

The Ancient History Bulletin

VOLUME TWENTY-SEVEN: 2013

NUMBERS 3-4

Edited by:

Edward Anson ✦ David Hollander ✦ Timothy Howe
Joseph Roisman ✦ John Vanderspoel ✦ Pat Wheatley ✦
Sabine Müller



ISSN 0835-3638

ANCIENT HISTORY BULLETIN

Volume 27 (2013) Numbers 3-4

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Senior Editor: Timothy Howe

Editorial correspondents

Elizabeth Baynham, Hugh Bowden, Franca
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The subscription rate for Volume 28 (2014), for individual and institutional subscribers is USD 25.00. Detailed instructions about subscriptions and access to digital content can be found on the AHB website: <http://ancienthistorybulletin.org>

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Sallust, Marius, and the Alleged Violation of the *Ius Belli*

Gabriel Baker

In Sallust's *Bellum Iugurthinum*, Roman forces in Numidia persistently engage in what Koestermann calls “Zermürbungskrieg”; in other words, Numidian strongholds and towns are captured one-by-one until the Romans can force a battle.¹ This strategy was initiated by the consul Q. Caecilius Metellus, who, realizing that he could not bring Jugurtha to a decisive engagement,

in loca Numidiae opulentissima pergit, agros vastat, multa castella et oppida temere munita aut sine praesidio capit incenditque, puberes interfici iubet, alia omnia militum praedam esse,

advanced into the most fertile parts of Numidia, devastating fields, capturing and burning many fortresses and towns which were poorly defended or lacking garrisons, ordered that men of military age be killed and everything else be given to the soldiers as booty.²

When C. Marius replaced Metellus in 107, he seems to have adopted a remarkably similar strategy, again seizing Numidian strongholds one after another in order to force Jugurtha to fight.³ Although Sallust provides few specifics about the campaigning itself, he describes the fall of Capsa in extended detail. This extra attention marks out Capsa as a particularly important episode, and Sallust's narrative of the city's capture is worth repeating here:

quae postquam oppidani cognovere, res trepidae, metus ingens, malum inprovisum, ad hoc pars civium extra moenia in hostium potestate coegere, uti deditionem facerent. ceterum oppidum incensum, Numidae puberes interfecti, alii omnes venundati, praeda militibus divisa. id facinus contra ius belli non avaritia neque scelere consulis admissum, sed quia locus Iugurthae opportunus, nobis aditu difficilis, genus hominum mobile, infidum, ante neque beneficio neque metu coercitum.

After the townspeople realized [that Marius had beset their gates], the state of confusion, the great fear, the unexpected calamity, and in addition the fact that part of their citizens were outside the walls in the power of the enemy, compelled them to surrender (*deditionem facerent*). But still the city was burned, the Numidians of military age killed, all the rest sold, the booty divided among the soldiers. This act against the laws of war (*contra ius belli*) was carried out neither because of the avarice or wickedness of the consul, but because the place was serviceable to Jugurtha and

¹ Koestermann (1971), 217.

² Sall. *Bell. Iug.* 54.6. The Latin text is Kurfess' Teubner. All translations are the author's.

³ Sall. *Bell. Iug.* 88.4.

difficult for us to approach, while the race of men was inconstant, unfaithful, and controlled by neither benevolence nor fear.⁴

The description of violence at Capsa is superficially similar to that reported in Metellus' campaign, with the city burned, the men killed, and the plunder given to the troops. However, Sallust's comment about the *ius belli* sets the episode apart from the handful of other Roman military operations described in the *Bellum Iugurthinum*, overtly drawing attention to the legality or morality of Marius' behavior. Given this special attention, it is unsurprising that these remarks have polarized modern scholars, with interpretations largely falling into two camps: Sallust either meant to *defend* Marius' violation of Roman military norms, or his purpose was to *criticize* the famed *novus homo* for transgressing said norms.⁵ Yet on closer examination there are some problems with both interpretations. First is the assumption that Marius had indeed acted abnormally, since many scholars seem to take Sallust at his word on this point.⁶ Marius' conduct should be considered carefully within the broader context of Roman military norms in the second century; this will help to determine if he had, in fact, done anything excessive and therefore worthy of defending or denouncing. Second, Marius' actions need to be examined as a single component of Sallust's characterization of his generalship, in order to determine if the Capsa comments may be understood as part of a larger motif. With both historical and narrative considerations in mind, it will become clear that Marius' conduct at Capsa was almost certainly within the bounds of Roman military conventions and hardly required defense; and furthermore, to mention the *ius belli* at all is to introduce a subtle criticism of conduct that was probably not serious, much less unlawful. It will also become evident that this kind of criticism appears several times in the narrative of Marius' campaign, and that Sallust's overall depiction of the consul's generalship is ambivalent. Thus on the one hand Sallust portrays Marius as brave and competent, and he highlights the consul's many successes in the war with Jugurtha. On the other hand, the author criticizes Marius for his lack of planning, his over-reliance on fortune, his *ambitio*, and his desire for personal glory, all of which lead to rash decision-making, lax discipline, and even the

⁴ Sall. *Bell. Iug.* 91.5-7. cf. 92.3-4.

⁵ Koestermann (1971), 327, writes that Sallust means to excuse Marius' excessive or illegal conduct as necessary. Similarly, others argue that Sallust was defending or excusing Marius: see esp. Eckstein (1995), 277 n. 19, Gilliver (1996), 233, Paul (1984), 226-7, and Harris (1979), 75 n. 5. Lefèvre (1979), 271, argues that Sallust's inclusion of the Capsa episode is meant to highlight Marius' ability as a general in order that the Muluccha episode not create the impression that he was dependent on luck. Lefèvre also asserts that Sallust earnestly argued for the necessity of Marius' conduct. Gilbert (1973), 104, also sees the Capsa episode as Sallust's attempt to cast Marius in "a favorable light." Kern (1999), 327, says "Sallust, no admirer of Marius, justified the violation of custom by the necessity of war." Bederman (2001), 248, writes that Sallust in fact means to be critical of Marius' conduct at Capsa. Likewise, Estèves (2008), 326, sees Capsa as an example of cases where Sallust denounces the violence of war.

⁶ Paul (1984), 227, is an exception: "Marius' treatment of Capsa and its inhabitants was not, strictly speaking, *contra ius belli*... But S. shares the growing feeling that harsh treatment of *dediti* needs justification."

violation of military norms. Finally, it will be argued that this ambivalent characterization serves Sallust's larger narrative aims.

