

ROME, SAGUNTUM AND THE EBRO TREATY

Pol. III 14, 9-10 makes it possible to argue that Rome's *amicitia* with Saguntum may have antedated the death of Hamilcar Barca, and so was no provocative innovation of the late 220's B. C. It is also unlikely that Rome's ties with Saguntum were affected by the terms of the Ebro Treaty of ca. 226, while Rome's right to such ties had a legal basis in the «Spanish terms» of the Roman-Punic Treaty of 348. It thus appears that in the late 220's it was Hannibal (not Rome) who was seeking to change the existing *status quo* south of the Ebro.

The course of Roman relations with the Spanish town of Saguntum, and the possible implications of the «Ebro Treaty» of ca. 226 B. C. for that relationship, have long been questions perplexing to scholars¹. The basic issue has been whether Roman relations with Saguntum, and the eventual Roman diplomatic «defence» of Saguntum against pressure from Hannibal in 220/218, constituted in some sense a violation of the terms or the spirit of the Ebro Treaty —and therefore an act of Roman aggression, the aggression that led directly to the Second Punic War². The purpose of the present paper is to seek to clarify two aspects of the general problem: the date when Rome's special relationship with Saguntum originated, and whether the terms of the Ebro Treaty (either explicitly or by implication) limited Roman rights to aid the town.

What I wish to emphasize first is a passage from Polybius, usually not given much weight, that indicates that Rome's relationship with Saguntum began before the death of Hamilcar Barca (ca. 228). In other words, the relationship antedated the conclusion of the Ebro Treaty,

¹ A convenient survey of the scholarly debate here is F. Hampl, «Zur Vorgeschichte des ersten und zweiten Punischen Krieges», *ANRW* I 1, Berlin / New York 1972, pp. 427-430. (All ancient dates are B. C.)

² For a recent exposition of the hypothesis that Rome was the basic aggressor in the diplomatic crisis of 220/218, cf. W. V. Harris, *War and Imperialism in Republican Rome*, Oxford 1979, pp. 200-205.

and was no sudden innovation of the late 220's. Second, I wish to draw attention to the connection between the Ebro Treaty and the already-existing Roman-Punic treaty of 348: for any understanding of the legal implications of the Ebro Treaty must take into account the terms of the latter treaty as well. The intimate connection between these two treaties has not generally been noted. An exception is J. M. Blázquez; in the course of an important article on Roman diplomacy in Spain, Blázquez remarks that accepting (as one should) the idea that the Ebro Treaty contained limitations both on Punic activity north of the river and Roman activity south of it means accepting that in 226 the Romans actually retreated in great part from the rights in Spain that they had claimed (and had been granted) 120 years before³. If true, this would certainly have an impact on our conception of Roman policy in Spain in the early 220's. However, while Blázquez is surely correct to point out how the connection between the Ebro Treaty and the Treaty of 348 enables us to gauge more clearly the continuity (or discontinuity) of Roman policy in Spain, I will offer an interpretation of that connection quite different from the one Blázquez has proposed: namely, that the Ebro Treaty in fact did not abrogate the Roman rights of commercial, diplomatic (and even military) activity in Spain guaranteed them by the Treaty of 348.

Both the hypotheses presented in this paper tend in the same direction. Rome was well within her legal rights in defending Saguntum in the diplomatic crisis of 220/218; and her relationship with the town was of fairly long standing, not a recent and provocative innovation. Thus, it was not Rome but Hannibal —by his forceful intervention in the local war between Saguntum and her Iberian neighbors— who was the aggressor in the crisis, in the sense of the one who was seeking a major change in the *status quo*.

I. ROME AND SAGUNTUM

At some point before the outbreak of the Second Punic War, a relationship of informal *amicitia* had developed between Saguntum and the Roman Republic⁴. The only direct evidence for the date when this

³ J. M. Blázquez, «Las alianzas en la Península Ibérica y su repercusión en la progresiva conquista romana», *RIDA* 14, 1967, p. 213.

⁴ On the informal nature of the relationship between Saguntum and Rome, cf. E. Badian, *Foreign Clientelae*, Oxford 1958, pp. 51 and 293. Harris (above, n. 2),

relationship originated is Pol. III 30, 1, where the Greek historian states that the Saguntines had already placed themselves under the good faith of the Romans «a good many years before the time of Hannibal» (πλείοσιν ἔτεσιν ἤδη πρότερον τῶν κατ' Ἀννίβαν καιρῶν). Unfortunately, this expression is a very vague one. Taken by itself, it might only mean (as Errington has suggested) that Saguntum entered Roman *fides* as little as four or five years before Hannibal's attack on the town —i. e., ca. 223⁵. An earlier date (i. e., by the time of the Ebro Treaty) is, of course, also possible, and is even perhaps the more natural way to take πλείοσιν ἔτεσιν⁶. But on the basis of the information at Pol. III 30, 1 alone, it is difficult to establish with any sense of security a date for the creation of the relationship between Rome and Saguntum⁷.

