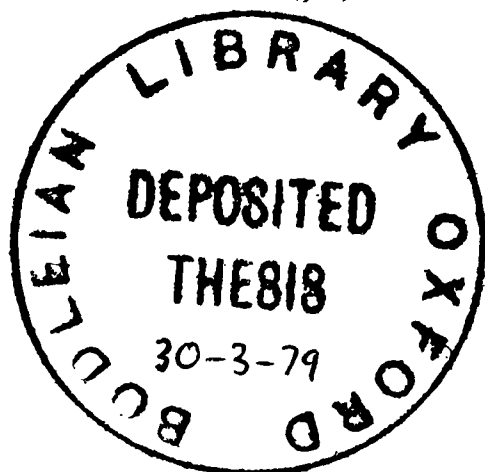


DIPLOMATIC PRACTICES AND TITLES
IN THE SECOND CENTURY B.C.

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Diplomatic Procedures at Rome in the second century B.C.

by

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Part 1

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The diplomatic season was a development of the period after 189 which was unparalleled but explicable in the context of Rome's new hegemony. It reflects the constitutional rôle ascribed to the consuls by Polybius, which could only be fulfilled early in the consular year; but there was sufficient flexibility to allow numerous exceptions. It belongs to an annual cycle, artificial in diplomacy but which suited Rome's administrative requirements.

Embassies approached a senior magistrate who allocated a senatorial audience and public hospitality. The magistrates thus had power over the order and timing of audiences which could be manipulated for purposes of etiquette or expediency. Abuse of this power and the scope for corruption were limited by the Lex Gabinia, probably of Ciceronian date. Only limited hospitality was provided.

The official audience is ignored in some evidence which concentrates on pre-audience unofficial activity which became standard procedure. The motif of bribery is often associated with this. Because of their influence over senatorial decisions the consulares figured prominently in such activity, but privately connected patroni and hospites played an important part and were thus cultivated by states and dynasts.

Senators could interrupt and question ambassadors but this did not facilitate negotiation. The character of the audience as a simple exchange of statements was determined by certain "democratic" features of ancient diplomacy: openness, which suited Rome's purposes and made possible "collective audiences" (these helped the organisation of diplomatic activity and underlined the senate's arbitral rôle); and restricted ambassadorial competence which was hardly modified in the new conditions.

Interpretation of ambassadorial speeches was required for dignity rather than intelligibility. The impression created at an audience might influence the senate; but Polybius often overstates the importance of ambassadors' speeches, since other factors influencing the senate's decisions (unofficial activity and the dependence on senatorial experts) could render the audience proceedings irrelevant.

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Introduction

The early years of the second century saw the establishment of Rome's hegemony over the states of the Eastern Mediterranean. This had effectively been completed by 189, although the prospect of a continuing balance of power was not finally ruled out until 167. For Polybius this year marked the end of the process whereby Rome had united the oecumene under her rule in fifty-three years. This process was accompanied by a vast increase in the number of embassies which came to Rome, and the great bulk of this new diplomatic traffic originated from Rome's new sphere of influence in the Eastern Mediterranean.

The second century thus opened a new era of intensive activity in Roman diplomacy, in which the major part was played by the states of the Hellenised East. This explains the preoccupation with Eastern embassies in the present work which is intended to examine the procedures associated with the new flood of diplomatic activity. "Procedure" is a work of wide application, and in this context diplomatic procedures may be taken to refer to any of the activities regularly undertaken either by embassies at Rome or by the Roman authorities in their treatment of them. My purpose however is not to cover the whole of this ground but to deal with certain aspects of procedure.

The most important of the procedures involved is really the senatorial audience, to which two chapters have been devoted (four and five). It was at the audience that official contact was made between an incoming embassy and the senate, and numerous minor procedures were associated with it. But its intrinsic importance is diminished when one takes into account unofficial pre-audience activity, the evidence for which is considered in chapter three. Before dealing with these aspects I shall consider the phenomenon (which I have called the "diplomatic season"), whereby embassies

were concentrated at a particular time of the year (chapter one); and some attention is given to the procedures which applied to embassies on their arrival at Rome (chapter two). This is not the place to review at length the arguments and conclusions in the text. I intend here only to define the scope of the study and to put it in its setting.

The volume of diplomatic traffic to Rome in the second century was vast and it played a central part in the relations between Rome and the Eastern states. This provides some justification for a study of the procedures relating to it. But there are other advantages of a procedural approach, which I hope will become apparent in the course of this work. The procedures throw light on the attitude of Rome towards its new hegemonial role and on the extent to which Greek ambassadors adapted their behaviour to suit the new political situation. They also illustrate the areas in which the Romans chose either to allow flexibility and versatility in their institutions or to adhere to traditional practice. And by establishing procedural rules it is possible to identify specific instances where precedents are being set or exceptional treatment given and interpret them accordingly. In other words a number of historical problems are raised by a consideration of diplomatic procedures, and it is hoped that some of these problems will have been brought nearer to a solution as a result of this approach.

Diplomatic procedures at Rome have been considered in the past, notably by Büttner-Wobst over a century ago.¹ However this study apart from its extreme age, has a number of unsatisfactory features, particularly an insistence on categorising embassies according to their juridical status vis à vis Rome and interpreting their activities and the treatment of them on that basis. Other treatments have appeared in standard reference works, but these have been brief and have tended to regard the Republic too much as a self-contained period with, for example, Ciceronian material being presented indiscriminately alongside second century and earlier evidence. These works

are all valuable in assembling the evidence, but with few exceptions there is very little discussion of individual instances.² I intend to confine this study principally to second century material, and to follow up the procedural implications of certain specific cases in some detail, particularly where the interpretation is controversial. This will inevitably lead to a discussion of a number of relevant historical problems. It should be stressed however that this study is in no way intended to present a diplomatic history of relations between Rome and the Greek East.

Rome's positive involvement in the Greek East dates from the year 200, and in the following decade the Romans made effective use of a recurring theme of Hellenistic propaganda, namely the autonomy of the Greek states. At the same time Roman magistrates showed a familiarity with the style of official Hellenistic epistolography and (in the case of Flamininus at least) with the handling of diplomatic conferences.³ It is clear that Rome was quite familiar with Hellenistic diplomatic practice, and this reflected her identification with the Greek world which had coloured many of her political institutions. There was thus a good deal of continuity with existing practice when the focus of Hellenistic diplomatic activity shifted to Rome early in the second century. For this reason any innovation in diplomatic procedure is more likely to reflect a response to Rome's new position of overwhelming superiority than an adherence to existing Roman traditions.

Polybius, as the main source for relations between Rome and the Hellenised East in the second century, provides much of the material for this study. But Polybius' narrative does not extend beyond the year 146/5, and although evidence from the rest of the century has not been excluded, this fact had led to an inevitable concentration on the period before 146.

There are other consequences of Polybius being a major source, which may be considered relevant here. One is that Polybius himself had little

interest in procedures for their own sake, and his narrative often neglects points of procedural detail or obscures them through vagueness or compression. For this reason we depend for a great deal of the explicit evidence of this kind on unreliable annalistic passages of Livy, in which accounts of embassies seem to have been particularly susceptible to accretions of unhistorical material. Obviously the reliability of such passages will need to be considered in the various contexts, but in general we should not be unduly sceptical about the annalists' transmission of details of senatorial procedure, from which no polemical advantage could possibly be derived.

The second point is that in the later books of Polybius there is a noticeable preoccupation with embassies to Rome, most of which came from the Greek East. This partly reflects the distribution of the surviving excerpts: for example, of the excerpts from Books 30-33 (covering the period 168/7-153/2) just over fifty per cent derive from the collection De Legationibus Gentium ad Romanos. But it also reflects the fact that the diplomatic traffic to Rome was a particularly important and essential feature of the period. This intrinsic importance and the availability of the Polybian material both help to justify an examination of diplomatic procedures in this period.

The importance of the diplomatic traffic to Rome can be explained by the historical situation in the second century. After the establishment of Rome's hegemony none of the states who had diplomatic relations with Rome were equal powers. It was effectively true by 189 and universally realised by 167 that all the states of the oecumene (i.e. the Mediterranean basin) were Rome's client states. In fact Rome already had a vast empire, of which the recently and rapidly acquired eastern half remained entirely unannexed and unoccupied. Permanent military occupation was not extended to Greece and Macedonia until the 140s or to Asia until 133. But Rome exercised a large measure of control over these areas before provincialisation, as indeed

she continued to control those states which remained nominally independent within the new provinces. As juridically independent states Rome's clients could have diplomatic relations with Rome. These certainly existed, but they were of an unequal nature, and the senate was able to use this channel to dictate its policy.

In other words the extensive diplomatic traffic to Rome was effectively a part of the administrative machinery of the unannexed empire. Increasingly after 189 all major issues within this sphere were submitted to the senate by means of embassies from one or more interested party. The senate's replies were given in the form of senatus consulta, which were regarded as the last word on the subject. A S.C. might contain no more than a polite official reply, but very often it was a judgement on an international issue. Such judgements acquired a quasi-legal status and came to be regarded as the governing instruments through which Roman control over its unannexed empire was exercised. And since in the second century the initiative for senatus consulta on foreign affairs invariably seems to have come from foreign embassies, the importance of the diplomatic traffic in the administrative process is obvious.

The effect of the Roman hegemony was thus to encourage Rome's client states to initiate diplomatic contact on matters which might be regarded as minor administrative business. The vast number of incoming embassies involved required some form of organisation. There are signs that the Roman authorities went some way to meeting this need. The encouragement given to the idea of a diplomatic season is one aspect of this. The diplomatic season was in fact a new idea, although it derived to some extent from the constitutional role of the consuls at Rome. But it was made possible by the fact that so many of the embassies had missions of a routine administrative nature and could be made to conform to the seasonal arrangement. The consuls' arrangement of the order of audiences and particularly of collective audiences is

another sign of organisation in this sphere.

Under these conditions the senate not unnaturally came to be regarded as an international arbitration court. As a contemporary observer Polybius' accounts of diplomatic proceedings at Rome are often coloured by forensic imagery. Polybius goes so far as to complain of the senate's partiality in its judgements, which suggests that he was completely taken in by this courtroom illusion. The senate by frequently consulting its own interests showed that it was not so deceived.⁴

By allowing the task of imperial administration to be done along the channels of conventional diplomatic contact, Rome was recognising the nominal autonomy of its client states.

This no more corresponded to the realities of the international situation than the theoretically "equal" treaties, which Rome made from time to time with small Eastern states. But in terms of public opinion this preservation of nominal autonomy was a valuable device; and the Romans continued to be conscious of the importance of public opinion even after their mastery of the oecumene seemed to be complete.⁵ The senate was in any case reluctant to take on new administrative responsibilities such as were involved in provincialisation.⁶

The following chapters attempt to examine the ways in which ambassadors and the Roman authorities adapted or failed to adapt to the new political situation and the new rôle which diplomacy had to play in it.

All dates mentioned in the text are B.C. unless otherwise specified.

Notes to Introduction

1. Büttner-Wobst, De Legationibus Gentium.
2. e.g. Mommsen, Röm Staatsrecht iii, 1148-1157; Willems, Le Sénat ii, 485-90; Premerstein, Legatus; Cagnat, Legatio.
3. On the familiarity with Hellenistic epistolography, see Sherk, Roman Documents, pp.189 and 199-201.
4. cf. Pol.31.10.6-7; below Ch.4.ii, 190.
5. cf. below Ch.4.ii, n.15.
6. For the senate's reluctance, Badian, For. Clientelae, 29 ff.

Chapter 1

Section i

The diplomatic traffic to Rome in the last two centuries of the Republic displayed a number of distinctive features. One of these was its sheer volume which simply reflected the enormous geographical extent of Rome's sphere of influence. Another was the concentration of embassies at a particular time of the year, and this phenomenon is harder to explain. The emergence of what may be called a diplomatic season does not seem to be a natural development in the context of ancient diplomacy, nor was it in any way preceded in earlier diplomatic practice. Yet by the end of the Republic the idea of a diplomatic season was firmly entrenched. In 70 Cicero could speak obscurely of Verres attending the senate only in February and assume that his (admittedly senatorial) audience would understand the insinuations. By the 50s at the latest there was in force a Lex Gabinia which gave priority in the allocation of the senate's time to foreign embassies during the month of February. The "season" was thus acknowledged and given further encouragement by legislation.¹

The diplomatic season was not directly determined by seasonal considerations, although it did ultimately depend on these. It occurred near the beginning of each consular year, a date which in fact fluctuated quite considerably in relation to the astronomical year. The calendar date on which the consuls entered office was changed only once after the year 217: in 153 it was moved from the Ides of March to the Kalends of January.² The fluctuation was due to the fact that the lunar Roman calendar required intercalation to keep it in line with the solar year and that this was not regularly practised.³ But it was desirable that the consular

year should begin during the winter, particularly in the political conditions of the second century when the new consuls and the newly enrolled consular armies were regularly required for the opening of the campaigning season. The length of the campaigning season was normally restricted by climatic conditions to the period between March and October. Throughout the first half of the second century the Roman calendar was continuously in advance of the astronomical year, so that consuls entering office on the Ides of March had at least a month and usually several months in hand before the campaigning season started. It was in this interval that the consuls could attend to their non-military duties, among which was the introduction of embassies. The astronomical fluctuation was therefore minimised and to some extent controlled by deliberate management.⁴

The effect of this was that between 217 and 154 when the consular year began on the Ides of March, the Ides of March probably never fell earlier than early November or (after 204) later than mid-February. From 153 onwards when the consular year began on the Kalends of January, this date too probably fell within the same 3-4 month period. The period of intense diplomatic activity which followed the inauguration of the consuls would thus be mainly confined to the winter months December to March (for these conclusions, see the graph in n.3 above). The pre-Julian month of February, which was reserved for ambassadorial activity in the first century, will also have fallen within this period, except for the years immediately preceding 46 when the Kalends of February slipped forward as far as early November.⁵ In the second century the consular year was determined by seasonal military factors, and the diplomatic season invariably occurred in the winter or late-winter months. But this was apparently due to its being geared to the consular year and not to any recognition that diplomatic activity "belonged" to a particular season of the year.

In general embassies in the ancient world had some specific and immediate purpose and were sent in response to the political situation prevailing at a particular time. Official diplomatic contact between states was intended to be neither permanent nor at regular fixed intervals. Given their ad hoc nature the timing of embassies was bound to be random, and states were accordingly prepared to receive embassies at any time throughout the year.

At Athens (for which most evidence is available for the Classical Greek period) ambassadors had to approach the probouleutic council (Boule) before access could be obtained to the Assembly (Ekklesia): the Boule was more or less permanently in session. The Ekklesia met regularly four times in each prytany, one meeting being devoted to the reception of heralds and embassies.⁶ There were thus ten regular occasions annually on which embassies could be granted an audience with the Ekklesia, and diplomatic business was at least in theory distributed evenly through the year. Additional extraordinary meetings could be summoned when the need arose.

In the Hellenistic period the federal Achaean League seems to have had a fixed number of meetings (synodoi) to which foreign ambassadors had access. In 220 there were four meetings of the primary assembly all of which fell between April and September.⁷ After about 217 a synodos evidently became restricted to a meeting of the Boule which had formerly been the primary assembly's probouleutic council but now became a representative assembly in its own right. Larsen assumes (Rep. Govt., 98) that the number of regular synodoi continued to be four per annum after they had taken on this new representative character; but the work load of the post-217 synodos ought to have been greater than before and there are other reasons for assuming that the Boule was in session for a considerable number of days in the year.⁸ If ambassadorial audiences were restricted to four meetings in a six month period of the year,

the limitation was not markedly less than that imposed by the Roman diplomatic "season" which anyway seems to have tolerated a fair number of exceptions. But extraordinary synodoi could be summoned both before and after 217, and after 217 an extraordinary meeting (synkletos) of the primary assembly (Ekklesia) had to be called if the business raised by an embassy involved the taking of a decision on war or alliance, or if the embassy was a Roman one with authorisation from the senate. The available evidence suggests that such extraordinary meetings (which served as referenda) were not in fact all that uncommon.⁹

The evidence for diplomatic procedures at the Hellenistic royal courts is scattered and fragmentary. What is probably a valuable insight into Ptolemaic court procedure is afforded by the so-called Letter of Aristeas to Philocrates, a Greek document of second century Jewish origin which survives both in its original form and in a paraphrase by Josephus in Book 12 of his Jewish Antiquities. Pseudo-Aristeas says that when the 70 Jewish elders arrived at Alexandria, Ptolemy Philadelphus ordered all those remaining τοὺς ἐπὶ τῶν χρειῶν to be dismissed and the Jews to be summoned to his presence. This was regarded as unusual because it was customary that those who came περὶ χρημάτων were brought into his presence after five days, while those from foreign kings and states (i.e. ambassadors) were unlikely to gain access to the court within 30 days. But considering the Jewish elders to be worthy of greater honours, he dismissed those whom he considered superfluous and eagerly awaited the arrival of the former.¹⁰ Josephus in his paraphrase mistakenly renders τοὺς ἐπὶ τῶν χρειῶν (which almost certainly means "officials") by the vaguer οὓς χρειῶν ἐνεκα παρῆναι συνέβαινεν ("those who happened to be present on business").¹¹ From both accounts it emerges that for foreign embassies a waiting period of a month was customarily observed before a royal audience was given, and that non-observance was regarded

as very exceptional. Pelletier in his commentary (op. cit., 168) claims that Ps.-Aristeas is in this respect displaying a genuine knowledge of Ptolemaic court procedure. Of course it matters little for our purposes whether the procedure of which he knew belongs to the third century court of Philadelphus or to the court of the second century Ptolemies whose contemporary he was. The existence of a thirty day waiting period suggests that there was no annual "season" for embassies as at Rome, since the context implies that the waiting period was observed throughout the year. This suits the picture which emerges from anecdotal and other evidence that the Hellenistic kings were continuously available to ambassadors and petitioners. The waiting period at the Ptolemaic court was probably dictated by considerations of dignity and prestige and bureaucratic or administrative reasons may also have played a part; the actual audience with the king may in many cases have been no more than a necessary formality.¹²

Plutarch tells us (Dem. 42) that Demetrius kept an Athenian embassy waiting for two years, although he was usually especially solicitous towards Athens. Plutarch mentions this fact out of context and as an example of Demetrius' inaccessibility. Such treatment of embassies cannot have been normal even for Demetrius, and it should certainly not be taken to represent typical Hellenistic practice. If Plutarch's anecdote is true, there must have been special circumstances which explained or justified this excessive delay. It could hardly have been caused by the number of embassies coming to see Demetrius, and the length of the delay also makes it certain that Demetrius was not attempting to organise incoming embassies on an annual, seasonal basis.

Normally in antiquity when a number of embassies were present simultaneously at the same destination this was because their missions were related; otherwise it would be a coincidence.¹³ But at Rome there

was nothing exceptional in the simultaneous presence of many unrelated embassies in the early months of the consular year. Rome's organisation of inward ambassadorial activity on a seasonal basis had no exact parallel in ancient diplomatic practice. As such it will need to be explained in terms either of internal Roman factors or of Rome's special international position or, as happens to be the case, of both.

The internal factors are in fact constitutional: a very clear indication of this is given by Polybius' statement that it was the consuls who introduced embassies into the senate (6.12.2). In the period which Polybius was describing¹⁴ and indeed for most of the second century the consuls normally spent only the first few months of their year of office at Rome. One of the consuls might return to Rome at the very end of the year to conduct the elections, although a dictator might often be specially appointed for this purpose. Having left for his province at the opening of the campaigning season, a consul could easily remain there until replaced by his successor in the following year or after a number of years. Thus if Polybius' statement is to have any validity, embassies must have been at Rome in the first few months of the year, as this was the only time when the consuls were available to perform the function which Polybius accredits to them. The restricted availability of the consuls is clearly a factor which provides a constitutional explanation for the annual diplomatic "season" occurring when it did. It cannot however be accepted as a full explanation of the phenomenon, since the importance of the consuls' rôle is not apparent. Polybius says that the reception of embassies is the senate's concern (6.13.7), and the consuls' responsibility seems to go no further than introducing them to that body.

The logical connection between the availability of the consuls and the general timing of embassies was noticed by Mommsen.¹⁵ He claimed

that the consuls usually introduced embassies and that this function was performed by the lesser magistrates only in exceptional circumstances. This is partly a restatement of Polybius' dictum, but it also reflects the general rules established elsewhere by Mommsen concerning the summoning of and presidency over senate meetings.¹⁶ In addition it requires the conclusion embassies must normally have been confined to the early months of the consular year, and Mommsen was able to support this conclusion by referring to the evidence on the timing of embassies to Rome collected by Büttner-Wobst. The latter showed that a majority of relevant, datable cases occurred in the period of the year before the consuls left Rome for their provinces : his conclusions are broadly acceptable, although the method of arriving at them is at times dubious.¹⁷ The position may be summarised by the statement of von Premerstein that while there was no set time for the reception of embassies at Rome, a majority of them came at the beginning of the year.¹⁸

The connection between the diplomatic "season" and the Lex Gabinia which was effective in the first century has also been generally noticed.¹⁹ This connection is indeed fairly obvious. The Lex Gabinia, which is known only from Ciceronian evidence, evidently gave priority in the allocation of senatorial time to ambassadorial audiences in the period from the Kalends of February to the Kalends of March. The law thus encouraged embassies to arrive at Rome early in the consular year and gave some statutory force to the idea of a diplomatic "season". The date of the Lex Gabinia is disputed and is variously located between 139 and 58. But even if we accept the earlier date, it is clear that the emergence of the diplomatic "season" long antedated the legislation, and that the legislation did not therefore initiate the "season". The examples selected by Büttner-Wobst go back as far as 216, but this seems to me to be much too early a date at which to see the diplomatic

"season" in operation. No consistent picture of the timing of ambassadorial traffic to Rome can be drawn from the period before 189: nor should it be expected. It is in the years immediately after 189 that the seasonal pattern begins to emerge as a norm; but 189 is still 50 years before 139.

Dating the emergence of Rome's diplomatic "season" to the early 180s brings us back to the problem of explaining it. In the early years of the second century and before that for most of the third century, Roman consuls had been continuously engaged in active campaigning. While some of these campaigns may have been comparatively short, the availability of the consuls at Rome during this period could not have been significantly less limited than in the period after 189.²⁰ Yet the diplomatic "season" is not satisfactorily attested before 189, and the constitutional role of the consuls cannot for that reason be regarded as an adequate explanation for it. We may now turn to considering Rome's international position, in respect of which a distinction can legitimately be made between the periods before and after 189.

It was in the years after 189 that the volume of diplomatic traffic to Rome first grew to the high level which was characteristic of the rest of the Republican period. It is clear from the provenance of most of the embassies to Rome in this period that the increase in diplomatic traffic was a result of Rome's involvement in, and eventual domination of, the affairs of the Greek East. The involvement in Greece can be traced back to various dates in the third century or even the late fourth century: it was clearly a gradual and intermittent process. But the event which seems to have definitively marked the involvement of Rome as a major power and on a permanent basis in the Greek world was her signing of the Peace of Phoenice in 205; by this act she became guarantor of the "Common Peace" among the Greeks.²¹ One result was a steady stream

of embassies from Greece and the East to Rome; this became a flood after 189 when Rome had established herself as the supreme Mediterranean power by her successive defeats of Carthage, Macedon and the Seleucid Kingdom.

Before 220 the evidence of embassies to Rome is extremely scarce; most will have come from communities inside Italy and several of the extra-Italian embassies which are recorded are probably fictitious.²² Lack of evidence is not of course a convincing argument for lack of ambassadorial activity, but the period after 220, for which the narratives of Livy and Polybius are available, also shows a low level of such activity, and this at a time when Rome's international involvement was increasing. Because embassies were comparatively infrequent, it was less essential that they should be dealt with at one particular time of the year; and for the same reason they could be tolerated at inconvenient times. On the other hand the number of embassies coming to Rome after 189 was so great that some management of them was required. Rome's unchallenged supremacy, which was the cause of this influx, also provided the conditions in which a diplomatic "season" could be established. The states which were sending embassies did so because they acknowledged Rome's paramount position: they were also more inclined to take into consideration the most convenient time at which to send embassies from the point of view of Rome's domestic arrangements. Another result of Roman supremacy was that the issues on which states were prepared to send embassies to Rome became increasingly trivial and routine and could be left until the appropriate time of the year to be dealt with. This is a facet of the general trend by which Rome's dealings with extra-Italian states moved from the realm of diplomacy and foreign policy into that of imperial regulation and administration: the fiction of the self-governing state and independent ally continued to exist and to dictate

procedure behind the reality of Rome's total domination.

The diplomatic season can thus be seen to be an intelligible development in the years after 189 when numerous states in the Greek East first began to consult Rome regularly on minor aspects of foreign policy. The actual timing of the season within the year seems to reflect a preference held on constitutional grounds for the consuls to preside at embassies' audiences. This preference may always have existed, but after 189 it could be assumed that it would be respected by the other parties in most diplomatic exchanges. Exceptions to this seasonal pattern must of course have occurred and did occur. An embassy could not always be expected to wait several months for an audience or before going to Rome, particularly if, as might still happen, its mission was of an urgent nature. An examination of the evidence seems to imply that exceptions were not in fact all that infrequent; many of them even refer to relatively minor embassies which, as we shall see, cannot be explained away on grounds of urgency.

No more than a brief summary of the pre-189 situation is necessary to show that the diplomatic season was not as yet a reality. For it to have been so, it would have to be possible (i) to observe the frequent convergence of unrelated embassies at the same time; and (ii) to locate this time in the early months of the consular year. In spite of the unusually complete historical record which is available to us for the years 220-189 owing to the survival of Livy and much of Polybius, it is not possible to fulfil either of the above conditions. This is largely to be explained by the meagre number of embassies coming to Rome particularly from the Greek East; this also explains the absence from the epigraphical record of any mention of embassies to Rome before 197/6.²³

When embassies did converge at Rome they were not usually unrelated. Envoys from Placentia and Cremona appeared at Rome as the result of

concerted action in 206 and again in 190; the same is true of the embassies from Pergamum and Rhodes in 201 and of those from the Aetolian League, Athens and Rhodes in 189.²⁴ In the same category may be included the envoys from Massinissa and Carthage in 203, from Macedon and Rome's Greek allies in 198/7 and from a whole host of Greek and Asian states including the Seleucid Kingdom in 193 and again in 189.²⁵ The only apparent exceptions are the embassies sent by Syracuse and Paestum early in 216, (although both were ultimately motivated by Rome's defeat at Trasimene, they were not in any obvious sense concerted), and by Macedon and Carthage in 202/1.²⁶ In the year 200 an Athenian embassy and a Ptolemaic embassy both seem to have been at Rome before the consuls left for their provinces, and in 199 embassies from Carthage, Gades and Narnia (a wholly unrelated selection) were evidently dealt with while the consuls were still at Rome. However in both these years there is good reason to believe that the consuls were exceptionally late in leaving for their provinces and that they spent more than six months of the year at Rome.²⁷ Thus it cannot be argued from these two years either that embassies were confined to a limited "season" or that they were at Rome in the early months of the year.

Many embassies in this period do seem to have arrived at or near the beginning of the year, to judge from internal indications or from their positions in Livy's narrative; but most are isolated examples and are matched by an equivalent number of embassies which clearly belong later in the year.²⁸ Again the number of examples is far too small to make any valid statistical inferences and this itself is the really significant fact. When in the winter of 198/7 there were at least five embassies in Rome obtaining audiences with the senate very early in the consular year, the timing of these was manifestly determined by external factors. The audiences took place after the inauguration of the consuls of 197 but

before the allocation of their provinces: they must therefore have been among the first items of senatorial business to be dealt with. The embassies in question were all at Rome for the same reason, namely to argue for or against a possible peace settlement between Rome and Macedon. Moreover they had gone to Rome during a two-month truce arranged between Flaminius and Philip towards the end of the campaigning season of 198.²⁹ The timing of the embassies depended on this and not on any domestic Roman system: thus in a sense it was a coincidence that these embassies were at Rome at a time which later became conventional for the reception of embassies. But it was no coincidence that the consular year began during the winter lull between campaigns: in fact this was the most suitable time for the consular year to begin. In the years before 189 Rome was more or less continuously engaged in major international wars, and I would prefer to see the exigencies of campaign warfare as a more potent determining factor in the timing of embassies than any constitutional or other factors. Since negotiations could be held according to circumstances either between or during campaigns, it is unreasonable to expect to see any regular seasonal pattern of diplomatic activity.³⁰ It is worth observing that of the two largest influxes of embassies (of those from Eastern States in 193 and in 189) neither coincided or was made to coincide with the beginning of the consular year.³¹

Section ii

It is from the period after 189 that the evidence for a diplomatic season is to be derived. The implications of Polybius' statement that the consuls introduced embassies into the senate have been noticed above; it has also been suggested that in terms of the availability of the consuls it made little difference whether Polybius was describing the constitution in 216 (which he claimed to describe) or between the years 167 and 151 (which he was able to observe). But it is in fact important to establish the period to which Polybius' description relates, since it has now been shown that the diplomatic season was not in existence in 216 as it was between 167 and 151. If Polybius' statement is assumed to apply strictly to the situation in 216, there is no reason to believe that it also applies to the wholly different conditions of the mid-second century: by then the number of embassies had vastly expanded and it is possible that the magisterial function at ambassadorial audiences had been progressively entrusted to lesser magistrates. This theory would have the advantage of accounting for the comparatively frequent association of praetors with audiences, which must otherwise be regarded as exceptions to the rule.

But there are two objections to this view: it is unlikely that Polybius would list as one of the powers of the consuls their monopoly of a function which by his day they had ceased to monopolise. It is also unlikely that Polybius would consider this function to have been an important source of power in 216 when embassies were infrequent and of little importance. It makes altogether more sense to return to the position accepted without argument by Walbank (H.C.P. i,676) and assume that Polybius was referring to mid-second century conditions. From this it follows that the introduction of embassies by consuls was the rule in this period, and we must therefore

regard the performance of this function by praetors as exceptional.

This is only part of the difficulty: the restricted availability of the consuls suggests that Polybius' statement can only be taken literally if a diplomatic season was very strictly observed. This was clearly not the case since we know not only of embassies introduced by praetors but also of audiences which may be dated with certainty to the later months of the consular year. It is best then to accept what Polybius says as a generalisation which slightly stretches the facts: he was after all describing the general character of the constitution and not examining it in minute detail. It is insufficient to argue that in Polybius' schematised model of the Roman constitution the consuls are regarded as virtually synonymous with the monarchical element (τὸ μοναρχικόν), and that by "the consuls" we should understand the magistrates generally. Polybius' model is indeed vague but it is not as vague as this; he is very conscious of the contrast which he repeatedly emphasises between Rome when the consuls are present and Rome in their absence. This contrast is real and specific and leaves no scope for the confusion of other magistrates with the consuls. I prefer then to assume that Polybius was generalising: I understand him to mean that the vast majority of embassies were introduced by the consuls, unless there was some reason for them to come other than in the two to three month period when the consuls were in Rome.

We may turn now from generalisation to specific instances. It is legitimate to infer from the mention of a consul presiding at an audience that the audience occurred in the early months of the consular year. Such an inference would naturally be invalid if it could be shown that the consul never went to a province or left for it extremely late in his year of office; it was only towards the end of the second century that it became common for a consul to remain in Rome for his entire year of office. The consul of 187, M. Lepidus, wrote a letter to the Achaean League in

response to a Spartan embassy (Pol. 22.3.2). The natural assumption, although Polybius does not explicitly state this, is that the embassy was given a senatorial audience and that the senate instructed M. Lepidus, as the presiding magistrate, to write a letter to the Achaeans outlining the senate's opinion.² Lepidus could not have presided over the senate, nor is it likely that he would have written an official communication to a Greek state, if he had been engaged on campaign in his North Italian province; therefore the audience took place early in the year when he was still in Rome.

The same conclusion may be drawn for the timing of an embassy from Delphi in the previous year; the ambassadors took home with them a letter from the consul C. Livius, but in this case the text of the letter has survived as an epigraphical document.³ The consul's authorship of the letter strongly suggests that he was the presiding magistrate at the audience, and this in turn suggests that the audience took place early in his year of office (before he went to his province of Cisalpine Gaul). The validity of this last suggestion is confirmed by other evidence, which has been used to establish the embassy's date (or at least the date of the consul's letter) as between late November 189 and early February 188 (Julian).⁴

Such epigraphical evidence of the consuls' involvement in ambassadorial audiences is surprisingly scarce. A senatus consultum passed in 135 about a territorial dispute between Samos and Priene shows that the presiding magistrate was one of the consuls, Ser. Fulvius. The senate meeting is appropriately dated a.d. v id. Feb., comfortably within the first two months of the consular year.⁵ Another fragment of a senatus consultum found at Delphi apparently refers to a senate meeting presided over by Cn. Octavius, the consul of 165, on a.d. iv non. Mai. This identification is by no means definite; the date of the audience does however fall within

the first two months of the year.⁶ By the end of the century the availability of the consuls was not habitually so restricted. In 112 the consul L. Calpurnius presided at an audience between the Nones and Ides of June; a separate document records a meeting of his advisory council to discuss a Cretan territorial dispute between mid-June and mid-July.⁷

Livy tells us that embassies from Philip V, Eumenes and various other Greek states were introduced by the consuls of 184 (Liv.39.33.1). The position of this passage in Livy's narrative (it introduced a new consular year) gives the impression that the audiences occurred at the beginning of the year; and this impression is supported by the fact that the consuls were present. When we turn for confirmation to the Polybian excerpt which relates to these embassies, we are told only that they were introduced by an unnamed party (the unspecified plural subject of εἰσῆγον - Pol.22.11.1). It is safe to assume that the subject was originally "the consuls" and that these words were omitted in the process of excerpting: the opening words of a paragraph would be particularly vulnerable to such omission, the more so if (as is likely in this case) the excerptor was compressing his material. Polybius does occasionally use the Third Person Plural loosely to refer to collective actions of the senate, even in association with the singular noun (σύγκλητος). But the senate is unlikely to be intended here: whereas the senate might summon an embassy (προσκαλείσθαι, εἰσκαλείσθαι), the process of introducing an embassy could only be carried out by a magistrate. The consuls tended to carry out such functions jointly, but in their absence only one praetor (normally the praetor urbanus) would deputise. The only possible subject of εἰσῆγον is thus the consuls. Both consuls of 184 were active in North Italian provinces, so that Livy's dating of the audiences early in the year is in fact confirmed.⁸

In the next year Demetrius was introduced into the senate by οἱ στρατηγοί to answer the accusations of other embassies (Pol.23.1.8); again the plural noun establishes that the consuls of 183 are being referred to.⁹ Consuls are actually mentioned only rarely in connection with audiences, but this should not in itself lead us to suspect the validity of Polybius' attribution to them of the job of introducing embassies. The lack of such references might equally suggest that the consuls' involvement was too commonplace to deserve mention (although this argument from silence obviously has no positive value). The year 168/7 provides an isolated reference to a consul: M. Iunius (cos.167) consulted the senate as to whether an audience should be granted to a Rhodian embassy which was seeking to avert a Roman declaration of war (Liv.45.20.6-7). In the event he followed the senate's advice and refused them an audience, and the ambassadors were eventually introduced not by any of the consuls or praetors but by a tribune, M. Antonius (Pol.30.4.6): this was a constitutionally possible but most unusual proceeding. The approach to the consul evidently reflects the normal procedure and the consul's presence in itself points to a date for the embassy early in consular 167.¹⁰

A brief mention is made of the consuls under the year 160/59, and here the relevant passage of Polybius (32.1) has almost certainly suffered considerable compression at the hands of an excerptor. An embassy from Ariarathes was dealt with and sent away again πρὸ τοῦ χειμῶνος; Attalus appeared in the senate after this ἤδη τῶν ὑπᾶτων τὰς ἀρχὰς εἰληφότων, and the embassies from various Asian states, whose missions involved accusations against the Pergamene Kingdom, were dealt with simultaneously (or so one gathers)¹¹. The mention of the consuls might seem to be intended merely as a chronological indication, but this usage suggests very strongly that the audiences not only

occurred very near the beginning of the consular year but also that they were one of the first concerns of the incoming consuls. Embassies from Demetrius and the Achaean League occupy the immediately succeeding excerpts in the De Legationibus Gentium, so that they too must belong to consular 159.¹² The exact Julian date at which the consuls of 159 entered office can only be imprecisely estimated: a date around late January or early February seems not improbable.¹³ The Cappadocian embassy on the other hand had been sent away *πρὸ τοῦ χειμῶνος*, which must imply a date for its audience not later than mid-November. The interval between this audience and the others must be in the region of two to three months; and yet Polybius had recorded the dispatch not only of Ariarathes' embassy but also of Attalus and of the other Asian embassies and of the Seleucid ambassador Menochares under the Olympiad year 161/0. This suggests that all were sent at some time in the summer of 160: it can at least be shown from their association with Ti. Gracchus' embassy that Demetrius' embassy was not dispatched significantly later than Ariarathes.¹⁴ Why then should Ariarathes' embassy have been dealt with so much earlier than the others?