Roman Military Conduct in the Second Century, Deditio, and Surrendered Enemies

In order to evaluate Sallust's comment about the *ius belli*, it is first necessary to determine if Marius' actions actually constituted a violation of military norms. Fully examining Sallust's assertion will require a careful consideration of Roman military conduct in the second century BCE, and especially of cases in which other Roman generals were criticized or prosecuted for transgressive behavior in war. It can be said at the outset that the violent sacking of cities, often characterized by massacre, mass enslavement, and destruction of property, seems to have been a common feature of Roman warfare in the second century. Such deeds frequently punctuate narratives of the Macedonian Wars, the Spanish Wars, the Third Punic War, and the campaigns in northern Italy against Ligurians, Histrians, and Gauls.⁷ As Bellamore and Isaac point out, the Romans had no qualms about using massive violence against their enemies.⁸ Additionally, these often brutal features of Roman warfare appear to have been motivated by the same strategic impulse that drove Metellus and Marius: terrorizing local populations might force quick resolutions. Several sources explicitly state that Roman violence was meant to create terror, and at least sometimes these efforts

⁷ Communities which the Romans sacked, destroyed, enslaved, or massacred in the Macedonian Wars and other wars in the east: Livy 31.23.7-8 (Chalcis), 31.27.3-4 (Antipatrea), 31.27.6 (Cnidus), 31.45.16 (Acanthus; Livy writes that it was "vi capta ac direpta"; cf. Eckstein (1976), 126 n.33), 31.46.14-16 (Oreum), 32.15.3-4 (Phaloria), 36.24.7 (Heraclea), 37.5.3 (Lamia), 38.43.4-5 (Ambracia), 42.63.10-12 (Haliartus), 42.67.9 (Pteleum), 43.4.8-11 (Abdera), 43.7.8-11 (Chalcis), *Per.* 43 (unnamed Greek cities), 44.45.7-8 (Pydna), 44.46.3 (Meliboea), 45.27.1-4 (Aeginium, Agassae, and Aenia); Paus. 7.7.8-9 (Hestiaea and Anticyra), 3.17.5; Livy 32.22.10-11 (Dyme); Zon. 9.22 (unnamed Greek cities); Polyb. 30.15.1; Strabo 7.7.3; Livy 45.34.1-6; Plut. *Aem.* 29.1-3; App. *Ill.* 2.9 (seventy Molossian towns); Livy *Per.* 52, *Ep. Ox.* 52; Diod 32.26.2, 32.27.1-3; Zon. 9.31.5-7; Paus. 7.16.7-10; Strabo 10.5.4; Just. 34.2.5-6; Flor. 1.32.5-6 (Corinth).

In the Spanish Wars: Livy 39.42.1 (Corbio), *Per.* 59; App. *Hist.* 98 (Numantia); Livy *Per.* 49; Val. Max. 8.1.2 (unnamed Lusitanian communities); App. *Hisp.* 52 (Cauca), 68 (Escadia, Gemella, Obolcola), 99 (Colenda), 100 (Celtiberians).

In the Third Punic War: Zon. 9.25, 9.34; Diod. 32.18.1, 32.14.1; Polyb. 36.9.1-17; App. *Pun.* 129-132, 135 (Carthage and allies).

In wars with Ligurians, Gauls, and Histrians: Livy 39.32.2-4 (unnamed Ligurian communities), 41.11.4-9 (Nesactium, Mutila, Faveria), 42.8.1-3 (Ligurian Statellites); Polyb. 33.10.2-4 (Aegitna); Diod. 34/5.23.1 (Gauls).

⁸ Bellamore (2012), 38-49; Isaac (2004), 215-224.

succeeded.⁹ These terroristic practices were moreover employed by Roman armies throughout the Republican period and into the Empire.¹⁰ In short, the basic handling of Capsa was not unique, nor was it opposed to the Romans' conventional military methods.

Nevertheless, Eckstein, Gilliver, and Paul argue that it was Marius' acceptance of *deditio* before the sack which violated the *ius belli* (and, in their view, prompted Sallust to defend the act).¹¹ There may be some credence to this argument, and indeed the abuse of surrendered enemies occasionally created controversy at Rome. Such was the case in 173 when M. Popilius Laenas enslaved several thousand Ligurians, an act which Livy called *contra ius ac fas bellum*.¹² However, Laenas did not create a stir at Rome because he had enslaved these peoples after their *deditio*, but rather because he had attacked the only Ligurian tribe still at peace with Rome and *then* enslaved them after their formal surrender; this was potentially harmful to Rome's reputation and strategically unwise.¹³ Laenas' refusal to cooperate with the Senate on this matter also led to public hostility, perhaps reflected in Livy's denunciation of the consul's behavior.¹⁴ In any case, such conduct hardly left a permanent black mark on his career: his *imperium* was extended for 172, his brother was elected consul for the same year, and he himself was censor in 159.¹⁵ The aggrieved party also did not receive complete compensation. Although the enslaved Ligurians were freed, the Romans did not return their land and resettled them across the Po.¹⁶

Similarly in 171 the praetors C. Lucretius and L. Hortensius met with condemnation at home after committing excesses abroad. Lucretius destroyed Boeotian Haliartus and enslaved

⁹ Violence used to induce terror: e.g. Livy 24.35.2 (sack of Sicilian Megara), 24.39.7 (the massacre at Enna), 32.15.1-4 (sack of Phaloria); Polyb. 10.15.4-6 (New Carthage); Just. 34.2.5-6 (sack of Corinth); Naco del Hoyo et al (2009), 44-45; Thornton (2006), 163-68. Surrender due to terror following Roman violence: Livy 26.40.13 (unnamed Sicilian communities), 31.27.5 (Cordrio); App. *Hisp.* 58 (unnamed Lusitanian communities near Oxthrae).

¹⁰ Gilliver (1996), 221-222, 226-230, 234-35. See also Ziolkowski (1993), 77; Eckstein (1976), 135, 138; Mattern (1999), 119-22; Levithan (2013), 205-227.

¹¹ Eckstein (1995), 277 n.19; Gilliver (1996), 233; Paul (1984), 226-7.

¹² Livy 42.8.1-8, 42.21.3. Livy calls the Ligurians the Statellites.

¹³ Livy 42.8.5-8: *atrox res visa senatui, Statellites, qui uni ex Ligurum gente non tulissent arma adversus Romanos, tum quoque oppugnatos, non ultro inferentes bellum, deditos in fidem populi Romani omni ultimae crudelitatis exemplo laceratos ac deletos esse, tot milia capitum innoxiorum, fidem implorantia populi Romani, ne quis umquam se postea dedere auderet, pessimo exemplo venisse*. Dmitriev 2011: 259, writes "[t]he senators did not decry the break of *fides* [in the case of the Statellites], since the Romans had obviously made no pledges to the Ligurians when the latter surrendered to Popilius, but the harsh treatment of the defenseless people, which, as the senators feared, could deter other peoples from surrendering to the Romans in the future."

¹⁴ Livy 42.21.1-4, 42.22.1-2.

¹⁵ Broughton (1951), 445.

¹⁶ Livy 42.22.5.

its people after they had made a *deditio*.¹⁷ He and Hortensius, moreover, attacked Abdera and Chalcis, both of which had not been Rome's enemies.¹⁸ The Senate appears to have opposed these abuses and indeed it issued public proclamations condemning the behavior. Lucretius, meanwhile, was tried and fined 1,000,000 *asses*.¹⁹ But again, there was more at work here than ethical or legal considerations. According to Livy and Polybius, Greek complaints to the Senate were mounting in this phase of the Third Macedonian War and the *patres*, recognizing the need to retain their Greek allies and maintain a positive image in the East, were increasingly concerned about defections to Perseus.²⁰ Consequently, they punished a few overzealous commanders, made an effort to find and free recently enslaved Greeks, affirmed the loyalties of Greek allies, and insisted on the moderate conduct of Roman commanders until the climactic Battle of Pydna in 168.²¹ The limit of the Senate's ethical concerns was made entirely clear after the defeat of Perseus: several Macedonian towns were sacked without any complaint from the Senate; one of these, Pydna, was sacked after it had surrendered (*deditum*); and, on senatorial orders, L. Aemilius Paullus plundered seventy Molossian communities and enslaved over one hundred thousand of their inhabitants.²² The Molossians, it must be added, had surrendered to the *propraetor* L. Anicius Gallus during the previous year's campaign and had been promised their "freedom."²³ Above all, the evidence suggests that strategic considerations and the desire to cultivate a positive international image during the war led to the condemnations of Lucretius' and Hortensius' behavior, rather than misgivings about their

¹⁷ Livy 42.63.10-11: *armati in arcem confugerunt; et postero die, cum spei nihil superesset, deditione facta sub corona venierunt. fuerunt autem duo milia ferme et quingenti. ornamenta urbis, statuae et tabulae pictae, et quidquid pretiosae praeda fuit, ad naves delatum; urbs diruta a fundamentis.*

¹⁸ Livy 43.4.8-11 (Abdera), 43.7.8-11 (Chalcis).

