies with the sources. As seen previously, insignificant battles against pirates and bandits were not considered worthy of record during the Republic. With the advent of the principate, the attention of the writers was centred on the emperor and his associates, discussing for example their concerns, intrigues and wars against proper

---

<sup>399</sup> Dio 55.28.3.

<sup>400</sup> Dio 55.34.7. C.f. Vell. Pat. 2.90.1-4 for Augustus' efforts in Dalmatia, the Alps and Spain in particular freeing the provinces from banditry.

<sup>401</sup> Vell. Pat. 2.126.3: "*Diffusa in orientis occidentisque tractus et quidquid meridiano aut septentrione finitur, pax augusta omnis terrarum orbis angulos a latrociniorum metu servat immunes.*" For a similar claim about the four quarters being cleared from piracy and banditry. Philo *Embassy to Gaius* 145-6.

<sup>402</sup> Epictetus 3.13.9.

<sup>403</sup> Braund (1993) p199-201. He also notes that the passages in Strabo 3.2.5 and Pliny *N.H.* 2.118 which Ormerod (1924) p257 cites in mentioning peace at sea do not indicate the complete eradication of piracy.

enemies. Suppression of such criminals by subordinate officers in the provinces was peripheral to the central topic of the emperor, unless the outbreak was large enough, when it also attracted the attention of the emperor or, as discussed previously, if the bandits themselves came into contact with the emperor. Moreover triumphs came to be held by the imperial family only, and thus there was less incentive for governors to incite a war against bandits in the hope of a triumph.<sup>404</sup> The emperor could appoint men to certain positions and failure to perform their tasks effectively could harm their careers. This would also have an effect on the provision of more effective policing. The measures put into place to improve communications, transport, and security, such as roads, *stationes* and patrolling fleets, all contributed to the reduction of banditry and piracy on a large scale, and thus the smaller scale outbreaks or attacks were not considered worth putting on record.<sup>405</sup> It is improbable however that "...piracy had been eradicated from the sea lanes..." by such measures.<sup>406</sup> The very presence of the fleets suggests that there was piracy which needed policing.<sup>407</sup>

Despite the above, there are some references which indicate the presence of piracy. The jurist Labeo, writing in the late Republic and under Augustus, is attributed as noting a number of legal ramifications arising from the problem of pirates. These include the possibility of losing property transported by sea through shipwreck or pirates, the ransom of a ship from pirates, and the recognition that both on sea and land it was possible to be attacked by bandits.<sup>408</sup> It has been argued that since there are no legal interpretations discussing matters associated with the Rhodian sea law until the time of Paulus in the early third century, this is an indication that piracy had been cleared from the seas.<sup>409</sup> It has however been noted that there is a section dealing with this law which is possibly attributable to the second century A.D. writer L. Volusius

<sup>404</sup> The last triumph in the *Fasti Triumphales* was in 19B.C. See also Crook (1996) p91.

<sup>405</sup> Similarly, Braund (1993) p207; 209.

<sup>406</sup> Starr (1989) p74; cf. also Starr (1941) 172-3; Rostovtzeff (1957) p146.

<sup>407</sup> Braund (1993) p206-7

<sup>408</sup> *Dig.* 4.9.3.1; 14.2.2.3; 47.9.3.2. Similarly, Braund (1993) pp204-5.

<sup>409</sup> Starr (1941) p173; (1989) p74.

Maecianus.<sup>410</sup> An inscription from Ilium in Mysia records the inhabitants' gratitude for the suppression of ληστική in the Hellespont during the reign of Tiberius.<sup>411</sup> There was an outbreak of piracy at Joppa during the time of the Jewish revolt from A.D.66 - 70. The Jews were raiding along the coasts of Syria, Phoenicia and on the route to Egypt. Vespasian entered the city with his troops in A.D.67, and found that the inhabitants had taken to the sea in their boats. They were hit by a storm, and most were shipwrecked. There were said to be 4200 people killed as a result. Vespasian had the town razed and left a contingent of cavalry and infantry there to prevent the pirates returning.<sup>412</sup> Piracy had not disappeared; smaller outbreaks had merely been placed further into the periphery of notable events. The episode recorded by Tacitus in Cilicia in A.D.52 seems to refer to bandit-like activity rather than piracy. The Cietae tribe in Cilicia under Troxoborus descended from the hills to the coast to attack farmers, townspeople, merchants and shipowners. They do not seem to have put to sea. The city of Anemurium was besieged, and the prefect Curtius Severus with his cavalry troop were forced to retreat, a manoeuvre due in part to the nature of the rough ground. Antiochus of Commagene eventually subdued them and executed Troxoborus and other leaders.<sup>413</sup> It must be noted that examples of piracy in the Mediterranean in the later empire are sparse in any case, with literary sources noting the depredations of land bandits.<sup>414</sup>

Under the principate there are references to magistrates whose job was specifically aimed at the prevention of banditry.<sup>415</sup> It might be thought that some

<sup>410</sup> *Dig.* 14.2.9; Braund (1993) p205, who also draws attention to *Digest* 47.9.7 which gives Hadrian's judgement that those who plunder shipwrecks were to be given the penalty appropriate to *latrones*; cf. *Dig.* 47.9.4 Antoninus Pius' rescript on the collection of booty from wrecks.

<sup>411</sup> *IGRR* 4.219.

<sup>412</sup> Josephus *B.J.* 3.414-431.

<sup>413</sup> Tac. *Ann.* 12.55; (he does not call them bandits) cf. Hopwood (1989) 173-5; Braund (1993) p205; see also Wiseman (1982) pp56-67 for the ideology of security.

<sup>414</sup> See also Starr (1941) ch8 for discussion of the activities of the fleet during the empire.

<sup>415</sup> Many of the later laws relating to banditry and piracy have been listed and discussed in other contexts: see Ch1 nn1; 41; 68; 70; 75; 76 136; 144; 146; 164; 166; Ch2 nn 41; 42; 53; 78; 83; 162-4; 166-7; 201; and Ch4.

would regard it as a black day when they were appointed to the position of *praefectus arcendis latrocinii*.<sup>416</sup> One law mentions another official, a *latrunculator*, who was not permitted to judge on pecuniary matters.<sup>417</sup> However the evidence for such positions is sparse, and probably indicates that the policing of bandits was not regarded as being any more glorious than during the republic. The task of suppressing bandits was in any case included as part of other officials' jurisdiction, such as that of the provincial governors. The presence of bandits in Asia in the mid-second century A.D. is indicated in a letter by Fronto. He wrote to Antoninus Pius in the early to mid 150's A.D. and in the letter informs him of his preparation for his time as provincial governor in Asia. One of the men on whom he calls to accompany him was a friend called Julius Senex from Mauretania. Senex was not only summoned for his 'loyalty and diligence', but also for his skill in hunting and repressing *latrones*.<sup>418</sup> The fact that it was necessary to state in law during the empire that the governors' duties included the pursuit of bandits suggests that magistrates needed to be reminded about the obligations of their command in this respect.<sup>419</sup> Commodus was certainly annoyed at the governors' failure in this respect, which he called 'negligence' or 'laziness', in allowing Maternus and his band to rampage. It was necessary for him as emperor to remind them of their duty to send troops against the bandits.<sup>420</sup>

The acceptance of the universal prevalence of bandits is evident in a comment by Tertullian. He notes that the hunting of bandits was allotted to *stationes* in all the provinces.<sup>421</sup> An example of *stationarii* performing this task is given in a letter from

<sup>416</sup> *praefectus arcendis latrocinii*: CIL XIII 5010 = ILS 7007 Nyon: "C. Lucconi Co[r.] Tetrici praefec[ti] arcend. latroc[inis], praefect. pro Ilvir[o], Ilvir. bis, flaminis August." (see Flam-Zuckerman (1970) pp451-473 for a discussion of this); CIL XIII 6211 Nava, Germany: "M. Pannonius Solu[tus praef(ectus)] latr(ociniis) ar[c(endis)]...etc.". If the reading is accepted, there is a reference to a *praefectus adversos latrones*: AE (1968) 109 Satrium, Italy.