One possible reason is that the return of Ti. Gracchus' embassy in the autumn and its subsequent report to the senate offered a good opportunity for dispensing with the Cappadocian embassy: the senate's reply to it was largely determined by Gracchus' favourable report (Po1.32.1.2). This also applies to the Seleucid embassy under Menochares, since the Seleucid kingdom had been the main object of investigation for Gracchus' embassy. But it posed the senate problems of a far more difficult kind and these would have required more time for consideration.¹⁵ And as we have seen, Menochares' dispatch was probably marginally later than that of the Cappadocian embassy. The treatment of the latter embassy was thus exceptional, and this confirms the impression given

by Polybius' truncated account with its emphasis on *πρὸ τοῦ χειμῶνος*. Normally all the embassies would have been dealt with early in consular 159; however they had all been sent over three months in advance. This would allow time for canvassing senatorial support and for other unofficial activity and would also eliminate the risk of sailing to Italy during the difficult winter season. Advantage was taken of this time lag to deal with one of the embassies several months before the expected time.

Normally when neither of the consuls was available to preside over a senate meeting this task would be performed by the urban praetor. If the presiding magistrate at a senatorial audience is identified as a praetor, it is a possible inference that both consuls were absent from Rome and that the audience occurred at a somewhat later date in the year.¹⁶ In the case of certain senatus consulta which have survived in epigraphical form, this inference is verified by the exact dating of the senate meeting; and if anything the epigraphical evidence gives the impression that such out of season embassies introduced by praetors were not all that exceptional.

However it should be borne in mind that other circumstances may have kept the consuls away from senate meetings, such as illness or political manoeuvring, and unless the date of the meeting is exactly fixed, such inferences must be regarded with caution. A senatus consultum on Jewish affairs, which is recorded by Josephus (Ant. Jud. 13.9.2/260) and probably belongs to the year 126, is an instructive example. The audience is dated a.d. viii id. Feb which conforms well enough with the diplomatic season, since it falls in the second month of the consular year. But the presiding magistrate is not one of the consuls, as one would expect in February, but the praetor Fannius. There appears to be no adequate reason why one or both of the consuls should have left

Rome in early February, unless perhaps the Roman calendar had slipped to a position where it was more than a month behind the astronomical year. This is a somewhat unlikely explanation, since at all other times for which we have knowledge of the Roman calendar after 217 the reverse was true. Moreover there is no evidence to show that one of the consuls of 126, M. Aemilius Lepidus, ever went to a province in his year of office.¹⁷ While the uncertainty as to the embassy's date makes it a little pointless to stress this last line of argument, it does seem clear that the absence of the consuls from this document does not automatically imply their absence from Rome. Nor does it automatically place the audience outside the diplomatic season in which it is in fact known to have fallen.

If this appears to place too much faith in the accuracy of Josephus' transcription of the senatus consultum, another example may be considered. In 172 both consuls remained in Rome for a considerable period of the year: because of a political disagreement with the senate they refused either to go to their provinces or to transact public business at Rome. As far as we can tell from Livy's narrative (the chronology of which is at this point particularly confused owing to his attempts to conflate Polybian and annalistic material) Eumenes and the counter-embassies from Macedon and Rhodes arrived at Rome during this period of consular inactivity. Eumenes was introduced to the senate by a praetor, probably C. Licinius the urban praetor, although this is not stated (Liv.42.11.2).¹⁸ It is uncertain at what point in the year the audiences took place; what is certain is that the presidency of the praetor cannot by itself be used as evidence for a date outside the normal diplomatic season. Livy's account of domestic tensions in 172 is particularly complete, but there is no means of telling how often a similar situation may have arisen in the

period after 167 for which Livy's completeness is not available.

As a general rule we need not regard the mere mention of a praetor as indicating a departure from the diplomatic season. This is just as well since the examples which do mention praetors are by no means infrequent. The praetor urbanus of 155 presided at the audience of an Achaean embassy; it is likely that he also presided at the audience of the embassy of Athenian philosophers in the same year. The embassies from Spanish tribes in 152/1 were introduced by a praetor, and it was a praetor who in 149 exercised delaying tactics in the reception of an embassy from Prusias of Bithynia.¹⁹ This seems to be rather a large number of exceptional cases for a short period in which the number of embassies attested is not particularly great. Moreover for most of this short period Polybius was resident in Rome and able to observe the workings of the constitution; yet he did not think fit to qualify in any way his statement about the consuls' rôle in introducing embassies.

Perhaps the best solution is to regard these examples simply as unrepresentative and to make some attempt to explain them away individually. The Bithynian embassy of 149 will certainly have been sent in conditions of extreme urgency and could not be expected to coincide with the "season".²⁰ The Spanish embassies of 152/1 evidently did coincide with the diplomatic season: Polybius says that when the senate gave its reply to these embassies it had decided secretly to continue the war in Spain under a new general, because A. Postumius and L. Licinius had already been elected consuls and entered office (Pol.353,6-7). It is not made clear why the audiences had not been presided over by one or both of the consuls, or (if they occurred at the end of 152) why they were not left "ad novos consules". As for the embassies of 155 one can suggest (in the absence of any evidence

one way or the other) that the consuls, both of whom won triumphs in this year, were required to leave for their provinces early for military reasons: it should be remembered that only two years later the date of inauguration of the consuls was permanently altered so that a consul could be sent to Spain more quickly.²¹ Some signs of strain in the calendar system in the mid-150s are thus quite conceivable; but if the consuls' monopoly of domestic diplomacy lost some ground under this strain, the actual concept of the diplomatic season (which of course is closely linked) stood up rather better.²²

Section iii

The foregoing discussion takes as its starting point Polybius' direct statement on the role of the consuls in ambassadorial audiences at Rome (6.12.2). Other indications of a more indirect nature are provided by his narrative, although the fragmentary nature of the surviving excerpts makes it difficult to attach much precision to these indications. Polybius' narrative structure was based on Olympiad years which began rather awkwardly at around midsummer. This date was awkward because, if adhered to strictly, the history of a single campaign would be split between two separate years in the annalistic framework. Polybius exercised a reasonable amount of flexibility in his handling of this framework, but in general he would begin the account of a year with the events of the winter and close it with the end of the following campaigning season. Polybius further subdivided the events of a particular year geographically, starting with Italy and proceeding to Sicily, Spain, Greece, Africa, Asia and Egypt.¹ If, as is the impression given by the fragments, embassies to Rome constituted the main content of the Italian affairs sections, then

the priority of Italian affairs in Polybius' framework would be particularly appropriate, given the further condition that these embassies were mainly confined to a "season" in the winter months.

This does not mean that Polybius consciously adjusted his geographical arrangement solely for the purpose of achieving this effect. In the first place it would be impossible to argue that the other "theatres" were arranged in anything but an entirely arbitrary order; and secondly the priority given to Italian affairs may be easily explained as a recognition that Rome was the paramount power in the oecumene and the principal performer in Polybius' unfolding drama. Finally we should not forget the preponderance of the Constantinian Excerpta de Legationibus Gentium in the surviving tradition of the later books: this must create a somewhat false impression. Isolated fragments dealing with such matters as the merits of the younger Scipio and the arguments for and against the Third Punic War show that there was more to Italian affairs than the reception of foreign embassies. But we do find occasionally that embassies were originally the first things dealt with by Polybius under a certain year; if an Olympiad date is incorporated into an excerpt, we may deduce that that excerpt opened the account of the year in question. The examples of this are admittedly limited but perhaps significant.² Moreover Polybius was concerned, as we shall see, with the chronological illogicalities which inevitably arose in his narrative, and it could be that the geographical order of his material was partly designed to keep these to a minimum. It is perhaps sufficient simply to mention this as a possibility and to shift the argument on to a more specific level.

What we occasionally find in the later books of Polybius is that the dispatch of an embassy is reported under the (for example)

Greek affairs section of one year and its reception at Rome under the Italian affairs section of the next. The result of this is that events are recorded in the right order; the implication is that the embassies were dispatched in the late summer and that their audiences at Rome occurred during the winter. It was between these two points in the year that the end of the Olympiad year (in Polybius' slightly modified version) could be expected to fall. Winter audiences are clearly compatible with (although they do not necessarily imply) the notion of a diplomatic season early in the Roman consular year. Some examples of this syndrome should be given. Mention has already been made of the Asian embassies whose dispatch Polybius recorded under 161/0 and whose reception by the senate he placed in 160/59 at a point after the consuls of 159 had taken office. Other examples include the embassy of Ptolemy Euergetes II which was sent in 163/2 (Po1.31.19.2) and received in 162/1 (Po1.31.20.1); the embassy sent by Attalus under his brother Athenaeus and in company with the Roman envoy P. Lentulus which was sent in 157/6 (Po1.32.16.1) and appeared in the senate in 156/5 (Po1.33.1.1); and the Achaean embassy of Nicodemus of Elis which was sent during the strategia of Philopoemen (189/8) but was at Rome at the beginning of consular 187 and returned to Achaea in the strategia of Aristaenus (188/7)³. However there are certain pitfalls involved in this line of argument: one is that the order of Polybian fragments cannot on the evidence available be definitively established. A certain amount of uncertainty must therefore attend any chronological edifice which is built upon them. A second problem is that the number of examples is again limited: at least while the number of embassies reported at Rome is vast, the embassies whose actual dispatch is recorded are few. This may reflect a lack

of interest by Polybius in recording the dispatch of embassies, but more probably it reflects a similar lack of interest on the part of the Constantinian excerptor.⁴ If the latter is the case then the examples of this chronological relationship will originally have been more numerous and thus of more significance to this argument.

But what evidence is there that if such examples had existed they would have conformed to the above pattern, whereby an embassy's dispatch appears in Polybius under year $x-1/x$ and its reception under year $x/x+1$? This question can be usefully approached by examining the converse. If an embassy's dispatch and audience did occur within the same Olympiad year, a chronological non sequitur in Polybius' narrative could well be caused, and in the case of embassies sent to Rome this would invariably be the case. This situation arose with a Rhodian embassy in 170/69 and evidently caused Polybius some embarrassment. He apologises to his readers (28.16.9 ff.) for the illogicality of narrating the circumstances of an embassy's dispatch when its outcome has already been reported; he recognises that this illogicality derives from his adherence to an artificial narrative framework and says that he is often (*πολλάκις*) forced into such a situation. A similar apology is made in connection with a Ptolemaic embassy to Macedon in 203/2 (15.25.19), and presumably there were other such passages, now lost, throughout the Histories. I cannot believe however that such apologies, or the chronological non sequiturs which occasioned them, were at all common. Would anyone, even the pedantic Polybius, have troubled to apologise on every occasion for something which was continually occurring? And if not on every occasion then why on the two mentioned above? Thus in spite of Polybius' *πολλάκις* (28.16.10) the inevitable conclusion is that the Rhodian embassy of 170/69 and others like it were exceptions to the rule: the "rule" will by corollary have comprised those

embassies which did conform to the $x-1/x$ (dispatch), $x/x+1$ (reception) pattern outlined above. Diplomatic activity in which Rome was involved did form a particularly important part of Polybius' Histories, especially in the later books which covered the period after 189: this fact remains even after allowance has been made for the misleading distribution of the Constantinian excerpts. It is not inconceivable (to return to the position which I tentatively set out earlier) that Polybius should have arranged the geographical order of his yearly narratives at least partly to accommodate this great bulk of material without difficulty and to avoid the kind of chronological absurdities to which he was evidently so sensitive.

So much for the general implications of Polybius' narrative structure. The case for a diplomatic season rests principally on the more concrete basis of specific instances. From these two things need to be established to sustain the notion of a diplomatic season: one is that there was actually a concurrence of embassies at Rome within years; the other is that this concurrence occurred at the same time each year, that is by dating it either astronomically to the winter months or administratively to the early consular year. The first of these propositions can be supported by a wide range of evidence from the period after 189. Polybius' account of the year 184/3 begins (in its excerpted form) as follows: "in the 149th Olympiad a multitude ($\pi\lambda\eta\theta\omicron\varsigma$) of embassies from Greece were collected ($\epsilon\theta\rho\acute{\omicron}\iota\varsigma\theta\eta\varsigma\alpha\nu$) in Rome, such as there had not been before" (23.1.1). This clearly refers to the simultaneous presence of a large number of embassies. In the autumn of 167 Eumenes sailed to Italy with the intention of speaking to the senate but was rebuffed by the special decree which the senate passed at this time prohibiting royal visits. Polybius says that this happened at the beginning of winter and that subsequently

the senate dealt with all the embassies which had arrived; "for there was no city, dynast or king who had not sent an embassy at that time to congratulate (the senate) on what had happened" (30.19.14-15).

For the year 165/4 we are told that "many other ambassadors had arrived in Rome, the most notable (ἐπιφανεστέρων) being those from Rhodes..., from the Achaeans..., and from Prusias..." (Pol.30.30.1). The embassies which are identified are unrelated; there is nothing in their respective missions which requires them to be at Rome simultaneously, as they clearly were. Furthermore they are only the most notable embassies and thus, it would seem, a minority of those present at the time. Similar concentrations of unrelated embassies are attested in widespread examples which need not be examined in detail.⁵ The situation in the first century is more explicit: epigraphical documents indicate that by 100 the consuls were responsible for an order of embassies which is really only intelligible if the timing of embassies coincided. The association of the month of February with embassies and the existence of the Lex Gabinia also give unmistakable evidence of a diplomatic season and incidentally locate it in the Roman calendar.⁶

This brings us to the second requirement, which is to establish a regular location for the diplomatic season within the year. Many of the chronological indications for particular embassies have already been considered, mostly in connection with the rôle of the consuls. Other embassies mentioned above can be dated: those which followed Eumenes' departure from Italy in 167 clearly belong to the winter of 167/6. A late winter/early consular year date also seems probable for the audience of Herakleides in 153/2 and of the Pergamene and Seleucid embassies of the same year (above n.5). Ariarathes, according to Polybius, arrived in Rome as an exile in the late summer of 158 and engaged in private interviews when the consuls of 157 took office;

these private interviews were the prelude to a senatorial audience which, although not mentioned by Polybius, will have occurred shortly afterwards and given rise to the senatus consultum on the partition of Cappadocia reported by Appian.⁷

There are other chronological pointers which are apparently useful but should in fact be used with caution because they do not offer sufficient accuracy. The difficulty is illustrated by the surviving Polybian account of the year 155/4. A report from the returning senatorial legati, Hortensius and Aurunculeius, led to the dispatch of 10 Roman legati to Asia (33.7). These legati arrived while Attalus was still engaged on military preparations which he had begun while it was still winter (33.12.1-2): this implies that it was then no longer winter. There was time for the senate to send another embassy to end the Asian War in that year after some members of the ten-man delegation had reported back to Rome (33.13.4 ff). After the dispatch of the ten legati there appeared in the senate a Massilian embassy with complaints of Ligurian aggression: another Roman embassy under Flaminius was sent to investigate the situation there and intervene diplomatically if necessary (33.8). The embassy to Liguria was assailed by a hostile tribe and the senate on hearing the news sent out a consular army under Q. Opimius, the consul of 154, who was able to complete a successful campaign before going into winter quarters (33.9-10). "At the time that Opimius was sent to Liguria" Ptolemy Euergetes II and a counter-embassy from his brother Philometor appeared in Rome (33.11). The Ptolemaic embassies are clearly later than the Massilian since the events in Liguria occurred in the interval.

These events could perhaps be compressed into only a few weeks thus allowing all the embassies to fall in a comparatively restricted

diplomatic season: Polybius says that Flaminius' embassy was appointed *παράκλημα* (33.9.1) and the senate seems only to have waited for news of the incident rather than the return of the embassy before dispatching Opimius (33.9.8). If the Massilian embassy was heard early in the consular year (rather than prior to it) the events in Liguria will have to have happened quickly to explain why one of the consuls was still available to be sent to a province after those events. We may say that it is possible that the three embassies were all at Rome in the early consular year; it is also likely by reference to comparable examples that the report of Hortensius and Aurunculeius and the appointment of the ten legati did not occur until after the consuls of 154 took office.⁸ But in spite of the impressive array of chronological signposts in these chapters it is impossible to construct a precise framework for these events with any reasonable degree of certainty.

More positive conclusions may be drawn from observing the overall pattern of diplomatic activity. Beginning from the middle 180s Polybius and the Polybian parts of Livy offer a relatively full treatment of the diplomatic exchanges in which Rome was involved, especially with regard to the affairs of Macedon and the Peloponnese: from this treatment there emerges a recognisable seasonal pattern based on an annual cycle. In other words a period of a year usually elapsed between consecutive diplomatic initiatives on the part either of Rome or the other party. In the winter of 186/5 embassies appeared in Rome from Philip of Macedon, Eumenes of Pergamum, the city-states of Aenus and Maronea and from certain Thessalian communities. The theme of all these embassies was the accusation of Philip on various charges. The senate sent an embassy under Q. Caecilius Metellus which investigated the charges at Thessalonica and Tempe and then went on to examine the affairs of the Peloponnese at about the time of the Nemean festival (July).

When this embassy reported back the senate gave audience to a number of embassies from both the Peloponnese and Macedon and sent out a second embassy to the East. But these events at Rome are recorded by Polybius under the next Olympiad year (185/4) and by Livy under the next consular year (184). As a result of the activities of the second Roman embassy under Ap. Claudius Pulcher in Macedon and the Peloponnese further embassies were sent to Rome, the Macedonian embassy including Philip's own son Demetrius. The reception of these embassies at Rome and the dispatch of a third Roman embassy to the areas in question under Q. Marcius Philippus is recorded by Polybius under Olympiad 184/3 and by Livy under consular 183. The dating of these embassies is made relatively secure by the combined evidence of Livy and Polybius; but an alternative chronology, which I regard as unacceptable, would in any case make the intervals between embassies longer rather than shorter.⁹ Since this pattern can be seen to continue until at least 181/0, it is clear that it is an annual cycle that we are dealing with: the evidence of a period of five years obviously establishes a stronger case than the evidence of one or two isolated years.

The fixed point within the annual cycle seems to be the convergence of diverse embassies at Rome during the winter shortly after the entry of the new consuls into office. Thus the diplomatic season at Rome determined the rest of the annual cycle and explains why Roman embassies were generally active in Greece and the East during the summer, as Q. Caecilius undoubtedly was in 185. The annual cycle also agrees particularly well with the chronological framework of Polybius' narrative, since Polybius could not easily switch from one geographical theatre to another within a particular year. When two Rhodian embassies were sent to Rome in the same year (167/6), Polybius favoured logic rather than strict adherence to his scheme in his treatment of them:

we shall see that the first was dealt with under Italian affairs and the second under Greek affairs. But this situation seems to have been atypical and the problem which it gave rise to not a familiar one to Polybius.

The same kind of pattern can be observed in connection with the war between Prusias and Attalus in the 150s. In the winter of 156/5 Attalus' brother Athenaeus came to Rome with the Roman legate, P. Lentulus, who had earlier been sent out to investigate (Pol.33.1.1). Polybius had explained that Attalus had sent Andronicus as ambassador to Rome to complain about Bithynian aggression, but that the senate disregarded these complaints owing partly to the presence of a Bithynian counter-embassy under Nicomedes, Prusias' son, and Antiphilus (32.6). The senate's decision had been to send P. Lentulus on the investigatory mission (or so we must assume since his presence in Asia is never actually explained). These events at Rome had presumably occurred in the previous year (157/6) since Polybius recapitulates them under Asian affairs of that year. Athenaeus' presence and Lentulus' report induced the senate to send a further embassy to prevent Prusias making war on Attalus (33.1). Two members of this embassy, L. Hortensius and C. Aurunculeius, returned and reported to the senate on the failure of their mission and on Prusias' hostile attitude; but their report and the dispatch of the ten-man embassy which resulted from it are recorded by Polybius under the year 155/4 (33.7).

The picture is slightly confused by the dispatch of a second embassy in 157/6 consisting of L. Apuleius and C. Petronius to examine the state of affairs in the two kingdoms (32.16.5). This embassy was sent "some time afterwards (ie. after Andronicus' embassy) when the matter was becoming clearer." It was not, as Broughton claims, a response to Lentulus' report; this does violence to the order of events

in Polybius' narrative, and anyway it is known that the embassy of Cento, Hortensius and Aurunculeius was sent in response to Lentulus' report.¹⁰ Since the embassy of Apuleius and Petronius did not proceed causally from any of the other embassies mentioned above but from information received by the senate from other sources, it does not belong to the same annual cycle which can be traced from Andronicus' embassy in 157/6 to the dispatch of the ten legati in 155/4. In the summer of 154 the tempo of diplomatic activity increased in the face of continuing intransigence on the part of Prusias which might seriously have damaged Rome's prestige if left unchecked. Some members of the ten man embassy returned to Rome immediately so that yet another embassy could be sent out in the same year and finally bring the war to its conclusion (33.12-13). The history of these years illustrates the normal speed of diplomatic communication and the extent to which it might be accelerated if the need arose.

It might be argued that an annual cycle of diplomatic activity presupposes a rate of diplomatic communication which is unrealistically and improbably slow. Communications were in general slow, although they were fast enough to accommodate more frequent interchanges when required. The two Roman embassies to Asia in 155/4 are one example of this: the two Rhodian embassies to Rome in 167/6 are another. These latter were also the product of rather exceptional circumstances, as is shown by the democratic Rhodians' decision to give extensive extra-constitutional decision-making powers to Theaetetus who headed the first of these embassies.¹¹ The dispatch of Theaetetus' embassy is recorded by Polybius under 168/7 as the sequel to the embassy of Philophron and Astymedes (30.5.4). Theaetetus' audience comes under the Italian section of 167/6; he died while waiting for the senate's answer and Philophron and Astymedes, who were still in Rome, returned to Rhodes with the

senatus consultum on Caunus and Stratonicea (30.21). The receipt of the S.C. is related under the Greek section of 167/6, as is the immediate dispatch of the second embassy of the year (under Aristoteles) and its reception in Rome (30.23). We may say that for the Rhodians this was an unusually frantic period of ambassadorial activity. For the comparatively routine matters which would be the concern of most embassies to Rome a faster diplomatic process would perhaps be neither required nor desired,¹² while for missions of a more urgent nature it is obvious that the annual cycle (like the diplomatic season which was part of it) was never seriously enough regarded to act as an obstacle. But the degree of urgency was not the only factor at work. The nature and speed both of communications and of political processes must also be taken into account. On the first of these factors it will be sufficient simply to consider a few relevant facts.

Horace describes the journey of an official Roman delegation which required two weeks to cover the distance between Rome and Brundisium (Sat.1.5). In 168 L. Aemilius Paullus claimed to have completed the voyage of Brundisium to Delphi in five days (Liv.45.41.3). In the same year his official envoys arrived in Rome to announce his victory over Perseus twenty-one days after the battle of Pydna (Liv.45.2.2-3). An unofficial announcement had reached Rome after only twelve days, and this gives us some idea of how much slower an official delegation might be expected to travel than the fastest possible journey time (Liv.45.1.6). In 163/2 the Ptolemaic ambassador, Menyllus, hired a Carthaginian ship at Ostia, ostensibly for his return voyage to Alexandria but in fact to convey Demetrius to the Syrian coast. For this voyage he sent on board provisions for one month's journey (Pol.31.12.11-13). In adverse weather conditions the time to be allowed for the return journey to Rome from some distant Asiatic community could

exceed three months. There is insufficient evidence to judge why some ambassadors preferred to take the overland route from Brundisium while others sailed as far as Puteoli or Ostia: the sea route would normally have been quicker, but it is easy to believe that in bad weather many will have preferred the safer, if longer, overland route. Weather conditions in the Mediterranean are particularly adverse in the winter months and it is known that this affected the volume of shipping. Vegetius even says that from early November to early March the sea was "closed" (De Re Mil.4.39). But this is surely an overstatement, and there is enough evidence to show that merchant shipping (as opposed to warships) continued to sail throughout the year, albeit less frequently and with greater caution.¹³ The ship hired by Menyllus was a merchant ship and this may represent the normal practice of ambassadors; the Romans often used quinqueremes (a type of warship) on official missions, but this may only have been on occasions when a display of force was desired.¹⁴ Travelling will certainly have been slower during winter, and many ambassadors may have been reluctant either to travel to Rome too late or to leave it too early. This will have increased the length of their stay at Rome and extended their opportunities for unofficial contacts with Roman senators.

Apart from the restrictions imposed by such factors on the rapid movement of embassies we must also consider the time taken to complete the various procedures which had to be gone through before an embassy could be sent and before it could be considered to have fulfilled its mission. In a democratic Greek state these procedures might be long and cumbersome: this is the impression which Demosthenes gives of fourth century Athens when he illustrates the advantage in diplomacy which a centralised monarchy under Philip II possessed over the Athenians.¹⁵ At its destination in Rome an embassy might be required

to wait for a considerable time for its audience or for its answer from the senate; this does not appear to have been the normal practice, but neither does it seem to have been usual for ambassadorial visits to have been as short as a few days. When this did occur, as was the case with certain royal visits, the shortness of the stay is mentioned as something exceptional.¹⁶ In addition ambassadors will frequently have been disposed to spend more time in Rome than was necessary simply to attend to the formal aspects of their missions. They were expected to concern themselves with the gathering of intelligence, the sounding of opinion and the observation of events. More immediate was the need to canvass senatorial opinion in advance of the audience with a view to obtaining a favourable response on a contentious issue.¹⁷ The cumulative weight of these various points should at least lessen any disbelief in the notion that regular diplomatic activity conformed to an annual cycle in the second century. The idea of a diplomatic season itself becomes more conceivable when it is realised that the frequency of embassies was generally as low as one per annum.

To recapitulate, the fixed point in the annual cycle was the convergence of embassies at Rome each winter. The explanation of this phenomenon seems to be linked with the limited availability of the consuls at Rome and becomes intelligible only in the context of the political situation after 189. The artificiality of the seasonal pattern immediately appears less unreasonable if we consider the senate's diplomatic activity in terms of imperial administration rather than "foreign affairs". The embassies dispatched by the senate to the Greek East and the senatus consulta delivered to incoming embassies were effectively the instruments by which Rome ruled an unannexed empire. The fiction of independent sovereign states within that empire was maintained for political reasons by the continuation of a system of

diplomatic contact which was more appropriate for relations between equal states, by "equal treaties" between Rome and various minor Eastern states, and by a minimum of interference in local autonomy. An administrative system can clearly be geared to a seasonal timetable in a way which is inconceivable for genuine diplomacy, but the confusion of these two elements at Rome inevitably created the unrealistic quality apparent in such features of it as the diplomatic season.

Section iv

There still remains the uncertainty (noted above) as to the true significance of the consuls in diplomatic affairs. Why does Polybius list the introduction of embassies as one of their powers and why should their presence or otherwise have affected the timing of audiences and thus caused the diplomatic season? We have already seen that the successive embassies in 157/6 and 156/5 from Attalus of Pergamum were prompted by the military situation in Asia and that in each case the embassy was in Rome during the winter, that is during the lull between campaigning seasons. This enforced suspension of hostilities was a natural time for negotiating activity to take place. But if a critical situation developed an embassy might be sent to Rome during the campaigning season. This was certainly the case with a Rhodian embassy which came to Rome in the summer of 153 (Pol.33.15.3-4). Its chronological position is established by the inclusion within the same excerpt of Herakleides' arrival at Rome in the height of summer (*ἔτι τῆς θερείας ἀκμαζούσης*). It was led by Astymedes who held the positions of ambassador and navarch at once: this immediately recalls the situation of extreme crisis which faced the Rhodians on an earlier occasion when they sent Theaetetus to Rome in 167/6 with a similar combination of executive and diplomatic

portfolios¹. On his arrival Astymedes instantly addressed the senate (παρελθὼν ἐξ αὐτῆς εἰς τὴν σύγκλητον διελεγετο) which seems to mean that he was granted an immediate audience. The senate also responded immediately (παραχρημα) by sending an embassy, thus completing the picture of urgency and speed atypical of the normal diplomatic processes at Rome. The purpose of Astymedes' mission was to inform the senate of the state of the war between Rhodes and Crete and to request urgent assistance; (the seriousness of the situation at Rhodes can be easily deduced from the curious passage (33.17) in which Polybius describes the Rhodians' reaction to adversity). The Rhodians were in a sense advertising their helplessness to the world by taking emergency measures of this kind.

This was not the case with Attalus in 156-5: it may be assumed that he was capable of fighting his own wars, but we know that he was particularly anxious not to let his foreign policy conflict with Roman interests. His embassies to Rome in these years were thus of an altogether less urgent, more routine nature.² So also were the Ptolemaic and Seleucid embassies to Rome in 170/69: after Ptolemaic aggression in 170 a major war broke out between the two kingdoms. Both parties sent embassies to Rome on more or less formal missions, Antiochus to protest his own non-aggression and "Ptolemy" (i.e. the regents Eulaeus and Lenaeus) to keep an eye on the activities of the Seleucid embassy. This was the real purpose of the Ptolemaic embassy although other official pretexts were alleged.³ The chronology of the sixth Syrian War is notoriously complex, but the embassies seem to have been at Rome early in consular 169: this implies a date in the winter between the campaigns of 170 and 169.⁴

Some correlation can thus be shown between military campaigns (in which seasonal considerations were paramount) and the timing of embassies. It is also observable in the wars of the 190s when Rome

was herself involved as a belligerent in the East. The timing of the Macedonian and Greek embassies of 198/7 has been discussed above, and they are known to have coincided with the beginning of consular year 197. The same is true of the successive Aetolian embassies of 191/0 and 190/89 which came at the top of the senate's agenda for the consular years 190 and 189 respectively. An embassy from Nabis, defeated in the campaign of 195, is placed by Livy at the beginning of consular 194 (34.43.1). A Pergamene embassy which complained to Rome of Seleucid aggression during the Second Macedonian War occupies a similar position in 198 (Liv.32.8.9). But the correlation is hardly a constant one. The Macedonian embassy which came to Rome to ratify peace after Philip's defeat at Cynoscephalae is placed in the middle of 197, the same year as the battle. When in 189 Rome's undivided military attention was focused on the Aetolian League, the Aetolians were forced to capitulate within a few months. Thus the third Aetolian embassy of the war did not follow the pattern of the first two: it was dispatched in mid-campaigning season and dealt with at Rome that year.⁵ This only confirms the position I have already stated, that the circumstances of warfare could not be expected to engender a regular seasonal pattern of diplomacy; for this and other reasons the diplomatic season was not a feature of the period before 189. In the mid-second century the relationship between the campaigning season and the timing of embassies was equally inconsistent. The Rhodian embassy in the summer of 153 shows this; so does the embassy from Prusias in 149. Sent in conditions of extreme urgency, when Prusias was hard pressed in a war against Attalus and his own son Nicomedes, the latter embassy arrived at Rome late in the consular year where it was dealt with by the urban praetor.⁶

A purely military explanation for the diplomatic season is thus out of the question. Yet the consuls' involvement has to be explained somehow, and it was as military commanders that the consuls discharged their main function in the second century. The consular year was geared to the campaigning season, since the consuls were elected principally for the conduct of the coming summer's campaign. The inauguration of the consuls marked the beginning of the official Roman year, on the basis of which the paramount matters of war and administration were organised. The importance of the consular year in the timing of overseas wars, especially in the East, has been convincingly demonstrated in a recent study.⁷ There can be little doubt that the availability or otherwise of consuls and consular armies were essential considerations in the short-term formulation of foreign policy. Important discussions of matters of foreign policy would be naturally consequent on the hearing of certain foreign embassies. There was a certain logic in holding these discussions before the senate made its annual military dispensations, and thus it was desirable for embassies to be heard as early as possible in the consular year. A system of annual military commands led naturally to an annual review of international obligations and commitments; and given the political situation after 189 incoming embassies could be expected to synchronise with this review.⁸

This view has much to recommend it and may be accepted as a partial answer; but unfortunately the great majority of embassies to Rome in the second century did not involve the Romans in military action or even in a reappraisal of their strategic priorities. More to the point is the fact that it was often thought inappropriate for the senate to discuss a particular matter without either of the consuls being present. This brings us into the realm of constitutional theory

(and history), in which the senate functioned only in an advisory capacity to the magistrates. In the constitutional practice of the second century the senate actually ruled, since it was consulted on almost every issue of importance and its advice was rarely disregarded by magistrates. But the special status of the consul as head of state was never entirely eroded, and the presence of a consul seems to have given greater authority to the discussions and decisions of the senate.

When discussion was about to be held on the granting of peace to Carthage after an audience given to the Carthaginian envoys in late 203, it was proposed by M. Livius, one of the most senior members of the senate, that C. Servilius, the nearer of the two consuls, should be recalled. Since the issue for discussion was the most important imaginable, "it did not seem to be in keeping with the dignity of the Roman people for the matter to be discussed in the absence of one or both of the consuls" (Liv.30.23.1-2). Livy goes on to say that another motion, proposed by M. Laevinus, was accepted to the effect that the envoys should be immediately dismissed and that the war should continue (30.23.5-8). Now we know that at the opening of the 202 campaigning season Scipio's envoys were able to inform the Carthaginians that the Roman people had ratified the treaty: he had been informed of this by dispatches (Pol.15.1.3-4). Evidently Laevinus' motion had not been accepted and the basis of Livy's account is rendered suspect. It is possible that Livius' motion was in fact accepted, that C. Servilius was recalled and that peace was agreed upon in subsequent discussions. But if the substance of Livy's version has to be rejected, we are not logically committed to retaining any of its details: the exact extent of the fabrication can not be ascertained. In a sense this is irrelevant and what is significant is that the sentiments expressed by M. Livius were considered to be plausible in their context.

Two years later embassies from Rhodes and Pergamum led the senate to think seriously about war with Philip of Macedon; but "the whole consideration of a Macedonian war was reiecta ad consules, who were then in their provinces" (Liv.31.2.2). When P. Aelius returned from Gaul, Macedonian affairs were the subject of the first senate meeting at which he presided (Liv.31.3.1). It was doubtless a similar sense of propriety which postponed the hearing of the successive Aetolian embassies until after the inauguration of consuls for 190 and 189 respectively; such postponement of business arising in the latter part of a consular year seems to have been standard practice.⁹

These examples are concerned essentially with situations where war and peace were at issue. The feeling that a consul ought to be present in such situations reflects the residual survival of a historical consular competence which had clearly diminished by the second century. If a similar feeling extended to the reception of embassies generally, then we can understand the emergence of an annual diplomatic season at a time when the consuls were most likely to be available. A closer assessment of the historical background of the consuls' constitutional position makes the picture more intelligible; it also helps to explain why the introduction of embassies was listed by Polybius as one of the consuls' powers. Elsewhere in his analysis of the Roman constitution Polybius states that the reception of foreign embassies was the concern of the senate; this is also the unmistakable direction in which all evidence on the second century points. The introduction of embassies was a mainly executive function: it appears that embassies approached a consul on their arrival at Rome, and that the consul summoned and then presided over a meeting of the senate at which the embassy could make its representation. The powers of a presiding magistrate at an audience were not inconsiderable but were obviously limited.