¹⁹ Livy 43.4.11-13, 43.8.4-10.

²⁰ Embassies to the Senate: Livy 43.4.8-11, 43.5.1-3, 43.7.8-11; support for Perseus: Polyb. 27.9-10; Livy 42.63.1-2; Diod. 30.8.

²¹ Prosecutions: Livy *Per.* 43, 44.7.5; more moderate conduct and public relations damage control: Livy 43.4.11-13, 7.5-11, 8.4-10, 17.2-9, 44.30.31; Polyb. 28.3-5, 28.13.11, 28.16.2, 30.20.1-4; Derow (2008), 310-16.

²² Livy 44.45.7 (Pydna), 45.27.1-4 (Aeginium, Agassae, and Aenia), 45.34.1-6; Polyb. 30.15.1; Strabo 7.7.3; Plut. *Aem.* 29.1-3; App. *Ill.* 2.9 (seventy Molossian towns).

²³ Livy 45.26.3-7, 9-11. Livy writes that the Molossian city Phanote surrendered at Gallus' approach (*dedita ei*), so Anicius garrisoned it and moved deeper into the territory of the Molossians. Aside from the cities Passaron, Tecmon, Phylake, and Horreum, every community surrendered. At Passaron, pro-Macedonian politicians meant to hold out. However, since the majority of the citizenry wished to yield, the Macedonian faction made a suicidal charge against the Romans and was killed. The town "was surrendered to the Romans" (*dedita est Romanis*). Likewise, the statesman Cephalus held out at Tecmon, but the city was taken *per deditionem* after his death; the other two cities surrendered, and the legions went into winter quarters "with Epirus pacified" (*pacata Epiro*).

military conduct. Finally, concerns with Rome's reputation may well have prompted the failed prosecution of Ser. Sulpicius Galba in 149. Galba had massacred several thousand Lusitanians after accepting their surrender *in fides* and deceptively promising their safety. According to Dmitriev, Galba "was being accused not of breaking *fides* but of harsh treatment of defenseless people."²⁴ As with the Ligurians, such violence could have strategic and reputational repercussions.

Senatorial politics could also produce accusations of unethical conduct. Yakobsen notes that "[w]hen a Roman politician accused his rival of breaking the ethical rules that were supposed to govern Rome's treatment of foreign and subject peoples, he was playing the normal game of aristocratic competition."²⁵ This seems to be the case with the controversy that erupted over M. Fulvius Nobilior's post-*deditio* sack of Ambracia. Here Livy claims that a political feud between Fulvius and M. Aemilius compelled the latter to bring aggrieved Ambraciote envoys into the Senate, with the design of hurting Fulvius' reputation.²⁶ There is some suggestion that Laenas' scandal in 173, recounted above, likewise stemmed from his personal rivalry with the praetor A. Atilius Serranus; indeed, Serranus brought the charges against Laenas in the Senate and the latter chastised and fined the former upon his return to Rome.²⁷ Similar political motivations may have been involved when L. Scribonius sought to prosecute Galba for massacring unarmed Lusitanians; Cicero suggests as much when he writes that Cato staunchly supported the prosecution and was "a severe and bitter enemy of Galba."²⁸ Whatever prompted the prosecutors, any serious concerns with Galba's behavior must have been minimal as the praetor was acquitted and went on to become consul in 144.²⁹ Finally, Memnon writes that C. Papirius Carbo brought charges against M. Aurelius Cotta for sacking Heracleia because Carbo and others were jealous of Cotta's wealth.³⁰ According to Gruen,

²⁴ Dmitriev (2011), 259.

²⁵ Yakobsen (2009), 71. Similarly, Rich (1993), 57-9, writes that "unscrupulous triumph-hunting" and other independent actions on the part of Roman commanders risked censure from political rivals back in Rome, though "penalties were not heavy." He mentions both Popilius Laenas and Sulpicius Galba in this context.

²⁶ Livy 38.43.1: *inimicitiae inter M. Fulvium et M. Aemilium consulem erant, et super cetera Aemilius serius biennio se consulem factum M. Fulvii opera ducebat. itaque ad invidiam ei faciendam legatos Ambracienses in senatum subornatos criminibus introduxit.*

²⁷ Livy 42.8.4, 9.2-5.

²⁸ Cic. *De Orat.* 1.227: *M. Cato, Galbae gravis atque acer inimicus, aspere apud populum Romanum et vehementer esset locutus, quam orationem in Originibus suis exposuit ipse.* See also Cic. *Mur.* 59; Livy *Per.* 49; Oros. 4.21.10; Suet. *Galba* 3.2; Val. Max. 8.1.2; App. *Hisp.* 60. Appian asserts that it was Galba's wealth that led to acquittal, while the others argue that the sight of his weeping children, brought with him to trial, softened the prosecution.

²⁹ Broughton (1951), 470.

³⁰ FGh 434 F 1, 39.1: διαβολῆς δὲ εἰς τὴν Ῥώμην ἀφικνουμένης, ὡς οἰκείων κερδῶν ἕνεκα τηλικαύτην πόλιν ἐξαφανίσειε, μῖσός τε δημόσιον ἐλάμβανε, καὶ ὁ περὶ αὐτὸν τοσοῦτος πλοῦτος φθόνον ἀνεκίνει.

moreover, Cotta had made enemies due to his poor performance in the war with Mithridates and Carbo was “anxious to make a killing at the bar.”³¹

Clearly, then, it was not simply the ethical treatment of surrendered foes that was at issue. Rather, the realities of aristocratic competition at Rome seem to have motivated at least some accusations of unjust conduct, as politicians sought to score political points or weaken rivals by defaming their actions in war.³² And in rare cases where the Senate took practical steps to mollify the conduct of Roman commanders, as in the Third Macedonian War, reputational and strategic considerations were primary.³³

It also appears that many commanders assumed license to treat surrendered cities in whatever way they wanted. In Livy’s narrative, for example, Fulvius and his supporters justify the post-*deditio* sack of Ambracia on the grounds that this was customary and acceptable under the *ius belli*!³⁴ The same sentiment is echoed in Polybius’ *Histories* when the consul M’. Acilius Glabrio accepts the Aetolians’ surrender *in fide*m. The Aetolians, realizing too late that their surrender gave Glabrio permission to make any demands he wished, said that these stipulations were “neither lawful nor Greek”; in response Glabrio threatened to throw them in chains, illustrating the unconditional nature of the surrender.³⁵ Equally important, in Livy’s

³¹ Gruen (1974), 269.