<sup>417</sup> Dig. 5.1.61.1: "*Latrunculator de re pecuniaria iudicare non potest.*"

<sup>418</sup> Fronto *Ep. Ad Antonium Pium* 8 (= Loeb edn. vol. 1 p237).

<sup>419</sup> Dig. 1.18.13; 48.13.4.

<sup>420</sup> Herodian 1.10.3.

<sup>421</sup> Tertullian *Apol.* 2.8: "*Latronibus vestigandis per universas provincias militaris statio sortitur.*" *P. Ant.* 87 has a fragmentary reference to a *stationarius* in the context of the interrogation of a

prefects of the praetorian guard. Between A.D.169 and 172 prefects Bassaeus Rufus and Macrinus Vindex wrote to the magistrates of Saepinum to order them to stop their harassment of the lessees of flocks of sheep on an imperial estate. The *stationarii* and magistrates of Saepinum and Bovianum had been detaining shepherds of the lessees, thinking that they were runaway slaves and that the animals were stolen.<sup>422</sup> Some epigraphic evidence tells of battles by such police against bandits. One soldier in an inscription from Phrygia is recorded as being held in repute because he 'killed many bandits with his hands'.<sup>423</sup> Similarly a *strategos* of the Chersonese was praised for his efforts against piracy in the late second century.<sup>424</sup> A certain *ἐπαρχος* or prefect named Metrodorus was killed in a struggle with bandits.<sup>425</sup> Papyri provide evidence of the efforts by officials in Egypt to prevent banditry. M. Sempronius Liberalis, prefect of Egypt in A.D.154 offered an amnesty for those people who had fled from paying liturgies to prevent them from becoming bandits or associating with them.<sup>426</sup> Prefect L. Baebius Aurelius Juncinus wrote to the *strategi* of the Heptanomia and Arsinoite nomes in the period between A.D.210-214 emphasising the importance of the suppression of banditry.<sup>427</sup> Another papyrus notes the *ληστοπιασταί* organised to hunt bandits.<sup>428</sup>

The edict of Antoninus Pius while in Asia in A.D.134/5 emphasises that it was the responsibility of *eirenarchs* to interrogate bandits they had captured.<sup>429</sup> The

---

bandit. Further on the duties of the *stationarii*, see MacMullen (1963)(b) p55ff.

<sup>422</sup> *CIL* IX 2438 = *FIRA* 1.61.

<sup>423</sup> *IGRR* 4.886 (= Robert (1937) p96): "Ἀὐρ. Εἰρηναῖος εἰσπρατιώτης ἐστρατεύσεται ἐνδόξως, πολλοὺς ὤλεσε [λη]στὰς διὰ χερῶν...".

<sup>424</sup> *AE* (1948) 201.

<sup>425</sup> Robert (1937) p97 (= De Ruggiero & Barbieri (1942) 462), Bithynia, Prusa; cf. the Lycaonian inscription recording the death of the *δροφύλαξ* killed by bandits, Robert (1937) p96 (= De Ruggiero & Barbieri (1942) p462). Also discussed by MacMullen (1966) p257-8.

<sup>426</sup> *BGU* 372; cf. *BGU* 159, A.D.216.

<sup>427</sup> *P. Oxy.* 1408.

<sup>428</sup> *BGU* 325; Cf. also Libanius *Or.* 18.104; 25.43 for similar searches for bandits.

<sup>429</sup> *Dig.* 48.3.6.1. Further on the *eirenarchs* and *diogmitae*, see Robert (1937) p103f; Magie (1950) 1.647; 2.1514n46; Hopwood (1989) pp177-78, who also notes the avoidance of Aelius

*eirenarchs* had responsibility for public peace, particularly in the cities of Asia, and had under their direction a force of men called the *diogmitae*. One group of *diogmitae* in A.D.368 was led by the *vicarius* of Asia, Musonius, against *praedones* from Isauria. The Isaurians had been making raids on villas and towns over Pamphylia and Cilicia. Musonius and the *diogmitae* however were ambushed and killed, and it was then necessary for troops to be used to suppress the bandits.<sup>430</sup>

Literary sources notes the bandits who managed to attract the attention of the emperors in the late second and early third centuries; Maternus in Gaul A.D.186, Claudius in Syria in the early 190's, and Bulla Felix in Italy in A.D.205-6. An inscription from Intercisa in Pannonia testifies to the building of a fort during the time of Commodus to prevent 'clandestine crossings of bandits through suitable places'.<sup>431</sup> Writers in the later empire describing the incursions and raids of barbarians employ the same terminology used to describe bandit raids, and thus there appears to be a proliferation of banditry during that period. Concern at the state of the empire prompted mention of banditry everywhere. A letter from the emperor Gordian in A.D.238 notes the existence of a *latro* called Barsagoras at that time.<sup>432</sup> There is a life in the *Historia Augusta* of a certain Trebellianus who during the reign of Gallienus (A.D.253-268) became a leader in Isauria and called himself *imperator*, though 'others' called him an *archipirata*, and who is supposed to have minted coins and set up a palace.<sup>433</sup> His existence has been queried and given the lack of other supporting evidence, the episode must be viewed as fictitious, but that a usurper from the Isauria/Cilicia region would be called an *archipirata* by his enemies or the Romans

---

Aristides, (*Sacred Discourses* 4.31.601) of such policing positions; Shaw (1984) p18.

<sup>430</sup> Amm. Marc. 27.9.6-9. Cf. also the group of *diogmitae* led by an *eirenarch* who set out to arrest the Christian martyr Polycarp armed as if on their way to arrest a bandit, *The Martyrdom of St. Polycarp* 6-7, in Musurillo (1972) pp6-7.

<sup>431</sup> CIL III 3385 = ILS 395 = De Ruggiero & Barbieri (1942) 464: "...per loca opportuna ad clandestinos latrunculorum transitus...".

<sup>432</sup> C.J. 8.40.13: "Si Barsagoram latronem Lysanias decurio inventurum se spopondisset. aut exhibere compellendus aut transmittendus ad praefectum praetorio vel ad praesidem provinciae.

<sup>433</sup> HA Tyr. Trig. 26.

however reflects the common prejudices towards the inhabitants of the area.<sup>434</sup> An inscription records the building of a fort as an observation post for bandits for the town of Montanesium in Moesia in A.D.256.<sup>435</sup> Another inscription from Termessus in Pisidia honours the efforts of Valerius Statilius Castus in providing peace on 'land and sea' during the reign of Valerian (253-260).<sup>436</sup> The emperor Probus suppressed banditry in Isauria in A.D.277-78. The *Historia Augusta* claims that Probus captured and killed a *potentissimus latro*, the Isaurian Palfuerius, before entering the places where 'barbarians' lived among the Isaurians. He is quoted as saying that it was 'easier to prevent bandits from entering these places than to remove them.'<sup>437</sup> Zosimus however says that Probus campaigned against an Isaurian bandit called Lydius, who probably may be identified as Palfuerius. It is possible that two powerful men controlling their own bands could operate in the Isaurian region, but it seems too much of a coincidence that they were both subdued by Probus on his campaigns in the region at the same time.<sup>438</sup> Lydius and his band had been plundering in Pamphlyia and Lycia, and when the Romans approached, took control of Cremna in Lycia. Lydius held out in the ensuing seige for some time, but after his death due to the betrayal of one of his men, the other bandits surrendered.<sup>439</sup> The banditry of the Bagaudae in Gaul was first recorded for the year A.D.285, and the history of their activities has been discussed at length in chapter three.<sup>440</sup>

Ammianus Marcellinus presents an empire in the fourth century beset by barbarians and bandits on all sides and within the frontiers as well.<sup>441</sup> The

<sup>434</sup> Doubt expressed by Magie, (transl. Loeb edn. *SHA* (1932)), p65 & 128 and Matthews (1989) p362.