At the beginning of the Republic all the major executive functions of the king were taken over by the consuls, and diplomatic functions must have been included with these. Thus the consuls will have received embassies and officially replied to them, being advised in this by the senate when they chose to consult it. Since it was necessary for the consuls' replies to add up between them to a consistent foreign policy, the senate, as a continuous body, will have been consulted more and more. In the course of time the consultation of the senate became more important than the dependent rôle played by the consul: embassies addressed themselves principally to that body and their initial interview with the consul became a formality. The official answer was still delivered by the consul, but in this he was the mouthpiece for a senatorial decision; and although the senate's decree was characteristically presented as a piece of advice to the consul, it was a document of binding authority which no consul could lightly disregard.

Such is the historical development of the second century senatorial audience as reconstructed by Mommsen and von Fritz.¹⁰ The reconstruction is almost entirely speculative and is supported by virtually no concrete evidence; it does however accord with the general pattern of constitutional development whereby the senate gradually acquired powers originally invested in the consuls. It also has the merit of plausibility and is to be preferred to the equally speculative (but unquestioning) views of the Roman annalists, who retrojected on to the events of earlier centuries a senate with the full panoply of its second century powers. The introduction of embassies into the senate and the powers associated with presidency of the senate were all that constitutional practice left of an original constitutional theory which held that foreign affairs were the consuls' prerogative. Thus Polybius included the introduction of embassies in his conspectus of consular powers but was fully aware that the foreign affairs prerogative had been largely usurped by the

senate. Given this historical background we can appreciate the special association of the consuls with embassies, which was clearly such an important factor in the emergence of a diplomatic season.

Chapter 2

Section i

Consideration of the presiding magistrate's rôle provides an easy transition to the official procedures existing at Rome for the regulation of incoming embassies. One of these is the Lex Gabinia, which has an obvious relevance to the timing of embassies and the diplomatic season and has thus been frequently referred to in the previous chapter. Whether the Lex Gabinia has any relevance to diplomacy in the second century is a disputed matter: it immediately raises the controversial question of the law's date, around which much of the discussion of the law has centred. A significant body of opinion favours a date as early as 139, so that an examination of the law is clearly within the scope of this study.

There are several laws which are known to have carried the name Lex Gabinia. Most are associated with A. Gabinus, the tribune of 67 and consul of 58. The law which concerns us here is mentioned only once in the surviving evidence. The reference is in a letter of Cicero written in February 54:

comitialibus diebus qui Quirinalia sequuntur Appius interpretatur non impediri se lege Pupia quo minus habeat senatum, et quod Gabinia sanctum sit etiam cogi ex Kal. Febr. usque ad Kal. Mart. legatis senatum quotidie dare. (Cic.Q.F.ii.13.3)

It is apparent from this passage that the Lex Gabinia required the senate to be available to embassies every day from Feb. 1 to Mar. 1. If these words of Cicero literally reproduce the text of the law itself, it follows that this requirement extended to the intercalary month (when it occurred) as well as February. But if Cicero intended to refer only to the context of the year 54 (which was probably not intercalary), then we may say only that the law applied to February.¹ Inherently it seems unlikely that a piece of legislation would prescribe such a flexible period of time.

All other references in Cicero and elsewhere, which are adduced in support of the Lex Gabinia, do not in fact identify the law by name; most of this evidence simply confirms the existence of a diplomatic season broadly coterminous with the calendar month of February. The Lex Pupia does rather better. We have seen that it did not prevent a senate meeting on the comitial days after the Quirinalia, that is to say on any of the comitial days in February, all of which are after the Quirinalia (Feb 17). In another context we learn that it did prevent the senate from meeting on the comitial days before Feb 1, which is another way of saying all the comitial days in January (which happen to be Jan 16 - Jan 29 inclusive)². This information derives from another of Cicero's letters written in mid-January 56:

senatus haberi ante Kalendas Febr. per legem Pupiam, id quod scis, non potest, neque mense Febr. toto nisi perfectis aut reiectis legationibus.
(Cic. Fam. i. 4.1)

The latter part of this sentence appears to be logically and grammatically distinct from the first part (as far as potest). In other words the consideration of ambassadorial audiences is not to be regarded as a stipulation of the Lex Pupia, which was concerned with the legality of senate meetings on comitial days. It is probable that we have here another reference to the Lex Gabinia, and this has in fact been generally assumed.³ If correct this identification provides rather fuller information on the exact terms of the law: no other business on the senate's agenda could be dealt with on any day during February until all the embassies then present in Rome had been either disposed of (perfectis) or adjourned (reiectis).

From these two pieces of evidence a fairly complete picture of the law emerges and of the background against which it operated. An existing concentration of embassies in the month of February is clearly presupposed by the law's existence: it is unlikely that the law introduced a funda-

mentally new pattern of diplomatic activity, particularly when it is realised that a diplomatic season had become established in the mid-second century. It is reasonable to suppose that this continued to function until the passage of the Lex Gabinia, although in fact evidence from the period between about 150 and 70 is so scarce that this can be neither proved nor disproved. The law will probably have encouraged a greater adherence to the existing diplomatic season by virtually guaranteeing an audience to those embassies present during February. Since embassies could still be adjourned it is clear that they acquired no automatic right to an audience in February; but there is a strong implication that an adjournment had to proceed from a majority decision of the senate. This suggests that the senate had to devote at least some attention to every embassy during the diplomatic season, but as we shall see it was able to adjourn all the embassies en bloc to a later date. In the mid-second century the timing of audiences was left largely to the discretion of the presiding magistrate; so the Lex Gabinia effectively transferred this discretionary power from individual magistrates to the senate as a whole.⁴

The purpose of the law can best be judged by considering its effects. The guarantee of an audience in February meant for embassies a reduction in the possible delays to which they were liable. This may be viewed in two ways. In the first place it marks an improvement in administrative efficiency. The Lex Gabinia took the vague notion of the diplomatic season and gave it a legal definition and a more permanent place in the framework of senatorial government. An element of structural order was thus introduced into a system which had arisen spontaneously rather than through legislation, and had been maintained largely through force of habit.

In the second place the law may be seen as an attack on corruption in the handling of foreign affairs. Since it transferred the power of delaying audiences from the magistrates to the senate, it seems possible

that the magistrates had previously abused this power or used it arbitrarily. We know that in 149 the urban praetor had been able to delay, perhaps on his own initiative, the audience given to envoys from Prusias II. Their mission was extremely urgent and the delay undoubtedly prejudiced Prusias' course. In the hands of the average Roman magistrate this prerogative could easily come to be regarded as a saleable commodity.⁵ By removing the element of magisterial discretion and guaranteeing embassies against excessive delays, the Lex Gabinia relieved ambassadors of the necessity to engage in bribery to obtain a prompt audience. In this way the scope for bribery and corruption in diplomacy at Rome was restricted.

What the Lex Gabinia did not do was compel embassies to come to Rome in February or prevent them from arriving at other times of the year; what we can reconstruct of the law only indicates that conditions were made particularly favourable for them in February. After the passage of the Lex Gabinia there must still have been exceptions to the rule, that is embassies which did not fall within the usual diplomatic season, as there had been earlier in the second century and as there had to be given the ad hoc nature of ancient diplomacy. This might seem self-evident, but it does have important, if negative, implications for dating the law, since no individual examples can be used to establish an easy terminus ante or post quem for it.⁶

It will be useful to look at the other evidence which relates to the law before going fully into the question of its date. In another letter of February 54 Cicero wrote that February would be an unproductive month for the consul, Ap Claudius, if he (Cicero) continued to speak as he had done in the case of the embassy from Antiochus of Commagene (Q.F.ii.12.2) Nothing could be deduced from this passage about the Lex Gabinia, if we did not already know of its existence at this time from other evidence. But it is clear that February is meant to be understood as "the period in

which embassies are heard". The same conclusion may be drawn from two passages in the Verrine Orations, whose date was 70 and thus before the consul of 58 had held any magistracy of legislative competence. The first is as follows:

sunt enim Romae legati Milesii homines nobilissimi ac principes civitatis, qui tametsi mensem Februarium et consulum designatorum nomen exspectant. (Cic. Verr.ii.1.90)

Again the month of February must be understood as the time when the embassy expected its audience to occur; the significance of the consuls designate will be considered shortly.

In the second passage Cicero is impugning Verres' character by means of a characteristic blend of irony and obscure humour.

quando autem homo tantae luxuriae atque desidiaei nisi Februario mense adspirabit in curiam? (Cic. Verr.ii.2.76)

Underneath the rhetorical veneer Cicero is saying that a man of Verres' venality would not consider it profitable to attend the senate for most of the year. He would only do so when the opportunities for financial gain were greatest, and this was the case in February owing to the large numbers of ambassadors who were at Rome and were engaged in the bribing of senators. The full meaning of Cicero's innuendo would presumably be understood by his audience of senatorial jurors.

This evidence shows us conclusively that February was regarded as identical with the diplomatic season by 70, but this fact does not presuppose the existence of the Lex Gabinia. The association of the early months of the consular year with diplomatic activity antedated even the earliest of the possible dates for the passage of the law (139), and the narrowing of this period to the single month of February may be regarded as a natural development: there is no evidence that this was a consequence of the Lex Gabinia.⁷ A more significant piece of evidence, as regards the dating

of the law, is provided by the scholiast's comment on the first of the extracts from the Verrine Orations. Commenting on the phrase "et consulum designatorum nomen expectant", Pseudo-Asconius defines "expectant" as synonymous with "extimescunt" and goes on to explain the reason for the ambassadors' fear:

Hortensii autem et Metelli metu dicit legatos Milesios posse terreri ne de myoparone dicant, praesertim cum ad beneficia petenda venturi sint Februario mense et in manu sit consulum quando et quemadmodum referant ad senatum.⁸

Now the reliability of Pseudo-Asconius' information on diplomatic procedures at Rome in 70 must be regarded as debatable, and it is possible that this passage is vitiated by anachronism. But if the statement that the consuls had control over the timing and nature of the ambassadors' audience may be taken at its face value, then it has clear implications for the dating of the Lex Gabinia. For if the consuls still retained in 70 this measure of discretionary power, it follows that it had not yet been transferred to the senate as a whole by the Lex Gabinia. That the consuls did retain a large measure of discretionary power is proved by the original remark of Cicero, on which the scholiast was commenting; but we depend on the fifth century A.D. Pseudo-Asconius for the view that this power did actually include control over the timing of audiences. Pseudo-Asconius' explanation does have the merit of making sense of Cicero's remark, and indeed this remark would have less force if it were assumed that the Lex Gabinia was in force. Taken together the passage in Cicero and the scholiast's comment may thus be regarded as indicative of a date for the Lex Gabinia later than 70.

Three other pieces of evidence may be considered relevant. In a letter of February 13 61 Cicero, writing about the bill which proposed to set up a special quaestio to try Clodius, reported that the senate had refused to hold any discussion "de provinciis praetorum et de legationibus

et de ceteris rebus" until the bill was passed (Cic. Att.i.14.5). On January 20 60 he wrote that all senatorial business was being held up by Cato's opposition to the proposed remission of the Asian tax contracts: "quare etiam legationes reiectum iri puto" (Cic. Att. i.18.7). Willems considered that the first of these extracts must antedate the Lex Gabinia whereas the second presupposed its existence. Accordingly he placed the law in 61, which conveniently was the year of A. Gabinus' praetorship. It is also the most likely date for the Lex Pupia whose close association with the Lex Gabinia has been noted above. But while this synchronism might appear attractive, it is by no means necessary. And it is debatable whether either of the above passages really carries the precise significance ascribed to it by Willems.⁹

Finally another extract from a Ciceronian letter should be noticed; writing in February 56, Cicero reports a general adjournment of ambassadorial audiences: "a Kal. Febr. legationes in idus Febr. reiciebantur." (Cic. Q.F. ii.3.1). It is known that the Lex Gabinia was in force at this time, since the latest possible date for it is 58. The law required that the senate devote every day from Feb. 1 to Mar. 1 to the reception of embassies, and we would thus expect any adjournment to be made, as in this instance, with effect from Feb. 1. But it is unlikely that the law envisaged the wholesale postponement of an entire batch of embassies as regular procedure; and this should probably be seen as an extraordinary measure adopted on the present occasion to accommodate the requirements of the law.¹⁰

It has frequently been supposed that the Lex Gabinia must antedate the unnamed Roman law on piracy which is now considered to belong to the years 101-00. The law instructs the relevant consul "to give an audience of the senate *ἐκτὸς τῆς συντάξεως* to the ambassadors of the Rhodian people who are in Rome. And he is to introduce these ambassadors to the senate *ἐκτὸς τῆς συντάξεως* ". This latter phrase evidently refers to the order

in which embassies were granted audiences with the senate. Cuq argued that this implied the prior existence of the Lex Gabinia, and for that reason dated the Piracy Law to 67. Stuart Jones in demonstrating that the law belonged to 101-00 also showed that the chronological relationship between the two laws did not exist: the practice of receiving embassies at a fixed time of the year existed before 67 (as the passages from the Verrines show), and the Lex Gabinia (which he kept in the period 67-58) only gave legal sanction to this practice. Carcopino accepted the earlier date for the Piracy Law, but returned to the position that it presupposes and therefore postdates the Lex Gabinia: for this reason he placed the latter law in 139, when an A. Gabinius is known to have been tribune.¹¹ This date is certainly not impossible, but the case for it is not proven by the use of the word σύνταξις in the Piracy Law. On this matter Stuart Jones was correct to deny that there was any necessary connection between the concept of an order of embassies and the Lex Gabinia.¹²

Thus no secure chronological inferences can be drawn from the evidence, except that the law was in force by the year 54, when it is mentioned for the first and only time; this terminus ante quem can almost certainly be shifted back to 56 by reference to Cic. Fam. i. 4. 1. Since the law must be placed in a year when a Gabinius held an office of legislative competence, the terminus can be brought back a further two years to 58. This last requirement does in fact narrow the field considerably, and the only years which have been considered possible are 139, 67, 61 and 58. These four dates may not be the only possibilities: a P. Gabinius, of whose activities little is known was praetor in 89, and other unknown Gabinii may have reached the tribunate in the years between 150 and 70.¹³ But essentially the choice is between Carcopino's date of 139, which has been followed by Broughton and most recently by Hassal/Crawford/Reynolds, and the years 67, 61 and 58 in which Cicero's contemporary, A. Gabinius, held the

tribunate, praetorship and consulship respectively.¹⁴

Judged by its effects the law emerges as a disinterested reform altruistically undertaken with a view to furthering administrative efficiency and minimising corruption. It is difficult to explain it in more Machiavellian terms, and in any case genuine reforming legislation was not atypical of the late Republic. The Roman authorities recognised from time to time the need to eliminate malpractices which, although profitable to individual senators, might eventually prove detrimental to Rome's interests. If the law is explained in these terms, a Ciceronian date for it seems more appropriate, but it is also intelligible in the year 139. The need for legislation in the sphere of diplomacy might well have been recognised in 139, by which time the diplomatic season had been operating for about 50 years. Moreover the tradition of corruption and bribery by ambassadors at Rome can be traced back at least as far as the 160s.¹⁵ Other legislation of the period is similarly reformist in intention. Provincial administration was probably improved by the Lex Calpurnia of 149, and this would have been the original purpose of the Lex Sempronia of 123, which tightened up the former's procedures. The leges tabellariae of the 130s (including a Lex Gabinia of 139) were presumably intended to deal with abuses in the domestic political system. However legislation which actually interfered with the senate to the extent of regulating its procedures is on a priori grounds more likely to belong to the Ciceronian period.¹⁶

The interpretation of the Lex Gabinia as a measure against corruption brings to mind another Lex Gabinia, which prohibited the advance of loans to foreign envoys in Rome. This law was in force by 56 but cannot be earlier than 67: it must therefore be accredited to the Ciceronian Gabinus and belong to one of the years 67, 61 or 58.¹⁷ There is a natural temptation to associate the two laws and to regard them as belonging to a single legislative programme: thus both are placed by Griffin in 67

and by Gruen in 58.¹⁸ The synchronism is attractive but not compulsory. Indeed it might be argued against it that the law restricting credit to envoys represented a wider and more circumspect treatment of the supposed problem, and that the other law should therefore be seen as an earlier attempt to tackle a limited area of the problem. Obviously this argument cannot be pressed, but it does indicate that such evidence does not conclusively point in the direction of any particular date among those possible.

Indeed none of the evidence which has so far been considered is conclusive on the question of the law's date, and the choice between 139 and a range of possible dates in the Ciceronian period still remains. The most promising piece of evidence is Pseudo-Asconius' comment on Cic. Verr.ii.1.90; and if this could be accepted as reliably informed, it would suggest that the law was not in force in 70. This would rule out the possibility of 139, but leave the range of options in the Ciceronian period. A Ciceronian date is also to be preferred on grounds of general probability. The terms of the law imposed a measure of statutory control over the management of the senate's agenda; it is unlikely that such interference in senatorial procedures could be the product of tribunician legislation in the period before the Gracchi. On the other hand it would be typical of the post-Sullan period, when (in Gruen's words) there was a movement "from flexible institutions towards strictly defined practice".¹⁹

However if the law was late (i.e. after 70) it could not have brought about a radical change of procedure; in particular the association of the month of February with embassies could not have derived from it, since that association was already established by 70. It is easier to understand the association as arising naturally from customary procedure after the calendar alteration of 153. From that year onwards February became the second rather than the last month in the consular year. The annual diplomatic season had been defined in terms of the consular year, and embassies would

have continued to occupy the same place in the administrative calendar as they had before. In the mid-second century the diplomatic season meant the first two or three months of the year before the departure of the consuls to their military commands. During the period between 153 and 70 its definition had narrowed to include only the second month of the year. There is no evidence that this was brought about by the Lex Gabinia, but this would be possible if the law's date were 139.

In the Ciceronian period the consuls remained at Rome throughout their year of office, and there was no reason (apart from the force of habit and tradition) for the diplomatic season to be confined to the early months of the year or, more specifically, to February. This had evidently become so firmly entrenched in the years before 100 (by which time the consuls had ceased to go regularly to provinces during their year of office) that it was continued beyond that date automatically. It is this fact which provides the main argument for the continuity of the diplomatic season before the mid-second century and the Ciceronian period. The essentially negative conclusion about the date of the Lex Gabinia does in fact serve to confirm the impression that there was no radical change of procedure throughout this transitional period. Thus whatever its date the Lex Gabinia should be seen as a legislative attempt to tighten up an existing procedure which had evolved from customary practice.

Section ii

One of the effects of the Lex Gabinia was to restrict magisterial competence in the granting of audiences to embassies. It has been suggested that the senate had progressively usurped the consuls' initiative in the sphere of diplomacy, but that the consuls or their deputies retained a vestigial importance by virtue of their executive capacity. Thus the influence of the presiding magistrate over diplomatic proceedings at Rome had always been potentially great; it should be remembered that as late as 70 the Milesian ambassadors regarded with apprehension the consuls elect for 69.¹ The nature of the magistrate's executive role in the second century can be illustrated with examples from the period of the Third Macedonian War.

The first of these concerns a curious incident which occurred on the eve of the war. It is reported in an annalistic section of Livy and its authenticity has come under suspicion. It will be convenient to quote the relevant passage in full:

cum Macedonicum bellum exspectaretur, Gentium quoque, Illyriorum regem, suspectum Issaei legati fecerunt, simul questi fines suos eum depopulatum, simul nuntiantes uno animo vivere Macedonum atque Illyriorum regem; communi consilio parare Romanis bellum; et specie legatorum Illyrios speculatores Romae esse Perse auctore missos ut quid ageretur scirent. Illyrii vocati in senatum; qui cum legatos se esse missos ab rege dicerent ad purganda crimina, siqua de rege Issaei deferrent, quaesitum est quid ita non adissent magistratum, ut ex instituto loca lautia acciperent, sciretur denique venisse eos et super qua re venissent. haesitantibus in responso, ut curia excederent dictum; responsum tamquam legatis qui ut adirent senatum non postulassent, dari non placuit. (Liv.42.26.2-6)

The seemingly anachronistic reference to an understanding between Macedon and Illyria in 172, when in fact Gentius did not join the Macedonian

alliance until early 168, constitutes the principal reason for rejecting this passage as an annalistic fabrication. However its authenticity is partially vindicated by a subsequent passage in Livy's narrative which is undoubtedly Polybian in origin.² In discussing the attitudes of the various Mediterranean powers towards the impending war, this passage deals briefly with the Illyrian King:

Gentius rex Illyriorum fecerat potius cur suspectus esset Romanis quam satis statuerat utram foveret partem. (Liv.42.29.11)

Thus Gentius does seem to have been toying with the Macedonian alliance before the outbreak of war in 171. The incident with the Illyrian envoys and especially the promptings of the Issaeian ambassadors might well have served to engender Roman suspicion of Gentius. Equally this suspicion may already have existed and have been further exacerbated by the incident:

It would thus explain the senate's excessively hostile reaction to the envoys. Further plausibility is given to the incident by the rôle which Livy's account ascribes to the Issaeian ambassadors. Issa had been a dediticius since Rome's first intervention across the Adriatic in 229 and had thus enjoyed a long standing friendship with Rome. It obviously served Issa's long term interests to exploit this friendship to encourage Roman hostility against its powerful neighbour. Similarly in 157 it succeeded in triggering Roman military intervention against the Dalmatians.³ For these reasons the episode should not be rejected out of hand.

However its authenticity does not necessarily affect the validity of the evidence which it incidentally provides. For even if the incident was the fabrication of Roman annalists, there is no reason why they should also have invented a set of procedures which never existed (unless of course they were ignorant in such matters). Indeed they would have every reason to make their account more plausible by including genuine procedural details. The validity of the evidence on ambassadorial procedure is thus dependent

not on the general authenticity of the passage but on the amount of information available to annalistic historians on second century procedures. In this field a certain amount of archival material was available and the annalists were comparatively reliable transmitters of it. This reflected a real antiquarian interest in details of senatorial procedure and the obviously limited scope for polemical distortion in such matters.⁴

In the passage with which we are dealing the relevant information is contained in an indirect question. The Illyrian envoys were asked in the senate "why they had not approached a magistrate, so that they might receive loca and lautia according to custom and so that their arrival and the purpose of their mission might be known". From this it may be inferred that normal procedure was for ambassadors to approach a magistrate (unspecified) on their arrival; they were to announce to him their arrival and the purpose of their mission; he in turn would arrange for them the various elements of official hospitality to which they were entitled. No mention is made here of obtaining an audience with the senate. In the first purpose clause particular prominence is placed on the adverbial phrase ex instituto (according to custom or traditional procedure), and this is presumably intended to characterise not only the provision of hospitality but the whole procedure before the magistrate.

It is hard to see exactly what it was that the Illyrian envoys did wrong. They had a mission, which was to refute the charges against their King. They could easily have communicated this to a magistrate. Even if it was only a pretext for their presence in Rome and their real purpose was to watch events and gather information, their activities could not have been regarded as unusual nor described as espionage. The only reason that the senate seems to have had for refusing to acknowledge their official status was their failure to follow the procedure outlined above. In other words they were victims of their own ignorance of the correct procedure.

The charge of espionage seems to derive from the calculated rhetoric of the Issaeian ambassadors, but it is almost certain that it was in any case a standard theme of diplomatic invective with ^{which} the Romans were already quite familiar. The senate evidently seized the opportunity offered by the Illyrians' mistake to express their suspicion of and hostility towards the unreliable Gentius, and for this purpose the commonplace motif of espionage was particularly appropriate.⁵

The second example concerns the Rhodian embassy of 168/7 under Philophon and Astymedes. Here again the situation is one of hostility in which conventional procedures are breaking down and are thus brought to light. The following information is from Livy and is not available in the surviving Polybian account of the embassy:

postquam consulti ab^M Junio consule patres stantibus in Comitio legatis an locum lautia senatumque darent, nullum hospitale ius in iis esse servandum censuerunt, egressus e curia consul, cum Rhodii gratulatum se de victoria purgatumque civitatis crimina dicentes venisse petissent ut senatus sibi daretur, pronuntiat sociis et amicis et alia comiter atque hospitaliter praestare Romanos et senatum dare consuesse. (Liv.45.20.6-8)⁶

The tortuous structure of this unnecessarily long and complex sentence unfortunately obscures the exact sequence of events. And it is not clear how far the grammatical logic of the sentence can be pressed in reconstructing the procedure which was followed on this occasion. For example the phrase stantibus in comitio certainly seems to suggest by its position in the sentence that the ambassadors were waiting outside the senate house while the consul was actually consulting the senate. This in turn suggests that they had already approached the consul and asked for an audience and that he was referring their request to the senate. But this means that the clause "cum Rhodii...petissent ut senatus sibi daretur" would refer to the envoys' statement at their first interview with the consul. This is a

possible interpretation since the tense of petissent is pluperfect subjunctive, but it is not the most natural one. A more natural interpretation would refer the clause to a statement made to the consul after his consultation of the senate. However this would leave us again with the problem of explaining the envoys' presence in the Comitium while the consul was referring the problem of their reception to the senate. When it is borne in mind that Livy was here sacrificing lucidity for the sake of an elaborate sentence structure, the less natural interpretation of the sentence becomes acceptable, especially if it makes possible a more intelligible reconstruction of events.⁷

This reconstruction is as follows: the Rhodian ambassadors on their arrival in Rome approached one of the consuls; they stated the object of their mission and asked for an audience with the senate (and perhaps also for loca and lautia); the consul then consulted the senate as to whether loca, lautia and a senatorial audience should be granted to them, while the Rhodians waited in the Comitium. He then communicated the negative answer to the envoys' original request. The difference between this procedure and that referred to in the context of Illyrians in 172 lies in the rôle of the senate, but as far as normal ambassadorial procedure was concerned this role must be regarded as exceptional. Normally a magistrate would grant the ius hospitale and allocate a senatorial audience on his own initiative, and the senate as a body would not become involved until the audience itself took place. On this occasion the situation was particularly delicate, and the position of Rhodes vis à vis Rome was one of extreme uncertainty. Since it was not entirely clear whether the Rhodians were friends or enemies, the consul chose to have the authority of a senatus consultum behind him before making any significant gesture of either extending or withholding diplomatic amenities.⁸ With the consultation of the senate removed the procedure appears to be essentially the same as

that not followed by the Illyrians in 172, except that a request for an audience by the ambassadors is included in their initial interview with the magistrate. Also the magistrate is identified as a consul, that is as one with competence to preside over a senate meeting.

The contention that the senate's role was exceptional and not a part of normal procedure can be verified by reference to further examples. Later in 167 Prusias II of Bithynia came to Rome. His visit is dealt with briefly and with some contempt by Polybius but Livy's account is more detailed:

is magno comitatu urbem ingressus ad forum a porta tribunalque Q. Cassi praetoris perrexit concursuque undique facto deos qui urbem Romam incolerent senatumque et populum Romanum salutatum se dixit venisse et gratulatum quod Persea Gentiumque reges vicissent... cum praetor senatum ei si vellet eo die daturum dixisset, biduum petit quo templa deum urbemque et hospiles amicosque viseret. datus qui circumduceret eum L. Cornelius Scipio quaestor, qui et Capuam ei obviam missus fuerat; et aedes quae ipsum comitesque eius benigne reciperent conductae. (Liv.45.44.4-7)⁹

We are dealing here with the visit of a head of state rather than an embassy as such. However I regard it as legitimate to treat such royal visits as embassies if for no other reason than that the Romans themselves appear to have done so. In 189 Eumenes was treated in the same way as the ambassadors from other states who were also present, except perhaps quantitatively in the scale of honours accorded to him. Similarly in 163/2 Ptolemy Euergetes and Menyllus (Ptolemy Philometor's ambassador) were treated on an equal basis in the senate. High honours were also accorded to visiting members of royal families who would unquestionably be regarded as envoys from their reigning relatives.¹⁰ The procedure followed for Prusias' visit is thus relevant to the discussion: it is also compatible with the examples considered above.

Prusias arrived comparatively late in the consular year when both consuls must have been absent. For this reason he approached the urban praetor, Q. Cassius, as the senior magistrate of presidential competence in Rome.¹¹ He stated the purpose of his mission, and in announcing his intention "senatum et populum Romanum salutatum" implicitly requested an audience with the senate. The praetor was prepared to grant one for that same day as well as making arrangements for hospitality to be provided. The Roman authorities had not been unaware of Prusias' approach, since a quaestor had been sent to escort him from Capua. This was an honour which seems to have been traditionally accorded to high-ranking personages, although the recorded instances are few. It is not clear whether the quaestor was despatched on the praetor's own initiative or whether a senatus consultum was required.¹² If the latter, then the senate had discussed Prusias' reception before his arrival, and the praetor's offer of an immediate audience need not reflect his own decision. But the procedure followed after Prusias' arrival involved only the magistrate, and here the details conform closely with the pattern which has emerged from the other Livian evidence.

This pattern is corroborated by the epigraphical evidence from the second century. The letter written by P. Cornelius Blasio to Corcyra has been dated between 175 and 160. It was a covering letter enclosing a senatus consultum, most of which has been lost. After the salutation this tersely worded letter continues:

πρεσβευ- | τὰς Ἀμβρακιῶται καὶ
 ᾿Αθαμῶνες ἐμοὶ πρεσ-
 ῆλθοσαν, ἵν' αὐτοῖς σύγ-
 κλητον δῶ. Ἐγὼ αὐτοῖς
 σύγκλητον ἔδωκα.
 Συγκλήτου δόγμα τό- | δε ἐστίν.¹³

The ambassadors approach a magistrate (here identified again as a praetor) and ask for a senatorial audience, which the praetor grants them. There is no excess verbiage in this document and honorific trappings such as loca and lautia are not mentioned. In another letter of roughly the same period a nearly identical preamble follows the initial salutation:

πρεσβευτὰι Μάγνητες καὶ Περηνεῖς ἐμοὶ προσήλθοσαν]

[ὅπως αὐτοῖς σύγκλη]ητον δῶι · τούτοις ἐγὼ σύγκλητον ἔδ[ωκα. σύγκλητου δόγμα.]¹⁴

Admittedly this part of the document has been reconstructed principally by reference to the previous document; but enough survives to show that essentially the same formula is being used. Given the close similarity between these two documents and the absence of any other comparable contemporary evidence, it is fair to assume that the formula with which we are dealing was in fact the standard formula used by the magistrates of this period in letters of this type. And if the formula is standard, then the procedure which it described can be regarded as the standard procedure of the period.

Moreover the procedure had not changed significantly since the closing years of the third century. In 204 an embassy from Locris came to Rome and its reception is recorded by Livy. When the suppliant paraphernalia is discarded, Livy's account informs that the envoys approached the consuls who were sitting at their tribunal in the Comitium. In reply to the consuls' questions they stated who they were and what the purpose of their mission was and asked for a senatorial audience (Liv.29.16.6-7). In 167 only one consul, M. Iunius, was involved in the reception of the Rhodian embassy. However Livy often speaks of the consuls performing their civil duties jointly, and this seems to have been standard practice in diplomatic affairs.¹⁵

The glimpses of ambassadorial procedure afforded by the evidence so far considered are not identical, but they are compatible with each other

and combine to form an internally consistent picture. Thus there is no mention in the epigraphical documents of the provision of public hospitality nor in Livy 42.26.2-6 of any request for a senatorial audience; but these may be regarded as complementary rather than conflicting pieces of evidence. On the other hand it is difficult to accommodate a seemingly helpful piece of information from Plutarch in the cumulative picture which has emerged. In his Roman Questions Plutarch asks why ambassadors to Rome proceed to the temple of Kronos (i.e. Saturn) and register (ἐπογράφονται) with the prefects (ἐπάρχους) of the treasury. One tentative suggestion is that Kronos was a foreigner and took pleasure in foreigners; but Plutarch suggests as an alternative a (more serious) historical explanation:

τὸ γὰρ παλαιόν, ὡς ἔοικεν, οἱ τάμιαί τινες τοῖς πρεσβέουσιν ἔπεμπον (ἐκκαλεῖτο δὲ λούτικὰ τὰ πεμπόμενα), καὶ νοσούντων ἐπεμέλοντο καὶ τελευτησάντας ἔθαπτον ἐκ δημοσίου.

"But now on account of the number of embassies arriving this expensive practice has been dropped, but the preliminary meeting with the prefects of the treasury for registration survives." (Plut. Qu. Rom. 43/275 C)

The τάμιαι whose functions were replaced by the prefects of the treasury must be the quaestores urbani in charge of the aerarium. Plutarch was writing in the second century A.D. and presumably by τὸ παλαιόν he was referring to republican times. He would seem to be saying that the quaestors supervised the process of registration and the provision of public hospitality.¹⁶ At some stage the hospitable provisions lapsed although the registration continued; and under the Principate the quaestors' functions were taken over by the prefects of the treasury. These two changes did not necessarily occur at the same time, but some kind of public hospitality was probably provided until the end of the republican period.¹⁷ Plutarch seems to ascribe to the quaestors a major responsibility for the reception of ambassadors, and this conflicts with the conclusion reached above that

magistrates of presidential capacity exercised this responsibility: quaestors were not competent to preside at senate meetings. But in fact Plutarch only says that the quaestors provided $\xi\epsilon\upsilon\iota\alpha$, and if they also supervised the registration of ambassadors, this might be nothing more than a purely routine bureaucratic chore.

In the performance of these duties they would be acting not under their own initiative but on the orders of one of the senior magistrates. Independent evidence from both the second and first centuries shows that the quaestors' rôle in the reception of envoys was a subordinate one, as befitted their junior rank.¹⁸ The registration at the treasury should not therefore be equated with the approach to a consul or praetor, which was the obligatory first stage in the procedure to be followed by embassies in the second century. The Illyrians were chastised in 172 not for failing to register at the treasury, but for failing to approach a magistrate and state their business. The involvement of the treasury is clearly to be explained by the fact that gifts and other hospitality provided to ambassadors were items of public expenditure. In the context of the heavy diplomatic traffic characteristic of the late Republic registration would be intelligible as a book-keeping exercise to ensure against omission or duplication of these disbursements. The requirement for an embassy to register at the treasury as soon as it arrived at Rome (this is the situation implied by Plutarch's question) should be seen as a later, imperial development. Viewed in this light Plutarch's evidence does not seriously conflict with what has already been established.

Further information on preliminary ambassadorial procedure is given by Varro in the course of an etymological survey of Roman topography:

sub dextra huius (the Curia Hostilia) a Comitio locus substructus, ubi nationum subsisterent legati qui ad senatum essent missi; is Graecostasis appellatus a parte, ut multa. (Varr. de Ling.Lat.5.155)

Varro's remarks refer to ambassadorial procedure at Rome at some time between 200 and 50.¹⁹ Varro was probably writing the De Lingua Latina in the mid-forties, and there was no significant flow of embassies from Greece before 200. Varro's explanation of the so-called Graecostasis is the only one offered by ancient writers, although it is occasionally mentioned elsewhere. It is also the only passage in which the Graecostasis is referred to ambassadorial procedure and is not used merely as a topographical indication. Its proximity to the Comitium suggests that it was here that the Rhodian envoys stood in 167 while M. Iunius consulted the senate. It has been generally assumed that ambassadors waited on the Graecostasis for their audience with the senate or for the senate's reply. This is certainly a plausible assumption since the Graecostasis was situated next to the Curia Hostilia; but it is not verifiable because Varro's brief definition represents virtually the sum of our information on the Graecostasis. The word itself is incidentally significant in that it shows that for the Romans diplomatic activity was confined essentially to the Greek East. But its significance ends here; whereas the Graecostasis must have occupied some place in second century procedure, there is insufficient evidence to define its purpose more precisely, and any speculation in this area is therefore unprofitable.²⁰

Section iii

The immediate arrangements for an incoming embassy were the responsibility of a senior magistrate, and the most important of these arrangements was the allocation of a senatorial audience. In the Romans' own terminology the magistrate "gave the senate" to the embassy (senatum legatis dare); this meant that he convened a meeting of the senate and presided over it. He introduced the embassy as an item of business on which he was consulting the senate and chaired the senate's subsequent discussion. Because it involved presiding over the senate, this function had to be performed by the highest ranking magistrate in Rome. For this reason it usually devolved upon one or both of the consuls (if they were at Rome) or the praetor urbanus (if they were not). A lower-ranking magistrate could only convene the senate with the consent of any superior magistrate also in Rome.¹ Presumably the praetor peregrinus deputised for the praetor urbanus if the latter was indisposed or otherwise occupied; this seems to have been the case with the Cappadocian embassy of 172. In Livy's account of this embassy the senate decrees that the praetor peregrinus, Cn. Sicinius, should arrange accommodation for Ariarathes' son and his retinue. The mention of Sicinius in the senatus consultum strongly suggests that he presided over the senate at their audience. The non-availability of both the consuls and the urban praetor is easily explained in the circumstances of the year 172.²

A far more exceptional case is the introduction of the Rhodian embassy of 168/7 into the senate by a tribune, M. Antonius; but here the situation was exceptional anyway. We have already seen that they were refused an audience by the consul, M. Iunius, acting on the advice of the senate. This was probably intended as a particularly hostile gesture. But audiences were not normally denied to envoys unless they were considered to represent enemy states and it was not wished to negotiate with them; and in that case

they would not normally be allowed within the city.³ The Rhodians were not enemies but the threat of war was very much in the air at this time; the ambivalence of Rhodes' juridical status vis à vis Rome was allowed by the senate to continue until an alliance was finally granted in 165/4. According to Livy the Rhodian envoys put on mourning after their repulse by M. Iunius and went round the houses of the principes begging that their case should be heard before sentence was passed (Liv.45.20.10). Then the praetor peregrinus proposed before the popular assembly that war should be declared against Rhodes; it is at this point in Polybius' more abbreviated narrative that the envoys put on mourning and begged for the aid of their friends in averting the declaration of war (Pol.30.4.4-5). The praetor, M. Iuventius Thalna, was opposed by two tribunes, M. Antonius and M. Pomponius, the former of whom introduced the Rhodian envoys into the senate after a few days.⁴ Livy tells us that M. Iuventius was himself hoping for the naval command against Rhodes (Liv.45.21.2), and the tribunes may have been motivated as much by political opposition to his ambitions as by sympathy to the Rhodian cause which they championed.