³² Rosenstein (1990), 114-52. In his discussion of defeated Roman commanders, Rosenstein argues that moral issues did more to fuel political attacks between aristocratic rivals than military considerations. Moreover, the need to maintain an “aristocratic ethos” protected many defeated generals from prosecution or slander. Rosenstein’s argument may also help explain why so few commanders were prosecuted for employing excessive violence, and why prosecutions seem not to have ruined careers when they did occur. In the cases of Fulvius, Laenas, and Galba, for example, accusations of excess or immorality did not lead to disgrace or ruin careers; and certainly many more Roman aristocrats would have faced charges if the use of mass violence normally led to political vulnerability. See also Eckstein (1987), *passim*. Eckstein’s concern is foreign relations but, as he makes clear, Roman commanders had great freedom of action in the field. Constant senatorial interference or concern with the specifics of military conduct would have been difficult to maintain, not to mention unwelcome.

³³ Dmietriev (2011), 259, puts it plainly: “[N]o legal punishment existed for those who had mistreated the *dediticii*... Besides being a reflection of political infighting, the criticism of such actions by the senators was aimed at maintaining a positive image of Rome.”

³⁴ Livy 38.43.7-8, 39.4.11-13. Briscoe (2008), 155, points out, “although Ambracia had made a *deditio*, it did so only after a long siege and had been treated as a *vi capta*.”

³⁵ Polyb. 20.10.6: “Ἄλλ' οὐτε δίκαιον," ἔφησεν, "οὐθ' Ἑλληνικόν ἐστίν, ὃ στρατηγέ, τὸ παρακαλούμενον"; 20.9.10 - 20.10.15. cf. Livy 36.27.1 - 36.28.9; Diod. 29.4.1.

formulation of the ancient *deditio* ritual, the surrendering party explicitly relinquishes its people and property to Roman discretion.³⁶ As Eckstein writes,

[surrendering *in fidem*] was different from a legal guarantee [to safety]. The Romans were left the masters, to decide the fate of the *dediti* as they wished (as we see Glabrio doing by issuing his specific orders to the Aetolians in 191). Very often the actual outcome was a relatively happy one... But the range of potential outcomes was in fact very wide and could even include total destruction.³⁷

Many examples suggest that Eckstein is right. The sack of Pydna and Molossian towns in the Third Macedonian War has been noted; in the Third Punic War, several Punic cities were destroyed after the Romans accepted their surrender, and of course Carthage had famously made a *deditio* in 149;³⁸ in 125, Fregellae was destroyed after its *deditio*;³⁹ in the Third Macedonian War a Roman legate (a lacuna obscures his name) sacked Ceremia in Illyricum after he had “compelled [it] into *deditio*,”⁴⁰ L. Licinius Lucullus sacked the Lusitanian city Cauca after accepting the inhabitants’ surrender;⁴¹ and of course, Marius took Capsa after its capitulation.⁴²

It must be noted that there were many instances in which cities were treated well after surrender, and this does seem to have been more common than the brutal alternative.⁴³ Furthermore, military theorists like Onasander argue that it is strategically counterproductive

³⁶ Livy 1.38.1-2: “*deditisne vos populumque Collatinum, urbem, agros, aquam, terminos, delubra, utensilia, divina humanaque omnia in meam populique Romani dicionem?*” Eckstein (1995), 273, convincingly argues from later literary and epigraphic evidence that this formula seems to reflect the basic *deditio* ritual of the later Republic.

³⁷ Eckstein (1995), 276, (1994), 86. See also Burton (2009), 248-250; Dmitriev (2011), 268-73; Ferrary (1988), 74-78; Eilers (2002), 34-35. Eilers writes that cities performed “legal self-annihilation” though *deditio*, and compares their status to that of a slave before manumission.

³⁸ Zon. 9.25, 9.34; Diod. 32.18.1, 32.14.1; Polyb. 36.9.1-17; App. *Pun.* 129-132, 134. cf. Lintott (1972), 635 argues that this did create some controversy, especially reflected in Greek sources like Polyb. 36. 9. 8-11.

³⁹ Livy *Per.* 60.

⁴⁰ Livy 43.1.1-3: *ceremiam vi atque armis coegit in deditionem*.

⁴¹ App. *Hisp.* 52, 55. Appian specifically notes that Lucullus was never prosecuted for this.

⁴² For other examples of unethical conduct in Roman armies, see Lintott (1972), 635-37.

⁴³ Eckstein (1995), 277, 282, (1994), 86. Hoyos (1990), 89 describes a fairly tame *deditio* in Spain. See also Kern (1999), 323-331; Roth (2007), 397. Kern argues that the “laws of war” granted the victor the right to kill, enslave, and sack communities taken by assault, but contends that surrendered towns were to be treated leniently; he acknowledges, however, that “the laws of war could be ambiguous.” Likewise, Roth writes that though surrendered cities were usually treated *more* leniently, “rules and conventions were not universally followed.” Given the frequency with which these conventions were violated, it may be doubted that most Romans perceived them as such.

to mistreat the vanquished, since this could make future foes more likely to resist.⁴⁴ Likewise, Cicero asserts that the defeated ought to be treated mercifully, and perhaps some expectation for merciful conduct mitigated brutality in Roman warfare.⁴⁵ However, as Yakobsen notes, as in any culture ethical concerns were often contradictory and existed alongside harsher practices.⁴⁶ More importantly, the advice of Onasander, the moral pronouncements of Cicero, and the record of occasionally mild treatment do not nullify the abundant evidence of harsher Roman behavior.⁴⁷ And while Rome's internal discourse may have placed some limits upon military action—particularly the need to justify war as *bellum iustum*—this discourse was chiefly concerned with how wars began, not how they were fought.⁴⁸ Ultimately a Roman commander could treat surrendered foes however he wanted. Therefore Marius' handling of Capsa may have been harsh, but it was not “illegal” or even wholly uncommon, and Sallust's accusation that it was *contra ius belli* seems inconsistent with the reality of practice.

So why would Sallust make the comment in the first place? It may be that there were other aspects to this episode that made Marius' behavior seem especially egregious, aspects that were so well known that Sallust omits them from the narrative. For instance, perhaps Marius had promised safety to the surrendering townspeople or had previously promised to spare Capsa, but went ahead and sacked the town anyway. Such unscrupulousness may have hurt Rome's reputation, and although it was not technically unlawful perhaps Sallust interpreted it as such.⁴⁹ In fact, one might argue that the Roman author simply had a particular understanding of the ‘laws of war’ which prohibited such harsh practices. However, as a veteran of the civil wars, it is more likely that Sallust knew this conduct was not actually unlawful.⁵⁰ Another possibility, which Koestermann suggests, is that the post-*deditio* sack of Capsa caused a reaction at Rome and prompted accusations from Marius' political enemies. Sallust's comments that the sack was *contra ius belli* and was committed “neither because of avarice nor wickedness” hint at the content of these hostile censures.⁵¹ Koestermann's

⁴⁴ Onas. 38.1.1-6; Gilliver (1996), 220. cf. Smith (1998), 158-66.

⁴⁵ Cicero's views: Cic. *De Off.* 1.34, 38; Estèves (2008), 324; Bederman (2001), 248; Gilliver (1996), 220.

⁴⁶ Yakobsen (2009), 61-72. cf. Bederman (2001), 256. Bederman appropriately calls Roman practices “mixed” with regard to the treatment of surrendered enemies.