<sup>435</sup> *CIL* III 12376.

<sup>436</sup> *IGRR* 3.481. Cf. *IGRR* 1057 Cos: P. Sallustius Sempronius Victor was honoured for his efforts in ensuring peace on the sea, dated to between A.D.222 and 238.

<sup>437</sup> *HA Probus* 16.4: "*quae cum peragrasset, hoc dixit "Facilius est ab istis locis latrones arceri quam tolli."* "

<sup>438</sup> Ridley (1982) p148 in his commentary on Zosimus argues that they were separate men.

<sup>439</sup> Zosimus 1.69-70.

<sup>440</sup> See *SIG*<sup>3</sup> 900 Panamara ll.23ff for a reference to banditry in the early fourth century.

<sup>441</sup> See Matthews (1989) ch. 14 'Barbarians and bandits' for a full discussion of Ammianus' narrative

anonymous author of the *De Rebus Bellicis* presents a similar picture of the pressures of barbarians and of the banditry he regards as caused by poverty.<sup>442</sup> Ammianus describes three outbreaks of Isaurian banditry in the middle of the fourth century. The first in A.D.353-4 began, as noted previously, when some of the Isaurians were thrown to the wild beasts in the arena at Iconium in Pisidia. The other Isaurians then made attacks on ships on the coast and carried off cargoes. Following this they left the coasts and went inland to the border of Lycaonia and Isauria. There they raided properties and travellers. Soldiers sent against them were unsuccessful, because of the difficulty in pursuing them through the rough terrain. However the bandits withdrew from these troops into Pamphylia. The legions at wintering at Side were sent against them and the Isaurians then were forced to retreat. They attempted to besiege Palaea but its defences were too strong. Their numbers were large enough to daunt the commander at their next target, the *comes* Castrius, who was holding Seleucia with three legions.<sup>443</sup> The soldiers were sent out to face the enemy in battle, but were then withdrawn behind the fortifications in the city. The Isaurians besieged Seleucia and it was threatened with starvation. When news of this situation reached the Caesar Gallus, he sent order to Nebridius, *comes Orientis*, to provide help. When the Isaurians learnt that Nebridius was approaching with his troops, they retreated into the mountains.<sup>444</sup> This was hardly a crushing victory, though Ammianus claims they were quiet for a time after these events. In A.D.359 however, Lauricius was sent as *rector* or governor of the province to suppress the '*furta et latrocinia*' which the

---

on those felt to threaten the security of the empire in the fourth century: the Alamanni, Goths, Huns, Saracens, Isaurians and Moors. *CIL* III 12483 = *ILS* 724 records an attempt to provide protection against barbarian bandit attacks in Moesia, c. A.D.337 - 340. See also Starr (1941) p194-8 for the barbarians' attacks by sea and the response of the imperial fleet.

<sup>442</sup> Anon. *De Reb. Bell.* 6.1: "*In primis sciendum est quod imperium Romanum circumlatrantium ubique nationum perstringat insania et omne latus limitum tecta naturalibus locis appetat dolosa barbaries.*" For the poor committing banditry, 2.3.

<sup>443</sup> Matthews (1989) p363 notes that in terms of scale, rather than any declared aims of the Isaurians, these outbreaks were more akin to a rebellion or civil war.

<sup>444</sup> *Amm. Marc.* 14.2.1-20.



Isaurians were perpetrating on their neighbours. Ammianus says he was successful in pacifying the province by subduing them with 'threats rather than harshness'.<sup>445</sup> The next outbreak was in A.D.368, when the Isaurians were overrunning Pamphylia and Cilicia, and inflicted a defeat on Musonius and the *diogmitae*. After the troops had defeated them and driven them back to the mountains, the Isaurians called for peace, which was granted with a handover of hostages.<sup>446</sup> The Isaurians had a long history of 'banditry' and Ammianus describes the provinces of Cilicia and Isauria as 'mixed with crowds of bandits'.<sup>447</sup> He describes the Germanic Sarmatians and the Quadi similarly, as tribes suited to banditry. The Austuriani, prior to his description of their attacks on cities of Tripolitana, are noted as another people accustomed to live to robbery and murder. They, like the Isaurians, were provoked into making attacks on cities when a member of their community, a certain Stachao, was considered to have 'betrayed the province' and was burnt to death.<sup>448</sup> Ammianus also mentions the outbreak of banditry in Gaul in A.D.369, the banditry of the Maratacupreni in Syria and the destruction of a marauding band of Saxon bandits, of which he approved.<sup>449</sup> Larger attacks by 'bandits' were considered more worthy of record during this period, as they could be used together with barbarian raids to demonstrate the problems

<sup>445</sup> Amm. Marc. 19.13. *CIL* 3.6733 = *ILS* 740 Cilicia provides an example of Lauricius' activities: "*Iussu dd. nn. Constantii triumphatoris Augusti et Iulian nob. Caesaris castellum diu ante a latronibus possessum et provinciis perniciosum Bassidius Lauricius v(ir) c(larissimus) com(es) et praeses occupavit ad[q]ue ad perpetuam [q]uietis firmitatem militum praesidio munitum Antiochiam nuncupavit.*"

<sup>446</sup> Amm. Marc. 27.9.6-7. Zosimus 4.20 also says there was an outbreak by the Isaurians in A.D. 376, though this may refer to the events of 368 in Ammianus; Zosimus' account has the Isaurians plundering cities in Lycia and Pamphylia, and troops being sent against them, but unable to follow because of the rough ground; cf. Ridley (1989) p190n57. See also Hopwood (1989) pp171-187 for a discussion of the role of local patrons in the outbreaks of Cilicia and Isauria.

<sup>447</sup> Amm. Marc. 14.8.4. Further references to Isaurian violence in the fifth-century: A.D.403 Zosimus 5.25; Sozomen 8.25; Philostorgius 9.8; John Chrysostom *Ep.* 9.4; Jerome *Ep.* 114; and in A.D.469, see John of Antioch fr. 206. Cf. also *CTh.* 9.35.7 (A.D.408) which permitted torture of Isaurian bandits even on special days.

<sup>448</sup> Amm. Marc. (Sarmatians and Quadi):16.10.20; 17.12.2; 29.6.8; Austuriani: 28.6.2. Further on the Austuriani, see Matthews (1989) p383ff.