Constitutionally a tribune was competent to preside at a senate meeting but his priority was low, as he was outranked by so many other magistrates. It would be even more unusual for a tribune to convene a senate meeting, but it is not known if this occurred on the present occasion.⁵ It is certainly interesting that the audience was allowed to take place at all after the senatorial decision that it should not be granted and in the face of opposition from at least one and conceivably others of the higher magistrates. The consuls may by this time have gone to their provinces and thus have been out of the reckoning. But both of the domestic praetors could have aspired to the attractive Rhodian command; this explains their refusal to cooperate with the Rhodian envoys, but it fails to account for their allowing the audience to proceed. The tribunes might have felt less

inhibited than the higher magistrates by the earlier senatus consultum denying the Rhodians an audience. But a general change of attitude by the senate seems to be required, and this would have been an understandable reaction when M'. Iuventius' activities demonstrated that matters had gone too far. Since Livy gives the clear impression that normal constitutional practice was virtually suspended at this time, we need not anyway attempt too hard to explain the Rhodians' audience in terms of it. It is not surprising if procedural rules were being broken rather than observed in these exceptional circumstances.

Originally the magistrate's task of allocating senatorial time for audiences would have been comparatively simple, when embassies arrived only infrequently. But it must have been complicated by the increase of diplomatic traffic and the concentration of larger numbers of embassies in the period when the consuls were resident in Rome. When numerous embassies were simultaneously present the consuls had to arrange their audiences in some kind of order. This gave the consuls not only an administrative chore but a measure of discretionary power. Embassies could have been made to form an orderly queue and the senate's time allocated on a "first come, first served" basis. This was the procedure followed at the Ptolemaic court, where according to Ps.-Aristeas each embassy was automatically required to wait until thirty days after its arrival for an audience; exceptions could however be made as in the case of the seventy Jewish elders.⁶ This was more suitable in a situation where diplomatic traffic was spread evenly throughout the year. At Rome the seasonal concentration meant that other factors had to be taken into account, such as diplomatic etiquette and the fact that several embassies might have related missions.

In his article on ancient embassies Kienast devotes a section to considering those situations where embassies coincided at the same

destination and to identifying what principles if any governed priority. His conclusions are particularly applicable to Rome since it provides most of the examples. These are that there was a general tendency to give priority (i) to kings or their ambassadors over ambassadors from other states, and (ii) to long-standing friends over enemies or newer friends.⁷ In other words the rank and status both of the ambassador himself and of the state which he represented were taken into account. But in the second century at any rate the order of embassies was influenced more than anything by considerations of administrative efficiency and intelligibility. If two or more embassies intended to speak on the same issue or issues, this would be ascertained by the consul at the initial interviews, and the audiences would be arranged accordingly to occur either simultaneously or consecutively. Considerations of diplomatic etiquette would then apply either within these related groups or between them.

This is well illustrated by the management of audiences in the year 184/3 when the kings both of Pergamum and Macedon had sent two embassies apiece to deal with quite distinct issues. The consuls arranged the embassies into four groups whose composition was determined on the strictly functional basis of their purpose. The embassies and their groupings are dealt with in greater detail in a later chapter, but here it is sufficient to say that the order of the groups and the order of embassies within the groups do seem to reflect the rank and status of the ambassadors and the states concerned.⁸ Athenaeus and Demetrius both belonged to royal families, but Athenaeus took precedence over Demetrius because he represented the state which had had the longer friendship with Rome. Both of them had priority over the other (non-royal) ambassadors from Pergamum and Macedon respectively. The latter appeared at the same audience but again the Pergamene ambassadors spoke first. This however must have been determined

as much by the logic of events as by etiquette, since the Macedonian ambassador was to answer charges raised by his opposite numbers. All the business associated with the monarchies was completed before the fourth group of embassies (all from Sparta) were given access to the senate.

The Asian embassies which arrived in 189 after the Seleucid defeat at Magnesia are also instructive.⁹ They really form a single group, since each one was concerned to exert some influence on the final stage of the senate's Asian settlement. Thus the order of their audiences may be regarded as significant. After hearing Eumenes the senate wished to summon the Rhodian embassy, but because one member of it was late they summoned the embassy from Smyrna instead. Then the Rhodians were heard, followed by the Seleucid envoys and then the rest of the embassies from the smaller Asian states. It seems certain that in the intended order Smyrna would have come after both the Rhodian and the Seleucid embassies. This is because the main discussion was essentially confined to the views expressed by Rome's principal Asian allies, Rhodes and Pergamum, and to the formal act of submission by the Seleucid envoys. The hearings given to the smaller states were formal acts of diplomatic courtesy, and the same answer was given to them all, namely that ten legati would be sent to deal with local disputes. In other words these embassies had no effect on the senate's decision regarding the general principles of the settlement but were referred to the commission entrusted with its detailed application. Smyrna belonged at the head of this minor category (it had been early and willing to espouse the Roman cause)¹⁰ but it was promoted to the first division to fill the unfortunate hiatus between Eumenes and the Rhodian embassy. This was evidently considered to be a more satisfactory solution than advancing the audience of the Seleucid embassy (the defeated enemy) to occupy a position between those of the two principal victorious allies.

Considerations of rank, status and etiquette generally can thus be seen operating in the context of a more functional arrangement of the senate's agenda.¹¹

The embassies which Polybius considered the most important out of those which arrived in Rome in the year 165/4 were from Rhodes, Achaea and Bithynia. They were unrelated, so that their order was not determined by functional criteria. Priority was given to the embassy from Prusias, who was a monarch and temporarily in favour. While Asian affairs were under discussion, the senate also dealt with the minor embassies from Asia: most of these, like Prusias, had charges to level against Eumenes, who was not represented in Rome on this occasion. Then came the Rhodian embassy, followed by the Achaean. Both had recently incurred the senate's disfavour, the Rhodians more so than the Achaeans. But priority was given to Rhodes, whose friendship with Rome was marginally the longer and which had always been regarded as a more important ally.¹²

Thus in general an order of embassies would form itself more or less automatically in any diplomatic season, but it was the function of the consuls actually to compile the order by reference to the criteria I have mentioned. A certain amount of discretionary power was here invested in the consuls, the abuse of which must have been minimised by the Lex Gabinia. The consuls' responsibility for the order of ambassadorial audiences is referred to in two epigraphical documents of the late Republic. The Piracy Law of 101-00 instructed the consul to bring the Rhodian embassy before the senate *ἐκτὸς τῆς συντάξεως*. Similarly the senatus consultum on Stratonicea of 81 provided that future embassies from Stratonicea be admitted *ἐκτὸς τοῦ στίχου*.¹³ It seems best to assume with Colin (F.D. 3.iv,p.49 n.1) that there is no difference between these usages, and that in both cases the original Latin phrase senatum extra ordinem dare has been translated. The adverbial phrase extra ordinem often has the general

force of "exceptionally", in which case it has been translated in both examples with an inappropriate literalness. However it also retains its original meaning of "out of rank, or order", and this meaning is, I think, to be preferred. Whereas "exceptionally" fits the context of the emergency provisions in the Piracy Law, it makes less sense in the context of a privilege which is to be granted to every subsequent embassy from Stratonicea. In both documents the phrase senatum extra ordinem dare should be taken more specifically to refer to exemptions from the order in which embassies would normally be granted access to the senate.

Under this interpretation the words σύνταξις and στίχος cease to be merely neutral components of an abstract idiom, and become more easily assimilable to the actual notion of an order of embassies. But the usage is still general: ordo means simply "order" and should not be translated as "the Order of Embassies". The Roman authorities probably had no conception of the Ordo or Syntaxis as an identifiable feature of their administrative machinery; and the passages under consideration do not prove its existence. It is not anyway to be expected, since the order was an ad hoc expedient rather than a permanently defined institution.¹⁴ It was determined by the consuls' discretionary application of certain principles (which have been discussed above) to whatever embassies happened to be at Rome in a given diplomatic season. Both the present documents involved an infringement of the consuls' discretionary power as well as a partial abandonment of the established principles. The interference proposed by the Piracy Law was a temporary expedient, but the S.C. on Stratonicea bestowed an honorific privilege which entailed a permanent obligation. Embassies from Stratonicea were always to be heard ἐκτὸς τοῦ στίχου and this implies that the στίχος was not an institution which could itself be permanently altered in favour of Stratonicea. The terms of the S.C. thus confirm the view that the order of embassies was an ad hoc phenomenon.

Stratonicea had probably not been given very high priority on those occasions when it sent embassies to Rome, but in future it would have priority over all other embassies except those (if any) which were similarly privileged and perhaps certain very high-ranking embassies. There is no obvious reason why Stratonicea should have been the only recipient of this honour and it may have been widely proliferated. The consuls' task might have been complicated if a number of similarly privileged embassies arrived in Rome at the same time: ultimately it would lead to the devaluation of the honour itself. In fact no other grant of this privilege by the Romans is attested in the evidence available, although similar privileges were not uncommon in Greek diplomatic practice.¹⁵ The lack of evidence need not be significant, but the Romans did not need to be as prodigal as some Greek states in their disposal of such honours. Perhaps the honour was reserved for a number of states which (like Stratonicea) had conspicuously contributed to the Roman cause.

In the foregoing examples the consuls' control over the order of audiences applies particularly to the diplomatic season. But it was merely an aspect of a wider power of fixing the date of audiences which the presiding magistrate exercised throughout the year. The celebrated embassy of Athenian philosophers seems to have faced a long delay before obtaining an audience with the senate in 155. The main source for this embassy is Plutarch's Life of Cato the Elder and the detailed circumstances surrounding the audience are consequently unclear.¹⁶ When the ambassadors eventually appeared in the senate, Cato criticised the magistrates for having kept them waiting for so long (Plut.Cato Maior 22.5); this implies that it was the magistrates rather than the senate as a whole who were responsible for the delay. This delay does not seem to have been in any way detrimental to the Athenian embassy's mission. Gellius tells us that before their first audience the philosophers lectured to large crowds (Gell.Noct.Att.6.14.8),

and Plutarch's account confirms that they took advantage of the enforced delay to establish their reputation and intellectual influence among the Roman upper classes. This almost certainly stood the ambassadors in greater stead when they came to present their case in the senate, the majority of which were more enthusiastic Hellenisers than Cato. Moreover it was in Athens' interests to delay the senate's decision for as long as possible and with it the payment of any fine to which they might still be liable.

Thus the magistrates seem to have been responsible for the delay in holding the audience and to have acted in Athens' interests in causing it. This becomes a rather more certain conclusion when we consider that by the phrase "the magistrates" Cato was probably referring to the praetor urbanus of 155, A. Postumius Albinus. We would expect Cato to criticise Postumius, because the latter was a noted Hellenophile who aroused Cato's hostility on another occasion by writing a history of Rome in Greek and apologising to his Greek readers for a lack of fluency.¹⁷ And the identification of the presiding magistrate on this occasion with Postumius is all but confirmed by the following passage of Cicero:

legi apud Clitomachum, cum Carneades et Stoicus Diogenes ad senatum in Capitolio starent, A. Albinum qui tum...praetor esset,...iocantem dixisse Carneadi: ego tibi, Carneade, praetor esse non videor... (Cic. Acad.2.137).

Not only is it strongly suggested that Postumius was the presiding magistrate who was on this very occasion introducing the ambassadors into the senate, but the fact that he was conversing and joking with them in such a way suggests a relationship of good will. This again is to be expected from Postumius' philhellene leanings and the intellectual status of the ambassadors.¹⁸

A more conclusive illustration of the exercise of magisterial initiative in this area is shown in the handling of an embassy from Prusias of Bithynia in 150/49. Prusias was being rapidly overwhelmed by the concerted efforts of his son Nicomedes and the Pergamene king, Attalus II.¹⁹ The embassy which requested Roman diplomatic intervention in this desperate situation was evidently of the utmost urgency. But at Rome the urban praetor, in deference to Attalus, delayed the embassy's audience, as we are told by Appian (Mith.6):

ὁ δὲ Ῥωμαίων στρατηγὸς ἐν ᾧσται οὔτε αὐτίκα ἐπήγεν ἐπὶ τὴν βουλὴν τοῦ τοῦ Προυσίου πρέσβεις, χεριζόμενος Ἀττάλῳ.

The urban praetor must again be the presiding magistrate, as would be expected in the case of an audience held late in the year in the absence of both consuls. The identity of the urban praetor of 149 is not specified by Appian, nor is it known from other sources. The partisan support which Attalus enjoyed on this occasion must therefore remain anonymous.

The Bithynian embassy required urgent action by the senate, and the unnamed praetor of 149 was able to make this effectively impossible by strategically exploiting his own crucial rôle in the diplomatic procedure. In the event the senate's decision (which empowered him to select a senatorial embassy) showed that it approved his attitude.²⁰ It is not at all clear whether the praetor's delaying tactics were pursued on his own initiative or in accordance with a prior senatorial decision. But it is apparent from Appian's narrative and elsewhere that the presiding magistrate did in theory have the competence to exert a profound influence over the conduct of foreign policy, and that one of the sources of this competence was his discretion over the timing of audiences.²¹ There is insufficient evidence to show either in general or in the present example whether the magistrate chose to exercise this discretionary power on his own initiative. Instances of magisterial activity in contra vention of

the majority wish of the senate are rare in the second century, although by no means unattested.²² On the other hand the terms of the Lex Gabinia suggest that there had been abuse in this particular area of magisterial discretion.

The uncertainty which exists over the date of the Lex Gabinia means that we cannot exactly locate the time when this abuse became an issue; it can be placed as early as 139 or as late as 67 (cf. Ch.2.i). But its existence in the late second century does seem to be presupposed by an anecdote in Cicero's Pro Plancio, although the conclusions to be drawn from this item of evidence are not entirely definite. Cicero introduces a series of anecdotes concerning Granius, a notorious character of the Marian period, to illustrate the tradition of free speech on the part of Roman private citizens towards noble magistrates. The first anecdote is as follows:

consuli P. Nasicae praeco Granius medio in foro, cum ille edicto iustitio domum decedens rogasset Granium, quid tristis esset: an quod reiectae auctiones essent? "immo vero", inquit, "quod legationes". (Cic. Planc.33)

And the rather subtle and obscure witticism reported here elicits an explanation from the scholiast as follows:

voluit pudorem Nasicae consulis perstringere hoc amarissimo dicto. nam legationes ab externis populis missae ad senatum solebant ordinari pro voluntate consulum. quas plerumque gratia, nonnumquam et accepta pecunia consules ordinabant, ut introduci ad senatum possent. (Schol. Bob. ad loc.)

P. Nasica is usually identified as one of the consuls for the year 111, in which war was declared against Jugurtha. The suspension of public business (iustitium) referred to by Cicero should probably therefore be associated with this emergency situation; the iustitium seems generally

to have been declared as a response to military emergencies or other crisis, and in many ways resembled the imposition of martial law. It entailed the postponement of all senatorial business, including ambassadorial audiences, while the senior magistrates were diverted into military functions. If the iustitium was indeed a response to the war situation, then Nasica's declaration of it was quite justifiable and had probably been authorised by the senate; Nasica's own integrity seems not to have been in doubt.²³ But Granius' jocular insinuation was that the iustitium was a device by which the consul could postpone the hearing of embassies along with other senatorial business, so that he, as presiding magistrate, could exact bribes from those ambassadors who were anxious to obtain a hearing as soon as possible. The iustitium was probably never used as such a device, and the present passage should not be taken as evidence that it was. But the effectiveness of the joke would be severely diminished, if there had been no record before that time of the abuse of the magistrates' power to delay audiences. Specific instances of bribery might not have occurred, but the scholiast's use of the words "plerumque gratia, nonnumquam et accepta pecunia" draws attention to the rather blurred distinction between legal and illegal methods of "persuasion"; and it is quite likely that this distinction was not properly appreciated until the time of the Jugurthine War, when the Roman nobles' susceptibility to gratia could be seen to be criminally unpatriotic and gave rise to a serious national scandal. Spoken in 111, by which time C. Memmius had opened his attack on senatorial corruption, Granius' jest will have had the flavour of topical satire.²⁴

The scholiast's explanatory statement to the effect that the order of embassies was arranged according to the will of the consuls (or implicitly of their deputy) agrees with the position which has been established above. The treatment of Prusias' embassy in 149 illustrates how the exercise of the magistrate's power could materially affect the outcome

of an embassy's mission, and thus shows what scope there was for bribery. There are earlier second century examples of the manipulation of the timing of audiences, but these do not always appear to reflect the initiative of the presiding magistrate. On the eve of the Third Macedonian War Perseus sent an embassy to Rome headed by Solon and Hippas. The chronology of the events immediately preceding the war is hopelessly confused and this particular embassy appears to be reported twice by Livy.²⁵ It was sent immediately after Perseus' conference with Q. Marcius which should probably be dated to October /November 172, but was not received by the senate until about March 171.²⁶ If these dates are right then the audience was evidently held up for three to four months, during which time the Romans were able to improve their inadequate preparations for the approaching war. The major achievement of Q. Marcius' embassy had been to deceive Perseus about Rome's warlike intentions, and Perseus' embassy had been sent in the hope of reaching a peaceful settlement. Meanwhile he had been militarily incapacitated by the terms of his truce with Q. Marcius. In Walbank's words, the senate "not merely approved of Marcius' Machiavelianism but extracted the last ounce of profit from his manoeuvre by postponing the hearing of Perseus' envoys until the latest possible date". There is no evidence that this delay was the responsibility of individual magistrates, and Walbank is almost certainly correct to ascribe it to the policy of the senate as a whole.²⁷ The senate had certainly given approval to Marcius' mission on his return and decided to capitalise on it (Liv. 42.47.9). Delaying the audience was consistent with this since it also had the effect of delaying the end of truce. By bending the normal diplomatic procedure in this way the senate was able to score a decisive strategic advantage.

The Rhodian embassy which attempted to mediate between Rome and Macedon in 168 had not obtained an audience with the senate before the

news of the Roman victory at Pydna was announced in Rome. This announcement was made early in July. However the embassy seems to have been sent at the beginning of the campaigning season. Its dispatch coincided with that of another Rhodian embassy which arrived at Aemilius Paullus' camp at about the same time as news of L. Anicius' victory over Gentius; this victory had been achieved within a month of the opening of the campaigning season. The embassy to Rome could not therefore have arrived much later than April; it had therefore been kept waiting for at least two months.²⁸ The senate knew of the embassy's mission and summoned it to an audience soon after the news of Pydna reached Rome. Polybius says that it was as if Tyche had intentionally brought the Rhodians' folly into the limelight (29.19.2); but we may safely assume that the senate was equally eager to expose their folly and timed the audience accordingly. If the Rhodian embassy had been introduced while the outcome of the war was still in the balance, the senate would presumably have been obliged to adopt a more conciliatory attitude. By postponing the audience in this case the senate managed to sidestep a delicate diplomatic situation. Similarly in the same year C. Popilius waited until after the news of Pydna was known before proceeding to Egypt and holding his interview with Antiochus Epiphanes.²⁹

According to an annalistic notice in Livy a Rhodian embassy came to Rome in 172 to refute charges which were being made against Rhodes and which had been reported by a recently returned investigatory Roman embassy. The senate refused to grant them an audience until the beginning of the new consular year.³⁰ Postponement ad consules or ad novos consules was a procedure usually reserved for discussions of major importance, where the dignity conferred by the presence of a consul was thought to be required. In the present instance postponement might simply have indicated that the senate was not prepared to hold a special audience

for the Rhodians late in the year. It would rather let them wait until the proper diplomatic season at the beginning of the next consular year.³¹ This would be a diplomatic gesture signifying the senate's displeasure, since it often allowed out-of-season audiences; and in the political context such a gesture does not seem at all out of place. This would seem to be the most plausible explanation of the postponement of the audience. However it should not be forgotten that the historicity of the whole embassy has been strongly challenged.

In fact it is the investigatory embassy from Rome which is particularly suspect, and it is on this that the Rhodian embassy depends closely in Livy's narrative. Should the whole episode including both embassies be rejected? The principal consideration in favour of rejecting the Roman embassy is the discrepancy between this account and the Polybian account of an embassy to Rhodes in 172/1 which found the situation there entirely satisfactory.³² The temptation is to dismiss the embassy in Liv.42.26.9 as annalistic fiction, contrived by Roman sources to emphasize the disloyalty of Rhodes before 168 and thus justify the harsh post-war Roman policy towards her. However there are several points to be borne in mind.

In the first place the Polybian embassy did not report back until the spring of 171, just before the audience given to Solon and Hippias (Po1.27.6.1); the annalistic embassy seems to have returned in the autumn of 172 before the consuls of 171 took office.³³ Secondly the political situation in Rhodes was unstable at this time and might well have attracted Roman displeasure: a Rhodian embassy had incurred the senate's hostility earlier in the year while Eumenes was at Rome.³⁴ Thirdly Polybius' narrative is tainted by a contrary polemic, that of the Rhodian apologists who sought to blame Rhodes' catastrophe on a narrow-based faction.³⁵ Finally only one name (Ti. Claudius) is common to both the embassies, and it does not follow that the same person is meant in both contexts.³⁶ Thus the evidence for

regarding the embassies as a doublet is not as convincing as at first sight. Moreover the account of the annalistic embassy holds up rather well circumstantially: the envoys are said to have met Eumenes at Aegina, and we know from a Polybian passage of Livy that Eumenes stayed at Aegina to convalesce after the attempt on his life at Delphi.³⁷ The arguments against the first Roman embassy and the corresponding Rhodian embassy to Rome are not therefore conclusive, and the senate's handling of the embassy and postponing of the audience need not be rejected out of hand.

If we accept this account, the delaying of the audience should be regarded as a negative diplomatic gesture indicating the senate's hostility or suspicion. But we should also expect to see examples of a corresponding positive gesture, in which an audience is granted with the minimum possible delay. Such examples do indeed exist: Masgaba, the son of Massinissa, was sent on an embassy to Rome late in 168 and on his arrival was immediately granted a senatorial audience (Liv.45.13.13). The senate had known of his arrival in advance and had sent a quaestor to escort him to Rome. Similarly Prusias was offered an immediate audience on his arrival at Rome in 167, although in fact he declined it (Liv.45.44.6). In each case the senate was making a concession to the status of the visitor: Masgaba was the eldest son of an allied king and Prusias a head of state. No doubt an immediate audience was among the many honours granted to Eumenes in 172, although Livy does not specifically mention this (Liv.42.11.2). And Polybius gives the impression that the future Attalus III of Pergamum was similarly honoured on the occasion of his visit in 153/2; he says that Attalus "was well received by the senate and his father's friends, and on receiving the desired answers and the appropriate honours he returned home after a few days" (Pol.33.18.1). There would be nothing particularly noteworthy about an ambassador leaving Rome within a few days of his audience. We can tentatively assume therefore that Polybius was referring to the fact that his entire stay in Rome lasted

only a few days. In that case an audience will have been more or less immediately granted; we know in any case that Attalus had priority over the young Demetrius and over Alexander Balas in obtaining an audience: the order of audiences is made clear in Pol.33.18.1-6.

The length of time that an embassy was required to wait for its audience was thus in many cases a question of etiquette, and could be regarded as an indicator of the senate's attitude to the foreign states concerned. There is an obvious connection between this element of diplomatic etiquette and the fixing of the order of audiences on the basis of rank and status. But just as there might be Machiavellian motives for delaying an audience, so too there might be practical grounds for granting an immediate audience. In the summer of 153 Astymedes of Rhodes came to Rome on a most urgent mission and appears to have obtained immediate access to the senate (Pol.33.15.3):

παρελθὼν ἔξ αὐτῆς εἰς τὴν σύγκλητον διελέγετο περὶ

And the senate went on to dispatch instantly (παραχρήμα) a Roman embassy to end the war between Rhodes and the Cretans (ib.15.4). It was presumably because the authorities at Rome considered that immediate action should be taken rather than through any desire to honour Astymedes that the audience was brought forward as far as possible.³⁸ Four years later action of a similarly rapid nature was required by the embassy from Prusias, but was not forthcoming. It is possible that the speed employed in the former case was due, as was the delay in the latter case, to the action of the presiding magistrate. However even if this could be shown (which it cannot), it would still remain to be shown that the magistrate's action was taken on his own initiative.

In the examples dating from the period of the Third Macedonian War there is no evidence of any such independent initiative, and in each case the impression given by the sources is that the majority will of the senate

was being expressed. Thus if there are signs that by the end of the second century the magistrates were independently and perhaps corruptly exploiting their discretionary powers in the sphere of diplomacy, this should be regarded as a later development, reflecting a general diminution of the senate's overall authority and a corresponding increase in magisterial autonomy. It is likely that as early as 156 A. Postumius Albinus, the urban praetor, was acting on his initiative in delaying the audience of the Athenian embassy, and it is also quite possible that the praetor of 149 acted likewise. On the other hand M. Iunius' consultation of the senate over the reception of the 168/7 Rhodian embassy may be symptomatic of a general magisterial reluctance to show any initiative in diplomatic matters in the Third Macedonian War period. But it may equally reflect a greater sense of senatorial solidarity over foreign policy issues in the same period. It should also be remembered that in 168/7 the issue was whether an audience should be granted at all and not the precise details or timing of it. It was very rare for an embassy to be refused an audience, unless a state of war was considered to exist. Such was the case in 111 with the embassy from Jugurtha, and on this occasion the senate was again consulted by the consul, L. Bestia.³⁹

In the second century an audience would normally be granted to any embassy which came to Rome. The high costs of sending an embassy would perhaps discourage a proliferation of trivial missions. In the winter of 184/3 Polybius tells us that there were more embassies in Rome than had ever been seen before. Most of these came from states or communities bordering on Macedon and brought various trivial accusations against the Macedonian king. According to Polybius it took three days to introduce them all singly into the senate, and this suggests that none of them were denied an audience.⁴⁰ In the first century the senate was committed by the Lex Gabinia to devoting every day between Kal. Febr. and Kal. Mart. to the

reception of envoys, and this too suggests that most if not all received a hearing. In Cicero's words a senate meeting could not be held within this period (for other purposes) until the embassies had been either dealt with or deferred until a later date. Thus if an embassy did not actually receive a hearing in February it would have had a subsequent date allocated for it.

However Cicero does imply elsewhere that one class of embassies was commonly denied an audience, and these were the laudatory embassies sent by provincial communities to support their ex-governor's claim for a triumph. In a letter to Ap. Claudius Pulcher, his predecessor in the province of Cilicia, Cicero attempts to justify a recent decision of his to curb the expenses of embassies of this kind sent on Appius' behalf:

deinde me ista vidisse accidere multis, ut eorum causa legationes Romam venirent, sed his legationibus non meminisse ullum tempus laudandi aut locum dari; (Cic.Fam.iii.8.3).

Cicero may of course have been exaggerating in his contention that no such embassies had ever obtained a hearing; but he was clearly limited in the circumstances in the degree of disingenuousness which he could show, and it must at least have been usual for these laudatory embassies to go unheard. Presumably they were regarded as a separate and less important species of embassy, whose mission did not constitute proper diplomatic contact between Rome and the state concerned. If such embassies did become habitual for all the provinces, the potential number of them in Rome in any one year must have been vast; the need to distinguish them from bona fide embassies will thus have been paramount. Cicero's letters to Appius on this subject incidentally provide interesting evidence on the high costs involved in the sending of embassies to Rome, and these high costs must have discouraged the increasingly impoverished Eastern states from indulging in unnecessary diplomatic activity.

Section iv

Apart from granting audiences to ambassadors the presiding magistrate also seems to have had the responsibility for providing them with some form of public hospitality. When M. Iunius consulted the senate in 167, it was not just over whether an audience should be granted but whether locus and lautia be given as well (Liv.45.20.6-8). Similarly in 172 the Illyrians were asked why they had not approached a magistrate to receive loca and lautia (Liv.42.26.5). On the basis of this and other evidence Büttner-Wobst considered that all allied envoys at Rome were entitled to public hospitality from the time of their arrival (op.cit., 46-7). But against this view is the fact that such grants of hospitality were frequently included in the senatus consulta which followed the embassy's audience. These hospitable provisions presumably correspond to the ξένια or Lautia which the quaestors used to present to ambassadors (Plut.Qu.Rom.43/275C). But Plutarch says that this practice was discontinued owing to the number of embassies involved and the consequently heavy expense. The costs involved in providing full hospitality for all the ambassadors in Rome would indeed be very expensive, and it is unlikely that this was ever done on a comprehensive scale after the volume of diplomatic traffic had built up in the 180s. Provisions were still being made in the period of Caesar's dictatorship: the suspension of these facilities to which Plutarch refers thus did not occur until the end of the Republic.

In Classical Greece the city states did not provide much public hospitality and ambassadors would have to find lodgings or rely on private arrangements with guest-friends or with official proxenoi. Such provision as was made would be confined to meals at public expense and to seats at the theatre and festivals.¹ Private hospitality was a traditional feature of Greek life which was easily adapted to diplomatic purposes. However

it could be made to appear undemocratic, so that Aeschines could complain that foreign ambassadors went to private houses rather than to the official council.²

Rome copied many of the features of the Greek poleis including the limited arrangements for public hospitality. Apparently seats at official spectacles had been granted to Massilian ambassadors in the 390s.³ In general private arrangements seem to have been widely used. Livy says that in 173 the consul, L. Postumius, broke with traditional custom by demanding official hospitality on a journey through Italy when private reciprocal arrangements between patrons and hospites had always been considered adequate previously.⁴ The provision of hospitality at Rome was in fact an essential part of the duties of a Roman patron. In an early episode of Roman history we find Etruscan ambassadors residing at the house of the Aquilii (Plut.Publicola 4.2).

The earliest example of the grant of public hospitality in a senatus consultum is that given to envoys from Saguntum in 205.⁵ The problem of what happened before their audience does not seem to arise, since it is natural to assume that the envoys lodged with P. Scipio, whom they doubtless regarded as their patron and whom they had come to eulogise. He also happened to be one of the consuls of the year and as such presided at their audience and introduced them to the senate. Aetolian envoys had been detained in Rome for two years (211-09) pending the ratification of their treaty with the Romans, and it is not unnatural to suppose that during this period they were provided for by the family of Valerius Laevinus with whom they had negotiated in Greece: at any rate there was capital to be made out of this connection twenty years later in 189.⁶

When numerous embassies first began to come to Rome from the East in the 190s, a great many would probably have been considered as clients of Flaminius and a few others. In 198/7 Amynder and the other allied

Greek envoys seem to have maintained a certain amount of contact with Flamininus' friends, perhaps to the extent of intriguing with them.⁷ Thus reliance on private hospitality may have been regarded at Rome in the 190s as having anti-egalitarian effects; this was as contrary to the ideology of the Roman aristocracy as to that of the Athenian democracy. Thus the 190s are a likely time for a reaction to this tendency to have taken place in the form of a more regular provision of public hospitality: it would also coincide with Rome's acquisition of great power status.

In the classical period the kings of Persia and Macedon had been more generous in their hospitable arrangements for ambassadors, and the Hellenistic monarchs probably continued this tradition.⁸ Greek ambassadors seem to have been continuously in attendance at the Ptolemaic court in the years around 200.⁹ Official provision might be made there for ambassadors, as it was for the seventy Jewish elders (Jos.Ant.Jud.12.93). They were given the best lodgings near the palace, but this seems to have been a special honour, and it is unknown whether more ordinary lodgings would be provided for other ambassadors.¹⁰ The inscriptions in honour of royal courtiers, which thank them for their assistance to ambassadors, suggest that they also provided hospitality for ambassadors: and this is inherent in the institution of proxenia which was frequently awarded to such men.¹¹

It would thus be in keeping with Rome's new status to make provision for the flood of ambassadors in the early second century. The Rhodian envoys claimed in 168/7 that their present treatment compared unfavourably with their treatment in 189, when they had come into the senate ex publico hospitio. This suggests that pre-audience hospitality was provided at that time, but the speech is a wholly unhistorical composition which cannot be regarded as valid evidence on the subject.¹¹ The Livian evidence considered above also suggests that pre-audience hospitality was regarded as normal in 172 and 167. While it is possible that the embassies which came to Rome

after Magnesia in 189 were maintained at public expense, it is hard to believe that this practice would be continued for long when there came to be a large number of embassies staying at Rome for extended periods during the winter months.

Second century senatus consulta often decreed gifts to envoys and hospitality was also included for what appear to have been more important embassies.¹³ This suggests that hospitality was not granted to inferior embassies, and it also suggests that it had not been granted earlier by a magistrate on the embassy's arrival. Büttner-Wobst suggests that Livy has conflated two elements (the magistrate's grant of hospitality and the senate's grant of munera) in his account of such embassies (op.cit. 46.n.3). It is possible also that the S.C. reaffirmed the magistrate's provisions, so as to have them included in the official document; but it seems rather illogical in that case for them to be represented as instructions to the magistrate. What is equally likely is that the provisions for hospitality in the S.C. and those made by the magistrate were comparatively limited in their scope (with an honorific value similar to the meals in the Athenian prytaneum) and were not intended to add up to comprehensive hospitality for the duration of an embassy's stay. In the case of more important royal visitors, however, considerably greater expense would be incurred in official entertainment.¹⁴

The usual formula in the epigraphical documents is that the consul is to order the quaestor to provide gifts. It is unlikely that the senate ever gave direct orders to the quaestors, since it could really only address itself to the magistrate which consulted it. The one apparent exception to this rule can probably be explained as an incorrect restoration of the document.¹⁵ In the documents from the mid-second century the senate specifies the amount of gifts to be handed over to the envoys; but from about 112 onwards the amount of gifts is determined κατὰ τὸ βιάταγμα (which is

known from the bilingual text of the S.C. de Asclepiade to correspond to the Latin phrase ex formula).¹⁶

A special procedure was followed in the case of embassies from enemy states. They were required to remain outside the walls and were lodged in the Villa Publica. The senate would meet for them in the Temple of Bellona or some other site outside the walls.¹⁷ This procedure does not seem to have been in force in 279 when Cineas was able to solicit the senators and their families with gifts (Plut.Pyrrh.18-9), but it had been introduced by 251 when Regulus and a Carthaginian embassy came to Rome (Dio Cass.fr.43.27). It is thus legitimate to suppose that the procedure was a reaction to the dangerous activities of Cineas in 279 (cf. Büttner-Wobst, op.cit.55-6). Büttner-Wobst is also correct to say (op.cit.,11) that allied envoys were lodged in the Villa Publica. No such single place seems to have existed for these embassies, which were in any case the vast majority of those which came to Rome.