⁴⁷ See also Pritchett (1991), 203-242; Eckstein (2006), 37-117, 204-205. Pritchett and Eckstein make it quite clear that any military conventions that did exist in the ancient Mediterranean were of limited effect, for Rome and for other states as well.

⁴⁸ Eckstein (2006), 216-21, 238-39.

⁴⁹ My gratitude to the anonymous reviewer who suggested this possibility.

⁵⁰ See note 33 above. Certainly he also knew that “no legal punishment existed for those who had mistreated the *dediticii*.” For Sallust's career, see Syme (1964), 29-42.

⁵¹ Koestermann (1971), 327.

suggestion is sensible, particularly since charges of unethical or unlawful military conduct often emanated from political rivalries in Rome. Marius' senatorial rivals would have known that he had not done anything truly illegal, but perhaps still used the opportunity to score political points and disparage the consul's actions.

In either case, whether the comment stems from Sallust's own interpretation of events or from Marius' political foes, one is left with an indisputable fact: Sallust never disputes that the sack of Capsa was *contra ius belli*. By including the defamatory comment, and never entirely wiping it away, Sallust leaves readers with the impression that Marius' behavior was in some way out of bounds. The following section will show that this is no isolated incident and that the comment fits within Sallust's larger presentation of Marius as general.

An Ambivalent Portrait

The above examination of Roman military norms shows that Marius had done nothing beyond the pale at Capsa. If Marius' treatment of Capsa did not violate conventions, then one must ask why Sallust implicitly criticizes the consul by stating otherwise. Grethlein's work on Sallust may provide an answer. Grethlein has pointed out that the Roman author frequently presents contrasting voices and perspectives in his narrative in order to create a sense of ambiguity. Grethlein notes, for example, that Sallust gives two conflicting explanations for Aulus' impromptu campaign against Jugurtha and narrates two stories about Piso's death.⁵² A broadly similar principle applies to Sallust's treatment of Marius as general: Sallust credits Marius with numerous military successes, with competence, and with daring; however, Sallust also explicitly and implicitly criticizes Marius, in his own voice or via anonymous sources, for rashness, *ambitio*, thirst for personal glory, and dependence on fortune. The contrast creates a sense of ambivalence about Marius' command. Capsa, unsurprisingly, is a prime example of this tendency and should lead the discussion.

Sallust frames the campaign against Capsa as a daring undertaking, highlighting Marius' boldness by describing the Numidian stronghold as a "great and powerful town" in an imposing location.⁵³ He goes on to compare it to Thala, another powerful, well-fortified city that Metellus had captured the previous year, and states that Capsa was militarily important for Jugurtha.⁵⁴ Marius also demonstrates competence and quick thinking throughout the

⁵² Grethlein (2006), 310-11, 315-16.

⁵³ Sall. Bell. Iug. 89.4-5: *erat inter ingentis solitudines oppidum magnum atque valens nomine Capsa... muniti advorsum hostis non moenibus modo et armis atque viris, verum etiam multo magis locorum asperitate. nam praeter oppido propinqua alia omnia vasta, inculta, egentia aquae, infesta serpentibus, quarum vis sicuti omnium ferarum inopia cibi acrior. ad hoc natura serpentium ipsa perniciose siti magis quam alia re adcenditur.*

⁵⁴ Sall. Bell. Iug. 89.6: *eius potiundi Marium maxuma cupido invaserat, quom propter usum belli tum quia res aspera videbatur et Metellus oppidum Thalam magna gloria ceperat, haud dissimiliter situm munitumque, nisi quod apud Thalam non longe a moenibus aliquot fontes erant, Capsenses una modo atque ea intra oppidum iugi aqua, cetera pluvia utebantur.*

campaign: first, faced with a lack of supplies en route to Capsa, Marius drives captured cattle along with the army and distributes them daily during the march; he also ensures that waterskins are made from their hides to be filled at the river Tanais.⁵⁵ From there he leads his troops, now fully supplied, on night marches the rest of the way to Capsa.⁵⁶ Sallust depicts the subsequent attack as fast and efficient, and says that after this achievement Marius was regarded as “greater and more famous.”⁵⁷ Lastly, as we have seen, although Marius violates the *ius belli* by sacking the town, Sallust insists that this was a case of military necessity; after all, the city was useful to Jugurtha, difficult to approach, and the Numidians could not be trusted to keep faith after a *deditio*.⁵⁸

Accordingly, Sallust seems to portray Marius as daring and skilled. Yet alongside these plaudits are criticisms, some explicit and some more subtle. First, the mention of Thala urges the reader to compare the capture of Capsa with Metellus’ conquest, which in turn makes Marius’ effort look foolhardy and vainglorious. In his own campaign, Metellus took the perilous trek to Thala because it was valuable to Jugurtha and he hoped its capture would end the war; Marius, on the other hand, decided to take the risky venture against Capsa “both because of its military importance, but also because it seemed calamitous and Metellus had taken Thala with great glory.”⁵⁹ In other words, Metellus was primarily motivated by prudent strategic considerations, while the competitive desire for personal glory moved Marius. Moreover, although Marius reconnoitered and made logistical arrangements, Sallust states that the endeavor was beyond human planning (*consilium*); therefore the consul must have hoped for divine intervention.⁶⁰ In contrast, Metellus made such thorough preparations that when rainfall seemed to imply divine aid for his expedition, he, unlike Marius, did not need to rely on the gods’ intervention. He was a sensible general and had already taken care of his

⁵⁵ Sall. Bell. Iug. 91.1: *ceterum in itinere cottidie pecus exercitui per centurias, item turmas aequaliter distribuerat et, ex coriis utres uti fierent, curabat; simul inopiam frumenti lenire et ignaris omnibus parare quae mox usui forent. denique sexto die, quom ad flumen ventum est, maxuma vis utrius effecta.*

⁵⁶ Sall. Bell. Iug. 91.3-4: *dein postquam tempus visum, castris egreditur, noctemque totam itinere facto consedit; idem proxuma facit; dein tertia multo ante lucis adventum pervenit in locum tumulosum ab Capsa non amplius duum milium intervallo, ibique quam occultissime potest cum omnibus copiis opperitur. sed ubi dies coepit et Numidae nihil hostile metuentes multi oppido egressi, repente omnem equitatum et cum iis velocissimos pedites cursu tendere ad Capsam et portas obsidere iubet; deinde ipse intentus propere sequi neque milites praedari sinere.*

⁵⁷ Sall. Bell. Iug. 91.3-5; 92.2: *maior atque clarior haberi coepit.*

⁵⁸ Sall. Bell. Iug. 91.7: *id facinus contra ius belli non avaritia neque scelere consulis admissum, sed quia locus Iugurthae opportunus, nobis aditu difficilis, genus hominum mobile, infidum, ante neque beneficio neque metu coercitum.*

⁵⁹ Sall. Bell. Iug. 75.2 (Thala), 89.6 (Capsa): *eius potiundi Marium maxuma cupido invaserat, quom propter usum belli tum quia res aspera videbatur et Metellus oppidum Thalam magna gloria ceperat.*

⁶⁰ Sall. Bell. Iug. 90.1-91.2.

army's supplies.⁶¹ Similarly, after Sallust informs the reader that Marius, like Metellus, earned great fame from this enterprise, the historian again undermines the achievement, writing: "All [Marius' acts] that were not well thought-out (*non bene consulta*) were ascribed to *virtus*, while the soldiers, who were held in mild discipline and at the same time were enriched, praised him to the heavens."⁶² So Marius' fame did indeed grow after Capsa, but it was the consequence of rashness, glory-seeking, and undisciplined troops. It is also significant that Sallust does not credit *virtus* to Marius' in his own words, but states that *others* regarded this deed as proof of the general's *virtus*.⁶³