<sup>449</sup> Amm. Marc. 28.2.10; 28.2.11f; 28.5.1-7. Cf. Sulpicius Severus *Life of St. Martin* 5.4ff. also for the banditry in the Alps in the mid-fourth century.

perceived to be facing the empire in the fourth century.<sup>450</sup> In A.D.399 Valentinus of Selga in Pamphylia gathered slaves and farmers who had been trained through their experience in fighting bandits to resist the advance of Tribigildus and the Goths.<sup>451</sup> Other references to banditry in the fourth century have been noted in the context of desertion from the army and the patronage of powerful men.<sup>452</sup>

The Romans' policing of piracy in particular has been described as *laissez-faire*, and negligent.<sup>453</sup> An examination of events in the history of Roman policing of banditry and piracy reveals the importance of the Roman ethos of ambition for honour and glory in their dealings with such criminals. There was a traditional reliance on self-defence for the protection of the individual and small communities, but as Rome became a major power, it was called upon to provide armed forces to counter larger threats to security. However suppressing bandits and pirates was not considered a noble task for the Roman commander. It was not simply a policy of *laissez-faire*, they were personally reluctant to carry out such tasks. In a society in which the upper-class sought eminence through glory and an *aeternum nomen*, merely subduing the raids of the lowliest criminals was not considered sufficient to achieve these rewards. Skirmishes against bandits and pirates were often beneath the notice of writers, 'not worthy' of memory in a written record. Nevertheless this unworthy task was often the lot of provincial commanders. Some governors carried out their policing duties conscientiously, but the situation often occurred in which governors would either ignore these tasks, or would provoke a war in the hope of greater personal glory from a victorious battle, which was always 'worthy of memory', and a triumph. During the last century of the Republic a number of factors, such as the diminished powers of

---

<sup>450</sup> See also Whittaker (1993) p277 - 281.

<sup>451</sup> Zos. 5.15.5.

<sup>452</sup> Libanius *Or.* 18.104; Zosimus 3.7; 5.22; St. Basil *Ep.* 268 (A.D.377); Symmachus *Ep.* 7.38, (A.D.398); see also Ch2n.53 for laws on patronage.

<sup>453</sup> See Ormerod (1924) p190 negligence; Starr (1989) p61; the Romans' unwillingness to accept burdens which came with power; Morgan (1969) p222-3 mentions their *laissez-faire* policy; similarly Strasburger (1965) p50.

the nations in the East, the rise of Mithridates, and the Romans' ethos for glory seeking led to the situation in which huge commands were eventually needed to combat the numbers of pirates raiding throughout the Mediterranean. Under the principate this situation changed. The emperor ensured that he commanded the greatest interest from the sources by virtue of his immense power. Subordinate governors who did not perform their duties satisfactorily while provincial governors risked their future careers. Moreover a number of other measures, including the establishment of *stationes* and the fleets also improved the policing of banditry and piracy. During the later empire bandit raids are mentioned by the sources together with the descriptions of barbarian attacks as part of the evidence for the view that there was a general malaise facing the empire.

## Conclusion

It can be seen that the Roman views on banditry and piracy thus play a significant role in determining their response to it. Despite the close association between war and banditry in practical terms, such as the employment in both of plundering tactics and both the soldier's and bandit's love of booty, there was however a large gap between banditry and proper war in the minds of Romans. Moral judgements on the nature of a conflict often determined the labelling of it as war or banditry. Piracy was defined essentially as banditry which could occur on the sea or land. The reputation for treachery, cruelty and betrayal among these criminals contributed to their placement in the criminal ranks at the lowest level of infamy.

The interpretations and terminology of Hobsbawm are shown to be inappropriate in the context of ancient banditry. Bandits and pirates were more concerned with the procurement of booty through robbery for their own purposes, than with expressing a form of social protest or rebellion, as in the example of the Bagaudae. Thus the disregard of bandits and pirates for the poor does not indicate that they supported the poor or that this support was returned; rather the evidence suggests that the poor were ignored for the pragmatic reason that they did not have property worth stealing. The wealthy were a more profitable target. Indeed it was often the poor who were forced to turn to banditry for a livelihood. These bandits however did not support their fellow poor who had remained on the side of legality within society, though perhaps 'support' could be construed as helping them not to become poorer by refraining from attacking them. The support for bandits and pirates generally within the local communities was usually restricted to those who were involved as receivers or harbourers or wealthy patrons of these criminals.

The Roman hatred for these criminals was expressed in the severity of the punishments considered appropriate for bandits and pirates. If they were not killed in the heat of battle or capture, then cruel, humiliating and inventive deaths, often

preceded by tortures were the lot of the condemned criminal. The only reason a commander normally spared the life of a captured bandit or pirate was to save him for future crowd entertainment, when either the robber could appear in the arena, as popular crowd entertainment, or until a triumph could be held in which the prisoner could feature.

Unfortunately the attacks by inglorious bandits or pirates were often not considered worth reporting by the literary sources, or worth pursuing by Roman commanders who hoped for a more glorious enemy. Thus when the local community's policing possessed insufficient strength to repel any attacks, the Romans were often reluctant to respond quickly. Often a community complained several times before the Romans even considered sending an investigative embassy. Moreover when the Romans decided to send a commander, the system of rewarding those who performed well in victorious battles with the honour of a triumph and personal glory often had the effect of motivating the commander to incite a war for his own purposes. Among the reasons suggested for the Roman disinclination to have a significant policing role in banditry and piracy is that they had an attitude of *laissez-faire*. The importance of personal reputation, the acquisition of wealth and *gloria* in particular to the upper-class Romans however has been demonstrated as a significant factor in their response to bandits and pirates. Few commanders were immune to the thought of the possibility of a triumph from a provincial command. Fewer were immune to the opportunity to acquire or maintain their spheres of influence, which prompted some to refuse provincial commands. Even Pompey, who was known as Magnus for his military achievements, used the famous settlement of the pirates in the late republic to increase his sphere of influence. Thus the provincial governors who were sent against bandits and pirates often had their own motives for their effective or ineffective response to banditry. Under the principate a number of changes to the system of defences were introduced, which had the effect of providing more effective policing against bandits and pirates, and moreover there was no longer the incentive of a triumph for

commanders to incite wars. Such measures contributed to policing, but the proliferation of laws against bandits and pirates together with the literary and epigraphic evidence demonstrates that the problem had not disappeared, and neither had attitudes towards banditry changed. Crime prevention then as now was a constant necessity against persistent criminals.

## Bibliography

Periodicals are usually abbreviated in accordance with the conventions adopted by *L'Année Philologique*.

**Anderson, R. C.,** (1962) *Oared Fighting Ships*, London .

**Astin, A.E., Walbank, F.W., Frederiksen, M.W., Ogilvie R.M.,** (edd.)  
(1989) *The Cambridge Ancient History*<sup>2</sup>, vol. 8,  
Cambridge.

**Badian, E.,** (1964)(a) 'Notes on Roman Policy in Illyria (230 -201B.C.)',  
in *Studies in Greek and Roman History*, (ed.) E.  
Badian, Oxford pp1 - 33.

\_\_\_\_\_, (1964)(b) 'Sulla's Cilician Command', in *Studies in Greek  
and Roman History*, (ed.) E. Badian, Oxford pp157 -  
178.

**Barrow, R. H.,** (1928) *Slavery in the Roman Empire*, London.

**Bartelink, G. J. M.,** (1967) 'Les démons comme brigands', *Vigiliae Christianae*,  
21 pp12 - 24.

**Bartholomew, J.,** (1982) 'Fifth-Century Facts', *Britannia* 13 pp261-70.

**Bauman, R.A.,** (1990) 'The suppression of the Bacchanals: Five questions',  
*Historia* 39 pp334 - 348.

\_\_\_\_\_, (1992) *Women and Politics in Ancient Rome*, London.

\_\_\_\_\_, (1996) *Crime and Punishment in Ancient Rome*, London and  
New York.