It is thus likely that there was plenty of scope for private hospitality in the reception of ambassadors in the last two centuries of the Republic. Ti. Gracchus seems to have entertained the Pergamene envoy, Eudemus, in 133; and Cicero invited the Cappadocian prince, Ariarathes, to stay with him when he heard of his intended visit to Rome.¹⁸ This dependence on private hospitality reflected an aspect of the drift towards kingship, as was apparent in the attendance of numerous ambassadors on figures such as C. Gracchus and Pompey.¹⁹

The abandonment of the practice of sending lautia to ambassadors, to which Plutarch refers, is undated but probably coincides with the end of the Republic. Certainly official hospitality was provided in the period of Caesar's dictatorship;²⁰ and if it was discontinued shortly after that it would coincide with Augustus' suspension of the rights of foreign envoys to senatorial seats in the orchestra (Suet.Aug.44). Cicero incidentally

draws attention to the expenses involved in sending embassies to Rome in connection with the laudatory embassies on behalf of Ap. Claudius (Cic.Fam.iii.8.3); and this confirms the view that very little of an embassy's expenses would be met by the Roman authorities.²¹

Chapter 3

Section i

The event of central importance in the mission of any foreign embassy to Rome in the second century was its audience with the senate. This was essentially an opportunity for the ambassadors to make their official statements to the senate, and it was usually followed by the delivery of the senate's reply in the form of a senatus consultum. It was this official exchange which interested historians and contemporary observers, on whom we depend for knowledge of embassies at Rome. But occasionally we are given glimpses of the activity which went on behind the official facade, and from the collected items of evidence a picture emerges of diplomatic activity at Rome in which the emphasis is shifted from the senatorial audience to the unofficial contacts which preceded it. This picture suggests that the senatus consultum embodying the senate's reply could be determined in advance through informal discussions and only marginally reflected the actual proceedings of the audience.

The senatus consultum was a crucial document. Its international authority and importance had increased with the emergence of Rome's hegemony. In the second century a successful embassy to Rome could be defined as one which obtained a favourable senatus consultum. Officially the S.C. was the senate's response to ambassadorial speeches made at an audience, and whatever private agreements had been made between ambassadors and senators were of little value unless they could be adopted into this official document.

This helps to explain the prominence given to the audience in the sources. In addition the official exchange was intended for public consumption and would normally become public knowledge afterwards: senatus consulta were given maximum publicity by the parties whom they

benefited, and ambassadors might subsequently publish their speeches. When an ambassador returned, his report would probably reproduce the language of the official exchange: for example, the report of Nicodemus of Elis to an Achaean League synodos (probably in 187) recapitulated what the ambassadors had said in the senate and what the senate's official reply had been (Pol.22.7.5). For the historian this information served as the basis for a convenient summary of the purpose and outcome of an embassy. It was also more easily available than the details of private contacts and intrigues and more appropriate as historical material.

The traditional rôle of an ambassador in the Greek world was that of a skilled declaimer. His function was to speak as persuasively as possible in accordance with his instructions, and by these he was strictly limited. The constitutional nature of the developed Greek polis required that major policy decisions be debated or at least approved in public by the sovereign citizen body. This had prevented the delegation of any significant powers of negotiation to individual ambassadors. Thus the task of a Greek ambassador at Rome was ostensibly to argue with the rhetorical expertise at his disposal the case entrusted to him by his community, and in this way to influence the decision of the senate.¹

On a priori grounds it would be permissible to doubt whether decisions of such paramount importance were allowed to depend entirely on an ambassador's rhetorical ability. And there is evidence from both the second and first centuries that ambassadors used other means to influence the senate's decisions. The scope for influencing senatorial decisions on foreign policy would evidently be greater when Rome's own interests were not directly involved or did not obviously appear to be so; and this applies equally to the ambassadors' efforts in the senate and to their activities behind the scenes. The speeches made in the senate did undoubtedly have a significant effect on certain occasions;² but in general

it seems that an ambassador's work had been largely completed prior to the audience. The context in which this work was carried out was a series of private meetings with Roman senators which came to occupy in the second century a regular but unofficial place in diplomatic procedure at Rome.

One factor which supports this view is the nature of decision-making in the senate. Following the appearance of ambassadors in the senate a discussion took place which determined the eventual content of the senatus consultum.³ Junior senators who had held no office were allowed only to vote and took no part in the debate. Among the ex-magistrates, who were entitled to speak, a strict hierarchical order was maintained in which every senator had a fixed place. The order was determined on principles of rank and seniority, so that for example all men of consular rank were asked their opinion before even the most senior ex-praetor.⁴ The number of surviving ex-consuls at any time is likely to have been between thirty and forty in the second century.⁵ Thus it is probable, as Mommsen suggests, that the discussion of any issue was effectively confined to the consulares.⁶ These men had considerable authority and prestige and their opinions would carry great weight with junior senators. And within the body of the consulares there would be a much smaller group of eminent men (principes civitatis) who would normally dominate the discussions. Furthermore the structure of Roman politics was such that the great consular families had at their disposal the voting support of numerous political associates and clients. The significance of the consulares in senatorial decision-making should not therefore be underestimated; nor is it likely that foreign ambassadors seeking a favourable senatus consultum would have done so. Indeed it is natural that they should have tried to secure the support of the men who carried the greatest influence in the senate. Thus the foreign ambassador at Rome was concerned not so much with persuading a

mass audience as with conciliating a number of eminent senators who could between them carry a majority of the senate.

This did not mark a new departure in Greek diplomacy: in democratic Athens it had not been unknown for ambassadors to enlist the support of influential figures who might be expected to carry a majority of the assembly.⁷ In the new conditions of the Hellenistic royal courts ambassadors found it necessary to make overtures to members of the king's circle of friends.⁸ The situation in the Roman Republic might appear to have more in common with the Greek city-state than with the Hellenistic court; but the control exercised by leading senators at Rome over policy-making was more secure and predictable than that exercised by the demagogues and political leaders of the city-states. It was in fact more akin to the absolute executive control held by the Hellenistic monarch and the narrow circle of his friends: the political conditions in Rome and in the monarchies offered a greater degree of certainty and better prospects of success to the ambassador who made the correct overtures than was possible in a conventional city-state.

Given the nature of the preliminary procedures and of the informal activity outlined above, it follows that the speeches of the ambassadors in the senate will not have contained much that was not already known to many of the senators. Not only were ambassadors required to state the purpose of their mission to a magistrate on arrival, but many of their more detailed arguments might already have been deployed in private meetings with senators. This partly explains why the senate knew of the mission of the mediating Rhodian embassy in 168 before summoning it to an audience; it also indicates how Eumenes may have known in advance of the arguments to be used by the Rhodian envoys in 189. It should also be remembered that envoys from democratic Greek states would in any case bring with them authorisation in the form of a decree passed in a public

assembly, and that such a document could hardly be kept secret.⁹

In support of the view of diplomacy here suggested, evidence is available mainly from the period of the Third Macedonian War and after. By this time Rome's hegemony over the Mediterranean World had been firmly consolidated. The states of the Greek East will have discovered not only that decisions of the senate were of the utmost importance in their affairs, but also how these decisions were made and how they might be influenced. The most striking piece of evidence dates from the period immediately after Pydna. It is an inscription recording the honours decreed to citizens of Teos who went to Rome as envoys on behalf of Abdera in 167/6. The following description of the envoys' activities in Rome is included:

εἰς τε [ῥώμην π] πρεσβεύσαντες ὑπὲρ τοῦ
 δήμου ψυχικὴν ἅμα καὶ σω[ματικὴν] ὑπέμειναν [ἡα]ποπαθίαν
 ἐντυγχάνοντες μὲν τοῖς πρώτοις ῥωμαίων καὶ ἐξομηρεῦ
 όμενοι διὰ τῆς καθ' ἡμέραν ἀπαντήσεως, καταστήσαμε
 νοι δὲ τοὺς πατρῶνας τῆς [πατρίδος] εἰς τὴν ὑπὲρ τοῦ ἡμε
 τέρου δήμου βοήθειαν, τ[οὺς δὲ προ]νοομένους τοῦ ἀντιδίκου
 ἡμῶν καὶ προστατούντα[ς διὰ τῆς τ]ων πραγμάτων παραθέσειώς
 τε καὶ τῆς καθ' ἡμέραν γενομένης ἐφοδείας ἐπὶ τῶν ἀτρέων ἐφιλοποιοῦντο.¹⁰

In this unusually detailed and graphic document no mention is made of the appearance of the ambassadors before the senate or of the senate's official reply. But this is not to say that the audience never took place or that the senatus consultum was unfavourable and therefore suppressed. We know from an earlier part of the inscription that Cotys' ambassadors obtained a hearing with the senate (ii.7-8); and the scale of honours decreed to the Teans strongly suggests that their mission was successful. A successful mission implies a favourable senatus consultum and this would naturally be preceded by a senatorial audience.¹¹ But the compilers of the decree were not content simply to reproduce these aspects of the

embassy (which were in effect its official facade). What we have instead is a more realistic assessment of the envoys' work; and although the reason for the adoption of this more realistic but unusual approach remains unclear, the detailed description of the envoys' activities effectively shows them dealing not with the intangible, corporate senate but with the individual living members of the Roman aristocracy who comprised it.

In view of the detail which it contains, the description can hardly have been derived from any source other than the ambassadors' own reports, whether official or unofficial. This view is confirmed by the presence in this part of the decree of two Latin words (ΠΑΤΡΩΝΙΚΣ, ἄΤΡΕΩΝ). The words have simply been transliterated into Greek, in which form they are not familiar in either the literature or the epigraphy of the period.¹² The ambassadors must have come into close contact with both of these specifically Roman institutions and been unable to find precise Greek equivalents for them. Their use of the Latin words is quite natural in the circumstances, and it is interesting that the words should subsequently have been preserved in the decree.

On the other hand the phrase τοῖς πρώτοις Ῥωμαίων is a characteristically Greek phrase here applied to a Roman context. The standard restoration of πρώτοις has in fact been challenged on what seem to me inadequate grounds;¹³ but on the assumption that it is correct, it will be necessary to consider who is meant by this phrase. It can hardly refer to as large a body as the three hundred strong Roman senate, since this would not accord with its normal usage.¹⁴ A much more select group is implied, and the context requires that it comprise the men who dominated Roman politics and in particular the formulation of foreign policy in the senate. On internal evidence the rather extravagant behaviour of the envoys towards this group of people is another indication that it was small but influential. Against the background of the senatorial procedure

outlined above the group may be identified with reasonable certainty as the thirty or more ex-consuls in the senate, or perhaps the more eminent among these.

A second group towards which the envoys directed their attention is described as "the patrons of their country." These were evidently Romans with acquired or inherited connections with Teos, on the strength of which they were asked to act in the interests of Abdera, which the Teans represented. The identity and rank of these patrons cannot be ascertained, but men from all ranks of the senate and from outside it may be included.¹⁵

The third and final group which is mentioned appears to consist of those who had given their support to Cotys; they are not however referred to as his patrons. An elaborate circumlocution is used instead: "those who were looking after and protecting our opponent". Since this does in fact seem to convey the concept of patronage quite adequately, its use needs to be explained. It is possible that it is a stylistic variant for *τίκτοιν*, which was in any case not a familiar term in second century Greek. It may thus have been used with the intention of making this part of the ambassadors' task appear harder; and there are other indications that this was regarded as the most crucial part of their task, which shall emerge shortly. But it should also be remembered that the supporters of Cotys did not discharge the duties of patronage to the extent that they continued to support him. Many of Cotys' supporters may have belonged to senatorial families which became intimate with Bithys during the brief period of his detention at Rome in 167. Since this period was both brief and recent, the strength of any connections formed by Bithys would not have been great. And so it is easier to accept the statement in the inscription that the Tean envoys were able to dismantle Cotys' support in the senate.

The passage which has been quoted is a single sentence of the immensely long and laborious kind characteristic of Hellenistic epigraphy, and it is this sentence which contains nearly all the relevant information on the envoys' activities. It is not clear whether its grammatical structure is significant or merely convenient, or even accidental. Apparently the sentence falls into two parts, each of which has a main verb. On the first main clause (ὑπέμειναν κακοπαθίαν) are dependent two parallel subordinate clauses (ἐντυγχάνοντες μὲν.... ἀπαντήσεως and καταστησάμενοι δὲ.... βοήθειαν); the second main clause (τοὺς δὲ προνοουμένους.... ἐφιλοποιούντο) appears to be loosely added to the first. It is possible however that at some stage in the process of composition the grammatical structure was suspended or lost sight of. The second main clause may have been intended originally as another participial clause dependent on ὑπέμειναν and requiring φιλοποιούμενοι. The verb ὑπέμειναν may then have been forgotten because of its distance from the end of the sentence and ἐφιλοποιούντο supplied in its place.

Of the three groups of Romans which have been identified the first two are dealt with in the two parallel participial clauses, while the third has the second main clause to itself. This gives a particular prominence to the third group which may be unintentional if it had originally been intended to fall into a third parallel subordinate clause.¹⁶ However the lengthy adverbial clause διὰ τῆς τῶν.... ἐφοδείας in any case places a special emphasis on the part of the sentence to which it is attached. This indicates that the activity relating to the third group was regarded by the envoys and the compilers of the decree as the most significant in the fulfilment of the mission. In other words the neutralisation and conversion of Cotys' supporters was particularly crucial. Evidently Cotys' initial backing in the senate must have been quite considerable, although much of this could be explained by the fact

that Cotys' ambassadors had reached Rome some time before the Teans.¹⁷

The aim of the procedure followed by the Tean envoys was to secure the support of a majority of the senate before their audience actually took place. To this end they adopted three methods, corresponding to the three groups with which they were required to deal. Their positive approach was to undertake the individual persuasion of "the first men of the Romans" and to enlist the aid of their existing connections within the Roman aristocracy. On the negative side they attempted to neutralise and did eventually win over that body of senatorial opinion which was previously committed to Cotys. This third and negative approach seems to have been regarded as the most vital part of the ambassadors' mission; and this may be partly explained by the presence of a number of the first group in the third group. Now, in a situation of this kind, it is obvious that there would be some overlapping between the first group and the other two, unless all those who could be described as "the first men of the Romans" were uncommitted to either party. If Cotys' embassy did indeed arrive at Rome before the Tean envoys, it will have proceeded to solicit the support of as many of Group 1 as possible; the Teans, arriving later, will then have needed to undo this work.

All of this activity preceded the senatorial audience and yet there seems to be no doubt that it determined the success of the mission. The view of diplomacy at Rome herein presented is noticeably different from the impression conveyed by the more official accounts which appear in the literary sources. The prominence given to the official audience in these sources has been explained above; and since the present document is contemporary and its wording almost certainly goes back to the envoys' own report, it must be regarded as genuine evidence and must reflect the real requirements of ambassadorial practice at Rome in this period. It is true that the decree is exceptional among the available epigraphical

evidence, but this can be explained as well by the scarcity of comparable material as by regarding the contents of the decree as exceptional. There are few surviving examples of decrees in honour of Greek ambassadors to Rome in the second century; three inscriptions which do survive belong to the period 200-188 and contain no mention of unofficial activity behind the scenes¹⁸. But in fact this earlier period is not exactly comparable since Rome's hegemony over the entire Mediterranean World had not yet been established. A credible balance of power continued to exist until the final defeat of Antiochus in 190 and contemporary observers were still thinking in such terms as late as 172/1.¹⁹ Not only were the decrees of the senate less authoritative and binding in international terms in the years before 189 and therefore less eagerly sought after, but the Romans were more interested in conciliating Greek opinion and would therefore treat Greek ambassadors more deferentially. Moreover the heavy diplomatic traffic to Rome did not really get under way until the 180s, and it is probable that the unofficial code of practice revealed in the Abdera inscription developed from a gradual realisation of Roman political conditions in the early decades of the century. Parallel with this trend is a growing consciousness on the part of the Roman governing class that they had become the arbiters of the world. This became especially evident after the victory at Pydna in 168, and Roman senators became accustomed to demonstrate their superiority not only over foreign ambassadors but over kings as well.²⁰ The picture of diplomacy unequivocally presented by the Abdera inscription is one in which ambassadors behave with extreme deference and humility towards the Roman aristocracy: and this was the situation within two years of Pydna.

We turn to Polybius for the account of Attalus' third embassy to Rome in 168/7 on behalf of his brother, Eumenes of Pergamum. The purpose of this mission was to seek Roman diplomatic intervention against the

Galatians and to offer official congratulations to the senate on its definitive victory over Perseus.²¹ According to Polybius Attalus was cordially welcomed by all on account of his comradeship with them during the recent war (30.1.4). Some leading senators advised him in private to be disloyal to his brother, and Attalus appeared to agree with their advice in private meetings.²² Eventually he came to an agreement with some of the leading men (πρὸς ἐνίοις τῶν ἀξιολόγων ἀνδρῶν) to make an official statement to the senate on his intended disloyalty (Pol.30.1.10). This process of negotiation was carried out entirely in private and would have determined the content of Attalus' official statement and the senate's reply to him, if Attalus had not changed his mind. When the audience took place, the senate knew what to expect and was surprised when it was not forthcoming. Its official answer was predetermined by the expectation of the speech which Attalus did not in fact make and was later partially revoked.²³ In the light of this interesting mistake we can see how the senatorial audience had been allowed to become an almost meaningless diplomatic ritual, in which the ambassador's speech had no bearing at all on the senatus consultum. This instance is of course far from typical, but it indicates that in the eyes of the Roman nobles the function of the audience was to provide an official public ratification of pre-audience negotiations.

In practice the ambassadors of the Hellenistic monarchs tended to be as limited in their competence to act independently as their counterparts in the city states; and any serious deviation by Attalus from his brother's instructions would certainly have been considered as culpable and unusual as the similar action of Callicrates in 180 (regardless of the question of loyalty). But the position of Attalus was hardly comparable with that of any Greek ambassador to Rome. The private conversations which occurred between himself and leading Romans correspond to the similar contacts made

by the envoys in the Abdera inscription; but they differ from them in that they have a bilateral character. In his disloyalty to his brother Attalus had something which he was prepared to offer and for which the Romans were prepared to bargain. The talks therefore had the spirit of genuine negotiations and were not simply the obsequious exercise in flattery and persuasion which the Tean envoys were obliged to perform. Because of Rome's superiority over all its neighbouring powers from the 180s onwards there were generally no ambassadors at Rome who were in a position to negotiate with the senate: they could only try to persuade it. In his capacity as Eumenes' ambassador Attalus was no exception to this rule: at least he had no strong bargaining position. But as an autonomous individual he could be of use to the Romans. This is why the Romans approached him (*λαμβάνοντες εἰς τὰς χεῖρας τὸν Ἀττάλον*) rather than vice versa, and this initiative on the part of the Romans is the exceptional feature of the case. What is not exceptional in my view is the process by which the audience proceedings could be determined in advance in private conversations between an envoy and leading Roman senators.

This attempt by the Romans to cause dynastic strife at Pergamum was unsuccessful. In 158 a dynastic dispute in the Cappudocian Kingdom was brought to the senate's attention. Ariarathes V had been ousted from his throne by a rival dynast, Orophernes, and came to Rome as a refugee to procure the support of the senate.²⁴ According to Polybius he arrived in Rome while it was still summer, and it was not until the consuls of 157 had taken office that he occupied himself with private interviews. Both Orophernes and his sponsor, the Seleucid King Demetrius, sent envoys to Rome to work against Ariarathes' interests. They too engaged in private interviews, and in this preliminary round of diplomacy it could be said that they were having more success than Ariarathes. Polybius ascribes this to their numbers, to their greater apparent prosperity and to the

lack of objective evidence which enabled them to tell lies with impunity. "Since falsehood prevailed easily, it seemed that their affairs were going according to plan".

This passage is particularly informative about unofficial diplomatic practice at Rome: Polybius not only provides a detailed glimpse of the behind-the-scenes activity pursued on this occasion, but shows by the manner of his narration that this activity was entirely routine and unexceptional. There is nothing to suggest that this was not the regular method by which the foreign policy decisions of the senate were shaped in the period for which Polybius was a close observer at Rome (167-151). It is also significant that Orophernes' affairs could be said by Polybius to be proceeding according to plan, since the senatorial audience had not yet taken place. The success of a diplomatic mission of this kind would normally be determined by the contents of the senatus consultum which followed the audience. On this occasion however it was evidently possible for an observer to evaluate the success that the envoys were having in the process of soliciting senatorial support; and this gave a prior indication of the likely outcome of the audience.

As it happened the senatus consultum on Cappadocia prescribed that the two dynasts should rule jointly (App.Syr.47), and it is uncertain whether Orophernes would have regarded this as the diplomatic success he was seeking. Perhaps something happened in the interval before the audience to swing senatorial opinion more into Ariarathes' favour; but Polybius' account of any such events and of the audience itself has not survived.²⁵ It is sufficient to note that the preliminary work of canvassing senatorial support could be regarded as a measure of likely diplomatic success. In theory the private meetings which Polybius here describes must have been a quite unofficial feature of diplomacy. But the general implication of this evidence is that such meetings had become quasi-institutionalised as a part of the regular diplomatic procedure at Rome.

Ariarathes had friends at Rome: he had been sent to Rome by his father for education and he would certainly have taken this opportunity to form connections with Roman senatorial families.²⁶ Ariarathes would then in all probability have resided with these families or associated with them during his stay in Rome in 158/7: this would be the natural fulfilment of any amicitia of hospitium relationships which had been formed. But it was not with men of these families that the private interviews took place: these did not begin until the consuls of 157 had taken office, and Ariarathes had already been at Rome since the late summer of 158.²⁷ It is unreasonable to suppose that he had made no contact with his patrons and hospites during those months. The most satisfactory explanation of this is to regard the private interviews as something quite distinct from the purely informal contact between Ariarathes and his personal friends and hospites. This contact could hardly have been avoided during the first months of Ariarathes' sojourn at Rome. The private meetings recorded by Polybius seem to have operated on a more formal level: their "season" appears to have opened with the beginning of the consular year. They must have brought Ariarathes and his opponents into contact with senators not of their personal acquaintance. There would doubtless be many of these, but the most important would be the most senior, especially the consulares who dominated the senate's proceedings; essentially we are dealing again with "the first men of the Romans". Whereas these contacts are here described as an accepted part of procedure, they were not in fact required by official procedure. They must originally have been the product of simple expediency and subsequently have come to occupy a place in diplomatic etiquette.

Section ii

In their preliminary contacts with senators ambassadors were aiming to win support by any means at their disposal. For the Tean envoys and the bulk of those representing Greek city states this meant submissive behaviour and verbal persuasion. But a more potent instrument was available to the ambassadors of the far richer Hellenistic monarchies, namely bribery. This is a term which should be used with caution as much in the context of diplomacy at Rome as in other more modern contexts. The problem is that there is no clear distinction between bribes and legitimate gifts of friendship; and this natural ambivalence can be heightened by a polemical bias in the sources.¹ Early instances of the bribery/gifts syndrome are provided by the careers of the two brothers, Timarchus and Heracleides of Miletus. They had been closely associated with Antiochus Epiphanes and lost influence following the usurpation of Demetrius Soter. Both brothers proceeded to work against the interests of the new king at Rome and within the Seleucid kingdom.² Under Antiochus they had been among the circle of "Friends" and had undertaken a number of embassies to Rome. Heracleides is named by Polybius as a member of the Seleucid embassy to Rome in 170/69 and of a second embassy sent the following year.³ Timarchus' diplomatic activity is mentioned only in the passage of Diodorus which records his mission to Rome c.160. On this occasion Timarchus was acting on his own behalf, but according to Diodorus the methods which he then used to obtain a favourable senatus consultum resembled those which he had formerly used on embassies from Antiochus; and Heracleides had assisted him on these earlier diplomatic missions. Diodorus' account is as follows:

"When the Romans' hostility to Demetrius became known, the latter's royal authority was slighted by other kings and also by his own satraps, the most celebrated of whom was Timarchus. He was from Miletus and a

friend of the former king Antiochus: he had frequently been sent as ambassador to Rome and done much harm to the senate. χρημάτων γὰρ πλῆθος κομιζῶν ἔδωροδόκει τοὺς συγκλητικούς, καὶ μάλιστα τοὺς τοῖς βίοις ἀσθενεῖς ὑπερβαλλόμενος ταῖς δόσεσιν ἔδελέαζεν. διὰ δὲ τοῦ τοιούτου τρόπου πολλοὺς ἐξιδιαιζόμενος καὶ διδοὺς ὑποθέσεις ἀλλοτρίας τῆς Ῥωμαίων αἰρέσεως ἐλυμήνατο τὸ συνέδριον, συμπράττοντος Ἡρακλείδου τᾶδελφοῦ, πάντων ὄντος εὐφροεστάτου πρὸς ταύτην τὴν χρέαν.

In the same way on the present occasion..." (Diod. 31.27a)

These embassies of Timarchus obviously belong to the reign of Antiochus and thus to the period 175-164. None can be positively identified from other sources and Diodorus speaks only generally of Timarchus' conduct on them. But the unmistakable impression is that the practice of influencing the Roman senate's decisions by some form of bribery had already been adopted at least by Seleucid ambassadors at the time of the Third Macedonian War. The susceptibility of senatorial decisions to such pressure is well attested at the time of the Jugurthine War and during the Ciceronian period; but it is surprising to find evidence for the trend so early in the second century. Diodorus' evidence cannot simply be disregarded, since it is almost certainly derived closely from Polybius, for whom these events were contemporary.⁴

While the Polybian origin of this evidence lends it respectability, it also introduces the problem of Polybius' own personal bias. He was personally associated with Demetrius, and this led naturally to an antipathy for Timarchus and Heracleides, which in the case of the latter is not disguised in his narrative.⁵ Polybius was also associated with a particular senatorial group, which did not support the claims of Demetrius' rivals and which evidently disapproved of the majority of the senate who did. Now Polybius could have seen the earlier embassies of Timarchus and Heracleides as the means by which they had built up the senatorial support,

which they were later able to use against Demetrius. There are thus grounds for treating the allegations of bribery with caution: Timarchus and his brother were acting as representatives of Antiochus, and any bribery or quasi-bribery would have involved the use of royal funds and would have been undertaken on the king's initiative rather than their own. Antiochus had been held as a hostage at Rome from the time of the Roman victory in Asia until his accession to the Seleucid throne in 175. During this period of fourteen years' residence at Rome Antiochus would undoubtedly have established numerous contacts among the Roman aristocracy. The identity of these is unknown except for C. Popilius Laenas: according to Justin, C. Popilius was amongst those "cultivated" by Antiochus.⁶ Antiochus had chosen on his accession to follow a policy of cooperation and friendship with Rome; at the same time he had independent ambitions of his own. The best way of reconciling these apparently divergent aims was to maintain and extend his existing connections in the Roman governing class, and thus to influence senatorial decisions from within. This task would naturally fall to Antiochus' various ambassadors to Rome and would involve the offering of substantial gifts of hospitality. With the resources of the declining but still vigorous Seleucid kingdom at his disposal Antiochus could afford to practise this kind of generosity on a vast scale, sufficient to give ground to the allegations of bribery made by hostile observers.

The language used by Polybius/Diodorus is uncompromising: Timarchus is said to have bribed senators and perverted the course of Roman policy. This could reflect the complaints of those senators who regarded the gifts offered by Antiochus' ambassadors as excessive, and whose views did not prevail against the majority of the senate. But the charges are vague and unspecified and should not for that reason be taken too literally. In particular it is hard to see how on any particular occasion Antiochus

did actually influence Roman policy in his own favour. On the best known and most important issue of his reign (his attempted annexation of the Ptolemaic Kingdom) the senate stood firmly against him, and its policy was uncompromisingly put into effect by C. Popillius, a man apparently of Antiochus' personal acquaintance. Here however the international situation was too grave for personal sentiment to stand in the way of what was clearly Rome's national interest. On smaller matters it is possible that Antiochus and his ambassadors did achieve diplomatic successes which were due to his "generosity" and his "organisation" at Rome.

A possible hint of the diplomatic methods used by Antiochus is given in Polybius' account of the Seleucid embassy of 170/69, whose personnel included a certain Heracleides. The embassy was to protest about Ptolemaic aggression in the summer of 170; a Ptolemaic counter-embassy arrived simultaneously on certain official pretexts but chiefly, Polybius says, to keep an eye on τὰς τῶν περὶ τὸν Μελεαγρον ἐντεύξεις (28.1.7). Since ἐντεύξεις is plural, it cannot refer to the senatorial audience but must refer to a series of meetings, presumably with senators prior to the audience. Polybius considered that the most important part of the embassy's task was to watch for developments in these meetings. The purpose of the meetings was without doubt to canvass senatorial support; the aim of Timotheus and Damon (the Ptolemaic ambassadors) would be to counteract and neutralise this process. In the event the senatus consultum was comparatively neutral and envisaged no positive diplomatic intervention against Ptolemy.⁷

In 161/0 Timarchus was not strictly speaking an ambassador but a rival dynast acting on his own behalf. According to Polybius/Diodorus he employed the methods he had used on earlier missions, and in this way persuaded the senate to pass a favourable decree apparently recognising

him as king. Timarchus could expect to draw support from many of Antiochus' old connections whom he would have personally met as an ambassador. The resources of his Median satrapy would also enable him to continue the policy of "generosity" towards Roman senators which he had begun as Antiochus' agent. But apart from the cultivation of his Roman connections and his questionable gifts to senators, Timarchus could rely on the senate's antipathy towards the independent-minded usurper, Demetrius. Timarchus no doubt stood for a continuation of Antiochus' more philo-Roman policy, and Diodorus' brief account places emphasis on the accusations which he brought against Demetrius. It was not in any case against Rome's interests to support Timarchus' claim, since any internal struggles in the Seleucid kingdom would weaken its external position without risking the need for Roman intervention. Polybius/Diodorus' disapproval is partly ethical and mainly personal: the senate had no obligation towards Demetrius and did not recognise him as king until after the failure of Timarchus' bid for power.⁸ Whereas Timarchus' methods probably helped him to obtain the senatus consultum, it would not be true to say that he perverted the course of Roman policy. The bribery/gifts syndrome might have been an accepted feature of the diplomatic scene at Rome by 160, but there is no evidence that Roman senators were responding to it at the expense of their own national interest.

Heracleides appeared in Rome in 153 with Alexander Balas and Laodice, the pretended children of Antiochus Epiphanes, sponsoring Alexander's dubious claim to the Seleucid throne. For this embassy we have the direct evidence of Polybius. The first of two relevant excerpts belongs to the year 154/3 and records Heracleides' arrival in Rome:

ὅτι ὁ Ἡρακλείδης ἔτι τῆς θερίας ἀκμαζούσης παρῆν εἰς τὴν Ῥώμην ἄγων τὴν Λαοδίκην καὶ τὸν Ἀλέξανδρον. ποιούμενος δὲ τὴν παρεπιδημίαν μετὰ τερατείας ἄλλα καὶ κακουργίας ἐνεχρόνιζε, κατασκευαζόμενος τὰ περὶ τὴν σύγκλητον.⁹

Under the next Olympiad year (153/2) Polybius records the audience at which both Alexander and Heracleides addressed the senate. There was opposition from the "moderates" in the senate, but the majority supported Heracleides and his protégé and duly passed the required senatus consultum:

τοῖς μὲν οὖν μετρίοις τῶν ἀνθρώπων οὐδέν ἤρσεκε τούτων, . . . οἱ δὲ πολλοὶ τεθεραπευμένοι ταῖς Ἡρακλείδου γοητείαις συγκατηνέχθησαν ἐπὶ τὸ γράφειν δόγμα...¹⁰

The senatus consultum gave permission for Alexander and Laodice to return to their father's kingdom and promised them assistance. This statement of recognition and support for Alexander was essentially directed against Demetrius, as was the earlier decree in favour of Timarchus. It accords with the consistent policy of weakening the Seleucid kingdom which the majority of the senate seem to have favoured after Antiochus' death.

Polybius' account is strongly polemical, and it is evident from his language that his sympathies lay with the "moderates" in the senate, who opposed Heracleides. This moderate party would probably have included Polybius' close friend, Scipio Aemilianus, if he was a senator at this time; and its most senior representative could well have been the elderly Ti. Gracchus, who was possibly still alive.¹¹ Both Polybius himself and Ti. Gracchus are known to have been favourably disposed towards Demetrius; the reason for the moderate party's opposition to Alexander's claims may thus have been a partisan interest in the incumbent Seleucid king.¹² In that case Polybius' righteous indignation at the methods used by Heracleides is rather disingenuous, but it is possible that the polemical flavour of words such as *τερατεία* (humbug), *γοητεία* (sorcery) and *κακουργία* (malpractice) derived from the senatorial rhetoric of Demetrius' supporters.

Polybius' partisan involvement does not invalidate his evidence for the embassy as a whole. There is no doubt that Heracleides' sojourn at Rome was of particularly long duration. He arrived in Rome *ἔτι τῆς* *θερείας ἀκμαζούσης* in Ol. 154/4, and appeared before the senate in Ol. 153/2

at the same time as embassies from Attalus and Demetrius himself (this was presumably after the inauguration of the consuls of 152). Polybius emphasises the length of Heracleides' stay by his use of the words *ἐνεχρόνιζε* (33.15.2) and *κεχρονικῶς* (33.18.6), although it was perhaps not much longer than Ariarathes' stay in 158/7.¹³ By the time of his audience with the senate Heracleides had secured a majority in advance: in Polybius' words, the majority had been "courted with Heracleides' sorcery" (33.18.11). The months spent in Rome had not been wasted. Polybius describes this preliminary activity as *κατασκευάζομενος τὰ περὶ τὴν σύγκλητον*, which suggests the idea of "fixing" the senate. There is no explicit mention of bribery in this context, but it is hard to see what else could have been meant by *κακουργία*. The charges of bribery may only have been vaguely formulated, and bribes were in any case hard to distinguish from conventional gifts of hospitality. Whatever the exact nature of Heracleides' activity at Rome, Polybius was certainly of the opinion that it influenced the senate's decision in his favour. It is likely that Polybius was describing in more sinister terms the same kind of intensive canvassing of senatorial opinion as is described in the Abdera decree and alluded to in his account of Ariarathes' embassy in 158/7. Heracleides' embassy provides further evidence of the importance of this preliminary activity without revealing any details of its nature. And the evidence of Timarchus' and Heracleides' diplomatic careers taken together suggests that the manipulation of senatorial opinion by methods resembling bribery was already being practised in the mid-second century.

Indeed other evidence from this period implies that it was the failure of such methods to achieve their object which was regarded as exceptional. Polybius records the mission of Charops of Epirus to Rome (probably also in 161/0) on which he took with him money as well as a team of ambassadors led by Myrton:

ὁ δὲ Χάροψ ὤρμησεν εἰς τὴν Ῥώμην, ἔχων χρήματα
καὶ τοὺς περὶ τὸν Μύρωνα μεθ' αὐτοῦ, βουλόμενος
ἐπιβραχίδιασθαι διὰ τῆς συγκλήτου τὴν αὐτοῦ παρανομίαν.¹⁴

As it happened Charops' mission was entirely unsuccessful, since the senate refused to oblige him by condoning his activities as he required. His fault in the Romans' eyes may have been essentially the same as it appeared to Polybius. Polybius did not disapprove merely of Charops' philo-Romanism; his strong and outspoken criticism of Charops was directed principally against his socially revolutionary tendencies. It was unusual for Rome to support left-wing regimes in Greece, although they were not prevented from doing so by purely ideological considerations.¹⁵ Charops had been useful to the Romans, but his philo-Romanism was insufficient to excuse those actions of his which affronted the aristocratic sympathies of the senate (and of Polybius). The senate thus chose this occasion to deliver a rebuff to Charops, which had the effect of conciliating bourgeois opinion in Greece (Polybius refers specifically to the predominantly upper-class Achaean exiles in Rome). To Polybius this demonstration of Roman integrity must have appeared in marked contrast to the Machiavellian character of Roman policy noticed by him elsewhere. The delighted reaction of the Greek community in Rome, of which Polybius was a member, may be partly explained by their surprise at what was an infrequent and unexpected occurrence.¹⁶ Charops' own intentions should also be taken into account: he had gone to Rome armed with money and evidently expected that this would help him to procure a favourable senatus consultum. That he should have had such expectations is in itself informative of the diplomatic realities at Rome.