Sallust's comment about the *ius belli* also colors the seizure of Capsa. As discussed previously, violently sacking cities after *deditio* did not constitute an illegal act. Nonetheless, Sallust leaves unchallenged the questionable assertion that this was somehow unlawful, thereby characterizing the behavior as such. Of course, the historian softens the blow by stating that this violence was necessary, since the Numidians would not have submitted to benevolence or fear. Yet earlier in the narrative he asserts that recently surrendered Numidians were quite helpful to Metellus: "Moreover the supplies [brought to Metellus] were greater than he hoped, because the Numidians, as most peoples in a new *deditio*, had strained their duties."⁶⁴ Simply put, Numidians could submit to and aid the Romans. One begins to have the sense that this litany of violence (*oppidum incensum, Numidae puberes interfecti, alii omnes venundati*) was accomplished on questionable strategic grounds—and perhaps also for the sake of fame (*maior, clarior*) and to reward the soldiers and earn their praise (*milites... locupletes, ad caelum ferre*).⁶⁵

Capsa does not put Marius in a positive light as some scholars have argued.⁶⁶ Rather, the sense is ambiguous: he boldly and competently achieved a major success here, but the enterprise was imprudently conceived and unlawfully completed; the violation of military norms may have been strategically warranted, but other examples suggest that it was not, with the further implication that this violence was rash and perhaps motivated by a desire for fame and plunder.

⁶¹ Sall. *Bell. Iug.* 75.3-9.

⁶² Sall. *Bell. Iug.* 92.2: *omnia non bene consulta in virtutem trahebantur: milites, modesto imperio habiti simul et locupletes, ad caelum ferre*.

⁶³ Syme (1964), 163. According to Syme, Sallust never actually concedes *virtus* to Marius in his own words; rather, it is the tribunes of the plebs and soldiers who celebrate his *virtus*.

⁶⁴ Sall. *Bell. Iug.* 75.8: *praeterea conmeatus spe amplior, quia Numidae, sicuti plerique in nova deditioe, officia intenderant*.

⁶⁵ Ernout (1980), 238, argues that Marius sacked Capsa "surtout s'attacher l'armée en lui permettant le pillage"; Gilliver (1996), 233, writes that the plunder from Capsa increased Marius' popularity among the troops.

⁶⁶ e.g. Gilbert (1973), 104-5, argues that Capsa was meant to demonstrate Marius' competence as a general in order to dispel any suggestion that his victories were all produced by luck (as at Muluccha).

Capsa cannot be viewed in isolation and must be regarded as part of Sallust's larger treatment of Marius as general. At Muluccha, the other major Marian siege in the monograph, Sallust again shows Marius' skill as a commander. To begin with, Marius attacks this fortress on reasonable strategic grounds since it purportedly holds Jugurtha's treasures.⁶⁷ Moreover, after the consul learns of a hidden approach to the fortress, thanks to a Ligurian auxiliary, he sends a small group to assault the enemy's unprotected rear while he bravely leads a frontal attack.⁶⁸ The plan is a good one and allows the Romans to capture the Numidian base.

Yet here again Sallust remarks upon Marius' carelessness, stating explicitly that it was "chance more than planning (*consilium*)" that led to victory.⁶⁹ To illustrate the point, he also notes that the fortress was virtually unapproachable by siege works and mantlets only approached "in extreme danger and in vain."⁷⁰ After the fortress is captured, the historian again states that the whole operation stemmed from poor planning and bad decision-making, as "Marius' temerity, having been corrected by fortune, contrived glory from a reproachable act."⁷¹

In fact, Sallust stresses the general's fortune repeatedly during this siege. At the outset, when the Roman attack initially fails, Marius cannot decide whether "he should abandon the undertaking... or wait for fortune."⁷² Then it is only a matter of chance (*forte*) that a Ligurian soldier finds an alternative route.⁷³ Discussing this emphasis on fortune at Muluccha, Levene and Gilbert make an important observation: Sallust overtly distinguishes between reliance on *virtus* and reliance on *fortuna* in the first few lines of the *Bellum Iugurthinum*.⁷⁴

sed dux atque imperator vitae mortalium animus est. qui ubi ad gloriam virtutis via grassatur, abunde pollens potensque et clarus est neque fortuna eget, quippe quae probitatem, industriam aliasque artis bonas neque dare neque eripere quoiquam potest.

The leader and ruler of man's life is the mind, and when it proceeds to glory by the path of *virtus* it is abundantly able and powerful, and famous; and it does not need fortune,

⁶⁷ Sall. Bell. Iug. 92.6: *ibi regis thesauri erant.*

⁶⁸ Sall. Bell. Iug. 94.

⁶⁹ Sall. Bell. Iug. 92.6: *sed ea res forte quam consilio melius gesta.*

⁷⁰ Sall. Bell. Iug. 92.8: *ea vineae cum ingenti periculo frustra agebantur.*

⁷¹ Sall. Bell. Iug. 94.7: *sic forte correcta Mari temeritas gloriam ex culpa invenit.*

⁷² Sall. Bell. Iug. 93.1: *at Marius multis diebus et laboribus consumptis anxius trahere cum animo suo, omitteretne inceptum, quoniam frustra erat, an fortunam opperiretur, qua saepe prospere usus fuerat.*

⁷³ Sall. Bell. Iug. 93.2. *forte quidam Ligus... animum advortit inter saxa repentis cocleas*; 93.4: *et forte in eo loco grandis ilex coaluerat inter saxa.* [Emphases added.]

⁷⁴ Gilbert (1973), 106; Levene (1992), 63.

which can neither give to anyone, nor snatch away, honesty, diligence, and other good qualities.⁷⁵

By focusing on Marius' luck at Muluccha, Sallust "reminds us that Marius now regularly relies on fortune... that he did not deserve his victory, and that reliance on chance, as we were told at the start [of the *Bellum Iugurthinum*], is not compatible with reliance on virtue."⁷⁶

Thus at Capsa and Muluccha Sallust presents an ambivalent view of Marius' command, highlighting his temerity, thirst for glory, and reliance on fortune. However, the Roman general again displays competent leadership in his battles with Jugurtha and Bocchus. When the enemy attacks the Roman army on the march, Marius remains calm and adaptive, and his skillful direction of the army pulls victory from the jaws of defeat. Although Sulla's cavalry charge actually wins the later battle near Cirta, Marius is no slouch and fights bravely in the front.⁷⁷

There is little to undercut the consul's courage and prowess in these instances of sound leadership.⁷⁸ Yet more than once Sallust also remarks upon Marius' relationship with his soldiers by stressing the general's *ambitio* and again presenting an ambivalent characterization. Immediately after the consul's lengthy, powerful speech in chapter 85, Sallust recounts both positive and negative views about the enrollment of the *capite censi*. The author asserts,

id factum alii inopia bonorum, alii per ambitionem consulis memorabant... homini potentiam quaerenti egentissimus quisque opportunissimus, quoi neque sua cara, quippe quae nulla sunt, et omnia cum pretio honesta videntur.