However, it may not be necessary for Pol. III 30, 1 to stand alone. Earlier, in his account of the development of Barcid activity in Spain, Polybius provides us additional (if indirect) information. After discussing Hannibal's victories in his first two years as Punic commander in Spain (III 13, 5-14, 8: 221 and 220), Polybius reviews the Spanish situation by the autumn of 220 (III 14, 9-10):

ὧν ἡττηθέντων οὐδεὶς ἔτι τῶν ἐντὸς Ἰβηρος ποταμοῦ ῥαδίως πρὸς αὐτοὺς ἀντοφθαλμῆν ἐτόλμα πλὴν Ζακανθαίων. ταύτης δὲ τῆς πόλεως ἐπειρᾶτο κατὰ δύναμιν ἀπέχεσθαι, βουλόμενος μηδεμίαν ἀφορμὴν ὁμολογουμένην δοῦναι τοῦ πολέμου Ῥωμαίοις, ἕως τᾶλλα πάντα βεβαίως ὑφ' αὐτὸν ποιήσασαι κατὰ τὰς Ἀμίλκου τοῦ πατρὸς ὑποθήκας καὶ παραινήσεις.

p. 201 and n. 4, has now sought to return to the idea that there existed a formal *foedus sociale* between Saguntum and Rome; however, it remains very difficult to believe that Polybius would not have clearly and unmistakably referred to the existence of such a treaty if it had in fact existed —or even if Romans of his time had been able to claim that it had existed. Polybius' language (III 30, 1) suggests that the Saguntines performed *deditio* (absolute surrender) at the beginning of their relationship with Rome; but if so, the result of the *deditio* was their legal «reconstitution» as an independent state friendly to Rome. On the variable effects of this kind of «voluntary» *deditio*, cf. W. Dahlheim, *Struktur und Entwicklung des römischen Völkerrechts im dritten und zweiten Jahrhundert v. Chr.*, Munich 1968, pp. 52-82. Earlier: A. Heuss, *Die völkerrechtlichen Grundlagen der römischen Aussenpolitik in republikanischer Zeit*, Leipzig 1933, pp. 78-83.

⁵ R. M. Errington, «Rome and Spain before the Second Punic War», *Latomus* 29, 1970, pp. 42-44.

⁶ Cf. G. V. Sumner, «Rome, Spain and the Outbreak of the Second Punic War: Some Clarifications», *Latomus* 31, 1972, pp. 475-476.

⁷ Thus, F. W. Walbank, *A Historical Commentary on Polybius*, I, Oxford 1957, p. 170, in the end refuses to come to any definite conclusion on this issue. So, too, Hampl (above, n. 1), p. 429.

The passage may be translated as follows:

... After this defeat [of the Iberian tribes], none of the peoples on this [south] side of the Ebro ventured lightly to face the Carthaginians, with the exception of the Saguntines. Hannibal tried as hard as he could to keep his hands off this city, wishing not to give the Romans any overt pretext for war until he had secured all the rest of the country, following in this the suggestions and advice of his father Hamilcar.

This passage has not received the close attention it deserves. Walbank and Errington merely hold that Pol. III 14, 9-10 is evidence for Hannibal knowing of Rome's «special relationship» with Saguntum at the time of his appointment to command in Spain⁸. But Pol. III 14, 9-10 may indicate far more than that: it is very likely that it should be read to imply that Saguntum already had some kind of «special relationship» with Rome during Hamilcar's lifetime.

The issue is the nature of Hamilcar's advice to his son here. Polybius does not merely depict Hamilcar as telling Hannibal not to give the Romans a clear pretext for war until Spain is secure: rather, his point is that the Carthaginians should not give Rome a pretext for war «until all the rest of the country is secure» —all the rest, that is, except whatever it was in Spain which the Carthaginians should avoid, for fear of provoking Rome. The Greek at III 14, 10 is absolutely clear: not πάντα but τᾶλλὰ πάντα. In other words, according to Pol. III 14, 9-10, there existed even in Hamilcar's time some place or places in Spain which the Carthaginians would be well-advised not to attack, in order to avoid giving the Romans a pretext for war.

It is just possible, I suppose, that the reference is not specifically to Saguntum, but rather to various places on the Iberian Levant (including Saguntum?) with which the Romans (or perhaps the Massiliotes) had some sort of tie⁹. Yet Saguntum is the only town mentioned in the passage, and it is mentioned prominently, both in 14, 9 and again at the beginning of 14, 10. Moreover, the problem for the Carthaginians, according to Hamilcar, is how to avoid outright war with the Romans. Here it was probably direct relations with Rome that counted¹⁰.

⁸ Walbank, *Comm. I* (above, n. 7), p. 319; Errington (above, n. 5), p. 42. And neither Walbank (at *Comm. I*, p. 170) nor Hampl (p. 429) makes any use of Pol. III 14, 9-10 in their discussions of the inception of Roman-Saguntine relations.

⁹ However, against the Massiliotes' alleged influence on Roman policy on the coast of Spain, see now the cogent warning of C. Ebel, *Transalpine Gaul: The Emergence of a Roman Province*, Leiden 1976, pp. 20-21.

¹⁰ Cf. last note.

Thus, it is difficult to envisage Rome going as far as war with Carthage because of the growth of Punic influence over, say, the tiny trading-post of Hemeroskopeion, affiliated though that place was with Massilia; and indeed, Rome did not. And the point is that we have not the slightest evidence of direct Roman relations at this time with any town south of the Ebro (i. e., in the area of Hamilcar's actual range of operations) —other than with Saguntum¹¹.

Even if the interpretation of Pol. III 14, 9-10 offered above —i. e., that Hamilcar is depicted in this passage as advising Hannibal to stay away from Saguntum— is accepted, there still remains a problem: should one accept the story as in any way based on historical fact? On a surface reading, at least, what we have is Hamilcar advising his son merely on the best timing for a war with the Romans. Thus, the story might be thought part of the highly suspect traditions concerning «the wrath of the Barcids»¹².

However, a different conclusion is also possible. As we noted above, the whole point of Hamilcar's advice to Hannibal is how to expand Punic power in Spain without provoking Rome: ... μηδεμίαν ἀφορμὴν ὁμολογουμένων δοῦναι τοῦ πολέμου Ῥωμαίοις (14, 10). There need be no implication here that Hamilcar thinks war with Rome is inevitable. And (allegedly) Hannibal took Hamilcar's advice quite seriously (14, 9). Moreover, as Walbank points out, the use of the expression τῶν ἐν τῷ Ἰβηρῷ ποταμοῦ at 14, 9 to describe the region south of the Ebro indicates that Polybius' source here, far from being pro-Roman, is actually a pro-Carthaginian one¹³. The depiction of a Saguntum «venturing lightly» to oppose an essentially reluctant Hannibal (14, 9) also betrays that source's pro-Carthaginian stance: for Hannibal's propaganda concerning Saguntine «aggression», see Pol. III 15, 8 (discussed in detail below). But if the source of Pol. III 14, 9-10 is therefore very likely to be a pro-Carthaginian one, that source is not likely to be a purveyor of «the wrath of the Barcids». Nor is that source likely to be anxious to project far into the past an anachronistic Roman protective relationship with Saguntum, in order to justify later Roman actions.