The rebuff to Charops which so delighted the Greek community in Rome was more spectacular than the mere announcement of an unfavourable S.C.

The rebuff had in fact been delivered before the audience took place, when M. Lepidus and L. Paullus refused Charops access to their houses.

It is this action which Polybius apparently describes as κάλλιστον μὲν...

δείγμα τῆς Ῥωμαίων αἰρέσεως, κάλλιστον δὲ θέγμα πᾶσι τοῖς Ἑλλησι τοῖς παρεπιδήμοις

(32.6.4) This was no empty gesture: the two men denied Charops not only hospitality but the opportunity of private interviews in which he might persuade them to support his interests in the senate. The gesture would only be significant if Charops had a reason for entering the houses of these senators. A possible reason is that he had hospitium relationships with them; the fact that they are unattested is hardly significant, given that the evidence for such relationships is so scarce. Some connection between Charops and Paullus might seem to be suggested by the events of 167 in Epirus; but the idea of any collusion between the two men has been rejected as implausible by Scullard.¹⁷ There is no doubt that Charops did have influential connections, but we do not need to assume that either Paullus or Lepidus were among them.

The true significance of Paullus and Lepidus in this episode lies in the fact that they were two of the most senior men in the senate, whose influence on the senate's decisions would be profound. Both men were senior consulares and had also held the censorship. M. Lepidus (cos. 187 and 175; cens. 179) was princeps senatus and thus the first man to voice his sententia on any issue which came up for discussion. L. Paullus (cos. 182 and 168; cens. 164) was one of the five most senior senators at this time, and his victory at Pydna (Polybius here dubs him "the conqueror of Perseus") will have greatly enhanced his stature. Clearly these men could be called "the first men of the Romans";¹⁸ they were the men on whose goodwill a favourable senatus consultum depended. On the other hand the alienation of their support would be detrimental to any embassy's chances, and a public demonstration of such alienation must

have given a clear indication in advance that Charops' mission would fail. The Greeks in Rome could thus rejoice.

It is likely therefore that Charops required access to the houses of Lepidus and Paullus not because they were his hospites or in any way personally associated with him, but because their high rank and influence demanded that he solicit their support before his audience with the senate. The private interviews in which this process took place may be regarded as a quasi-formal procedure, so that no personal connections need be expected. I have inferred above that Ariarathes in 158/7 was dealing in the private interviews described by Polybius with senators not personally known to him, although he had many such contacts in the Roman aristocracy. Charops also had many contacts at Rome, but Lepidus and Paullus would in any case be high on the list of senators to be solicited by all ambassadors and dynasts at Rome in the late 160s, regardless of personal connections.

Charops' connections at Rome are unnamed but their existence is attested by Polybius. Charops' grandfather, also named Charops, had been among the first to follow a procedure subsequently adopted by a number of dynasts: he had sent his younger namesake to Rome to be educated and to form useful connections at Rome. These had helped Charops to establish his position in Epirus, and he will have expected them to work in his favour in 161/0 and to help him obtain the desired senatus consultum.¹⁹ In spite of the rebuff received on that occasion Charops may not have considered that his influence at Rome had been permanently eroded. Polybius and the other Greeks at Rome seem to have regarded Charops' rebuff as an atypical and unexpected event, and there is no evidence that his loss of favour at Rome was lasting. It is known that Charops' died at Brundisium (probably in 159), and the place of his death suggests that he was in the course of another embassy to Rome.²⁰ No details are known of this

embassy, but it does seem unlikely that Charops would have undertaken it if he was expecting a similar reception to that of 161/0. It is perhaps significant that L. Paullus was dead by this time, and with his death much of the indignant opposition at Rome to Charops' methods may have melted away.

Polybius mentions the money which Charops took to Rome without explicitly referring to bribery. Again he hints darkly at Heracleides' conduct without making any specific accusations. In the case of Timarchus, his language (as preserved in Diodorus' version) speaks directly of bribery, but the allegation is a general one covering an extended period of time. It is not surprising that Polybius should have been unable or unwilling to formulate more precise accusations: he was undoubtedly aware of the habitually blurred distinction between bribery and acceptable gifts of hospitality. All three men here under consideration were particularly well-connected at Rome and were aware of the value of maintaining and extending their range of contacts: this required a degree of generosity in the fulfilment of hospitable obligations which may have been regarded by some as excessive. But there had traditionally been a close association between relations of personal hospitality and diplomacy in the Greek world; and the Roman aristocracy's concept of patronage required some sort of officium in return for any beneficia conferred. It is possible that Charops and the ambassadors of Antiochus Epiphanes were realistic enough to see that influence at Rome could effectively be bought in this way. This was not bribery on the scale on which for example Ptolemy Auletes practised it in the Ciceronian period. The money which flowed from dynasts into the hands of senators in the second century was more akin to a continuous insurance premium to provide for their interests at Rome; and in general senators do not seem to have allowed their clients' interests to conflict with Rome's own national interest.

Polybius' disapproval was directed not so much against the methods as the fact that they were used in the furtherance of partisan interests to which he was opposed. Thus in spite of his sinister interpretations, the activities of Heracleides and the others may not have diverged qualitatively from the standard diplomatic practice of the period.

The most notorious example of the bribery/ gifts syndrome in the diplomacy of the second century is the prelude to the Jugurthine War. Sallust's account of Jugurtha's diplomatic activity in the years between 133 and the outbreak of war should be treated with caution; but nevertheless it provides a useful account of unofficial ambassadorial practice at Rome in the second century. The narrative is dominated by Sallust's rather obsessive theme, the venality of the Roman aristocracy. The degree of generalisation with which the theme is advanced, taken with the lack of circumstantial detail in support of it, is naturally suspicious. However the theme is no invention of Sallust's: it formed the keystone of the popularis opposition to the senate in the years before Saturninus. The Mamilian quaestio which was set up to investigate cases of venality and corruption is attested by Cicero. Moreover the fact that Sallust exaggerated his theme does not necessarily invalidate the factual content of his narrative.²¹

Jugurtha's relations with the Roman aristocracy begin with his military service at Numantia under Scipio Aemilianus, the hereditary patron of the house of Massinissa.²² By the force of his personality he was able to establish intimate friendships with many of the Roman nobles serving in that campaign (Sall. lug.7.7.). Of these many were mercenary and corrupt and gave encouragement to Jugurtha's ambitions within Numidia, by drawing attention to his virtus and also to the fact that at Rome anything could be bought (ibid.8.1). The introduction of Sallust's contentious view of Roman corruption at this point in the narrative is unsubstantiated and

apparently arbitrary. But there is no reason to doubt that by the end of the Numantine War Jugurtha had acquired a number of connections within the Roman aristocracy, who might be expected to represent his interests at Rome. Attalus had made similar connections during the campaigns in Asia (190-89) and the Balkans (171-68); and it was not unusual for senators to give their support to the dynastic ambitions of individuals.²³

The next important episode occurred at Rome, probably in the winter of 117/6, after Jugurtha had eliminated one of his co-rulers (Hiempsal) and militarily defeated the other (Adherbal). Adherbal appeared in person to protest his case before the senate. Jugurtha naturally sent an embassy of his own to put the other side of the case.²⁴ His instructions to his envoys were that they should buy as much support in the Roman senate as was possible, distributing munera to his old friends and acquiring new ones by the same means. On their arrival at Rome Jugurtha's envoys sent gifts to his guest friends and to other men who were influential in the senate:

Ex praecepto regis hospitibus aliisque quorum ea tempestate in senatu auctoritas pollebat magna munera misere... (ibid.13.7)

The result of this activity was a reversal of senatorial opinion in Jugurtha's favour and many senators canvassed their uncommitted colleagues on his behalf. An audience was arranged eventually when Jugurtha's envoys felt assured of their success, a circumstance which hints at the possible collusion of the presiding magistrate with them. At the audience both Adherbal and Jugurtha's ambassadors made formal statements to the senate, that of the latter being brief "since they relied on bribery rather than pleading their cause" (ibid.15.2). In the discussion which followed the ground work done by Jugurtha and his ambassadors was rewarded: his supporters in the senate upheld his cause, using their influence and eloquence on his behalf. The senate passed a decree appointing a decemviral

commission under L. Opimius to supervise the division of the Numidian Kingdom between the two rivals.

The third phase in this sequence of events belongs to the period immediately preceding the outbreak of war. By then Jugurtha had made a largely successful attempt to oust Adherbal and unite the kingdom under his own rule, thus controverting the stipulations of Opimius' commission. An investigatory embassy, curiously anonymous, of "tres adulescentes" was sent to Africa and easily manipulated by Jugurtha (Sall.Jug.21.4). Eventually Adherbal, beleaguered in Cirta, managed to have a letter conveyed to Rome and read to the senate. Jugurtha had no ambassadors on the spot, but his supporters in the senate were again able and willing to moderate the terms of the S.C. which was passed on this occasion. Some senatorial opinion had been in favour of military intervention, but the S.C. merely provided for the dispatch of another embassy, admittedly of greater weight than its predecessor (ibid.25.1-4).

The final episode follows these events by a few months. Jugurtha had disobeyed the Roman ambassadors and precipitated a Roman declaration of war by massacring much of the population of Cirta, including its resident Italian traders (ibid.25.11-26.3). Once again Jugurtha's ministri in the senate tried to influence or disrupt senatorial proceedings in his favour; on this occasion however they were unsuccessful and the declaration of war went ahead (ibid.27.1-3). Underterred Jugurtha apparently believed that he could still manipulate the senate's policy to his own ends and avert a war with Rome. Another embassy was sent to Rome led by Jugurtha's son with instructions identical to those given to the embassy of 117/6, namely to try the power of bribery on everybody (ibid.28.1). These instructions were never carried out, since a state of war was already in existence and the envoys were denied access to the city.

Sallust saw the embassy of 117/6 as an example of the kind of ambassadorial bribery which was practised in his own era and not as a development of the normal pattern of relations between foreign dynasts and senators in the second century. It is partly anachronism and partly polemic which explain his exaggerated emphasis on the theme of bribery and corruption. However there is reason to believe that the methods used by Jugurtha's ambassadors in 117/6 were considered at the time to be excessive; and this view was evidently still held in 109 when the issue of corruption blew up into a national scandal. The Mamilian quaestio was prompted by Jugurtha's successful undermining of the Roman war effort in Africa, but its terms of reference extended to senatorial corruption prior to the war as well as to the corrupt handling of the war itself. Mamilius' bill proposed proceedings against those "quorum consilio Iugurtha senati decreta neglegisset, quique ab eo in legationibus aut imperiis pecunias accepissent..." (ibid.40.1). However even Sallust considered that the populares were excessive in their reaction to the scandal, and in this atmosphere it is likely that the accusations of bribery were exaggerated.²⁵ Jugurtha was using the traditional methods by which kings and dynasts attempted to influence senatorial opinion. We have seen how far these methods had developed by the 160s and 150s when Heracleides, Timarchus and Charops were active. But their activities did not cause a scandal, even though they provoked the moral disapproval of Polybius and a minority of the senate. On the assumption that there can be no smoke without fire it seems that Jugurtha must have gone too far either in the scale or the openness of his "bribery". Similarly the nobles seem to have gone too far in protecting the interests of their client, to an extent which called their patriotism into question. Finally there was a sufficiently organised opposition to the senatorial nobility by the time of Jugurtha to take effective advantage of these excesses.

The scandal caused individual heads to roll but it did not lead to a "cleaning up" of diplomatic practice. In 101 Mithridates' ambassadors came to Rome "bringing a great deal of money with them for bribing the senate".²⁶ In the first century the problem grew more serious, and the senate found it necessary to pass decrees in 94 and 70/69 restricting the availability of loans to foreign ambassadors in Rome. The senate referred to these decrees when in 67 they opposed the bill of the tribune C. Cornelius.²⁷ The decree of 70/69 forbade loans to members of a Cretan embassy then in Rome. The embassy is incidentally reported in more detail by Diodorus, but his account omits any mention of bribery as such and refers to the activities of the Cretan ambassadors in more neutral language:

οὗτοι δὲ κατ' ἰδίαν περιπορευόμενοι τὰς οἰκίας τῶν συγκλητικῶν καὶ πᾶσαν δεητικὴν προιέμενοι φωνὴν ἐξεθεράπευον τοὺς τὸ συνέδριον συνέχοντας.²⁸

This process of canvassing senatorial support is clearly reminiscent of the second century examples considered above, but the existence of the S.C. must indicate that bribery also played an important part in the envoys' activities. Thus bribery was not restricted to the monarchs and their representatives but was practised as well by the ambassadors of city-state communities. By 56 there was in force a Lex Gabinia, which apparently forbade loans to foreign envoys in Rome and rendered them invalid; this law fulfilled the intention of Cornelius' failed bill.²⁹ The legislation was evidently designed to minimise the opportunities for corruption in the area of foreign affairs, and the scale of these opportunities is well illustrated by the activities of Ptolemy Auletes in the 50s.³⁰ The massive financial transactions entered into by Auletes could under no circumstances be confused with routine gifts of hospitality; nor could they be regarded as an extended application of traditional methods of diplomacy. In the second century however this ambivalence

still existed, and Sallust mistakenly tries to interpret Jugurtha's activities in terms of the practice of his own period. When allowance is made for this and for the polemical distortion arising from his popularis bias, Sallust's account can provide an interesting insight into the informal diplomatic practice of the second century.

Section iii

The overall picture of informal diplomatic practice which emerges from the foregoing evidence is not an immediately homogeneous one, but certain general conclusions may be accepted. There is no doubt that some form of preliminary unofficial contact with senators was regarded as an essential part of an ambassador's task at Rome. It is also clear that by the middle of the second century an accepted but unwritten procedure had evolved concerning private meetings between ambassadors and senators. These meetings went beyond the purely informal contact arising from hospitium and clientela relationships. In so far as the senators involved in them can be identified, they tend to be men of high rank whose seniority gave them a particular influence in the senate. This emphasis on high ranking senators stands out as one consistent feature of the evidence.

In the Abdera inscription this class of senators appears as "the first men of the Romans" according to the standard reading of 1.21. The men who solicited Attalus in 168/7 are referred to as ἐνίοι τῶν ἐπιφανῶν ἀνδρῶν and again as ἐνίους τῶν κ̄ξιολόγων ἀνδρῶν. Polybius' narrative implies that they solicited Attalus' cooperation rather than vice versa; but the fact still remains that they were in a position to manipulate senatorial proceedings. They were able not only to deliver the S.C. promised to Attalus but also to have it amended subsequently when Attalus failed to keep his side of the bargain. This would only really be possible if the men involved were influential consulares, and this is indeed what the use of the words ἐπιφανής and κ̄ξιόλογος suggests.

The two identified subjects of Charops' solicitations in 161/0 are M. Aemilius Lepidus and L. Aemilius Paullus, both of whom were of very senior consular standing. Similarly the recipients of gifts from Jugurtha's envoys in 117/6 were (apart from his existing hospites) those

"whose influence in the senate was at that time strong." (Sall.lug.13 7)
 On two occasions Sallust speaks of Jugurtha's supporters in the senate exerting their gratia (political influence) on his behalf (ibid.15.2; 27.1); their influence was usually sufficient to secure the passage of favourable senatus consulta (ibid.15.2;25.2). This would only have been possible if their number had included many of the influential consulares.

There is no explicit evidence that the brothers Timarchus and Heracleides worked on the most influential senators, and indeed Diodorus says of Timarchus that he ἐδωροδόκει τοὺς συγκλητικούς, καὶ μέγιστα τοὺς τοῖς βίαις ἀσθενεῖς (Diod.31.27a). But few even of the most influential senators amassed large fortunes in the second century. This would be impossible without a lucrative overseas command; and even L. Paullus, who enjoyed one of the most lucrative of such opportunities, died in possession of comparatively little capital.¹ Of course the poverty of which Polybius speaks in connection with Paullus is only comparative, and so perhaps we should regard τοὺς τοῖς βίαις ἀσθενεῖς in Diodorus: Diodorus is in any case likely to be following Polybius closely here.² These senators should not be regarded as bankrupt or starving but merely as incapable of meeting the heavy and increasing expenditure commitments, which were needed to sustain an eminent public career. Moreover it is inconceivable that either the S.C. in favour of Timarchus (161/0) or that in favour of Alexander Balas (153/2) could have been passed had it not been proposed and approved by at least some of the consulares in the early part of the senatorial debate.

The men with whom Ariarathes engaged in private interviews in 157 are also not identified, but it appears that they were not senators previously acquainted with him. The interviews are presented by Polybius as a quasi-institutional process, from which an informed observer could gauge the degree of success with which the ambassadors were discharging

their mission. This element of predictability suggests that the interviews were held with men who could exercise a known, measurable amount of control over the senate's decisions. Once again it is the highest-ranking members of the senate who must be meant.

This example draws attention to the contrast between levels of unofficial diplomatic activity at Rome. On one level, as has been shown, ambassadors sought to secure the support of high-ranking senators who were influential in the framing of senatus consulta. On the other level they enlisted the help of those senators already tied by private relationships of hospitium or clientela with the state or dynast which they served. Theoretically there were two courses of action for ambassadors to pursue simultaneously, and the existence of these parallel courses is another recurring feature of the evidence. There would naturally be overlapping between them, since leading senators would tend to have acquired or inherited connections with certain states, while their support and patronage would be keenly sought after by many others. For example M. Lepidus advised the Ptolemaic envoys in 170/69 to drop their offer of mediation in the war between Rome and Macedon. Many ambassadors would at this time be seeking Lepidus' support on account of his especially influential position as princeps senatus. But on this occasion it is likely that the Ptolemaic envoys were making contact with him and seeking his advice by virtue of the private relationship which existed between him and the Ptolemaic monarchy.³

The distinction between Ariarathes' existing connections and the men with whom he had private meetings at the beginning of consular 157 is only implicit in Polybius' narrative. Far more explicit is the distinction between the various elements of the task carried out by the Tean envoys in 167/6. The first of these was to "encounter and win over in daily interviews the first men of the Romans";⁴ the second was to "appoint to the aid of Abdera the patrons of their own state". The picture thus given of a dual

strategy is complicated by the existence of a third and more negative factor. This was the ambassadors' attempt to dismantle the senatorial support for Cotys which had already been built up by his son Bithys. In the present circumstances this factor was particularly important; but it need not always have been, and it was in any case confined to instances where counter-embassies were involved.

The kind of assistance which the patrons of Teos were able to give is not specified in the inscription, but presumably it involved the exertion of what influence they had over other members of the senate. They could also have advised the ambassadors on how best to approach and deal with the high-ranking senators whose support was so vital. In the Hellenistic period assisting ambassadors was a valuable service for which men of other states were frequently rewarded with grants of proxenia and other such honours.⁵ Among the epigraphical evidence for such assistance is a late-second century decree honouring P. Farsuleius, a Roman, of which part of the restored text runs as follows:

ἐπαινέσαι] Πόπλιον Φαρσολήιον Ῥωμαῖον ἐπί τε τὰς προκίρες καὶ [ἐν
νοίαι ἂν ἔχει] ποτὶ τὰν πόλιν τῶν Δελφῶν καὶ ἐφ' αἷ ποιεῖται ἐκτενείαι
καὶ σπουδαί

συμπράσων φιλοτίμως τ]οῖς πρεσβευταῖς τοῖς ὑπὸ τὰς πόλιν ἀποστελλομένοις⁶

The restoration of συμπράσων is justified by its usage in a very similar context, and, if correct, it suggests that the Roman patron worked alongside the ambassadors and engaged himself in the same activities as them.⁷

This appears to be what Jugurtha's supporters in the senate were doing in 117/6: "quorum pars spe alii praemio inducti singulos ex senatu ambiundo nitebantur ne gravius in eum (Jugurtha) consuleretur (Sall. Jug. 13.8).

In 172 the leader of a Rhodian embassy at Rome was anxious to have the opportunity of confronting Eumenes in the senate; in an unsuccessful

attempt to achieve this he called on the assistance of those Romans who were privately connected with Rhodes by ties of hospitium and clientela:

itaque omni modo per patronos hospitesque disceptandi cum rege locum in senatu quaerebat. (Liv.42.14.7).

The advice which M. Lepidus gave to the Ptolemaic envoys in 170/69 provides another example of the kind of assistance which Roman patrons rendered to the ambassadors of states in which they had an interest. This advice may well have averted a disruption of cordial relations between Rome and the Ptolemaic kingdom or at least an undesirable diplomatic incident.

The nature of hospitium relationships naturally suggests that Roman senators were continually providing hospitality at Rome for individuals connected with them in this way, and perhaps also for the representatives of states and ruling families with which they had some special connection. Little evidence exists on the facilities available at Rome for the lodging of foreign ambassadors, except that those from enemy states were not permitted to cross the pomoerium and were lodged outside the city in the villa publica. The vast majority of embassies were from friendly states and were allowed into the city: some provision for public hospitality was often made, but in the second century the volume of embassies increased so much that most of the responsibility must have been pushed into private hands.⁸ Generally in Greek diplomacy private hospitality played a significant part, and this must also have been the case at Rome. In 133 Eudemus, the Pergamene envoy who brought the will of the last Attalus to Rome, seems to have lodged at the house of Ti. Gracchus. This is only an isolated example, and it is an inference from what appears to be a piece of malicious gossip incorporated into Plutarch's account.⁹ The inference however is quite plausible, since Ti. Gracchus must have inherited numerous eastern connections from his father.

These are some of the kinds of assistance which ambassadors at Rome could expect to receive from their respective patrons and hospites. It was important therefore for ambassadors to cultivate these connections and make use of their services, as well as going the rounds of the most influential senators of the moment. The dual nature of the ambassador's unofficial task can be discerned in Sallust's account of the 117/6 embassy from Jugurtha. On their arrival at Rome Jugurtha's envoys proceeded to send gifts to the king's existing hospites and to others who were at that time influential in the senate (Sall.lug.13.7). This corresponds to the original instructions given to the envoys by Jugurtha, which Sallust records in a rather vaguer manner: "to satisfy his old friends with gifts and acquire new ones" (ibid.13.6). This may be seen as reinforcing the idea of a dual strategy, but it may simply reflect a stylistic predilection on Sallust's part for artificial antithesis. If that is the case, then he was merely representing Jugurtha's aims as the acquisition of as many senatorial contacts as possible.

In the long term this was probably true and the distinction between differing elements of his strategy a relatively false one. Jugurtha's success in manipulating senatorial policy probably derived from the fact that a significant number of senior senators were personally connected with him as patrons and hospites; many of those doing military service at Numantia would have attained senior senatorial rank twenty years later. But at the time of the embassy in 117/6 Jugurtha was probably thinking in terms of the familiar dual strategy: that is of utilising his existing contacts and conciliating other areas of senatorial opinion with a view to maximum short-term political advantage. In the discussion which followed the audiences for Adherbal and for Jugurtha's envoys speeches in favour of Jugurtha predominated (Sall.lug.15.2.f). Effective discussion probably did not extend much below consular rank in the senate, and Jugurtha's tactics had been

successful in securing the support of these senior senators (or a majority of them). But Jugurtha was not interested merely in canvassing their support for a single senatorial decision, as for example the Tean envoys in 167/6; he was aiming to secure their patronage on a more permanent basis and could afford to do this by sending gift-laden envoys to Rome on frequent occasions.

Sallust does not here refer to any third senatorial group corresponding to the third group in the Abdera decree. In the context of 117/6 this would mean the senatorial supporters of Adherbal, and such a group almost certainly existed (see Ch.3.ii,n.21). But it probably did not figure as an important factor in Jugurtha's strategy, as it did for example in the strategy of the Tean envoys. Adherbal's partisans would have been easily outnumbered by Jugurtha's partisans, since Jugurtha was obviously the more diligent in the cultivation of his Roman contacts.

Finally there is a hint of the dual pattern in the cases of Attalus and Charops. Both had a number of (anonymous) personal connections at Rome: those of Charops derived from his education there and Attalus' were formed in the military campaigns of 190-89 and 171-68.¹⁰ Attalus' acquaintances contributed to the cordial welcome he received on his arrival in Rome in 168/7 (Pol.30.1.4); but those who approached him with the promise of a favourable S.C. on certain conditions are designated not as friends but as ἐπιφανείς and ἀξιολόγοι. Charops' connections at Rome must have been important in establishing his position within Epirus; yet the men with whom he attempted to associate in 161/0, and by whom he was snubbed, do not appear to have been personal friends of his. Their significance seems to lie rather in their being two of the most powerful men in Rome.

To this extent then the evidence on unofficial ambassadorial activity can be fitted into a comparatively consistent pattern. Apart from their contact with the presiding magistrate all activity in which ambassadors

engaged prior to the senatorial audience was unofficial. The predominantly upper-class Greeks and Greco-Macedonians who represented the city-states and monarchies of the East came by a natural process to form personal connections with the Roman aristocrats with whom they came into contact. In the context of Roman hegemony states and monarchs came to accept the patronage of certain Roman nobles. These connections were hereditary and thus continued to be available for future generations; foreign ambassadors would naturally make use of them in their attempts to acquire senatorial support for their missions. Alongside this activity there ran a rather more formal process of interviews with influential senators, who might be quite unconnected with the ambassadors who approached them. In the second century these men were predominantly consulares of which there may on average have been more than thirty at any time. After the fundamental shift in Roman politics ushered in by Ti. Gracchus' tribunate, ambassadors began to cultivate the popularis readers as well. At any rate C. Gracchus during his tribunate (123-2) was attended by ambassadors (among many other people); this would have been partly due to his great political influence at Rome and partly due to the inherited overseas connections of his father.¹¹ In the course of the first century the attention shifted mainly to the military dynasts and was eventually concentrated on the person of Augustus the princeps.¹²

Section iv

This picture of unofficial activity may be filled out by a number of minor pieces of evidence. An early example of contact between senators and an ambassador may be found in the negotiations of winter 198/7. Polybius tells us that when the conference in Locris ended and the discussion was referred to Rome, Flaminius sent Amynder to Rome, realising that he could be easily manipulated by his friends there (Pol. 18.10.7). Polybius here gives the impression that Amynder was sent by Flaminius as his own representative, but this cannot really have been the case. Flaminius sent at the same time three senators from his own staff as personal envoys (Pol.18.10.8). Amynder was the ruler of an independent state (albeit a minor one) and he must have been regarded in Rome as officially representing his own kingdom: it was a part of Flaminius' calculation that he should create *φαντασία* at Rome.¹ Polybius' account is realistic in that it recognises the influence which Flaminius exerted over Amynder: Amynder's visit was evidently undertaken on Flaminius' initiative. But at Rome Amynder was one of a number of official representatives of Rome's Greek allies and carried the added superficial importance of being a head of state. Flaminius expected that his friends in Rome would be able to manipulate Amynder as the situation demanded; this expectation obviously demanded that Amynder should remain in close contact with Flaminius' friends during his sojourn in Rome.

Amynder was exceptional in the extent to which he was a creature of the Romans and of Flaminius in particular: he had been elevated by them to an artificial level of importance.² It may be assumed that the other Greek ambassadors in Rome in 198/7 preserved a much more autonomous attitude. And yet there is a suggestion in Polybius' narrative that they too were in contact with Flaminius friends: when the latter had ascertained

that Flaminius was not to be superseded in his province, the Greek envoys came into the senate and vigorously denounced Philip (Pol.18.11.2). Polybius seems to be suggesting that there was some cooperation between the envoys and Flaminius' political associates; but there is no evidence that the latter did any more than to ensure that the audiences took place after the allocation of provinces. This would not require any cooperation from the envoys. The hypothetical question naturally arises: what would the envoys have said in the senate if Flaminius had been replaced in his command? Like most hypothetical questions it is unanswerable with any degree of confidence, but it is hard to imagine that they would have improved the chances of reaching a peace settlement. This question may be regarded as crucial in assessing the morality of Flaminius' political conduct on this occasion, but this does not immediately concern us.³ As to the degree of cooperation between the Greek ambassadors and Flaminius' friends, this may be expected to reflect in some way the amount of unofficial contact between them. Unfortunately neither of these factors can be properly ascertained, but in the circumstances it is probable that at least some such contact occurred.

The importance of maintaining contacts in the senate was appreciated by foreign powers at an early stage in the second century. It was by means of such contacts that Philip of Macedon was almost able to thwart the Aetolian peace initiative of 189. When a peace settlement was becoming likely, Philip "sent to his friends, asking them to share his anger and not to accept the peace" (Pol.21.31.4). Polybius goes on to say that as a result of this the Aetolian ambassadors were at first disregarded by the senate; it seems to have been only the presence of Athenian and Rhodian ambassadors which saved the situation for the Aetolians.⁴ Polybius gives no clue as to the identity of these "friends", but it is clear from the

context that they were Roman senators. And from their initial success in turning senatorial opinion against the Aetolians it follows that they must have had considerable influence in the senate. This incident belongs to the brief period of cooperative alliance between Rome and Macedon, when Philip was playing the role of a more or less willing client. This gave him the opportunity to get "inside" the Roman decision-making process by cultivating individual senators such as Scipio Africanus. Some of Philip's contacts will have originated in the campaigns against Antiochus, whereas others were probably established by Demetrius during the years 197-0, when he was a hostage at Rome⁵. When relations between Rome and Macedon deteriorated after 185, these contacts will have ceased to represent Philip's interests.

In 181/0 Eumenes sent his brothers on an embassy to Rome. He did this "partly with a view to ending the war against Pharnaces, and partly because he wanted to bring his brothers into contact with the private friends and guest-friends which they had in Rome and with the senate as a whole" (Pol.24.5.3). It was not necessary for Eumenes to send members of his own family to carry out the first part of this mission: but he was aware of the advantages of maintaining and extending his family's personal contacts with senators. This policy was essentially a long-term one, since the continuation of good relations between Rome and Pergamum depended to a large extent on the maintenance of Eumenes' family connections at Rome. The kingdom of Pergamum did not exist as a territorial entity: there was only the personal monarchy of the Attalid family. Thus Eumenes and Attalus frequently sent members of their family on embassies to Rome, and this was an important part of their long-term policy. But in the short-term the personality and added prestige of a royal ambassador probably helped to secure a favourable response from the senate to the particular mission in which he was involved.⁶ In 153/2 Attalus sent his nephew and

namesake to Rome "to be introduced to the senate and to renew the friendships and guest-friendships of his father" (Pol.33.18.2). On this occasion there was no political motive for the embassy: the cultivation of the family connections appears to be its only object. The younger Attalus was heir-apparent to the Attalid throne and eventually succeeded about fifteen years later. It is easy to believe that the renewal of the Attalid connections at Rome was considered an important part of his preparation for rule, since the relationship with Rome was the most important factor in any Attalid king's foreign policy.

The acquisition of personal contacts among senatorial families was an important objective for other dynasts. Prusias adopted a not uncommon expedient in 167 when he brought his son Nicomedes to Rome and "entrusted him to the care of the senate" (Liv.45.44.9). This effectively meant that Nicomedes was to live and be educated in Roman upper-class circles; and this provided the opportunity to forge a series of important contacts with senatorial families which might later be useful in relations between Rome and the Bithynian Kingdom. It is uncertain whether this was Prusias' original intention, but the syndrome seems in any case to have borne fruit in the year 157/6. On that occasion the presence of Nicomedes in Rome with a Bithynian embassy helped to discredit an embassy from Attalus which was complaining of Bithynian aggression.⁷

But Prusias had contacts in Rome before Nicomedes' period of residence. When he arrived in Rome in 167, he was offered an immediate audience by the praetor. Prusias declined the offer because he wanted time inter alia to visit his friends and hospites (Liv.45.44.6). His record as any ally of Rome had not been impressive either before or during the war against Perseus, but eventually he seems to have joined the fighting on the Roman side.⁸ It is thus more likely that Prusias' friends and hospites at Rome were acquired in the latter stages of the war than in the preceding years

when contact between Rome and Bithynia appears to have been scarce. This may be reflected in Livy's statement that after his audience with the senate Prusias "was assisted by the goodwill of all those who had been commanders in Macedonia" (Liv.45.44.9). If Prusias' Roman contacts did consist mainly of these men, then we have a fairly clear example of the functioning of unofficial diplomatic activity. The purpose of Prusias' postponement of his audience until after he had visited his friends and hospites would be to assure himself of their support in the senatorial discussion which preceded the senatus consultum: this support was duly delivered.

Prusias may also have wished to consult his Roman friends on the best approach to adopt at the audience. The grossly obsequious display which he in fact made provoked Polybius' contempt; but as Polybius himself realised, it secured him a favourable response from the senate.⁹ Polybius' contempt for Prusias' conduct might be expected to reflect a similar attitude on the part of his idol, L. Paullus; but since the latter was the most prominent of the Roman commanders in Macedonia, he should, if Livy is to be believed, have supported Prusias. However the Romans' cultivation of Prusias at this time should be interpreted largely as a negative gesture of hostility towards the suspected Eumenes; this was made particularly clear by the rebuff given to Eumenes when he attempted to come to Rome immediately after Prusias' visit (Pol.30.19.1 ff.).

Prusias was to discover to his cost, as other dynasts had, that the extension of his family's connections at Rome armed him with a two-edged weapon. The value of these connections depended entirely on the internal unity of his family. The Romans were always ready to encourage dynastic strife in their client kingdoms, and would take advantage of any special relationships which they had with members of the dynastic families to achieve this. The notable cases are Demetrius of Macedon and Attalus of

Pergamum, Demetrius had brought about a considerable amelioration of relations between Rome and Philip of Macedon before Flamininus and other Romans began to subvert his allegiance. Attalus resisted Roman attempts to detach him from loyalty to his brother and continued to be of use to Eumenes in relations with Rome; however the cost to Eumenes of this incident and of subsequent Roman policy was probably a shift of influence within his kingdom from himself to Attalus.¹⁰

Prusias tried to use Nicomedes' influence at Rome on a second occasion (probably in 151/0), when he sent him to Rome to secure the cancellation of the indemnity owed to Attalus (App.Mith.4). Nicomedes was unsuccessful in this mission, and his disaffection to his father dates from this embassy. According to Appian the initiative came not from the Romans but from an intrigue which involved Prusias' envoy, Menas, and Attalus' envoy, Andronicus (loc.cit.); but since the intrigue took place at Rome, the involvement of unnamed Roman senators may be suspected. And if the Romans were not initiators they seem to have adopted the role of willing accomplices: an embassy which Prusias sent to Rome in 150/49 found it extremely difficult to secure any positive assistance against Nicomedes.¹¹

The significance of personal connections in Roman foreign policy is most obvious in the context of the Hellenistic personal monarchies, but most foreign states whether republican or dynastic were attached by ties of patronage to one or more senatorial family. The patrons of Teos appear in the Abdera inscription and seem to have helped the Tean ambassadors in their mission. In 172 Rhodian envoys called upon their patrons and hospites for assistance; and in 168/7 another Rhodian embassy was forced to plead in a humiliating manner before its Roman "friends". On this latter occasion the Rhodians seem to have begun their round of private contacts at an early stage, since they first realised that things were seriously amiss from the suspicion and hostility shown towards them in

public and private meetings (Pol.30.4.3).¹²

There were also private friendships between individual Greek politicians and Roman senators, which might well prove useful in discharging ambassadorial missions at Rome. An interesting example which has survived in Polybius is the embassy of Deinocrates of Messene to Rome in 184/3. Deinocrates was a personal friend of Flamininus, having become acquainted with him in the war against Nabis (Pol.23.5.2). When he reached Rome and discovered that Flamininus had been appointed as ambassador to Prusias and Seleucus, "abandoning all else he attached himself exclusively to Titus and rested all his hopes on him" (ibid.5.3). This suggests that Deinocrates did not in fact complete his mission by appearing before the senate; and this suggestion seems to be confirmed by the fact that when Flamininus failed to secure a meeting of the Achaean Ekklesia, Deinocrates' hopes "fell to pieces" (Pol.23.5.18). Deinocrates evidently had no official document such as a senatus consultum to fall back on, once his trump card had failed. This is an unusual example of unofficial diplomatic activity at Rome, because Flamininus' assistance was not solicited with a view to securing a favourable senatus consultum. It was not his influence in the senate which Deinocrates wished to exploit but the unofficial authority which he might exert as a private individual travelling through Greece en route to a quite separate official mission.