- Berger, A.,** (1953) *Encyclopedic Dictionary of Roman law, Trans. Amer. Philosoph. Soc. v43 pt2 Philadelphia.*
- Bird, H. W.,** (ed.) (1993) *Eutropius: Breviarum*, Liverpool.
- Birley, A.,** (1966) *Marcus Aurelius*, London.
- Blok, A.,** (1972) 'The Peasant and the Brigand: Social Banditry Reconsidered', (review of E. Hobsbawm's *Bandits*), *Comparative Studies in Society and History* 14 pp494 - 503.
- Bonfante Warren, L.,** (1970) 'Roman Triumphs and Etruscan Kings: the changing face of the triumph', *JRS* 60 pp50 - 63.
- Bonner, S.F.,** (1949) *Roman Declamation in the Late Republic and Early Empire*, Berkeley and Los Angeles.
- Bourriot, F.,** (1972) 'La considération accordée aux marins dans l'antiquité greque', *Revue d'histoire Economique et Sociale*, 50 pp7 - 41.
- Bradley, K. R.,** (1978)(a) *Suetonius' Life of Nero: An Historical Commentary*, (Coll. Latomus 157), Brussels.
- \_\_\_\_\_, (1978)(b) 'Slaves and the Conspiracy of Catiline', *CPh* 73 pp329-36.
- \_\_\_\_\_, (1989) *Slavery and Rebellion in the Roman World*, Indiana.
- \_\_\_\_\_, (1987) 'On the Roman Slave Supply and Slavebreeding', in *Classical Slavery*, ed. M. I. Finley, London pp 42 - 64.



- Braund, D.,** (1993) 'Piracy under the Principate and the ideology of imperial eradication', in *War and Society in the Roman World*, (edd.) J. Rice and G. Shipley, London pp195-212.
- Briscoe, J.,** (1973) *A Commentary on Livy, Books XXXI - XXXIII*, Oxford.
- \_\_\_\_\_, (1981) *A Commentary on Livy, Books XXXIV - XXXVII*, Oxford.
- Broughton, T.R.S.,** (1946) 'Notes on Roman Magistrates', *TAPhA* 77 pp35 - 43.
- \_\_\_\_\_, (1951-2) *The Magistrates of the Roman Republic*, 2 vols, New York.
- \_\_\_\_\_, (1959 repr.) 'Roman Asia' in *Economic Survey of Ancient Rome*, (ed.) T. Frank, pp499-916.
- \_\_\_\_\_, (1960) *The Magistrates of the Roman Republic*, Suppl., vol 3, New York.
- Brunt, P.A., & Moore, J.M.,** (1967) *Res Gestae Divi Augusti*, Oxford.
- \_\_\_\_\_, (1971) *Italian Manpower 225B.C. - A.D.14*, Oxford.
- \_\_\_\_\_, (1990) *Roman Imperial Themes*, Oxford.
- Buck, R.J.,** (1959) 'Communalism on the Lipari Islands (Diod. 5.9.4). *CPh.* 54 pp35 - 39.
- Burian, J.,** (1960) 'Latrones milites facti', *Eunomia* 4 pp47-49.

- Butler, H.E. & Cary, M.,** (edd.) (1966) *C. Suetoni Tranquilli Divus Iulius*, Oxford.
- Cagnat, R.,** (1964repr.) *Inscriptiones Graecae ad Res Romanas Pertinentes*, Rome.
- Campbell, J.B.,** (1984) *The Emperor and the Roman Army 31B.C. - A.D.235*, Oxford.
- Casson, L.,** (1958) 'Hemiolia and Triemiolia', *JHS* 78 pp14 - 18.
- \_\_\_\_\_, (1971) *Ships and Seamanship in the Ancient World*, Princeton.
- \_\_\_\_\_, (1991) *The Ancient Mariners*<sup>2</sup>, Princeton.
- \_\_\_\_\_, (1988) 'Piracy', in *Civilisation of the Ancient Mediterranean*, v. 2 ed. M. Grant and R. Kitzinger, New York, pp837-844.
- Clavel-Lévêque, M.,** (1978) 'Brigandage et piraterie: Représentations idéologiques et pratiques impérialistes au dernier siècle de la république', *DHA* 4 pp17 - 31.
- Coleman, K. M.,** (1990) 'Fatal Charades: Roman Executions staged as mythological enactments', *JRS* 8 pp44 - 73.
- Crawford, J.W.,** (ed.) (1994) *M. Tullius Cicero: The Fragmentary Speeches*, Atlanta.
- Crawford, M.H.,** (1977)(a) 'Republican denarii in Romania: the suppression of piracy and the slave-trade', *JRS* 47 pp117 - 124.

- \_\_\_\_\_, (1977)(b) 'Rome and the Greek World: Economic Relationships', *Economic History Review*, 30 pp42 - 52.
- \_\_\_\_\_, Ferrary, J.-L., Moreau, P., Reynolds, J.M., (1996) 'Lex de Provinciis Praetoriis', in *Roman Statutes*, 2 vols, (ed.) M. H. Crawford, London.
- Crook, J. A., Lintott, A., Rawson, E., (edd.) (1994) *The Cambridge Ancient History*<sup>2</sup>, vol. 9, Cambridge.
- \_\_\_\_\_, (1996) 'Political history, 30B.C. to A.D. 14', in *Cambridge Ancient History*<sup>2</sup>, vol. 10, (edd.) A.K. Bowman, E. Champlin, A. Lintott, Cambridge, pp70-112.
- Daremberg, C., & Saglio, E.(edd.) (1877 -) *Dictionnaire des antiquités grecques et romaines*, Paris.
- Degrassi, A., (1947) *Fasti Consulares et Triumphales*, in *Inscriptiones Italiae*, XIII, 1, Rome.
- Dell, H. J., (1967) 'The origin and nature of Illyrian piracy', *Historia* 16 pp344 - 358.
- \_\_\_\_\_, (1970) 'Demetrius of Pharos and the Istrian War', *Historia* 19 pp30 - 38.
- Derow, P.S., (1989) 'Rome, the Fall of Macedon and the Sack of Corinth' in *Cambridge Ancient History*<sup>2</sup>, vol. 8, (edd.) A.E., Astin, F.W. Walbank, M.W. Frederiksen, R.M.Ogilvie Cambridge pp290-323.
- De Ruggiero, E., & Barbieri, G., (1942) 'Latrones' in *Dizionario Epigrafico di Antichità Romane*, (ed.) E. Ruggiero, Rome.

- De Souza, P.,** (1995) 'Greek Piracy' in *The Greek World*, ed. A. Powell, London.
- Dionisotti, A. C.,** (1982) 'From Ausonius' Schooldays? A Schoolbook and its Relatives', *JRS* 72 pp83 - 125.
- Drinkwater, J.,** (1984) 'Peasants and Bagaudae in Roman Gaul', *Classical Views* 3 pp349 - 371.
- \_\_\_\_\_, (1989) 'Patronage in Roman Gaul and the problem of the Bagaudae' in *Patronage in Roman Society*, ed. A. Wallace-Hadrill, London pp189-203.
- \_\_\_\_\_, (1992) 'The Bacaudae of fifth-century Gaul' in *Fifth-century Gaul: a crisis of identity?* (edd.) J. Drinkwater & H. Elton, Cambridge, pp208-217.
- Dyson, S.L.,** (1971) 'Native revolts in the Roman Empire', *Historia* 20 pp234 - 274.
- \_\_\_\_\_, (1974) 'Native Revolt Patterns in the Roman Empire', in *Aufstieg und Niedergang der Römischen Welt*, (ed.) H. Temporini, ii.3, Berlin pp138-175.
- Eck, W.,** (1970) *Senatoren von Vespasian bis Hadrian*, München.
- Emrich, W.,** (1965) *Querolus sive Aulularia*, Berlin.
- Exquemelin, A.,** (1969) *The Buccaneers of America*, London.
- Ferrary, J-L.,** (1977) 'Recherches sur la législation de Saturninus et de Glaucia', *MEFRA* 89 pp619-660.