¹¹ Rome apparently did develop relations of *amicitia* before the Second Punic War (perhaps very shortly before the war) in the Emporion area of extreme north-east Spain, far above the Ebro (cf. Livy XXI 60, 3 with Pol. III 76, 2; also —for what it is worth— App. *Ib.* 7).

¹² Cf., for instance, Errington, p. 46, n. 2. The best discussion of the development of the traditions concerning «the wrath of the Barcids» is Sumner (above, n. 6), pp. 470-476.

¹³ *Comm.* I, p. 319.

Doubts, of course, still remain permissible concerning the historicity of the passage. Even so, we are left (I think) with at least a strong tradition in Polybius according to which Rome's relations with Saguntum began while Hamilcar was still alive. And that conclusion, in turn, has some bearing on what Polybius is likely to have meant when later, at III 30, 1, he states that Rome's relationship of *fides* with Saguntum had already come into existence «a good many years before the time of Hannibal».

We cannot know precisely when that relationship began. In all probability, it post-dated the negotiating of the Treaty of Lutatius Catulus, which ended the First Punic War—for at Pol. III 21, 4-6 the Carthaginians are depicted as arguing strongly that Saguntum was not covered under the terms of the Lutatius treaty, and the Romans make no real reply¹⁴. Clearly, there was no reason for such a relationship to develop until the Carthaginians suddenly became extraordinarily active in Spain, under the leadership of Hamilcar: so the origin of Rome's ties with Saguntum probably belongs in the period between 237 and 228.

An obvious opportunity for the inception of Roman-Saguntine *amicitia* would have come during the journey of the Roman embassy sent to Spain in 231 to investigate Hamilcar's expansionistic activities there. The story of this embassy is found only in Dio fr. 48, but there is little reason to doubt its historicity. In the passage, Hamilcar responds to Roman questions about his activities by pointing out the need of the Carthaginians to exploit Spain in order to pay off the financial burdens which Rome itself had previously imposed upon Carthage—a statement to which the Roman ambassadors have no answer. Since Roman annalists were hardly in the habit of inventing out of whole cloth tales in which Roman statesmen came off second-best in colloquies with Carthaginians, the Dio fragment probably has a basis in fact¹⁵. And since the dispatch of this embassy of 231 was at least in part motivated by Roman anxiety over the spread of Punic power in Spain, it makes sense that the Roman ambassadors should have sought to bolster the spirit of resistance to Carthage in the important coastal town of Saguntum—or should have been quite willing to accept the request of the govern-

¹⁴ Cf. the comments of E. Täubler, *Die Vorgeschichte des zweiten Punischen Kriegs*, Berlin 1921, p. 63.

¹⁵ Doubters of the Roman embassy to Spain in 231 include M. Holleaux, *Rome, la Grèce et les monarchies hellénistiques au III^e siècle avant J.-C. (273-205)*, Paris 1921, p. 123, n. 4; Badian, *FC* (above, n. 4), p. 48; and especially Errington, pp. 32-34. But the historicity of the embassy is very strongly defended by Sumner (above, n. 6), pp. 474-475.

ment of this important town to come (in some sense) under Roman protection. Indeed, it is worth pointing out that Hamilcar seems to have been advancing into the Akra Leuke region, not far from Saguntum, just in the period around 231 (cf. Diod. XXV 10, 3-4)¹⁶.

Admittedly, the precise date for the inception of *amicitia* between Rome and Saguntum must remain a matter of speculation. However, in this part of the paper, I have sought to establish that Pol. III 14, 9-10 does provide significant evidence (evidence hitherto slighted by scholars) favoring the general idea that Rome's «special relationship» with Saguntum came about sometime during the command of Hamilcar Barca in Spain (i. e., before 228). By the mid-220's, then, this relationship was well-established and well known.

II. THE EBRO TREATY AND THE TREATY OF 348

Sometime shortly before the Celtic crisis in Italy reached its height (Pol. II 13, 5) —therefore, ca. 226— the Romans concluded an agreement with the current Carthaginian commander in Spain, Hasdrubal, the son-in-law of Hamilcar Barca¹⁷. This agreement is often called «the Ebro Treaty», because of its most famous clause (at Pol. II 13, 7). Our conception of the terms contained in the Ebro Treaty obviously has an impact upon our understanding of the events that transpired in Spain beginning in the late 220's —the Roman diplomatic interventions at Saguntum that eventually led to the outbreak of the Second Punic War.

One hypothesis has been that the Ebro Treaty circumscribed in some fashion Roman activity south of the Ebro River, as it certainly circumscribed Carthaginian activity north of it (cf. Pol. II 13, 7). The

¹⁶ On the richness of Saguntum, cf. Livy XXI 7, 2; on the relatively large size of the site, cf. Schulten, *RE* «Saguntum», cols. 1755-1756. For the possibility of a Saguntine *deditio* to Rome at the beginning of the relationship, cf. above, n. 4. Supporters of 231 as the date of origin for Roman-Saguntine relations: Täubler (above, n. 14), p. 44; A. Schulten, *Cambridge Ancient History*, VII, New York / Cambridge 1928, p. 809; F. R. Kramer, «Massiliot Diplomacy before the Second Punic War», *AJP* 79, 1948, p. 1 ff.; Ebel (above, n. 9), p. 18; most recently, J. F. Lazenby, *Hannibal's War*, Warminster, England, 1978, p. 24. Against: Badian, *FC*, p. 48. The possible connection between the formation of Roman-Saguntine *amicitia* and Hamilcar's advance into the Akra Leuke region ca. 231 is pointed out by Ebel, p. 18.