Another example of an embassy approaching an individual senator and bypassing the senate is referred to in Polybius' account of the Celtiberian crisis of 152/1. Scipio Aemilianus volunteered in the senate to serve in Spain "although he said that the trip to Macedonia would be safer and more pleasant; for the Macedonians had called upon Scipio by name to put an end to their internal disputes" (Pol.35.4.11). By "the Macedonians" Polybius is presumably referring to one or more of the four republics established in 167. They approached Scipio in his capacity as their

hereditary patron; Scipio had inherited this connection from his father, L. Paullus, who had presided over the Macedonian settlement in 167. An embassy must have been sent to Rome by the Macedonians to secure Scipio's intervention, if their appeal to him reflected an official decision by one or more of the Macedonian republics. But given the nature of its mission it is unlikely that it ever went through the official channels at Rome, ie. that it ever came before the senate; or if it had done, it is equally unlikely that the senate would have agreed to appoint one of its most junior members to conduct an embassy to Macedon.

While these examples illustrate the importance of personal connections in the relations between Rome and other republican states, they are not really representative of unofficial diplomatic practice. Both embassies were unusual in that they intended to bypass the senate altogether. An embassy was normally concerned with securing a favourable senatus consultum, and any approach to contacts in Rome was a preliminary stage in this process rather than an end in itself.

Chapter 4

Section i

The senatorial audience proceedings conformed in various respects to what may be called the democratic tradition of ancient diplomacy. In many ways the tradition is comparable with trends in diplomacy in the twentieth century. Indeed Nicolson suggests that the democratisation of diplomatic processes since 1919 under American influence marks a return towards the more open system of the Greeks.¹ There is some truth in this suggestion since the demands for greater public consultation and greater executive accountability have been important factors in the recent trend and were of no less importance in Greek political ideology. This was also true at Rome where the aristocracy was conscious of the state being a polis and anxious to preserve it as such. Within the aristocracy at least the principles of amateurism, openness and equality were strictly applied. There was thus no incentive to modify the existing traditions of Hellenistic diplomacy, when Rome became the focus of all diplomatic activity in the second century.

Nicolson sees as a by-product of modern openness a tendency towards diplomacy by conferences in which lengthy, propagandist speeches dominate; and since negotiation can only properly be carried out by reasoned confidential discussion, diplomacy in the true sense does not take place in the conference room but is relegated to private rooms and houses where diplomats can meet each other without the glare of publicity.² Again there is an observable parallel with the ancient system, in which publicity and the inadequate competence of ambassadors combined to make diplomatic interchanges a series of formal, prepared speeches. At Rome there was no sign of true negotiation in the senatorial audience, because the senators simply listened to the speeches of whatever ambassadors were present and then formulated their own decision on the issue by discussion

amongst themselves.

It is thus particularly appropriate that the word "audience" should be used as the English rendering for the institution at present under consideration. It does not correspond to the words of more general application (χρηματισμος , ἐντευξις) used by Polybius and other Greek writers. When ambassadors appeared before the Roman senate or before the Council or Assembly of a Greek state, they were normally heard without interruption as they delivered their speeches: in other words they were not negotiated with, although a reply would normally be given to them. An audience then was literally a "hearing" of ambassadors. It is misleading to speak of a typical audience, because it is impossible to apply a single rigid set of procedural rules to every situation in which foreign ambassadors were heard by the senate: the audience did in fact prove to be a versatile institution. But since it was normal for ambassadors to be given an uninterrupted hearing and for the senate to make no official communication to them in the course of it, these may be regarded as in some way features of a "typical audience". However there were exceptions to this rule, and ambassadors in the senate might not only be interrupted in the course of their speeches but also be asked various questions by senators.

The facility which individual senators had of asking questions has been seen by Nicolson as an "interesting innovation" of the Romans to existing diplomatic practice.³ But it did not represent any movement towards a further discussion of issues in the senatorial audience and did not therefore change the character of ancient diplomacy. In fact it was not an innovation at all, since ambassadors could be questioned in the Athenian assembly as far back as the fifth century. At least Spartan ambassadors to Athens in 420 were asked on their appearance in the assembly whether they had come with full powers. The situation had been

anticipated by Alcibiades with the intention of compromising the ambassadors. It is not clear however whether they were questioned by an official magistrate or by a private citizen, or at what stage in their audience the question was asked.⁴ In a meeting of the Ekklesia is 346 Demosthenes put "a certain question" to Philip's envoy, Antipater, who replied to it in a manner which had been arranged with Demosthenes in advance.⁵ In general a Greek ambassador could only answer a question on a point of information and not on substantive negotiating points of concessions: he had fulfilled his instructions with the delivery of his formal speech, and had no further competence to answer questions which took him beyond his brief.⁶

At Rome the opportunity for senators to question ambassadors was regarded at the end of the third century as a traditional custom (mos traditus); or so it is described by Livy.⁷ Lack of information makes it impossible to verify or disprove this contention, and it is not until the year 204 that a certain example of the practice is recorded. An embassy from Locri in Sicily came to Rome to protest at their city's treatment at the hands of the Roman propraetor Q. Pleminius. Livy records the long prepared speech of the senior envoy in the senate; at the end of this the envoys were asked a question by Q. Fabius Maximus and their audience was only at an end when they had answered this question. Fabius asked them if they had addressed their complaints to the consul in Sicily, P. Scipio. They replied affirmatively and added that Scipio was too busy to deal with them and had anyway shown partiality towards Pleminius (Liv. 29.19.1-2). This was a question on a point of information which had been omitted from the envoys' account of the affair and which certain senators considered to be important. The question which naturally arises is why they had not previously mentioned Scipio. A possible reason is that they were afraid of his power and prestige and were reluctant to impugn him publicly at

Rome, since this might jeopardise their cause. It is also possible that Fabius had arranged in advance with the envoys that they should not mention Scipio's rôle, so that a greater impact could be made on the other senators when the matter was eventually raised by Fabius: the envoys certainly seem to have been ready with a damning reply when the question was put to them. It is thus tempting to see the question as a dramatic device inspired by Fabius with a view to highlighting Scipio's misconduct. However while other details of the Pleminius incident occur in various sources, the only evidence for the Locrian embassy is an isolated annalistic passage of Livy, and this cannot be expected to support too much speculative reconstruction.

Many of the examples of interruption or questioning in senatorial audiences seem to occur in certain types of situation where an element of hostility is prominent. There are two examples which bear a suspiciously close resemblance to one another and relate respectively to the outbreaks of the second and third Macedonian Wars. In 202/1 ambassadors came to Rome from Philip of Macedon to dispel various charges and to complain about the activities of M. Aurelius; the latter had sent his own legatus M. Furius to speak against Philip in the senate. Philip's envoys were asked questions on the basis of Furius' speech which they could not properly answer; thereupon they were dismissed and the senate accorded them a somewhat unfriendly reply. This embassy has been the subject of considerable doubt and is attested only in an annalistic section of Livy.⁸ In 172/1 an embassy from Perseus made very similar representations to the senate and Sp. Carvilius, the legatus of the Roman commander in Epirus, Cn. Sicinius, spoke against the ambassadors in the senate. Again questions were asked on the basis of the legatus' speech and no satisfactory answer was given. Again the source for the incident is annalistic Livy and there are even greater reasons for regarding the passage as spurious.⁹ The

close resemblance between the patterns of events on these two occasions is indeed implausible, but this suggests that one incident might have been fabricated as a doublet by reference to the other. Can both incidents be dismissed therefore as apocryphal? And if so, how much value can be attached to the procedural details which are common to both audiences?

Unfortunately the origins of the second and third Macedonian Wars are both areas of peculiar sensitivity in Roman historiography; and a great deal of tampering with events leading up to these wars undoubtedly took place in the Roman annalistic tradition, particularly with a view to exculpating any apparent aggressive imperialism on the part of Rome and representing all the wars which made her into an imperial power as "just wars". The exact extent of the distortion cannot be ascertained, because the text of Polybius is seriously under-represented in the surviving excerpts for the relevant years. Livy is thus the major continuous source for the years before 200 and those before 171.

With the embassy of 172/1 it is at least possible to be more certain about our doubts; it is clearly a rewritten version of an embassy recorded both in Polybius and in a Polybian part of Livy's narrative. The fact that the annalistic and Polybian versions of the same embassy occur within 12 chapters of each other in Livy's narrative merely underlines the confused state of his 42nd Book. But it is instructive to view the clear comparison between two versions of the same incident. Polybius says that Perseus' ambassadors attempted to defend their king and to dissuade the senate from war; the senate's reply to them was an effective declaration of war, in which all Macedonians were to leave Italy in 30 days. Livy in his paraphrase gives substantially the same account.¹⁰ According to the annalistic version the envoys were brought into the Temple of Bellona and made a defensive speech, which resembles that

described by Polybius but lacks his emphasis on the attempt on Eumenes' life. Then Sp. Carvilius was introduced to make various charges of Macedonian aggression; the envoys failed to reply because they had no further instructions. The senate now gave its reply which was an effective declaration of war, and in it the envoys were ordered to leave Italy within 11 days (Liv. 42.36.1-7). It is hard to explain how the divergence between 11 and 30 days came about, and neither figure is paralleled in other examples.¹¹ As for Sp. Carvilius he is mentioned only in the annalistic version and there is no record of any such exchange in Polybius. But this need not be regarded as conclusively damning, since the Polybian version is in any case so brief that no mention of it should really be expected.

Both of these alleged audiences resemble that given to the Syracusan envoys in 210. On that occasion no questions were asked of the ambassadors in the senate, but the consul Marcellus spoke against them in the manner of M. Furius and Sp. Carvilius. Both parties then left the senate house after the speeches and waited for the senate to come to a decision on the matter (Liv. 26.30-31). These counter-embassies by Roman executive officers or their representatives were not unusual and seem to have formed a kind of prototype of the collective audiences which developed in the period after 189.

Most of the occasions on which the opportunity to ask questions of ambassadors in the senate was used relate to wartime embassies seeking to "negotiate" a peace settlement. Again Livy is the main source of evidence, although for one or two instances there is an alternative source which is not always corroborative.

In 203/2 the Carthaginian envoys, who were seeking (perhaps disingenuously) to ratify the provisional peace terms agreed with Scipio, were asked about the 241 treaty. When they replied that they were too

young to know about it, the opportunity had been set up for witty senators to remark that the Carthaginians had sent ambassadors to renew a treaty of which they were ignorant (Liv. 30.22.5-6). This was good irony and a good debating point, and the exchange of words might well have occurred. But Livy's account of this embassy is unsatisfactory in other respects. He says that the envoys were dismissed with scarcely a reply, and this directly contradicts Polybius' statement that the peace terms had been accepted by the senate and that a state of peace existed in the spring of 202. The peace was broken when the Carthaginians, emboldened by Hannibal's return from Italy, renewed hostilities.¹² The discrepancy is strange for two reasons. If Livy or his source were prepared to distort or rewrite history for polemical purposes, one would not expect them to do so on this occasion. From Polybius' account, it is clear that the Carthaginians were in the wrong; and one would expect the annalists to take advantage of the opportunity to expose Punic treachery, which would appear the worse if a state of peace existed. Evidently they were more concerned to illustrate the Romans' unwillingness to discuss terms before an outright victory had been won. In other words the grim determination and solid qualities of the Romans were preferred to the moral failings of the Carthaginians.

The other reason why Livy's error is strange is the depth of circumstantial detail in his account of the audience, which suggests he was using a well-informed source and inspires a certain amount of confidence in its veracity. For example no less than five named senators were accredited with contributions to the debate, and this degree of detail is rare in accounts of senatorial proceedings. In fact the only aspect of the account which contradicts Polybius is the result of the negotiation, and if an annalist had wished to falsify this one aspect, it would not have been necessary for him to alter the rest of proceedings.

We would expect the senate to give the Carthaginian envoys a frosty reception, and there was disagreement in the senate over the acceptance of peace terms. The rest of the account does not therefore necessarily lead up to the unhistorical rejection of the terms, and we do not need to abandon confidence in its convincing circumstantial flavour.

It is on this occasion that Livy describes the questioning facility as a traditional procedure. He says that the praetor, who was presiding at the audience in the absence of both consuls,

"more tradito patribus potestatem interrogandi, si quis quid vellet, legatos fecisset" (30.22.5).

It should be noted that those who took advantage of this facility were seniores who had been involved in the 241 treaty. In 204 it was the very senior Q. Fabius who questioned the Locrian envoys. It would appear then that priority was determined on these occasions by seniority, as was the order of speaking in senatorial debates. This probably meant that in practice it was only senior senators who addressed questions to ambassadors.

In 202/1 another Carthaginian embassy was at Rome. This time it was led by Hasdrubal, the leading proponent of peace, and it was clearly more realistically interested in making peace after Rome's conclusive victory at Zama. The envoys were asked in the senate by which gods they intended to swear their oaths to the treaty (Liv. 30.42.20). If this incident is true, it is another example of a cheap debating point made by a Roman senator out of hostility to the Carthaginian cause. Its intention was presumably to discomfit the Carthaginian envoys and to make their task harder, rather than because the information would be useful in making peace or would affect the nature of the peace settlement.

The next example to be considered is the audience given to Philip's ambassadors in 198/7, which is of interest in a number of contexts. Again

the envoys were from a power at war with Rome which was attempting to reach a peace settlement: in this respect their position was similar to that of the earlier Carthaginian embassies. They had been granted a truce of limited duration, but Flamininus, unlike Scipio, had not provisionally agreed specific peace terms with the Macedonian king or his representative. I assume here that no precise bargain had been struck between Philip and Flamininus at their private meeting on the second day of the conference in Locris.¹³ Thus the embassy was seeking not ratification of agreed proposals but an actual settlement. In the event the ambassadors were not allowed to proceed with their prepared statement, because they were asked directly in the senate if they would accept certain terms, viz. the evacuation of the Fetters.

For the details of this audience we are on safer ground, since Polybius' account survives and Livy's version more or less exactly reproduces it.¹⁴ Polybius says that the Macedonian ambassadors "had prepared to speak at length, but were immediately prevented from doing so ἐν ἀρχαῖς. For they were asked if they would evacuate Chalcis, Corinth and Demetrias" (Pol. 18.11.12-13). Polybius does not record whether the question was asked by the presiding magistrate or by a private member of the senate. It appears from the words ἐν ἀρχαῖς that Philip's envoys had begun to address the senate. Presumably it soon became clear that they were speaking in general terms about peace and were evading the specific issue of the Fetters. Since the earlier speeches of the allied Greek envoys had placed a special emphasis on this issue (Pol. 18.11.4), many senators would consider it to be the main point under discussion. The Macedonians' deviation from it would probably provoke a certain amount of impatient heckling. The presiding magistrate, sensing the mood, could then stop the envoys speaking and allow the senators to put direct questions to them.

In acting in this way the senate seems to have been making a somewhat spectacular gesture of solidarity with its Greek allies, whose envoys would still be in Rome after their audiences with the senate.¹⁵ There is no other convincing reason why the senate should not have listened to the full speeches of the Macedonian envoys, as would be consonant with the diplomatic etiquette. By interrupting them at an early stage and presenting them with an effective ultimatum the senate was making a gesture which could only be interpreted as one of hostility to an enemy which it realised was in a weaker position, and with which it was not prepared to negotiate on any but its own terms. Although the question on the Fetters must have appeared as virtually an ultimatum, Philip's envoys were not empowered to make this concession and their audience immediately came to an end. While the discourteous manner in which the question was put must be regarded as a response to the situation of hostility and the proximity of the allied envoys, the question itself was of course a realistic approach which had the effect of instantly clarifying the negotiating situation.

This situation is paralleled by the ultimata presented to the Aetolian embassies of 191/0 and 190/89. According to Livy the first embassy was worn down with questions from senators "which forced confessions of guilt from them rather than answers" (37.1.3). The senatus consultum which replied to the ambassadors presented the Aetolians with two alternative courses of action: to surrender unconditionally or to pay 1000 talents and have the same friends and enemies (Liv. 37.1.5). The terms of the S.C. as given here agree with the version of them given by Polybius; Polybius' account is considerably briefer than Livy's but this is probably not due to abbreviation by an excerptor. It contains none of the polemical flavour of Livy and no record of the senatorial questions. Thus as Nissen realised, Livy was clearly drawing his account from an alternative source, although the agreement over the terms of the S.C.

indicates that this annalistic source was not wholly unreliable.¹⁶ What is perhaps more unusual is that Livy had omitted any mention of the counter-embassy from M'. Acilius, which in Polybius' version was given an audience together with the Aetolians. This fits into a pattern of counter-embassies from Roman magistrates which has been noticed above, and which generally seems to have been of greater interest to annalistic writers. If Livy's account is broadly true and the questioning of the envoys did take place, we have his testimony that the questions were intended to embarrass the envoys and to demonstrate Roman anger and hostility. They were not intended to elicit a reply or to bring a peace settlement nearer.

In the following winter a subsequent Aetolian embassy made its representations in the senate. After their speeches the envoys were asked by senators whether they would surrender unconditionally to the Romans or would accept the same friends and enemies as the Romans (Liv. 37.49.4). In other words they were being offered broadly the same terms in the form of senators' questions as had been presented the previous year in the form of a senatus consultum. Like the S.C. the questions amounted effectively to an ultimatum (although the ambassadors may not have realised this), since the Aetolians' failure to reply brought about an immediate end to the peace negotiations. There seems to be no question of the ambassadors' speeches being interrupted before the questions were asked, and this gives weight to the suggestion that some special effect was desired when Philip's ambassadors were so interrupted in 198/7. When the Aetolians made no reply the audience was considered at an end, and the senate drew up its reply on the motion of M'. Acilius to the effect that the war should go on and no more ambassadors be received without the consent of the consul in Greece (Liv. 37.49. 7-8).

This account of Livy's is largely substantiated by Diodorus, whose version is briefer but presumably derives from Polybius.¹⁷ In his version

the Aetolian envoys were asked by a senator whether they would surrender to the Romans; when they made no reply the senate sent them back to Greece empty-handed (Diod. 29.9). There is no explanation in either account as to why the Aetolians made no reply. They probably did not consider their military position to be entirely helpless and were possibly unaware of the conclusiveness of Antiochus' defeat at Magnesia. News of this defeat would not have reached Aetolia before the ambassadors set out, and they may possibly have been involved in spreading the rumour of the Roman defeat in Asia which was circulating early in consular 189.¹⁸ Moreover the ambassadors were almost certainly not empowered to accept unconditional surrender or perhaps having the same friends and enemies as Rome: in which case they may have been waiting for another question to be asked by another senator to which they could reply affirmatively. The previous Aetolian embassy had been asked questions which sought to extract confessions of guilt rather than answers. In 190/89 the ambassadors may have considered that they were again not being asked genuine questions and that it was thus not essential to reply. After all the senate had previously offered terms in its senatus consultum and the envoys might reasonably expect this to happen again. The reason for the change of procedure is that the Romans had set out their terms in the previous year's S.C. and were not prepared to take the negotiations any further, unless the Aetolians first showed their willingness to accept those terms.

So much for situations in which an enemy embassy is seeking a settlement at Rome. In situations of latent hostility the senate seems to have practised the same tactic of interrupting the normal course of an audience or of asking embarrassing questions. The Macedonian ambassador Philocles was at Rome in 184/3 at the same time as Demetrius; at his audience he began to deliver a prepared statement on Macedonian policy in the Thraceward region and Macedonian relations with Bithynia, but was cut

off at the beginning of his speech.¹⁹ At least this is the only plausible interpretation of Polybius' words βραχύν τινα χρόνον ἢ σύγκλητος ἐπέδειξάμενη τοὺς λόγους (23.3.3). This is not the way of saying that Philocles made a short speech to which the senate listened, but must mean that the senate interrupted him. This is unusual because the senate simply followed this up with a conventional all-purpose reply, viz. that they would send envoys to investigate the situations. No questions were asked on this occasion and it appears that the senate simply did not wish to hear. In 198/7 the senate's interruption had at least been with a view to focussing the negotiation on a single important issue, and this had been done by asking a straightforward yes/no question.

We must assume that some discussion took place in the senate between Philocles' speech and the senatus consultum, although Polybius telescopes these into a single sentence. Philocles must have been ordered out of the senate before this took place. Perhaps the presiding magistrate sensed from heckling in the senate that the majority of senators did not wish to listen to an exculpatory statement from Philocles and terminated his speech. This action by the senate must have been regarded as extremely discourteous, but it had a purpose. It was intended to contrast strongly with the warm reception accorded to Demetrius only a few days earlier. It emphasised the fact that any reconciliation between Rome and Macedon was to be attributed entirely to the personal character and qualities of Demetrius. Demetrius was cultivated as an individual personality and not as an agent of Philip; Philocles as an agent of Philip was snubbed.

The Illyrian embassy of 172/1 has received detailed treatment above. While the episode is of doubtful authenticity, there are insufficient grounds for rejecting it entirely. On this occasion the ambassadors were questioned on their failure to follow the correct procedure for incoming

embassies; when they hesitated in their reply they were ordered out of the senate (Liv. 42.26. 4-5). Once again the atmosphere is one of hostility, and the senate was evidently seeking to embarrass the envoys. If the incident is true, it is perhaps not surprising that the envoys found it difficult to answer this strange and unexpected question. The idea of Gentius sending spies to masquerade as envoys is of course a nonsense since there could be no difference between these and genuine envoys sent by him. The flimsiness of the Roman charge of espionage is really exposed by the absurdly trivial nature of this question. However, the notion that ambassadors from hostile or potentially hostile states being regarded as spies seems to have been comparatively common in antiquity. It is just as likely to have been a contemporary accusation that was actually raised as a later retrojection by annalists.²⁰

In 170 a Cretan embassy was asked in the senate if there were any Cretan troops serving with the Macedonian king and had to admit that this was so. The Cretans were one of a number of delegations which were at Rome to affirm their military contributions to the Roman war effort against Perseus. By "the Cretans" Livy presumably means the κοινόν of the Cretans, since there were numerous Cretan communities. There had been civil disturbances in Crete in the late 170s and many Cretans as a result were now serving as mercenaries on both sides in the war. Nor was this an unusual occurrence, since Crete had traditionally exported military man-power in this way.²¹ The Romans had obviously come to know of this situation: at least one senator was ready with a question on it at their audience. And this may be the reason why the federal Cretan authority thought it best to justify its conduct by sending an embassy and claiming to have supplied all the support required by the consul Licinius. In the senate the questioning facility was not being used to elicit information as yet unknown. The answer was obviously known already, and the question

was intended (as in the case of the Aetolian envoys in 191/0) to "extract confessions of guilt".

When the normal smooth flow of an audience was broken up, it was not usually to allow discussion of disputed points but rather to humiliate or embarrass the ambassadors concerned. There are a couple of exceptional instances in which these hostile motives do not figure. Eumenes on his visit in 189 had to be asked in the senate what the purpose of his mission was because of the elaborately obsequious obtuseness with which he was presenting it.²² This is an isolated case of exaggerated politeness on both sides and is not a representative example. When Demetrius appeared in the senate in 184/3 he was prevented from delivering his prepared speech. The senate did not wish to hear this but asked if he had any notes from his father on the disputed matters.²³ In theory this question could have been asked of any royal ambassador, but it was certainly most unusual diplomatic practice to do so. These are examples of more or less friendly interruptions to the audience, but they bring us no nearer to a process of genuine negotiation. The normal audience remained a vehicle for the uninterrupted hearing of embassies.

This paratactic quality of the audience is to some extent illustrated by the formulaic construction of the senatus consulta by which the senate replied to embassies. The same pattern recurs in all the known extant examples: a brief resumé of the ambassadors' speeches is given in a clause introduced by the phrase *περὶ ὧν λόγους ἐποιήσαντο* or something similar; this is then picked up by the phrase *περὶ τούτου τοῦ πράγματος οὕτως ἔδοξε*, which introduces the substance of the senatus consultum. This construction reflects Greek diplomatic usage, particularly the usage of the Hellenistic chanceries, which regularised the phraseology used in the decrees of Greek city-states.²⁴ But it also reflects the formal, stylised and uncomplicated nature of the audience in Rome and in Greece. When

Attalus in 168/7 conspicuously failed to make any statement in the senate corresponding to the private agreement which he had earlier reached with leading senators, he was not interrupted or questioned on the matter. There was no showdown in the senate, because there was no atmosphere of hostility. It was assumed that Attalus would make another appearance in the senate, and the original favourable senatus consultum had to be altered when it was discovered that he would not.²⁵ In normal peace-time relations the senate was reluctant to complicate the audience proceedings: it preferred to limit them to a straightforward exchange of statements. While this made for the more efficient use of the senate's time, it naturally raises the question of how any effective negotiation could take place between the senate and an incoming embassy. The answer to this question concerns general Greek diplomatic practice as much as the conditions at Rome in the second century.

In his analysis of twentieth century diplomacy Nicolson claims that the new open-style diplomacy admits no effective negotiation, and that for this reason "real diplomacy" takes place behind closed doors in the form of unofficial chats between diplomats and officials.²⁶ To some extent this is true of ancient diplomacy, and it is possible to observe it in second century Rome on an official as well as an unofficial level.

On the official level we may point to the procedure which is known to have been adopted in the case of an embassy from Thisbe in Boeotia in the year 170. An important inscription records the S.C. on Thisbe which was passed on that occasion. In 171 Coronea, Haliartus and Thisbe had sided with Perseus against Rome; Thisbe was besieged and taken by the Romans, and an embassy was sent to Rome by the pro-Roman party which had betrayed the city. This embassy was to secure a settlement by which the pro-Romans could preserve their internal ascendancy, and such a settlement involved the treatment of numerous minor

points of detail. These could not possibly be discussed publicly in the senate. At a senate meeting it was decreed simply that the discussions with the envoys should be delegated to a five-man senatorial committee. At a second meeting of the senate six out of seven of the envoys' proposals were accepted by the senate and one was rejected.²⁷

Between the two audiences the function of the committee had obviously been to reach agreement on a set of proposals, which could subsequently be submitted to the senate for ratification. A process of negotiation had taken place but not in the senate, and much senatorial time had thus been spared. The envoys were able to make a revised statement containing a revised set of proposals, which did not need to be discussed in the senate. The senate for its part could simply pass a resolution accepting the proposals, and the audience proceedings were in this way simplified into the basic exchange of statements, which was the normal format for diplomatic contacts. That the audience did not serve merely to rubber-stamp the recommendations of the committee is indicated by the senate's rejection of one of the proposals. But on the whole the senate must have accepted the advice of its delegated experts, who would presumably report to the senate before the senatus consultum was formulated. And it is possible that the disputed proposal was one on which the committee had reservations or had failed to reach agreement with the envoys.²⁸

It was essential for the senate to delegate executive work of this kind. Not only was the volume of it such that it would have occupied an unacceptable amount of the senate's time, but the senate was an impractical and inefficient forum in which to discuss in detail matters such as the internal settlement of a Greek community. However, the senate always reserved to itself the right of final ratification of any settlement or proposals agreed with its delegated representatives. As far as the senate was concerned, there was little practical difference between sending

its own legati to investigate the situation on the spot and setting up a committee to negotiate with an embassy at Rome. Obviously the latter course was quicker and easier, but it would depend on the circumstances whether it was either possible or desirable.

On a priori grounds one would expect such committees to have been common in procedure at Rome in the second century, since their work appears to have been so essential. But in fact no other identical committees are known to use, although this must partly reflect the paucity and fragmentary nature of extant senatus consulta. Two broadly similar examples occur in the literary evidence from the earlier part of the century. In 194/3 negotiations with the Seleucid envoys, Menippus and Hegesianax, were entrusted to T. Flamininus and the ten-man Macedonian commission of 196; and in 184/3 negotiations with four sets of Spartan envoys were entrusted to three senators with special knowledge of Peloponnesian affairs.²⁹ In both cases the senate's time was spared, but it would not be true to say that the purpose of these committees was the same as that of 170 on Thisbe.

In 184/3 the Roman committee was chairing discussions aimed principally at securing agreement between the parties concerned, and these parties did not subsequently appear before the senate: nor was any senatus consultum passed. In 194/3 relations between Rome and the Seleucid kingdom were such that the negotiations would clearly have to involve some kind of concessions on either side. It would be neither desirable nor practicable for this process to be carried out in a full meeting of the senate, and the senate was sensible enough to realise the impropriety of conducting delicate negotiations in this way. It seems to have been this realisation rather than any desire for secrecy which determined the Romans' handling of the embassy. As it happened Flamininus contrived to surround the committee's report to the senate with maximum

publicity, far more than the Seleucid envoys could have been expecting.³⁰ But after this occasion it was never again necessary for the senate to negotiate on genuinely equal terms with a foreign power until the end of the Republic.

If the situation of 194/3 never occurred again, that of 184/3 was one of unusual complexity that required an unusual expedient. The same result might have been achieved by sending legati to Sparta, but advantage was taken of the fact that all parties were simultaneously represented in Rome: the legati could therefore remain in Rome. The committee of 170 however seems to have no extraordinary features and creates the impression of being entirely routine procedure. Our evidence for the Thisbe committee is the chance survival of a few lines in an inscription.³¹ It is perhaps not surprising that it is the only example of its kind. Embassies such as that from Thisbe were not important enough to leave much record in the literary sources, and their survival in the epigraphical record would be wholly fortuitous. The senatorial committee certainly could have been a regular method of processing ambassadorial business and simplifying senatorial proceedings. In 170 there was no need for senators to question envoys, assuming that their confidence in the delegated members was complete. The committee had asked any necessary questions and discussed any disputed matters, and it remained only for the senate to give or withhold its ratification of the processed proposals which came before it.

This was an official expedient for simplifying the audience proceedings. But on an unofficial level much the same function must have been performed by private meetings between ambassadors and senators. These could accommodate an element of discussion and detailed persuasion which might otherwise have appeared in the audience itself. Objections raised by senators could be countered, points which were unclear could be clarified,

and the eventual shape of the ambassador's statement adjusted accordingly. If any questions were to be raised in the senate, this would be done by the most senior members; and it was these men in particular ("the first men of the Romans") who were courted by ambassadors in preliminary meetings. Thus it is not surprising that the audience could proceed smoothly and without interruption, since the envoys' statements had in a sense been processed for exactly this purpose, and the senior senators had been dealt with in advance. If the support of the majority of the senate had been more or less secured through preliminary meetings (as was the case with Jugurtha's envoys in 117/6), the audience would naturally become a fairly meaningless formality.³² Embassies from hostile states would not have access to the same degree of private contact, and the chances of senatorial interruptions in such cases were accordingly higher.

Unofficial diplomatic contacts provided a channel for diverting discussion from the audience itself and for preparing an embassy for its audience. A more conscious effort might be made by a client community's Roman patrons to assist in the "editing" of its embassy's statement to the senate. This function has been noticed in the context of the 170/69 Ptolemaic embassy. M. Lepidus advised the ambassadors to drop the proposed offer of mediation in the war between Rome and Macedon, which was contained in their instructions. In this way a diplomatic rupture of the kind which befell the Rhodians in the following year was avoided, and the audience was able to proceed smoothly and amicably.³³

This was a rather drastic example of "editing" and it was not usually possible for ambassadors actually to alter their official instructions. But a Roman patron could probably assist envoys by advising them on which arguments to use in their speeches and which to leave out. Presumably this kind of service was often performed by senators in the

normal course of events, but it is exceptional to hear of it. Perhaps Polybius only knew of the part played by Lepidus because of close personal contacts with members of the Ptolemaic court.³⁴ Such relations between envoys and patron were by their nature private and would be expected to remain undisclosed publicly.

From the senate's point of view this kind of unofficial contact served to simplify the audience. For the ambassadors it provided an opportunity to participate at second hand in the senatorial discussion which led directly to the formulation of the crucial senatus consultum. This discussion was confined to senators and ambassadors could not participate personally; but they could work individually on influential senators who could then argue on their behalf. This seems to have been done by the fautores of Jugurtha in the senatorial debate in 117/6 (Sall. Jug. 15.2); and it was presumably done by the supporters of Heracleides and Alexander in the debate of 153/2 (Pol. 33.18.11).

Apart from the existence of such official and unofficial channels for diverting discussion away from the audience, the senate's general handling of foreign affairs also tended towards the same general purpose of keeping its contact with embassies on a simple level. Thus on occasions when dispute or discussion might have arisen in the audience, the senate often chose to avoid it. Eastern issues in particular could be complex and the senate was prepared to delegate them to its representatives and accept their expert advice. The committee on Thisbe and the other senatorial committees are examples of this tendency, but more usually the investigation of a matter raised by an embassy would be deputed to senatorial legati. In such cases the senate's reply to the embassy or embassies concerned would simply be that it would send legati: the exchange of statements had thus been kept extremely simple. The effect would be the same in those cases where the senate transferred the

responsibility for arbitrating a dispute to another third party.

Another facet of this tendency is the senate's frequent prejudgment of issues on the basis of the reports made by its returning legati. This enabled it to disregard the speeches of incoming ambassadors in drawing up its replies and again kept the senatorial proceedings simple. There were also occasions when the senate wished to evade a complicated or embarrassing issue, and this could be done either by withholding its reply entirely or by means of an enigmatic or ambiguous reply which effectively shelved any discussion which might have taken place. Such expedients were well-suited to the ostensibly indifferent and non-involved policy which the senate chose to pursue, especially in the earlier part of the century.³⁵

By its policy of eliminating negotiation from the official diplomatic proceedings, the senate was not setting any new trend. Genuine negotiation had never been a characteristic feature of ancient diplomacy, and this was due largely to the prevailing political conditions, especially in the Classical polis, which effectively made it impossible. Under these conditions all policy decisions theoretically had to be taken in public by a citizen body, and ambassadors were permitted to do no more than transmit these decisions and the transmission process was itself required to be public. There were thus two related factors significantly affecting the nature of ancient diplomacy: the absence of a confidential milieu and the restricted competence of ambassadors. The implications of these factors in the context of the senatorial audience at Rome will be considered respectively in sections ii and iii of this chapter.

It was not common diplomatic practice in antiquity for matters of detail to be discussed individually. These would rather be incorporated into long general speeches, so that negotiations really became formal

exchanges of statements aimed as much at a wider public as at reaching agreement with the other participants. This kind of process may be illustrated by reference to the modern United Nations, as well as to Hellenistic conferences such as those at Locris in 198/7 and at Lysimachia in 196/5. On the first day of the conference in Locris demands were made of Philip first by Flamininus and then in turn by the representatives of Pergamum, Rhodes and the Achaean and Aetolian Leagues (Pol. 18.1. 12-13. 12). Only after all these demands had been made did Philip reply: this he did in the course of a more or less continuous speech, punctuated by interruptions, in which he addressed the Aetolians, Rhodes and Pergamum, the Achaeans, and finally the Romans (Pol. 18.4. 1-7.1). The allies demands were then submitted in writing to Philip for him to ponder over in private. At Philip's request his reply to these demands was given in private to Flamininus on the second day of the conference; Philip's terms were then announced wholesale to the other allies by Flamininus (Pol. 18.7.3-8.10). No further progress was made at the conference except an agreement for the negotiations to be referred to Rome.

Similarly at Lysimachia in 196/5 the Roman ambassador, L. Cornelius delivered a speech which contained four separate points of dispute: (1) Antiochus' occupation of Ptolemaic possessions in Asia; (2) his occupation of Philip's possessions; (3) his policy towards the autonomous cities in Asia; (4) his intentions in Europe. In his speech Antiochus proceeded to deny the Romans' right of intervention in Asia (points 1-3); to justify on historical grounds his presence in Europe (point 4) and his occupation of Ptolemaic and Macedonian possessions (1 & 2); and to announce his policy towards the autonomous cities (3) and Ptolemy (1) in such a way as to make Rome's diplomatic intervention appear irrelevant (Pol. 18. 50-52). Such long discursive speeches were invariably the

medium of diplomatic exchanges in antiquity: this came naturally to the rhetorically trained Greeks and Romans and had the effect of precluding the detailed consideration of individual issues. Nor is this unfamiliar in modern diplomacy where the willingness to discuss an issue in isolation may in itself be regarded as a significant concession.