**Finley, M.I., (ed.) (1960)** *Slavery in Classical Antiquity*, Cambridge.

\_\_\_\_\_, (1962) 'The Black Sea and Danubian Regions and the Slave Trade in Antiquity', *Klio* 40 pp51 - 59.

\_\_\_\_\_, (ed.) (1987) *Classical Slavery*, London.

**Flam-Zuckermann, L., (1970)** 'À propos d'une inscription de Suisse (*CIL*, XIII, 5010): étude du phénomène du brigandage dans l'Empire romain', *Latomus* 29 pp451 - 473.

**Forrest, W.G., & Stinton, T.C.W., (1962)** 'The First Sicilian Slave War', *P&P* 22 pp87 - 91.

**Frank, T., (1927)** 'The Bacchanalian Cult of 186B.C.', *CQ* 21 pp128 - 32.

\_\_\_\_\_, (ed.) (1933-40) *An Economic Survey of Ancient Rome*, 6 vols, Baltimore.

**Frassinetti, G., (1995)** Review of S. Tramonti, '*Hostes communes omnium*' *La Pirateria e la fine della Repubblica Romana* (145 - 33a.C.) in *Epigraphica* 57 pp331 - 334.

**Frederiksen, M.W., (1966)** 'Caesar, Cicero and the problem of debt', *JRS* 56 pp128 - 141.

**Gabbert, J., (1986)** 'Piracy in the early Hellenistic period: a career open to talents', *Greece and Rome* 33 pp156 - 163.

**Garlan, Y., (1975)** *War in the Ancient World*, London.

\_\_\_\_\_, (1978) 'Signification historique de la piraterie grecque',

*DHA* 4 pp1 - 16.

- \_\_\_\_\_, (1987) 'War, Piracy and Slavery in the Greek World' in *Classical Slavery*, (ed.) M.I. Finley, London pp7 - 21.
- Gelzer, M., (1968) *Caesar. Politician and Statesman*, (trans.) Needham, Oxford.
- Girard, F., (1903) *Textes de Droit Romain*, Paris.
- Goodman, M., (1996) 'Judea' in *Cambridge Ancient History*<sup>2</sup>, vol. 10, (edd.) A.K. Bowman, E. Champlin, A. Lintott, Cambridge.
- Green, P., (1961) 'The First Sicilian Slave War', *P&P* 20 pp10 - 29.
- Grenfell, B.P., Hunt, A.S., et al. (1898-) *The Oxyrhynchus Papyri*, London.
- Griffin, M.T & Atkins, E.M., (edd.) (1991) *Cicero On Duties*, Cambridge.
- Griffith, G.T., (1935) *The Mercenaries of the Hellenistic World*, Cambridge.
- Grueber, H.A., (1910) *Coins of the Roman Republic in the British Museum*, 3 vols, London.
- Gruen, E.S., (1996) 'The expansion of the empire under Augustus' in *Cambridge Ancient History*<sup>2</sup>, vol. 10, (edd.) A.K. Bowman, E. Champlin, A. Lintott, Cambridge.
- Habicht, C., (1989) 'The Seleucids and their rivals' in *Cambridge Ancient History*<sup>2</sup>, vol.8, (edd.) A.E. Astin, F.W. Walbank, M.W. Frederiksen, R.M. Ogilvie

Cambridge, pp324-387.

**Halsall, G.,** (1992) 'The origins of the Reihengräberzivilisation: forty years on', in *Fifth-century Gaul: a crisis of identity?*, J. Drinkwater & H. Elton (edd.), Cambridge, pp196-207.

**Hammond, N. G. L.,** (1968) 'Illyris, Rome and Macedon in 229 - 205 B.C.', *JRS* 58 pp1 - 21.

\_\_\_\_\_, & **Scullard, H.H.** (edd.) (1970) *The Oxford Classical Dictionary*<sup>2</sup>, Oxford.

**Harris, W.V.,** (1980) 'Towards a study of the Roman slave trade', in *The Seaborne Commerce of Ancient Rome*, (edd.) J.H. D'Arms & E.C. Kopff *MAAR* Rome 36.

\_\_\_\_\_, (1989) 'Roman Expansion in the West', in *Cambridge Ancient History*<sup>2</sup> vol.8, (edd.) A.E. Astin, F.W. Walbank, M.W. Frederiksen, R.M. Ogilvie, Cambridge, pp107-162.

**Hassall, M., Crawford, M.H., Reynolds, J.M.,** (1974) 'Rome and the Eastern Provinces at the end of the second century B.C.', *JRS* 64 pp195 - 220.

**Hengel, M.,** (1977) *Crucifixion*, (trans. J. Bowden), London.

**Hind, J.G.F.,** (1994) 'Mithridates' in *Cambridge Ancient History*<sup>2</sup>, vol.9 vol. 9, (edd.) J.A. Crook, A. Lintott, E. Rawson, Cambridge pp130-164.

**Hobsbawm, E.,** (1969) *Bandits*, London .

- \_\_\_\_\_, (1972) 'Social Bandits: Reply', *Comparative Studies in Society and History*, 14 pp503 - 505.
- \_\_\_\_\_, (1974) 'Social Banditry' in *Rural Protest: Peasant Movements and Social Change*, New York , pp142 - 57.
- Hopkins, K.,** (1983) *Death and Renewal*, Cambridge .
- Hopwood, K. R.,** (1983) 'Policing the hinterland: Rough Cilicia and Isauria' in *Armies and Frontiers in Roman and Byzantine Anatolia*, Colloquium of British Institute of Archaeology at Ankara, pp173 -187.
- \_\_\_\_\_, (1989) 'Bandits, élites and rural order', in *Patronage in Ancient Society*, (ed.) A. Wallace-Hadrill, London , pp171 - 187.
- Horsley, R. A.,** (1979)(a) 'Josephus and the bandits', *Journal for the study of Judaism*, 10 , pp37 - 63.
- \_\_\_\_\_, (1979)(b) 'The Sicarii: Ancient Jewish Terrorists', *Journal of Religion*, 2 pp435 - 458.
- \_\_\_\_\_, (1981) 'Ancient Jewish Banditry and the Revolt against Rome, A.D. 66 - 70', *The Catholic Biblical Quarterly*, 43 pp409 - 432.
- Humbert, G.,** (1877 -) 'Latrocinium', in *Dictionnaire des antiquités grecques et romaines*, (edd.) Daremberg, C., & Saglio, E. Paris.
- Hyamson, M.,** (1913) *Mosaicarum et Romanarum Legum Collatio*, London.
- Issac, B.,** (1984) 'Bandits in Judaea and Arabia', *Harvard Studies*



*in Classical Philology*, 88 pp171 - 203.