¹⁷ For autumn 226 / spring 225 (at the latest) as the date for the concluding of the Ebro Treaty, cf. G. De Sanctis, *Storia dei Romani*, III 1, Turin 1916, p. 412, n. 62.

idea is that the treaty was essentially bilateral, demarcating at the Ebro the respective Roman and Punic spheres of influence in Spain. Prominent advocates of this «bilateral» conception of the Ebro Treaty have not been lacking¹⁸. Given that Rome's relationship with Saguntum antedated the treaty (as I have argued), the «bilateral» conception would imply that in 226 the Romans in effect abandoned Saguntum: since the town was situated south of the Ebro, it fell into the Punic sphere of influence¹⁹. A further implication of the «bilateral» hypothesis would be that when the Romans later intervened diplomatically at Saguntum—starting in the late 220's with their arbitration of civil dissension there at the request of the Saguntine government (Pol. III 30, 2, cf. 15, 7)—they were in some sense disturbing a *status quo* established in 226²⁰.

However, this «bilateral» interpretation of the Ebro Treaty is almost certainly incorrect. The hypothesis founders on Polybius' explicit statement at II 13, 7 that in the treaty the Carthaginians pledged not to cross the Ebro River for the purpose of war, while «no mention was made of the rest of Spain» (ἐν αἰς τὴν μὲν ἄλλην Ἰβηρίαν παρεσιωπων)²¹. The definite implication of Polybius here is that (at least as far as Spain was concerned) the Ebro Treaty was «unilateral»: its only clause was a limitation on Punic action. Attempts have been made to get around this stumbling block. Some scholars have fallen back on annalistic traditions which held that the Ebro Treaty did indeed contain bilateral restrictions, but that the «freedom» of Saguntum (and other towns on the Spanish coast) was also specifically guaranteed (Livy XXI 2, 7; App. *Ib.* 7), or that Rome's special relationship with Saguntum was also specifically recognized (Zon. VIII 21); some such version of the treaty has been deemed preferable to Polybius²². Alternatively, it has been proposed that there simply must have existed a complementary clause in the treaty, limiting Roman activity in Spain in a

¹⁸ Cf., for instance, E. Groag, *Hannibal als Politiker*, Vienna 1929, pp. 37-41; F. M. Heichelheim, «New Evidence for the Ebro Treaty», *Historia* 3, 1954/1955, p. 211 ff.; Walbank, *Comm.* I, p. 169; F. Cassola, *I gruppi politici Romani nel III secolo a. C.*, Trieste 1962, p. 247 f.

¹⁹ Cf. G. De Sanctis, *Problemi di storia antica*, Bari 1932, p. 168 ff.; for a more general statement, cf. Blázquez (above, n. 3), pp. 212-213.

²⁰ For believers in the «bilateral» concept of the Ebro Treaty who believe as well that the origin of Roman-Saguntine relations only comes after the conclusion of the Ebro Treaty, the Roman appearance at Saguntum in the late 200's is an action even more destabilizing to international relations. Cf. the comments of De Sanctis, III 1 (above, n. 17), p. 418; Hampl, p. 429.

²¹ Cf. also Pol. III 27, 9 (and III 15, 5; 29, 3; 30, 3).

²² Cf., for instance, Heichelheim (above, n. 18), p. 211 ff.

way similar to the limitation on Carthaginian activity —despite Polybius' failure to mention such a clause²³. But it is risky methodology indeed to base one's reconstruction of the Ebro Treaty upon traditions that are self-evidently tainted by Roman *apologia* (as does the first suggestion)²⁴; and the second suggestion must be viewed merely as a case of special pleading.

It is not surprising, then, that the «unilateral» interpretation of the Ebro Treaty has gained substantial support in recent years —although the controversy can by no means be considered settled²⁵. Problems certainly do exist with the «unilateral» interpretation: primarily, why Hasdrubal would have agreed to such a seemingly unfair arrangement²⁶. But the proponents of the «unilateral» hypothesis start with the weighty advantage on their side of working from our best source, a politically sophisticated personality who may well have had direct access to the actual treaty document. Polybius' explicit assertions (such as the one at II 13, 7) are not to be taken lightly²⁷.

Moreover, it is well to remember exactly what Polybius says here —and what he does not say. Thus, Badian has recently emphasized that when Polybius states that the treaty contained no provision regarding Spain other than the prohibition on the Carthaginians crossing the Ebro in arms, the implication might be that Roman concessions were made on other matters in exchange for the Ebro pledge —for instance, perhaps a remission of part of the financial indemnity Carthage still owed Rome in 226²⁸. This is possible, although —as with the alleged «reciprocal limitation» clause of the treaty— one is faced with the problem that Polybius makes no mention of any such concessions by Rome. But even if one finds too speculative Badian's suggestion that the Romans in 226 made some sort of financial (or even commercial) concession to the Carthaginians (thus «softening» the impact of the Ebro Treaty as far as Hasdrubal was concerned), the fact is that the restriction imposed upon Punic action in Spain according to Pol. II 13, 7 is, in itself, simply not that severe. The Carthaginians were not to engage in military operations north of the Ebro: but the

²³ Cf., for instance, Täubler, pp. 49-50; or Walbank, *Comm. I*, p. 171.

²⁴ Cf. the devastating criticism by G. V. Sumner, «Roman Policy in Spain before the Hannibalic War», *HSCP* 72, 1967, p. 219, n. 41.