Some say this deed was due to the dearth of good men, others that it was because of the *ambitio* of the consul... for the man seeking power, the most needy is the most useful, to him who does not care for his own property—having none—anything with pay seems honorable.⁷⁹

Grethlein writes that "the unresolved tension between the juxtaposed voices underlines the ambivalent portrait of Marius that Sallust implicitly presents with his speech."⁸⁰ The ambiguous presentation continues when Sallust remarks that the consul was a mild

⁷⁵ Sall. *Bell. Iug.* 1.3.

⁷⁶ Levene (1992), 63. But cf. Levithan (2013), 116, who notes that this sort of thing was not so uncommon in ancient siege warfare.

⁷⁷ Sall. *Bell. Iug.* 97-99, 101.

⁷⁸ cf. Estèves (2008), 327-29. Estèves contends that Sallust uses the gory aftermath of this battle to denounce the horrors of war.

⁷⁹ Sall. *Bell. Iug.* 86.3.

⁸⁰ Grethlein (2006), 316; Syme (1964), 163, expresses something similar.

disciplinarian who controlled his men by example rather than punishment. Sallust gives more contrasting opinions:

quod multi per ambitionem fieri aiebant:[quod] a pueritia consuetam duritiam et alia, quae ceteri miserias vocant, voluptati habuisse; nisi tamen res publica pariter atque saevissimo imperio bene atque decore gesta.

Many said he did this out of *ambitio*; [others said] that, having been accustomed from childhood, he took pleasure in hardship and other things which the rest of mankind calls miseries. But yet the affairs of the Republic were managed as well and as decorously as with the most severe commander.⁸¹

By presenting these two opposed views and then adding that Marius' leadership ultimately brought glory to the Republic, Sallust seems to disregard the charges of *ambitio*. However, Sallust earlier describes Marius' insatiable ambition in his own voice. For instance, just before the Roman hero speaks to the haruspex in section 63, the author asserts that Marius was "afterwards driven headlong by ambition," a powerful assertion which cannot but tint Sallust's later comments about the general's *ambitio*.⁸² Furthermore, as we have seen, Sallust elsewhere stresses that the consul led his troops with lax discipline and rewarded them handsomely.⁸³ By repeatedly mentioning *ambitio* as a possible ominous motive for such behavior, Marius' leadership of his legions assumes a decidedly ambiguous character.

Conclusion

Some scholars maintain that Sallust's intent was to portray Marius in a positive light. Usher, for example, writes that "Sallust leaves us with a vision of Marius as the hope for the future, the spearhead in the attack on aristocratic privilege, whose only faults are those of anyone of ability whose just ambitions have been opposed."⁸⁴ Regarding Marius' reliance on fortune, Lefèvre likewise argues that "Natürlich wollte Sallust nicht gegen Marius als Feldherrn, sondern für Marius als Kind des Glücks argumentieren."⁸⁵ Sallust's depiction of Marius may require reevaluation. As demonstrated above, Sallust presents Marius' generalship with some ambivalence: on the one hand, the consul is daring, he displays military skill, and his endeavors are ultimately successful; on the other hand, Sallust states in his own voice and

⁸¹ Sall. Bell. Iug. 100.5.

⁸² Sall. Bell. Iug. 63.6: *postea ambitione praeceps datus est*. Other examples at 64.5, 96.3. cf. Grethlein (2006), 315-18.

⁸³ Sall. Bell. Iug. 92.2: *milites, modesto imperio habiti simul et locupletes, ad caelum ferre*.

⁸⁴ Usher (1969), 157.

⁸⁵ Lefèvre (1979), 273. cf. Avery (1967), 329-30. Avery writes that Marius' luck was a literary invention set up in contrast to Sulla, who—along with his greater luck—supersedes Marius in the narrative.

through anonymous sources that Marius was also rash, overly reliant on fortune, and driven by *ambitio* and a lust for glory.

Other scholars have noted the criticisms and ambiguities in Sallust's portrait of Marius. For instance, Koestermann argues that Sallust drew from a hostile source, thus explaining the plethora of critical comments. Aside from the fact that other scholars have recognized predominantly *pro-Marian* sources in Sallust, in my view Koestermann goes too far.⁸⁶ While individual criticisms may have originated in sources unfavorable to the consul, Sallust chose what to include and what to discard; the overall picture of Marius and his generalship seem too consistent to have been the product of transmitted hostility. Syme takes another approach, contending that Sallust did not depict Marius as the "hero" in the *Bellum Iugurthinum*; rather, "Sallust's presentation will be found to convey doubts and ambiguity, suggesting a different view, closer to the complexities of human character and behavior as seen by a historian."⁸⁷ Syme is right to point out the ambiguities in Marius' portrayal. However, these ambiguities may have more to do with Sallust's aims and methods than with complex characterization.

The interpretations of Earl and Levene account for both the ambivalent aspects of Sallust's Marius and the historian's larger aims, and so they are instructive here. According to Earl, Sallust's view of Roman history influences his depiction of people and events, including Marius and the Jugurthine War. In the *Bellum Iugurthinum*, the *Bellum Catilinae*, and the *Histories*, Sallust develops a historical scheme whereby the Roman aristocracy declined from a state of *virtus* to a state of *ambitio* and *avaritia* after the fall of Carthage, before slipping further into *luxuria* and degeneracy after Sulla's dictatorship.⁸⁸ The war with Jugurtha falls within the period where *ambitio* and *avaritia* were dominant at Rome; Marius becomes an exemplar of *ambitio* in the course of the monograph and thus adheres to Sallust's larger historical theme.⁸⁹ Similarly, Levene contends that Jugurtha, Metellus, Marius, and Sulla all demonstrate "individual corruption which is linked to and which matches the corruption at Rome."⁹⁰

The foregoing discussion suggests that even in the case of his generalship, perhaps the ability for which Marius most deserves commendation, Sallust frames the consul's behavior as a symptom of this corrupted Roman *virtus*. It has been shown that Marius' actions in the *Bellum*

⁸⁶ Anti-Marian sources: Koestermann (1971), 323-24; pro-Marian tradition: Gilbert (1973), 106-7.

⁸⁷ Syme (1964), 159-60, 163. Syme particularly noted the emphasis on Marius' luck and temerity.

⁸⁸ Earl (1961), 11-16, 41-59.

⁸⁹ Earl (1961), 71-81. As Earl points out, Marius was given over to *ambitio* after the haruspex promises a glorious future. In seeking the consulship he "refrained from saying or doing nothing 'quod modo ambitiosum foret,'" a theme which characterizes his political career throughout the monograph: "The whole tendency of Sallust's narrative is to show that Marius was concerned only with his own personal advantage, exploiting the dissatisfactions of the *plebs* and *equites* to serve it."

⁹⁰ Levene (1992), 59-64. However, Levene also maintains that "[i]n war, of course, Marius' virtues are still dominant."