- Jacoby, F.**, (1923-) *Die Fragmente der griechischen Historiker*, Berlin.
- Jameson, S.**, (1970) 'Pompey's Imperium in 67: Some Constitutional Fictions', *Historia* 19 pp539 - 560.
- Jones, A. H. M.**, (1959) 'Were Ancient Heresies national or social movements in disguise?', *Journal of Theological Studies*, 10 pp280 - 298.
- \_\_\_\_\_, (1964) *The Later Roman Empire 284 - 602*, 2 vols.
- Jullian, C.**, (1920) 'Notes Gallo-Romaines', *Revue des études anciennes* 22 pp41 - 47.
- Keppie, L.**, (1996) 'The army and the navy', in *Cambridge Ancient History*<sup>2</sup>, vol. 10, (edd.) A.K. Bowman, E. Champlin, A. Lintott, Cambridge.
- Lewis, N., & Reinhold, M.**, (1955) *Roman Civilisation. Sourcebook II: The Empire*, Columbia (1966 repr.).
- Liebeshuetz, J. H.**, (1972) *Antioch: City and Imperial Administration in the Later Roman Empire*, Oxford.
- Liebmann-Frankfort, T.**, (1969) 'La provincia Cilicia et son intégration dans l'empire romain', *Collection Latomus*, 102 pp447-457.
- Lintott, A.W.**, (1968) *Violence in Republican Rome*, Oxford.
- \_\_\_\_\_, (1976) 'Notes on the Roman Law Inscribed at Delphi and Cnidos', *ZPE* 20 pp65 - 82.



- \_\_\_\_\_, (1993) *Imperium Romanum: Politics and Administration*, London.
- MacDonald, B.**, (1984) 'LHISTEIA and LHIZOMAI in Thucydides and in *I.G.* 1 (3rd edn) 41, 67, and 75', *AJPh* 105 pp77 - 84.
- MacKay, P. A.**, (1963) 'KLEPHTIKA: The Tradition of the Tales of Banditry in Apuleius', *G&R* 10 pp147-152.
- MacMullen, R.**, (1963)(a) 'The Roman Concept Robber=Pretender', *Revue Internationale des Droits de l'Antiquité* 10 pp221 - 225.
- \_\_\_\_\_, (1963)(b) *Soldier and Civilian in the Later Roman Empire*, Cambridge Mass.
- \_\_\_\_\_, (1964) 'Nationalism in Roman Egypt', *Aegyptus* 44 pp179 - 199.
- \_\_\_\_\_, (1965) 'The Celtic Renaissance', *Historia* 14 pp93 - 104.
- \_\_\_\_\_, (1966) *Enemies of the Roman Order*, Harvard.
- \_\_\_\_\_, (1974) *Roman Social Relations*, New Haven and London.
- \_\_\_\_\_, (1985) 'How to revolt in the Roman Empire', *Rivista Storica dell' Antichita* XV pp67 - 76.
- \_\_\_\_\_, (1986) 'Judicial Savagery in the Roman Empire', *Chiron*, 16 pp147 - 166.
- Maroti, E.**, (1962) 'Diodotos Tryphon et la piraterie', *AAntHung* 10

pp187 - 194.

- \_\_\_\_\_, (1968) 'A recently found versified oracle against the pirates',  
*AAntHung* 16 pp233 - 38.
- \_\_\_\_\_, (1971) 'On the problem of M. Antonius Creticus' *imperium infinitum*', *AAntHung* 19 pp259 - 72.
- Marshall, B.,** (1985) *A Historical Commentary on Asconius*, Columbia.
- Matthews, J.,** (1989) *The Roman Empire of Ammianus*, London.
- Mattingly, H., & Sydenham, E.A.** (1923-) *The Roman Imperial Coinage*,  
London.
- \_\_\_\_\_, (1968repr.) *Coins of the Roman Empire in the British Museum*,  
London.
- McGushin, P.,** (1992) *Sallust The Histories*, vol 1, Oxford.
- \_\_\_\_\_, (1994) *Sallust The Histories*, vol 2, Oxford.
- McKechnie, P.,** (1989) *Outsiders in the Greek Cities in the Fourth Century B.C.*, London and New York.
- Meier, C.,** (1995) *Caesar*, (trans. D. McLintock) London.
- Meiggs, R.,** (1960) *Roman Ostia*, Oxford.
- \_\_\_\_\_, (1982) *Trees and Timber in the Ancient Mediterranean World*,  
Oxford.
- Millar, F.,** (1964) *A Study of Cassius Dio*, Oxford.

- \_\_\_\_\_, (1981) 'The World of the Golden Ass', *JRS* 71 pp63 - 75.
- \_\_\_\_\_, (1984) 'Condemnation to hard labour in the Roman Empire, from the Julio-Claudians to Constantine', *PBSR* 52 pp124 - 147.
- \_\_\_\_\_, (1986) 'Italy and the Roman Empire: Augustus to Constantine', *Phoenix* 40 pp295 - 318.
- Minor, C.E.,** (1971) *Brigand, Insurrectionist and Separatist Movements in the Later Roman Empire*, PhD thesis, University of Washington.
- \_\_\_\_\_, (1975) 'Bagaudae' or 'Bacaudae', *Traditio* 31 pp318 - 322.
- \_\_\_\_\_, (1979) 'The Robber Tribes of Isauria', in *The Ancient World* II pp117 - 127.
- Mitchell, S.,** (1976) 'Requisitioned Transport in the Roman Empire: A new inscription from Pisidia', *JRS* 66 pp106 - 131.
- Mocsy, A.,** (1968) 'Latrones Dardaniae', *AAntHung* 16 pp351 - 354.
- Morgan, J.R.,** (1982) 'History, Romance and Realism in the *Aithiopika* of Heliodorus', *Classical Antiquity* 1 pp221 - 265.
- Morgan, M.G.,** (1969) 'The Roman conquest of the Balearic Isles', *CSCA* 2 pp217 - 231.
- Nisbet, R.G.M.,** (ed.) (1961) *Cicero: in L. Calpurnium Pisonem Oratio*, Oxford.
- Nixon, C.E.V.,** (1978) 'A Panegyric to the Emperor Maximian', *Ancient*

*Society* 8 pp181 - 218.

**Ogilvie, R.M.,** (1965) *A Commentary on Livy, Books 1- 5*, Oxford.

**Ormerod, H.,** (1922) 'The Campaigns of Servilius Isauricus against the pirates', *JRS* 12pp35 - 56.

\_\_\_\_\_, (1923) 'The distribution of Pompeius' forces in the campaign of 67B.C.', *LAAA* 10 pp46 - 51.

\_\_\_\_\_, (1924)(a) *Piracy in the Ancient World*, London.

\_\_\_\_\_, (1924)(b) 'Towers in the Greek Islands', *LAAA* 11 pp31 - 36.

\_\_\_\_\_, (1925) 'The so-called lex Gabinia', *CR* 39 pp15 - 16.

**Pelling, C.,** (1996) 'The Triumviral Period' in *Cambridge Ancient History*<sup>2</sup>, vol. 10, (edd.) A.K. Bowman, E. Champlin, A. Lintott, Cambridge.

**Peterson, L.,** (ed.) (1933 -) *Prosopographia Imperii Romani*<sup>2</sup>, Berlin

**Platner, S.B., & Ashby, T.,**(1929) *A Topographical Dictionary of Ancient Rome*, London.

**Pohl, H.,** (1993) *Die römische Politik und die Piraterie im östlichen Mittelmeer vom 3. bis zum 1. Jh. v. Chr.*, Berlin & New York.