²⁵ Thus Ebel, p. 17 (writing in 1976), considers the reciprocal nature of the Ebro Treaty still to be the scholarly *communis opinio*.

²⁶ Cf., for instance, Groag (above, n. 18), p. 37.

²⁷ Cf. now especially E. Badian, «Two Polybian Treaties», *Miscellanea in onore di Eugenio Manni*, Rome 1979, pp. 161-164.

²⁸ *Ibid.*, pp. 163-164.

frontiers of the Punic military empire in Spain were still at least 150 miles south of the river in 226²⁹. Hasdrubal can hardly have looked upon the Ebro prohibition, then, as involving a serious impairment of any likely activity on his part³⁰. Moreover, it should be made clear that we are not dealing here in any case with a firm demarcation of Roman and Carthaginian «spheres of influence» in Spain. Thus, there is nothing at Pol. II 13, 7 to suggest the slightest limitation on Punic commercial activity north of the Ebro. Indeed, we have numismatic evidence implying important Punic influence in this period precisely in the economically important Emporion region, far beyond the river³¹. Nor is there anything at Pol. II 13, 7 to suggest a limitation even on Punic diplomatic contacts north of the Ebro—and Rodríguez Adrados has presented an excellent case for Carthaginian political influence in the middle and late 220's among some of the most important tribes between the Ebro and the Pyrenees³².

²⁹ On the extent of the Punic empire in Spain ca. 226, cf. especially Sumner, «Roman Policy» (above, n. 24), pp. 208-212.

³⁰ This picture, of course, would change dramatically if the «Iber» river of the treaty of 226 were not the famous Ebro of northern Spain, but rather a different, smaller stream of the central Spanish coast—as suggested by J. Carcopino, *Les étapes de l'imperialisme romain*, Paris 1961, p. 19 ff.; and Sumner, «Roman Policy», pp. 222-231 (with candidates differing from Carcopino's River Júcar). If Carcopino and Sumner were correct here, then the Romans in the Ebro Treaty would have been putting a tight rein indeed on Punic expansion in Spain. The basic reason behind the advancing of this hypothesis is that Polybius occasionally implies that Saguntum was north of the «Iber», and/or that Hannibal in fact violated the Ebro Treaty when he attacked it (cf. III 15, 5; 30, 3; perhaps IV 28, 1). However, rather than attempting to construct a highly radical hypothesis on the basis of these Polybian statements, it is better to take them as a product of a certain type of Second Century Roman propaganda to which Polybius was occasionally susceptible; in other passages, he is perfectly well aware that Saguntum lay south of the Ebro (cf. III 14, 9; 35, 2; 97, 6; 98, 6-7). One should be especially hesitant because there is simply no attractive candidate for «the second Ebro»—as Sumner himself admits (p. 230). Cf. the sensible remarks of Walbank, *Comm.* I, pp. 171 and 321. It is worth noting that Cato the Elder, ca. 195, apparently believed that the (northern) Ebro—and nothing further south—had been the limit of Punic power in Spain: cf. Livy XXXIV 13, 7, with the comments of Ebel, p. 18.

³¹ Throughout this period, Emporion issues coinage of a Punic style, highlighting (in a region not famous for horse-raising) the standing horse typical of Carthaginian coins. Cf. the comments of Heichelheim, p. 215.

³² For a convincing reconstruction of the political history of the powerful Ilergete confederation, and the career of the (originally) pro-Carthaginian chief Indibilis, cf. F. Rodríguez Adrados, «La 'Fides' Ibérica», *EMERITA* 14, 1946, pp. 167-172. For the diplomatic contest north of the Ebro in the late 220's in general, cf. F. Rodríguez Adrados, «Las rivalidades de las tribus del NE. español y la conquista romana», *Estudios dedicados a Menéndez Pidal*, I, Madrid 1950, pp. 564 and 584 ff. Note especially Pol. III 76, 7: Indibilis in 218 εἶνουν δὲ διαφερόντως ἀεὶ ποτε Καρχηδονίοις. Cf. also (for what it is worth) Livy XXI 19, 7.

To repeat, according to Pol. II 13, 7 the only restriction imposed upon Hasdrubal by the Ebro Treaty was a prohibition against Carthaginian military expeditions north of the Ebro River. The reason behind the existence of that prohibition —and only that prohibition— in the treaty was, one suspects, the reason Polybius implies at II 22, 11: Roman fear (justified or not) that the Carthaginians might give military help to the powerful Celtic tribes of the Po Valley, who were threatening Central Italy at the time the agreement was concluded³³. This Roman motive for the creation of the treaty has occasionally been doubted³⁴. However, a correct understanding of the exact and quite limited nature of the treaty-terms confirms, in turn, what Polybius indicates at II 22, 11: for the creation of a specific, legal prohibition against Punic military activity north of the Ebro would serve to warn the Carthaginians off from any attempt to help the Celts. We may, of course, doubt that Hasdrubal ever intended any such action; in any event, he does not seem to have found the prohibition contained in the Ebro Treaty irksome (cf. Pol. II 13, 6).

The «Ebro line», as we have seen, therefore remained quite «permeable» to the Carthaginians, as long as what was involved was Punic commercial (or even diplomatic) activity north of the river. And it makes sense that the converse was also true: that there was nothing in the Ebro Treaty that forbade Roman commercial (or even diplomatic) activity south of the river. It is here that Blázquez' contribution to the Ebro discussion deserves re-emphasis. Polybius' second Roman-Carthaginian treaty (III 24) can be dated with some security to 348³⁵; and Blázquez is surely correct when he briefly suggests that there existed a connection between the Treaty of 348 and the Ebro Treaty³⁶. The Treaty of 348 allowed Roman commercial, diplomatic, and even military (!) activity in Spain as far south as «Mastia» and «Tartessus», i. e., as far south as the Alicante (New Carthage) region. Polybius found this idea expressed in a negative fashion: there shall be φιλια (friendship) between Carthage and Rome ... Μαστίας, Ταρσηίου, μὴ λήξεσθαι ἐπέκεινα Ῥωμαίους μηδ' ἐμπορεύεσθαι μηδὲ πόλιν

³³ Cf. Walbank, *Comm.* I, p. 170.