Jugurthinum are often bold, but because they lack planning (*consilium*) they are also rash. Furthermore, in many cases he is overly dependent on fortune, implicitly in place of *virtus*. He also recruits poorer Romans for his legions, rewards them lavishly, and disciplines them in a lax manner, “some say” because of his *ambitio*. Lastly, many of his successes are achieved competently, but some of his actions are also driven by his hunger for personal glory.⁹¹ Significantly, all of these ambivalent qualities are opposed to Sallust’s concept of *virtus*. First, Sallust says that *ambitio* overlaps with *virtus*, since both have *gloriam, honorem, et imperium* as their aim.⁹² *Ambitio*, however, is not truly virtuous since it seeks these rewards by base means. Second, Sallust conceives of “*virtus* in the military sphere” as consisting of both boldness (*audacia*) and good judgment (*consilium*). In contrast, boldness without judgment leads to temerity.⁹³ Finally, as noted above, Sallust pointedly contrasts those who rely on fortune with those who rely on *virtus*. With his *ambitio*, glory-seeking, dependence upon fortune, and lack of *consilium*, Marius’ generalship displays imperfect *virtus* at best, thereby reflecting Sallust’s larger theme of moral disintegration at Rome. It is doubtful that this portrayal creates hope for

⁹¹ cf. McDonnell (2006), 377-78. McDonnell argues that Sallust distinguished between a ‘traditional’ martial *virtus* and political-ethical *virtus*. McDonnell detects the martial form “in Sallust’s narrative, in most of his speeches, and in the historical sections of the prologues,” while non-martial *virtus* is limited to the prologues, where it has an ethical sense. McDonnell contends that Marius in the *Bellum Jugurthinum* possesses martial *virtus* but “is easily corrupted because his *virtus* is ethically deficient.” McDonnell is right to note the apparent deficiency of Marius’ *virtus*; however, the distinction between ethical and martial *virtus* may be unnecessary in the case of Sallust, who clearly connects martial aspects of *virtus* to other characteristics. For example, when Jugurtha is said to possess *virtus* early in the monograph, Sallust ties his martial prowess to his character (*ingenium*) and good judgment (*consilium*): Sall. *Bell. Iug.* 6-7. cf. Kaster (2007): “[None of the evidence McDonnell cites] supports the view that ‘native Roman *virtus*’ was not an ethical quality, in the sense relevant to traditional Roman ethics... *virtus* is commonly regarded as a trait that increases one’s worth as a person, and that it stands, as Sallust put it, among ‘the qualities desired by good men’”; Williams (2008), 205: “Faced with the undeniable fact that in nearly all of the authors he discusses—from Cato and Plautus to Cicero and Sallust—*virtus* displays from the beginning a wide range of meanings hardly limited to military courage, [McDonnell] must resort either to describing usages that do not fit his scheme as ‘peculiar’ or ‘odd,’ or to arguing that they are secondary developments largely ascribable to Greek influence.”

⁹² Sall. *Bell. Cat.* 11.1-2: *sed primo magis ambitio quam avaritia animos hominum exercebat, quod tamen vitium propius virtutem erat. nam gloriam honorem imperium bonus et ignavos aequae sibi exoptant; sed ille vera via nititur, huic quia bonae artes desunt, dolis atque fallaciis contendit.*

⁹³ Gilbert (1973), 105, points specifically to *Iug.* 7.5: *ac sane, quod difficillimum in primis est, et proelio strenuus erat et bonus consilio, quorum alterum ex providentia timorem, alterum ex audacia temeritatem adferre plerumque solet.* Note that Gilbert also recognizes the criticism of Marius at Muluccha, but adds that Sallust generally saw Marius as a good commander; the historian’s criticism was due to the latter’s reliance on luck over *consilium*.

the future. Although the author ends the monograph stating that Marius was Rome's best hope in the coming Cimbrian War, early in the *Bellum Iugurthinum* he draws a straight line from Marius' first consulship to the civil wars and devastation of Italy.⁹⁴ As Santangelo puts it, the final lines of the work are "a gloomily ironic statement, in light of what was to follow."⁹⁵

To return to the original issue, Sallust portrays Marius' treatment of Capsa as unlawful by calling it *contra ius belli*. Other comments in the narrative suggest that Capsa's destruction was perhaps strategically unwise, and that it may have been accomplished for the sake of fame and to reward the soldiery with plunder. The assertion that Marius acted unlawfully should be viewed as part of a larger effort to depict Marius as a general with imperfect *virtus*: bold and competent but also driven by *ambitio*, a lax disciplinarian whose desire for personal glory and overreliance on fortune could lead to ill-advised decisions in war. Of course, this portrait may not be entirely fair. Koestermann argues that the remarks about Marius' temerity and dependence on divine assistance at Capsa are exaggerations about an apparently well-planned campaign; and Paul argues that Capsa's destruction was a strategic choice meant "to frighten into surrender those other cities of east Numidia which still held out against the Romans."⁹⁶ Additionally, Roman commanders could do as they wished with surrendered enemies. When a general faced censure for his use of violence, criticisms normally stemmed from reputational concerns or from aristocratic competition at Rome. But this only makes Sallust's ambivalent portrait all the more striking, further underlining Earl's point that "Sallust's whole attitude to the facts he records is conditioned by his general theory of *virtus* and its decline."⁹⁷ In short, the post-*deditio* sack of Capsa probably did not violate military norms, but Sallust asserts that it did—thereby adding a subtle criticism which further underlines Marius' corrupted *virtus* and suggests the lengths he would go for the sake of his own glory. While Sallust may be more

⁹⁴ Sall. *Bell. Iug.* 5.1-2: *Bellum scripturus sum, quod populus Romanus cum Iugurtha rege Numidarum gessit, primum quia magnum et atrox variaque victoria fuit, dein quia tunc primum superbiae nobilitatis obviam itum est; quae contentio divina et humana cuncta permiscuit eoque vecordiae processit, ut studiis civilibus bellum atque vastitas Italiae finem faceret*; 114.4: *et ea tempestate spes atque opes civitatis in illo sitae*.

⁹⁵ Santangelo (2013), 189. Similarly, Levene (1992), 55; Syme (1964), 176. Levene writes, "Sallust ends his work with an ironic contrast between the present, when Marius represents the hope of the state, and the future, when he will bring it close to destruction." Syme likewise states, "There as melancholy and irony if the reader gave thought to how the great general was to fare in later years: victory over the northern invaders, but eclipse thereafter, rancorous ambition and the seventh consulship achieved in war and murder. Marius had saved the Republic, only to subvert it by all manner of craft and violence."

⁹⁶ Koestermann (1961), 322-24, 338; Paul (1984), 227.

⁹⁷ Earl (1961), 80. cf. Claassen (1993), 276: "One may safely assume that both Sallust's literary and his moralistic purposes for him took precedence over mere narrative." Additionally, this portrayal of Marius' generalship further supports arguments that Sallust's work was not partisan propaganda, and that Sallust criticizes conservative aristocrats and politicians who exploited popular support. See Sall. *Hist.* 1.12; Syme (1964), 116-18, 160-63; Earl (1961), 119; Martin (1986), 17; McDonnell (2006), 380-84.

interested in theme than fairness, this depiction of Marius is perhaps unsurprising in light of his later career and the fateful decisions that led to civil war.⁹⁸

GABRIEL BAKER
UNIVERSITY OF IOWA

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⁹⁸The war between Marius and Sulla involved several massacres of prisoners and unarmed citizens, many having surrendered peaceably. For example, according to Livy *Per.* 80, Marius and Cinna's army devastated Rome *velut captam eam caedibus ac rapinus*. See also e.g. *Per.* 88; *Plut. Mar.* 43-44, *Sull.* 22.2, 30.1-6, 32.1-2; *Dio. fr.* 102.8-11; *App. B. Civ.* 71-74, 93-94; *Diod.* 38.1.1-3.1; *Cic. Cat.* 3.24; *Flor.* 2.9.23-24.

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