**Pritchett, W.K.,** (1991) *The Greek State at War* pt. V, Berkeley and Los Angeles.

**Reardon, B.P.,** (1989) *Collected Ancient Greek Novels*, Berkeley.

- Reynolds, J.,** (1962) 'Cyrenaica, Pompey and Cn. Cornelius Lentulus Marcellinus', *JRS* 52 pp97 - 103.
- Rheinhold, M.,** (1988) *From Republic to Principate An Historical Commentary on Cassius Dio's Roman History* Books 49 - 52, Atlanta.
- Rhoden, P., & Dessau, H.,** (edd.) (1898 -) *Prosopographia Imperii Romani*<sup>1</sup>, Berlin .
- Riccobono, S.,** (ed.) (1941) *Fontes Iuris Romani Antejustiniani*, Florence.
- Rich, J.W.,** (1976) *Declaring War in the Roman Republic in the Period of Transmarine Expansion*, *Coll. Latomus*, vol 149, Brussels.
- \_\_\_\_\_, & Shipley, G., (1993) *War and Society in the Roman World*, London.
- Richardson, J.,** (1994) 'The Administration of the empire', in *Cambridge Ancient History*<sup>2</sup>, (edd.) J. A. Crook, A. Lintott, E. Rawson, Cambridge, pp564-598.
- Richardson, J.S.,** (1975) 'The Triumph, the praetors and the Senate in the early second century B.C.', *JRS* 65 pp50-63.
- Rickman, G.,** (1980) *The Corn Supply of Ancient Rome*, Oxford.
- Robert, L.,** (1937) *Études Anatoliennes*, Amsterdam.
- \_\_\_\_\_, (1966) *Documents de l'Asie mineure méridionale*, Geneva and Paris.

- Rostovtzeff, M.,** (1941) *Social and Economic History of the Hellenistic World*, Oxford.
- \_\_\_\_\_, (1957) *The Social and Economic History of the Roman Empire*<sup>2</sup>, Oxford.
- Roy, Le C.,** (1975) 'Voyageurs et Marins dans l'antiquité', *Revue des Etudes grecques* pp178 - 181.
- Rubinsohn, Z.W.,** (1981) 'The Viriatic War and its Roman repercussions', *Rivista Storica dell'Antichita*, 11 pp161 - 204.
- \_\_\_\_\_, (1982) 'Some remarks on the causes and repercussions of the so-called 'Second Slave Revolt' in Sicily', *Athenaeum* 70 pp436 - 451.
- Scott, S.P. (ed.)** (1973repr.) *The Civil Law*, New York.
- Seager, R.,** (1979) *Pompey: A Political Biography*, Oxford.
- Shackleton Bailey, D.R. (ed.)** (1967) *Cicero's Letters to Atticus*, Cambridge.
- Shaw, B.,** (1984) 'Bandits in the Roman Empire', *Past and Present* 105 pp3 - 52.
- \_\_\_\_\_, (1993) 'The Bandit' in *The Romans*, (ed.) A. Giardina, Chicago, pp300-341.
- Sherwin-White, A.N.,** (1963) *Roman Society and Roman Law in the New Testament*, Oxford.



- \_\_\_\_\_, (1976) 'Rome, Pamphylia and Cilicia, 133 - 70B.C.', *JRS* 66 pp1 - 14.
- \_\_\_\_\_, (1977) 'Roman involvement in Anatolia, 167 - 88B.C.', *JRS* 67 pp62 - 75.
- \_\_\_\_\_, (1984) *Roman Foreign Policy in the East*, London.
- \_\_\_\_\_, (1994) 'Lucullus, Pompey and the East', in *Cambridge Ancient History*<sup>2</sup>, vol. 9, (edd.) J.A. Crook, A. Lintott, E. Rawson, Cambridge, pp229-271.
- Skutsch, O., (ed.)** (1985) *The Annals of Q. Ennius*, Oxford.
- Smith, M., (1971)** 'Zealots and Sicarii', *Harvard Theological Review* 64 pp1 - 19.
- Starr, C.G., (1943)** 'Coastal Defense in the Roman World', *AJPh* 64 pp56-70.
- \_\_\_\_\_, (1960) *Roman Imperial Navy*<sup>2</sup>, Cambridge.
- \_\_\_\_\_, (1989) *The Influence of Sea Power on Ancient History*, Oxford.
- Strasburger, H., (1965)** 'Poseidonios on problems of the Roman Empire', *JRS* 55 pp40 - 53.
- Sumner, G.V., (1978)** 'The 'Piracy Law' from Delphi and the Law of the Cnidos Inscription', *GRBS* 19 pp211- 225.
- Syme, R., (1951)** 'Tacfarinas, The Musulamii and Thubursicu', in *Studies in Roman economic and social history in*

- honor of A.C. Johnson*, Princeton pp113 - 30.
- \_\_\_\_\_, (1956) 'Missing persons (P-W viii A)', *Historia* 5 pp204 - 12.
- \_\_\_\_\_, (1987) 'Isaura and Isauria: Some Problems', in *Sociétés urbaines, sociétés rurales dans l'Asie Mineure et la Syrie hellénistiques et romaines* (Actes du colloque organisé à Strasbourg), Strasbourg pp131 - 47.
- Thiel, J.H.**, (1954) *A History of Roman Sea-Power before the Second Punic War*, Amsterdam,.
- Thompson, E.A.**, (1952) 'Peasant Revolts in Late Roman Gaul and Spain', *P&P* 2 pp11 - 23.
- Topham-Meekings, D.**, (1976) *The Hollow Ships*, London.
- Torr, C.**, (1964) *Ancient Ships*, Chicago.
- Toynbee, A.J.**, (1965) *Hannibal's Legacy*, vol 2 Oxford.
- Ulansey, D.**, (1989) *The Origins of the Mithraic Mysteries*, Oxford.
- Vagg, J.**, (1995) 'Rough Seas: Contemporary Piracy in South-East Asia', *British Journal of Criminology*, 35 pp66 - 80.
- Van Dam, R.**, (1985) *Leadership and Community in Late Antique Gaul*, Berkeley and Los Angeles.
- Van Hoof, A.J.L.**, (1988) 'Ancient Robbers: Reflections behind the facts', *Ancient Society* 19 pp105 - 124.
- Versnel, H.S.**, (1970) *Triumphus*, Leiden.

- Vogt, J.,** (1974) *Ancient Slavery and the Ideal of Man*, (transl.) T. Wiedemann, Oxford.
- Ward, A.M.,** (1975) 'Caesar and the pirates', *CPh* 70 pp267 - 268.
- \_\_\_\_\_, (1977) 'Caesar and the pirates II. The elusive M. Iunius Iuncus and the year 75/4', *AJAH* 2 pp26 - 36.
- Watson, A.,** (ed.) (1985) *The Digest of Justinian*, 4 vols, Pennsylvania .
- \_\_\_\_\_, (1993) *International Law in Archaic Rome*, Baltimore.
- Webb, P.H.,** (ed.) (1933) *The Roman Imperial Coinage*, vol V.II, London.
- Weissenborn, W., & Müller, H.J.,**(edd.) (1880-1911) *Titi Livi ab urbe condita libri*, Berlin.
- Westermann, W.L.,** (1955) *The Slave Systems of Greek and Roman Antiquity*, Philadelphia.
- Whittaker, C.R.,** (1993) 'Landlords and warlords in the later Roman Empire' in *War and Society in the Roman World*, (edd.) J. Rich and G.Shipley, London.
- Wiedemann, T.,** (1981) *Greek and Roman Slavery*, Baltimore.
- Winkler, J.,** (1980) 'Lollianos and the desperadoes', *JHS* 100 pp155 - 181.
- Wiseman, T.P.,** (1964) 'Viae Anniae', *PBSR* 32 pp21 - 37.
- \_\_\_\_\_, (1971) *New Men in the Roman Senate 139B.C. - A.D.14*, Oxford.

\_\_\_\_\_, (1982) 'Calpurnius Siculus and the Claudian Civil War', *JRS*  
72 pp57-67.

**Woodman, A.J., (ed.) (1977)** *Velleius Paterculus 2.94 - 131*, Cambridge.

\_\_\_\_\_, (ed.) (1983) *Velleius Paterculus 2.41 - 93*, Cambridge.