³⁴ Most recently by Lazenby (above, n. 16), p. 23.

³⁵ Cf. Walbank, *Comm.* I, pp. 345-346. In addition to the arguments based on analysis of the literary texts here, confirmation may come from the archeological evidence indicating a change in traditional trading patterns in southern Spain after the mid-Fourth Century: cf. the comments of G. Trías, «Economía de la colonización griega», in M. Tarradell, ed., *Estudios de economía antigua de la Península Ibérica*, Barcelona 1968, p. 112.

³⁶ Blázquez, p. 213.

κτιζειν (III 24, 4; cf. also 24, 2). But there can be no doubt concerning the meaning³⁷. Thus, if the Ebro Treaty provided for a bilateral demarcation of Roman and Punic spheres of influence in Spain at the Ebro (as, in fact, Blázquez holds), then that diplomatic development would have entailed the abrogation by Rome of previous claims to a presence in the Spanish Levant, claims dating back some 120 years, to the Treaty of 348 (as, in fact, Blázquez suggests)³⁸. The Roman abandonment of such claims might indeed be considered a fair trade for Hasdrubal's pledge concerning the Ebro. However, we have insisted on Polybius' statement that in the Ebro Treaty no mention was made of Spain except for the prohibition on the Carthaginians crossing the Ebro in arms (III 12, 7) —a statement confirmed by the indirect evidence for a Carthaginian commercial and even diplomatic presence north of the Ebro in the middle and late 220's. And if the Ebro Treaty was therefore limited to a specific prohibition on a specific type of Carthaginian action, then there is not the slightest reason to think that it nullified the Roman rights to involvement in Spanish affairs previously established by the Treaty of 348. In other words, in 226 —or in 220— those Roman rights, recognized by Carthage in 348, remained in force³⁹.

This conclusion obviously has a bearing on the eventual crisis between Rome and Hannibal over Saguntum. In Part I of this paper, we saw new evidence for accepting that Rome's «special relationship» with Saguntum antedated the Ebro Treaty by at least some years. If so, then the arguments presented so far in Part II of the paper make it almost certain that the diplomatic developments of 226 were, in turn, without legal consequence for that relationship. There was no indication or implication in the Ebro Treaty to suggest that the Romans would now abandon their ties with Saguntum (because all the Ebro Treaty did, as far as Spain was concerned, was impose a single restriction, on Hasdrubal), while the Romans' positive legal right to their ties with Saguntum, under the terms of the Treaty of 348, remained equally unaffected (for precisely the same reason).

Thus by the late 220's the moral right of Rome to provide diplomatic aid to Saguntum could be said to be firmly based on precedent (a relationship of fairly long standing), and her legal right to help Sa-

³⁷ Cf. Walbank, *Comm.* I, p. 347; and now R. Knapp, *Aspects of the Roman Experience in Iberia, 206-100 B. C.*, Valladolid 1977, p. 206. Knapp emphasizes early Roman awareness of the commercial potential of trade on the Spanish coast (as expressed in the terms of the Treaty).

³⁸ Blázquez, p. 213.

³⁹ The terms of the Treaty of 348 would have been re-affirmed, at least unofficially, as late as 279/278 —cf. Pol. III 15, 2.

guntum was equally incontestable⁴⁰. The Saguntine government was not in violation of any known agreement when, at that time, it asked Rome to send arbitrators to the town to settle current civil disorders (Pol. III 30, 2; cf. 15, 7), nor were the Romans in violation of any known agreement when they responded to the Saguntine request by dispatching an embassy⁴¹. This interaction, of course, only served to strengthen the ties of the Saguntine government to Rome, for it is clear that the Roman arbitrators favored the faction within the town that desired total independence from Carthage⁴².

Shortly thereafter (a year later, or perhaps two), a war developed between Saguntum and its Iberian neighbors the Torboletae, a war that threatened to draw in Hannibal on the side of the latter⁴³. The Saguntine government again appealed to Rome, this time for protection against Hannibal (cf. Pol. III 15, 1-5). According to Polybius, Hannibal later reported to Carthage that the Saguntines had been the aggressors in their war with their neighbors: «relying on their alliance with Rome, they were wronging peoples subject to Carthage» (III 15, 8). This version of events is, *prima facie*, merely Hannibalic propaganda —as Polybius explicitly states (III 15, 9 and 11; cf. also App. *Ib.* 10). Yet some modern scholars have been quick to accept Hannibal's account, and have even suggested that Rome itself directly encouraged the Sagun-

⁴⁰ Just as coinage reveals a continuity in relations in this period between the Carthaginians and Emporion, despite the Ebro Treaty (cf. n. 29, above), so too coinage reveals a continuity in (at least) economic relations in this period between Saguntum and Roman Italy, despite the Ebro Treaty: for the silver issues at Saguntum are on a weight standard very close to the Victoriatae mintings at Rome, and close as well to earlier Campanian drachmas (cf. Knapp, p. 207). The increasingly complicated political situation in the town may be symbolized, however, by the appearance on this coinage of what seem to be Barcid-influenced designs (for this, cf. Knapp, *ibid.*). See also below, nn. 42 and 46.

⁴¹ It seems that the Saguntine government had sent earlier embassies to Rome as well: cf. Pol. III 15, 1. Apparently warnings about the growth of Punic power, they had not produced much response (*ibid.*).

⁴² Cf. Hannibal's bitter complaints at III 15, 7. We should probably visualize the political struggle at Saguntum as one involving a «Punicizing» party against a group that preferred independence from the increasingly-strong Barcids; the latter (*faute de mieux?*) was forced to depend on Rome, and drew the Romans ever deeper into Saguntine problems.

⁴³ Polybius has Hannibal, in the autumn of 220, refer to the Roman arbitration at Saguntum as having occurred μικροῖς ἔμπροσθεν χρόνοις (III 15, 7); that suggests that a year or two passed between the Roman arbitration and the war between Saguntum and the Torboletae that had now brought about Hannibal's interview with the Romans (III 15, 4 ff.). The war: Pol. III 15, 8; Livy XXI 6, 1-2 and 12, 5; App. *Ib.* 10. Livy mistakenly calls the Torboletae the Turdetani: cf. Walbank, *Comm.* I, p. 323.

tine government to take aggressive action against tribes loyal to Carthage—in order to undermine Carthaginian power in Spain⁴⁴.

However, it is in fact very difficult to believe that the Saguntines would have been so foolhardy as to commit conscious and serious aggression at this time against a tribe allied with Hannibal. Hannibal and his army, after all, were close by, and the Carthaginian had already proven himself a brilliant commander. On the other hand, the Romans—on whom the Saguntines allegedly relied in their «aggression»—were very far away, and they had not always responded to Saguntine embassies (cf. Pol. III 15, 1). It is thus far more likely that the war between Saguntum and the Turboletae started out simply as a typical small conflict between hill-dwellers and a more settled coastal population—the type of war that was, we know, pretty much endemic to the Spanish Levant throughout the late Third Century⁴⁵. It was Hannibal's threatened military intervention on the side of the Turboletae that was the new and the destabilizing element in the situation, and it prompted a new Saguntine appeal to Rome⁴⁶.

If the reconstruction we have offered of the Ebro Treaty (and of its relationship to the Treaty of 348) is correct, then (once more) the Saguntine government was in violation of no agreement in requesting that Rome intervene diplomatically in this threatening situation, and the Romans themselves were in violation of no agreement when they responded to the Saguntine appeal by dispatching another embassy to Spain. Here it is important to note that in Polybius' account of the subsequent interview between the Roman ambassadors and Hannibal, the Carthaginian complains that the Romans conducted their former arbitration of the civil dissension at Saguntum in an unfair manner (III 15, 7)—but never questions the Romans' right to have conducted that arbitration⁴⁷. Again, Hannibal chose to ignore the warning

⁴⁴ Cf. B. L. Hallward, *Cambridge Ancient History*, VIII, New York / Cambridge 1930, p. 28, whose remarks receive the recent approval of Harris, p. 202.

⁴⁵ Rodríguez Adrados, «Las rivalidades» (above, n. 32), *passim*. For the Saguntines and the Turdetani (sc. Turboletae) as *ueterrimi hostes*, cf. Livy XXVIII 39, 8; there is no reason not to believe it. For what it is worth, both Livy (XXI 6, 1-2) and Appian (*Ib.* 10) portray the Turboletae—or even Hannibal himself, stirring up the Turboletae—as the real aggressors in the war.

⁴⁶ In actuality, Saguntine exiles within the camp of Hannibal may have played a role in exacerbating the situation, and drawing Hannibal into the conflict. These men are probably «the victims of injustice» to whom Hannibal refers at Pol. III 15, 7.

⁴⁷ Assuming that the Roman arbitration of civil disorder at Saguntum had occurred a year or two before the Turboletae crisis (cf. above, n. 43), one should then note as well that the arbitration occurred (as far as we know) without a n y Punic diplomatic protest at the time.

of the Roman ambassadors not to attack Saguntum, a town with whom Rome had a relationship of *πίστις* / *fides* (cf. Pol. III 15, 5-8) —but there is not the slightest indication that Hannibal thought the Roman warning was in itself contrary to the terms of any Roman treaty with Carthage (or the Barcids).

A similar —and similarly important— point should be made about Polybius' depiction of the debate at Carthage in 218 between the Roman ambassadors and the Punic Senate, after Saguntum had finally fallen to Hannibal (III 20, 6-21, 8; cf. 30, 1-3). The only issue in this debate, in the end, is a rather technical one: whether the Carthaginians had broken the Treaty of Lutatius Catulus, the peace treaty that ended the First Punic War, by attacking and destroying a town that was not a Roman ally at the time the peace treaty had been sworn (cf. III 21, 1-5)⁴⁸. In other words, it is Carthage who is in the dock; Rome's right to intervene diplomatically on behalf of Saguntum, and Rome's previous activity in Spain, are here —as with Hannibal in the autumn of 220— simply never in question⁴⁹. Given the reconstruction of the Ebro Treaty offered above, and therefore the fact that the Roman rights in Spain north of Mastia / Tartessus (New Carthage), accepted by Carthage in the Treaty of 348, had not been abrogated in the slightest by the diplomatic developments of 226, this should not come as a surprise.

⁴⁸ According to Polybius, the Romans originally included in the debate a second accusation against Carthage, namely that Hannibal had crossed the Ebro and therefore violated the Ebro Treaty (III 21, 1-2; cf. III 6, 1-2; 15, 5; 30, 3); but the accusation was dropped when the Carthaginians refused to recognize the validity of the Ebro Treaty, since it had never been formally ratified at Carthage (cf. III 21, 2-3). This story has led some scholars to suggest that it was not the fall of Saguntum, but actually Hannibal's crossing of the Ebro on his way to Italy (late spring, 218) that prompted the dispatch of the Roman «war embassy» to Carthage: cf. W. Hoffmann, «Die römische Kriegserklärung an Karthago im Jahre 218», *RhM* 94, 1951, pp. 77-78; 94-95; most recently Ebel, pp. 22-23, and E. Ruschenbusch, «Der Beginn des 2. Punischen Krieges», *Historia* 27, 1978, pp. 232-234. However, this hypothesis goes against the unanimous opinion of our sources, that the fall of Saguntum was the *causa belli*; and it is far better to assume that Polybius here has simply fallen prey to Second Century Roman propaganda that placed Saguntum north of the Ebro (cf. also n. 30, above) —in so far as this was not a geographical misconception of some senators at the time! For new arguments that the fall of Saguntum —and only the fall of Saguntum— was the cause of the war, cf. now A. M. Eckstein, «Two Notes on the Chronology of the Outbreak of the Hannibalic War», *RhM* 126, 1983, p. 225 ff.

⁴⁹ What is in question is the justice of the Romans threatening to declare war over a specific Carthaginian action (the attack on Saguntum, and its destruction).

III. CONCLUSION AND IMPLICATIONS

In this paper, I have sought to give new emphasis to certain evidence concerning the diplomatic history of Roman involvement in Spanish affairs in the 230's and 220's. This evidence has usually been slighted by scholars, but it has important implications for our understanding of the period —and for our understanding of the origins of the Hannibalic War.

First, Pol. III 14, 9-10. This passage, describing Hamilcar Barca's advice to his son Hannibal on how to avoid war with Rome, testifies to the existence of a definite tradition that the inception of Rome's «special relationship» with Saguntum antedates Hamilcar's death ca. 228 —since Hamilcar seems to be warning Hannibal to avoid pressure on the town. The point here is not the historicity of the story itself: it may have a basis in fact, but we cannot be sure. Rather, Pol. III 14, 9-10, at the very least, helps to clarify what Polybius is likely to have meant when a little later he states that Saguntum had come into Roman *πίστις* (*fides*) «a good many years before the time of Hannibal» (III 30, 1).

Second, the agreement concerning Spanish affairs contained within the terms of the Roman-Punic treaty of 348 (Pol. III 24, 5; cf. 24, 2). In this treaty, Carthage accepted Roman commercial, diplomatic, and even military activity in Spain as long as it was north of Mastia / Tartessus (the later New Carthage region). I have followed J. M. Blázquez in pointing out the necessary diplomatic connection between the Spanish terms of the Treaty of 348 and the later Treaty of 226 (the Ebro Treaty). However, I have also followed especially now E. Badian in insisting, on the basis of Pol. II 13, 7, that all the Ebro Treaty mandated (at least as far as Spain was concerned) was a prohibition on Carthaginian military activity north of the Ebro. Neither Punic commercial and diplomatic activity north of the river —nor Roman commercial and diplomatic activity south of it— were therefore affected by this agreement⁵⁰.

⁵⁰ Was even Roman military action south of the Ebro allowable under the Treaty of 226, as such action was certainly allowable under the Treaty of 348 (Pol. III 24, 4; cf. 24, 2)? The answer seems to be: yes. For Hannibal at Pol. III 15, 5-13 does not even find the Roman threat of war against him if Saguntum is attacked to be contrary to any Roman-Carthaginian treaty; there is no protest on his part. However, given the conditions under which the Ebro Treaty was

Our conclusion must be, then, that Rome was perfectly within her rights to intervene diplomatically at Saguntum in the late 220's. It seems that Rome's relationship of *amicitia* with Saguntum was no new and provocative innovation of that period; on the contrary, it probably extended back a decade. And legally, Rome's ties with Saguntum had not been affected by the establishment of the Ebro Treaty, while her positive right to those ties had a basis in the Treaty of 348. Indeed, it should be stressed that throughout the diplomatic crisis of 220/218, no Carthaginian (as far as we know) ever challenged that right.

The destabilizing factor in the Spanish Levant in the late 220's thus appears not to have been Roman policy—in which (on the contrary) we can perceive a certain continuity. Rather, it was the growing might of the Barcids, inevitably putting greater and greater pressure upon Saguntum: for instance, weakening the internal political cohesion of the town, as the Saguntines split into violently pro- and anti-Carthaginian factions. The problems at Saguntum may therefore be seen, in part, as simply an unavoidable consequence of the enormous success of Barcid policy in Spain⁵¹. But one must surely add in, as a factor further destabilizing the situation, the arrival of Hannibal Barca in the Spanish command. Young, vigorous, a brilliant general, Hannibal intensified Punic military operations throughout the country, and eventually threatened Saguntum with direct military intervention. The desperate Saguntine government appealed to Rome, its traditional patron; and a relationship originally established at a time when Carthaginian power was much less threatening (although certainly present) was now activated once more.

The stage was thus set for the diplomatic crisis that led to the second war between Rome and Carthage. Perhaps one might fault the Roman Senate for seeking to preserve a fairly long-standing relationship when changing material conditions were making this increasingly difficult. Yet even such a formulation of the diplomatic crisis of 220/218 reveals the essence of the story: that it was Hannibal (not Rome) who was seeking to change the existing *status quo* south of the Ebro, Hannibal (not Rome) who was basically the aggressor⁵².

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negotiated in 226 (with the Romans worried over a Celtic invasion of Central Italy), the idea of Roman military action south of the Ebro must have been considered highly unlikely; the probability is that the subject never came up.

⁵¹ Cf. the cogent remarks of Hampl, p. 429.

⁵² Roman hesitation to be drawn into a new war with Carthage for the sake of Saguntum is manifest in the Senate's failure to provide any military help to

the town throughout the eight-month siege by Hannibal (spring 219-winter 219/218). Note, too, the (alleged) remark of the Roman ambassador to Carthage in 218 that even after Hannibal's attack upon Saguntum there had still been room for compromise, but following the destruction of the town there now was none (Pol. III 21, 6). A. E. Astin has presented a quite persuasive case that it was only the shocking news of Saguntum's destruction that finally galvanized the Senate into pushing for war: «Saguntum and the Origins of the Second Punic War», *Latomus* 26, 1967, pp. 593-595.