At Locris Philip repeatedly asked Flamininus for the opportunity of a private meeting so that the war of words could be avoided and some settlement be reached (Pol. 18.8.4). And in general unofficial negotiations behind the scenes must often have occurred simply to make it possible for agreements to be reached, although these would always be subject to official ratification. Some such process should be understood for example in the approach to the Peace of Philocrates in 346. It is hard to believe from Aeschines' account of the first Athenian embassy to Philip in that year that any of the ambassadors could have proposed in an official statement that Athens was prepared to relinquish its claim to Amphipolis; and yet that was an essential feature of the agreement which they brought back to Athens.³⁶

However most embassies in antiquity were not actually concerned with securing agreements, but were of a more straightforward and uncontroversial nature. Ambassadors were required to do no more than deliver a public statement and receive a reply. Whereas this might be a stage in an important process of negotiation, it might equally be the mouthing of appropriate diplomatic noises. When missions were of a trivial or purely honorific character, no negotiation would be involved, and the absence of any facility for close negotiation would not be a problem. This was particularly true of the embassies which came to Rome in the second century from the East and elsewhere. There was little scope for any negotiation because no other states had any bargaining position vis à vis Rome. If a settlement of any kind was reached by an embassy or embassies at Rome

it was dictated by Rome either as an arbitrating third party or as a superior second party. Thus for example a treaty concluded between Rome and Astypalaea in 105 was not so much the product of negotiation as a special dispensation awarded to a favoured ally.³⁷ The terms were for Rome to grant: all that concerned the incoming embassy was the process of conciliating as much of the senate as possible.

Section ii

An important characteristic of the senatorial audience was the degree of openness and publicity with which it was conducted. In looking at the scope for publicity it will incidentally become apparent that the audience did not invariably follow a rigidly prescribed procedure but was adaptable to a number of different situations. The concept of secret diplomacy, which was an accepted feature of international relations in the nineteenth century, was generally repugnant to the ideology of the Greek polis, many of whose features were shared by the Romans. Secret or confidential diplomacy was not altogether unknown in the Hellenistic period when the polis first began to be superseded; and there was in fact scope for secrecy in the context of the senatorial audience at Rome. The senate was far more of a closed body than a primary Greek assembly, and on at least one occasion in the second century it was possible to keep the proceedings of a senatorial audience suppressed from public knowledge for several months or possibly years afterwards.

This occasion was the visit of Eumenes II of Pergamum to Rome in 172: at the time all that was known of his audience was that it had taken place.

ceterum in praesentia nihil praeterquam fuisse in curia regem adire quisquam potuit: eo silentio clausa curia erat. bello denique perfecto, quaeque dicta ab rege quaeque responsa essent emanavere. (Liv. 42.14.1)

If the exact nature of the proceedings had become known to Perseus, he might well have been tempted to expedite the outbreak of war which was now apparently inevitable.¹ The senate on the other hand while intent on war was anxious that it should not begin until the Roman preparations were complete and that any advantage which Perseus might gain from an immediate outbreak of hostilities should be neutralised.² Hence a cloak of secrecy was drawn over Eumenes' audience and Perseus was encouraged to believe for many months that a peaceful settlement was still negotiable. The senate's

reply to Eumenes presumably contained a firm commitment to war with Macedon and thus had to be suppressed; but it was apparently not made until after the audience given to the Macedonian ambassador, Harpalus, several days later.³ The initial object of concealment was thus Eumenes' speech which amounted to a direct exhortation to the senate to declare war on Perseus. The senate could not allow this speech to become generally known and merely keep their reply secret, since the implications would be obvious. However it is difficult to see why the senate should have wished to maintain this secrecy until the end of the war. If the origin of the Livian passage is indeed Polybian, then it is at least possible that "bello denique perfecto" is a careless mistranslation of a Greek phrase which meant "after the outbreak of war".⁴

This incident belongs to the end of the period in which Rome could consider that any serious threat existed to her political supremacy. The view was held by certain contemporary Greek politicians that the Third Macedonian War would effectively decide between the continuance and the demise of a Hellenistic balance of power.⁵ In the context of Rome's unquestioned hegemony in the Mediterranean world after 167 there was no reason for secrecy in her diplomatic relations. The victory over Perseus only in fact confirmed indefinitely the hegemonial status which had been universally recognised as belonging to Rome since her total defeat of the Seleucid kingdom in 189, and which had profoundly affected the pattern of her diplomacy. The absence of genuinely equal powers eliminated the need to carry out delicate negotiations of the kind which preceded the Seleucid war. Moreover the nature of the hundreds of missions which were now sent to Rome was such that maximum publicity was generally desired for the senate's decisions.

The substance of the audience proceedings would normally become public knowledge when the ambassadors returned home and reported on the

outcome of their mission to a public meeting. Nicodemus of Elis made such a report to an Achaean synodos on his return from an embassy to Rome probably in the year 187:

πρῶτοι παρήλθον οἱ περὶ Νικόδημον τὸν Ἠλείου καὶ τοὺς τε ῥηθέντας ἐν τῇ συγκλήτῳ λόγους ὑφ' αὐτῶν ὑπὲρ τῆς τῶν Λακεδαιμονίων πόλεως διήλθον τοῖς Ἀρχαίοις καὶ τὰς ἀποκρίσεις ἀνέγνωσαν....⁶

On the other hand Charops of Epirus in about 161/0 attempted to conceal the proceedings of his unsuccessful audience with the senate. The senate was unwilling to condone some of the worst aspects of his misrule in Epirus and replied that they would send legati to investigate the situation there. The senatus consultum seems to have received wide publicity among the Greek community at Rome, but according to Polybius Charops himself on his return suppressed this reply and composed another one which suited his own purposes. While the sequel to this episode is not definitely known, it is most improbable that Charops could have sustained this deception for long. Quite apart from the fact that a Roman embassy was due to visit Epirus, it is hard to see how the truth could have been suppressed there when it was public knowledge in Rome.⁷

It thus emerges that the proceedings of a senatorial audience were generally known at Rome independently of their announcement elsewhere. Even if there were no regular procedure for their promulgation in Rome we should anyway expect them to become known by simple verbal contact between senators and interested parties in Rome such as the Greek residents or other ambassadors. Senatus consulta contained a summary of the ambassadors' speeches and the substance of the senate's reply; and while these documents may not have been on public display at Rome (as their translated copies were in Greece) they were available for consultation and with certain notable exceptions were not regarded as classified information.⁸ There is evidence that the senate expected the

proceedings of an audience to become publicly known (whether or not by a process of unofficial leakage) regardless of their being officially transmitted by the envoys concerned. In 183/2 an Achaean embassy was at Rome requesting assistance from the senate in the suppression of the revolt of Messene. The senate's reply to the embassy was unfavourable: it said that the Achaeans should not be surprised if the Romans did not consider any revolts within the Achaean League to be their concern. Polybius continues:

ταύτην δὲ τὴν ἀπόκρισιν ἐκθέμενοι, κηρύγματος ἔχουσαν διάθεσιν τοῖς βουλομένοις ἕνεκεν Ῥωμαίων ἀφίστασθαι τῆς τῶν Ἀχαιῶν πολιτείας....⁹

The senate detained (παρεκατέειχον) the ambassadors until the outcome of the Messenian War was known. It turned out favourably for the Achaean League. The senate then recalled the Achaean ambassadors and delivered a second reply which flatly contradicted the terms of the first. Evidently the second reply was intended to be transmitted by the ambassadors to the Achaean League as the senate's official statement on the issue: otherwise the detention of the ambassadors would appear to have no purpose. But Polybius describes the first reply as "having the character of a proclamation" whose intended audience was the discontented members of the Achaean League. It is clear that the senate intended this statement to receive publicity in the Peloponnese, that it could be transmitted by means other than the report of the ambassadors, and that it could not thus be regarded as an official statement since it was superseded by a second statement which did proceed along the official channels.¹⁰

There were occasions when the senate was not willing to publicise its opinions on an issue raised by an embassy, but this did not usually lead to the audience being conducted in secrecy. In 172 Eumenes' status required that he be given an answer comparatively

quickly and Rome's vital security interests were involved; but this was exceptional. Normally the senate's disinclination to make a public statement was motivated by embarrassment, confusion or simply lack of decision; in such cases it would make no statement at all and the question of secrecy would not arise. In 163/2 Lysias, the regent of Antiochus V, sent an embassy to Rome to disclaim any responsibility for the murder of Cn. Octavius: "the senate disregarded (παρέπεμπε) the ambassadors not wishing to make any declaration on the subject or to express its opinion in any way."¹¹ Other devices might be used: when the subject was again raised by an embassy from Demetrius three years later, the senate's reply was totally evasive and non-committal.¹² To avoid being embarrassed by an audience with Eumenes in 167 the senate passed an ad hoc resolution prohibiting the visits of monarchs to Rome (Pol. 30.19.6).

Another situation which probably caused the senate some embarrassment was its reversal (in response to a Lycian embassy in 178/7) of the granting of Lycian territory to Rhodes in the Apamea settlement of 188. When Rhodian envoys came to Rome the next year and stated their case, the senate deferred (ὑπέθετο) its answer (Pol. 25.6.1). Such is the entire information available on this embassy: we cannot therefore determine whether the senate deferred its answer indefinitely or until it came to some definite decision. The use of ὑπετίθεναι suggests that an answer was eventually made (perhaps after news of the course of the war in Lycia had been received) but it is unlikely to have been favourable to Rhodes. Polybius again uses the word in the context of another Rhodian embassy ten years later in 167/6. On this occasion the senate deferred the discussion (διαβούλιον) which was effectively the same as deferring its answer. The Rhodian ambassador, Theaetetus, died meanwhile and so the senate probably made no reply at all, except in so

far as the senatus consultum on Caunus and Stratonicea was addressed to the Rhodians.¹³

Thus it can be seen that the senate did not often allow itself to be manoeuvred by foreign diplomats into making official statements which it would not wish to become public. The case of Eumenes in 172 appears to be the only exception to the regular pattern of diplomacy in the senate in the second century, namely that the statements made in the audience by all the parties concerned were liable to receive the fullest publicity. In no other case is such a statement known to have been protected by any degree of confidentiality.

Secret diplomacy did not suit the particular conditions of second century Rome. It was also contrary to the tradition of diplomacy in the Hellenistic world and in the earlier age of classical Greece. In an advanced polis all policy decisions had to be taken in a primary sovereign assembly and this requirement placed obvious limitations both on the negotiating latitude which could be entrusted to the diplomat and on the degree of confidentiality which was regarded as desirable. The attitude of fifth century Athenians to secret negotiations is well illustrated by an incident in the Archidamian War: in 425 Cleon denounced as dishonourable the Spartan ambassadors' proposal to discuss possible peace formulae with a select committee.¹⁴

The tradition of openness was in general continued by the Hellenistic monarchs. Their closed political structures were more akin to modern cabinet government and facilitated confidential diplomatic contact with each other: the negotiations leading up to the alleged pact between Philip V and Antiochus in 203/2 provide an obvious but rare example of this process taking place. In their relations with open-style poleis the monarchs could hardly maintain secrecy; moreover their desire to conciliate Greek public opinion often led to their conducting

diplomacy with the maximum amount of publicity. By the end of the third century a conference model of diplomacy had evolved which was recognisable although inherently variable. This reflected the political conditions of the period, in which the smaller powers grouped themselves in alliances under the hegemony of one or other great power; and it allowed for the consultation of these minor powers and their limited participation in important negotiations.

The Romans became particularly involved in the Hellenistic world at this time and their bid to capture Greek public opinion was an important policy objective; they adopted and used successfully the conference procedure although more rarely after 189. With the establishment of Rome's hegemony the dominant imagery of Roman diplomacy swung sharply from the idea of a conference to that of a courtroom; but a genuine concern for Greek public opinion had an observable effect on senatorial policy even after 167.¹⁵ Even in the 190s the conference model was more a feature of Roman diplomacy in Greece than in the senate at Rome, but the events of 194/3 and to a lesser extent 198/7 seem to possess the relevant characteristics. On both occasions a larger number of representatives of Greek states were present in Rome during negotiations between Rome and another more or less equal power.

In 198/7 the senate gave an audience first to the various embassies of its own Greek allies and then to the ambassadors of Philip V.¹⁶ These audiences were quite independent of each other, but the impact of the senate's somewhat dramatic rebuff to the Macedonian envoys will have been heightened by the close proximity of many leading Greek statesmen, who were after all the intended audience.¹⁷ Moreover the presence of these men in Rome may well have lessened any sentiment in the senate for coming to terms with Philip or being seen to attempt such an

agreement. Had there been no Greek representatives in Rome during the exchange with Philip's envoys, the senate might have been tempted to explore various possibilities in a select committee of the kind which met Antiochus' envoys in 194/3. This would certainly not have been pleasing to the Greek allies who had been closely involved in the earlier conference in Locris and would not have wished the Romans and Philip to reach an agreement over their heads; but if an attempt at such an agreement had been made at a distance of 600 or 700 miles the reaction of the Greek allies would have assumed far less significance. Similarly the dramatic impact of the senate's rebuff would have become somewhat diluted in the course of the two to three weeks necessary for the news to travel to Greece. The slow speed of communications is of course a factor which was permanently applicable in the conditions of ancient diplomacy. But it meant that when large distances were involved, as in the present case, the result of a negotiation would probably become known as soon as the stages which led up to it; and for this reason the intermediate stages would be less important.

It thus seems legitimate to maintain that the presence of influential Greek envoys at Rome affected the senate's handling of the Macedonian delegation. While Philip had more than once observed in the discussions in Locris that negotiation on the disputed points should be confined to himself and Flamininus (since the presence of the allied Greek envoys was in no way helpful to his cause), Flamininus continued to associated himself closely with the Greek allies and never explicitly conceded Philip's contention.¹⁸ The exclusion of the allied Greeks from the continuation of negotiations at Rome would have been entirely contrary to existing Roman policy and might well have proved politically disastrous. Moreover Flamininus presumably relied on his

friends in the senate to exploit the situation which thus presented itself. But if we are to accept the orthodox view of Flamininus' Machiavellismus on this occasion, it is hard to see how his friends in the senate could have brought about a peace settlement in the event of Greece/Macedonia being declared a consular province: the presence of the Greek ambassadors and the conference atmosphere which it evoked could hardly have promoted such a settlement.¹⁹

The situation in winter 194/3 was considerably different: Rome was not in a state of war, at least not with any eastern states.²⁰ Flamininus and the 10 commissioners had spent two years organising affairs in Greece and the Aegean, but their arrangements were subject to ratification by the senate. Numerous embassies were at Rome to state their approval or otherwise of these arrangements: a significant number of major Greek statesmen were thus available to form a conference background to the negotiations with Antiochus' envoys. The latter had been sent to Rome to negotiate an alliance with the senate or at least to ensure that the senate did not ratify any aspects of an Eastern settlement which was incompatible with Rome's peaceful coexistence with the Seleucid Kingdom. The senate realised that the issues involved could not be dealt with in a conventional open audience in which the envoys of an equal power confronted the 300 members of the senate, especially since the majority were not qualified to understand them. Roman foreign policy at this juncture was more complex than at any other time in Republican history. Until 200 it had been dominated by Italian issues and for many senators these continued to be the focus of attention. Within a few decades however the reality of Rome's total hegemony converted her foreign policy into an exercise in universal patronage, in which errors of judgement were unlikely to endanger national security. On the present occasion however

the negotiations with the Seleucid embassy were entrusted to the group of eastern experts within the senate who were actually competent to conduct them, namely Flamininus and the 10 commissioners. It is important to realise that the purpose of this committee was to facilitate the proceedings in the senate when the actual audience took place: it was not to allow negotiations to take place in secret as some writers have maintained.²¹ The talks ended in deadlock apparently because the Seleucid ambassadors were inadequately empowered.²² The Greek and Asian ambassadors were still in Rome awaiting the outcome of the talks and on the day after the breakdown of these they were introduced into the senate by Flamininus (Liv. 34.59.4). This in itself was extremely unusual: ambassadors who had business with the senate were normally introduced by the presiding magistrate who convened the meeting for them. On this occasion they were merely spectators at the official audience with the Seleucid envoys: their presence converted a senatorial audience into an open conference with numerous non-participating delegations. The audience with Philip's envoys four years previously had been held in the close proximity of many moulders of Greek public opinion. Flamininus in 194/3 went a stage further in assimilating Hellenistic diplomatic methods into Roman practice. Such methods did not however subsequently become standard Roman procedure, since the special conditions of the 190s in which Rome formed part of the Hellenistic balance of power were of short duration.

The select committee in 194/3 was mandated "to hear what the ambassadors had to say and to reply to them in accordance with Rome's dignity and interests." (Liv. 34.57.5). At the official audience the next day Flamininus reported what had been said in the discussions, the Seleucid envoy made a statement, and eventually the

senate decreed that the negotiations should continue in Asia (Liv. 34.59.4-8). All this was being addressed directly to the Greek world, and Flamininus took advantage of this by announcing in a virtual ultimatum Rome's intention to crusade for Greek liberty in Asia if Antiochus did not evacuate his European possessions (Liv. 34.59.5). The Seleucid ambassadors were in a particularly uncomfortable position since they could not answer Flamininus' announcement to the Greeks on equal terms. The cause of their discomfiture was that they were operating away from home with limited competence and had to steer a restricted course between excessive concessions and provocation of war. Diplomatic conditions would have been far more favourable for the Seleucid cause if the negotiations had been conducted personally by the king in Asia. In the event Menippus was compelled to make a cautious speech requesting the continuance of the negotiations at a later date (Liv. 34.59.6-7). The unique experiment of the conference-style audience was under Flamininus' guidance a notable diplomatic success for Rome, since he was able to make an unchallenged appeal to public opinion in Greece without automatically involving Rome in extreme consequences. The senate's reply to the Seleucid envoys seems to have been influenced by the presence of the Greek envoys, and thus the actual outcome of the audience was no different to what might have been expected in normal circumstances: that after the breakdown of negotiations with the king's envoys they be continued at a later date in the presence of Antiochus himself (Liv. 34.59.8). But if the outcome was no different Rome had scored diplomatic points in the process and manoeuvred Antiochus into the role recently occupied by Philip.

There are two unusual features about this particular audience. The first is the preliminary discussion with a select committee, the purpose of which was to simplify the proceedings of the audience itself by removing from it the element of negotiation and allowing a

straightforward exchange of statements to take place: associated with this is the report of the select committee which preceded the official statements and was delivered by Flamininus. The second feature is the presence of numerous Greek ambassadors in the senate and the direct publicity which was thus given both to the committee's report and to the official statements. The convergence of these features in the same audience has the effect of obscuring the picture. In fact both are procedural responses to the same political conditions and it is Flamininus' report which gains most from the extra publicity. It is nevertheless important to distinguish the two factors: publicity was an essential precondition of the conference-type audience, select committees were not.

The demise of the conference model with the emergence of the Roman hegemony in the 180s was not associated with a significant diminution in the openness of senatorial audiences. As before the conventional type of audience continued to serve as a vehicle for official diplomatic interchanges rather than for clandestine negotiations. Furthermore it became increasingly frequent under the new conditions for more than one embassy to be simultaneously present in the senate. In so far as conflicting interests were invariably represented at such audiences any concealment of the proceedings was inconceivable. The presence of two or more embassies at an audience became a permanent feature of diplomacy at Rome from the 180s onwards and reflected the nature of diplomatic missions to Rome in that period. Apart from international disputes formally submitted to the senate's arbitration, many embassies sought some form of Roman diplomatic intervention against a third party and a counter-embassy was often sent by that third party. Generally embassies which were concerned with the same issues were brought into the senate together and spoke in each

other's presence: the senate subsequently replied jointly to them. Such collective treatment of embassies was obviously in the interests of good sense and efficiency, but the procedure was not invariably followed by the senate simply when the circumstance arose. Again the visit of Eumenes to Rome in 172 affords an instructive exception.

Counter embassies were present at that time both from Macedon and Rhodes: the latter expected that Eumenes would include their state in his denunciations. Usually the senate would have allowed these envoys to appear in the senate with Eumenes and defend themselves against any charges made by him. Certainly the Rhodian ambassador expected to have this opportunity and vainly tried to utilise his available Roman contacts to obtain it:

itaque omni modo per patronos hospitesque disceptandi cum rege locum in senatu quaerebat (Liv. 42.14.7).

Eumenes' speech to the senate contained only the most oblique reference to the Rhodians, in fact it is an anonymous reference to the providers of the escort for Perseus' Seleucid bride, Laodice.²³ It is possible that the praetor who presided over the senate regarded the Rhodian mission as of insufficient relevance to that of Eumenes and refused a "locus disceptandi" for that reason. However Appian's more abbreviated account records that both Harpalus, the Macedonian ambassador, and the anonymous Rhodian ambassador "wished to refute Eumenes to his face." (App. Mac.11.3). One could hardly deny that there was common ground between the missions of Eumenes and Harpalus. Livy's account goes on to say that Perseus' envoys were at a considerable disadvantage when they appeared in the senate a few days after Eumenes: there was almost universal prejudice in that body against Perseus which a more tactful ambassador than Harpalus may have found impossible to dispel.²⁴ Moreover the exact nature of

Eumenes' denunciations was evidently not divulged to him and his colleagues since these continued to remain secret until at least the outbreak of the war. Their task was thus made more difficult as they were obliged to make a defence against unknown accusations. It is clear that secrecy played a large part in the senate's decision to confine the audience to a single embassy, but a contributory factor may have been diplomatic etiquette. Senatorial opinion had been steadily hardening against Perseus in the years since his succession; Eumenes on the other hand was the Romans' most loyal ally in the East. To have allowed the two sides to debate against each other in the senate would have implied an equality of status which was inappropriate in the circumstances. Again Eumenes was no mere ambassador but a head of state, and as such required rather special treatment: the fact that he had considered it necessary to come to Rome himself probably spoke more eloquently to many senators than the actual substance of his speech.²⁵ The decision to keep the proceedings of Eumenes' audience in total secrecy may have been taken in advance, but it is at least possible that the decision was taken in the course of the subsequent debate and that an earlier decision to isolate Eumenes' audience was dictated by considerations of formal courtesy.

It normally suited the senate to have embassies and counter-embassies appear together in the senate. Not only did this simplify the senate's handling of foreign affairs, but it will also have demonstrated the greatly superior status of the senate sitting in judgement over the various parties. The decision to deal collectively with embassies would be made by the presiding magistrate to which each embassy had to apply for an audience. That it was not an automatic procedure but had to be requested by the embassy or embassies concerned is apparent not only from the circumstances of Eumenes' visit in 172

but also from the handling of Peloponnesian embassies in 185/4. Ambassadors from the Achaean League and Sparta were brought into the senate: with consent (ἐκ συνυπαθέσεων) they pleaded their causes against each other (Pol. 22.12.1). The passage implies that without such consent the embassies would have been treated individually. We may assume that the consent which was given on this and other occasions was that of the presiding magistrate. No doubt the magistrate might consult the senate on such a procedural matter, as did M. Iunius, the consul of 167, on the matter of granting an audience to the Rhodian embassy;²⁶ in addition he was open to the informal advice of colleagues. When the Rhodian ambassador in 172 sought a joint audience with Eumenes by means of their patrons and hospites, he might have been seeking either to exert some informal pressure on the consul or to persuade a senator to call for a relatio on the subject in the senate.

The practice of treating embassies collectively rather than individually seems to have originated in the 180s, when Rome's victory over the Seleucid kingdom had established her supremacy in the Hellenistic world: it was in this decade that the heavy diplomatic traffic, which had been an intermittent feature of the 190s, became a permanent feature of public life at Rome down to the end of the republic. The move towards a conference style of audience in the 190s had been an extension of the conventional audience in response to new conditions in which Rome had to deal with equal powers. The emergence of the collective model in the 180s similarly reflected Rome's consciousness of her new arbitral position and the acceptance of this by the rest of the Hellenistic world. The earliest instance of such collective treatment probably belongs to the winter of 186/5, but the evidence is in this case too brief to admit of certitude. A brief Polybian excerpt tells us that in this year a number

of embassies arrived at Rome to make various accusations against Philip V; Philip sent his own ambassadors to defend him against the charges. The proceedings of the audience are dealt with in the most summary possible fashion (Pol. 22.6.5):

γενομένων δὲ πλείων λόγων πᾶσι τοῖς προειρημένοις πρὸς τοὺς παρὰ τοῦ Φιλίππου πρεσβευτῆς ἔδοξε τῇ συγκλήτῳ....

The use of the preposition πρὸς does suggest that a debate took place in which the Macedonian ambassadors and their accusers were simultaneously present; moreover a collective debate is the medium in which the disputed matters were subsequently treated. The senate were unable to form an immediate judgement on the rather complex and detailed sets of issues involved; these were accordingly delegated to a commission of three senatorial legati for further investigation. When the legati came to examine the Thessalian issues at a concilium in Tempe, Livy's account states unequivocally that the dominant image of the meeting was that of a courtroom. A similar meeting took place at Thessalonica to deal with the issue of the Greek cities on the Thracian coast, Aenus and Maronea, but here the legati suspended judgement and referred the matter back to the senate.²⁷ Therefore in winter 185/4 ambassadors from Philip, Eumenes and the exiles from Aenus and Maronea again appeared in the senate and repeated the arguments they had used at Thessalonica. We may assume that the conditions under which the arguments were repeated also remained the same: this is suggested anyway by the order of events in Polybius' narrative. (1) Caecilius reported to the senate on Macedonia and Peloponnesian affairs and the relevant embassies were introduced (22.11.1). (2) Ambassadors from Philip and Eumenes and the exiles from Aenus and Maronea entered the senate; a senatus consultum was passed (22.11.2-4). (3) Ambassadors from the Peloponnese appeared and another senatus consultum was passed (22.11.5-12.1). There seems

to be no doubt that the senate was dealing collectively with all embassies concerned with Macedonian affairs, and it is not improbable that it had followed the same procedure when the same issues had first been raised the previous year. It seems that either or both of the embassies from the Peloponnese in 185/4 requested that this new procedure should be applied to them. We have seen that Polybius at least implies Roman consent to such a request in his description of the audience (Pol. 22.12.1):

ποιησαμένων δὲ καὶ τούτων πρὸς ἀλλήλους ἐκ συγκαταθέσεως
τὴν δικαιολογίαν

Polybius' use of the word "pleading" (δικαιολογία) is also interesting as an early use of specifically forensic imagery in the context of a Roman senatorial audience.

The collective treatment of embassies was not a new development in Hellenistic diplomacy: numerous examples occur in the Hellenistic and classical periods of two or more sets of envoys participating in a debate before the assembly of a Greek state. As early as 479 Alexander of Macedon, representing the Persian commander Mardonius, and a Spartan embassy appeared before the same meeting of the Athenian assembly and urged the people to adopt opposite courses of action (Her. 8.140-142). Similarly in 432 Corinthian and Corcyraean delegations were simultaneously in Athens each seeking Athenian support against the other and addressed the same assembly meeting (Thuc. 1.31-43). Roman ambassadors had participated in such debates, for example at Neapolis in 327/6 and at an Achaean League meeting at Sicyon in 198: on both occasions the Roman envoys urged support for their cause and were countered by their opponents' envoys.²⁸ These debates were in reality nothing more than sets of juxtaposed, lengthy speeches and as such

were in the mainstream of Greek diplomatic practice; the evidence indicates that the same was true also of the collective audiences in the senate in the second century. But the contrast between the debates in Athens and Neapolis and the collective procedure followed in the senate from the 180s onwards is almost as great as any similarity. At Neapolis for instance the opposing powers contested for the alliance or passive support of the third party (Neapolis) which chose which of the two sides it would be most in their interests to support. At Rome the support of the third party (the senate) was still the object of the contending ambassadors, but in the context of the political situation in the second century the senate's decision was effectively the last word on any international dispute. Thus the undisguised superiority of the third party over both sets of ambassadors was the distinctive feature of ambassadorial debates at Rome and led to an increasingly submissive and deferential attitude on the part of the ambassadors. The effect of this was to transform what were notionally diplomatic proceedings into a kind of international trial in which the senate was judge and jury and the opposing parties were litigants. This "courtroom model" was invariably applicable to the collective audiences of the second century and forensic imagery became a commonplace in the sources for them. Nominal diplomacy was in fact the senate's principal method of regulating the affairs of its unannexed eastern empire.

I have shown above with cases from 186/5 and 185/4 that the "courtroom model" was becoming a dominant feature of diplomacy at Rome in the period immediately after the Apamea settlement, which is when on a priori grounds one would expect such a development to occur. These early examples do not reveal much of the precise nature of such audiences. However the mission of Demetrius to Rome in 184/3, which

temporarily arrested the spiralling deterioration of Romano-Macedonian relations in these years, provides the first comparatively detailed account of ambassadorial proceedings in the senate in the post-Apamea period.²⁹ Numerous embassies were at Rome in this year to make various accusations against Philip V, who included his son Demetrius in the embassy which he sent to counter them. Eumenes of Pergamum had also sent his brother Athenaeus with the envoys who were to accuse Philip. The manner in which the senate dealt with the unprecedentedly great number of embassies appears to be as follows:

- (1) Self-contained audience with Athenaeus (Pol. 23.1.7)
- (2) Collective audience covering anti-Macedonian charges answered by Demetrius - mainly territorial disputes with neighbouring states (Pol. 23.1.8-2.11).
- (3) Collective audience covering anti-Macedonian charges raised by Pergamene ambassadors other than Athenaeus and answered by Philocles (Pol. 23.3.1-3).
- (4) Collective audience covering Pelopennesian issues raised by numerous Spartan embassies (Pol. 23.4).

The first of these audiences was a straightforward diplomatic interchange between the Roman senate and Athenaeus (representing his brother, Eumenes of Pergamum) and as such it raises no problems. The interchange essentially consisted of the correct noises being made on both sides, as was appropriate to purely formal diplomatic contacts between friendly states. This honorific mission of Athenaeus coincided with the Pergamene embassy to make accusations about Philip's policy in Thrace and Asia, but the missions were in effect separate. This is indicated by Polybius' account and particularly by his use of the word *ἀμείλιτος* (Pol. 23.1.4):

σὺν δὲ τούτοις οἱ παρ' Εὐμένους ἦγον ἄμ' Ἀθηναίῳ τῷ τοῦ

Βασιλέως ἀδελφῷ, κατηγοροῦντες αὐτοῦ

It is also clear from the fact that they were dealt with in separate audiences. This separation is in no way surprising since the essential feature of Athenaeus' mission was his own personality and status as Eumenes' brother. Other foreign policy considerations were not to be confused with the personal affairs of the royal family.

The senate now turned its attention to Demetrius, who was the other royal visitor. The consuls first brought in Demetrius and then summoned Philip's accusers *κατὰ μίαν πρεσβείαν*. The process of hearing these numerous embassies occupied three days. At the end of this time the senate was confused by the accumulated mass of accusations and was uncertain how Demetrius and his friends should be expected to answer them. From this it is clear that although present they had not already offered any defence, and that it was the senate's intention that all the prosecuting speeches should be heard before a single statement in defence was made by Demetrius. In the event the senate arranged that Demetrius should not make a formal statement but should simply read out the brief instructions on each subject given to him by Philip. It is probable that just as Demetrius was present during the many speeches of the various Greek ambassadors, so they were present while Demetrius recited his father's instructions: this could explain the apparently verbatim knowledge of the audience possessed by Polybius.³⁰ After the audience the senate passed a single senatus consultum which comprised their official reply to all the parties concerned and contained a blanket judgement on the innumerable petty issues which had been raised.³¹

Demetrius' mission had been concerned with complaints and accusations laid before the senate by Macedon's southern and western neighbours in Thessaly, Epirus, Athamania and Illyria. More serious

complaints were raised by Pergamum over Macedonian policy in Thrace and Asia Minor. The senate dealt separately with these issues and introduced the Pergamene ambassadors after its consultum on Demetrius and the other accusers. Philip also intended to deal separately with them and had sent Philocles to Rome to present his case. There is no indication that Demetrius, whose mission had been completed, was in the senate on this occasion and indeed his absence was probably the reason why the senate's attitude was so much harsher: when Philocles began to deliver his prepared speech he was only listened to for a short time.³² Furthermore the Pergamene ambassadors who attended this audience were (as I have pointed out above) quite independent of the honorific mission of Athenaeus. This third audience involved only two parties (Macedon and Pergamum) apart from the senate and the senate replied to them both in a third senatus consultum on the subject of the Thracian cities, which was favourable to Eumenes. In the last of the four audiences four separate embassies from Sparta were heard by the senate: the discussion was delegated to a select committee on account of the complexity of the issues involved.

Several points emerge from a consideration of these events. Evidently the consuls took some care in the arrangement of the senate's agenda even at this comparatively early stage in Rome's domination of international affairs. Secondly the senate followed the same procedure regardless of the number of embassies involved; it chose to hear all the prosecuting speeches before it heard any of the defence. This meant that points of detail could not be treated individually, even if the ratio of prosecution to defence speeches were 1:1, as in audience (3); when this was perhaps 20:1, as in audience (2), any judgement of cases on their merits was clearly inconceivable. This is not as surprising as it sounds since the senate was only metaphorically regarded as a court: the audience proceedings continued to be governed by diplomatic techniques. It was not a common

feature of Hellenistic diplomacy to discuss individual issues in public interchanges: such issues tended to be subsumed in long general statements and were thus treated in what may be called an epistolary fashion.³³ Anyway it was the senate's intention on the present occasion to quash the trivial complaints which it was Demetrius' job to answer. The procedure outlined above for audience (2) was probably followed on a similar occasion in 164/3 when Eumenes sent his brothers Attalus and Athenaeus to Rome to defend him against numerous accusations brought by Bithynia, the Galatians and other Asian states. Polybius implies that the senate first gave an audience to Attalus and Athenaeus, but he goes on to say that they made a satisfactory defence against all their accusers.³⁴ This suggests that the accusations were made in the course of the audience, which must therefore have been of the collective type described in audience (2) above. In other words the various ambassadors made their accusatory statements in the presence of Attalus and Athenaeus and remained present while the latter delivered their defence statements; the senate then replied jointly to all the parties by announcing in a S.C. its judgement on the issues involved, namely that it considered the charges to be unfounded. The Polybian account is however considerably more abbreviated in this instance; and it cannot in fact be ascertained from it whether a defence was offered individually to each charge or jointly after all the accusations had been made; the closely parallel nature of the situation and the nature of Hellenistic diplomacy both suggest that it was the latter. Four years later in 160/59 Attalus was again in Rome to carry out an almost identical mission but Polybius' account of the audience is again too brief to reveal any details of procedure.³⁵ Certainly nothing in it suggests that a different procedure was followed, and on a priori grounds it is probable that the model of Demetrius' audience in 184/3 was copied whenever the circumstances arose: this model had the merit of

simplicity and the simplification of the audience proceedings was a recurring feature of the senate's handling of diplomacy in Rome.

The "courtroom model" was not in itself an innovation in Hellenistic diplomacy: behind it lay the whole tradition of Greek arbitration.³⁶ Minor disputes between states, particularly on territorial questions, were frequently submitted to the judgement of a third power which was regarded by both sides as impartial. The device of arbitration was similarly used in the settlement of internal disputes, but when applied to an international context it can legitimately be regarded as an aspect of diplomacy: a certain amount of ambassadorial traffic was involved. In the Classical period (for which admittedly little evidence is available) states invited to arbitrate generally had a certain international stature but were not expected to possess the capability to impose their settlements on unwilling parties.³⁷ A state which disregarded the terms of an arbitration award was likely to incur international opprobrium which thus acted as a regulating factor. Arbitration became more closely associated with the hegemonial structure in the Hellenistic period: Alexander and his successors tended to attract appeals for arbitration, and within their respective spheres of influence it became an effective device for the management of internal problems between nominally autonomous states.³⁸ The courtroom model was thus familiar to Greek diplomats before it became a common feature of Roman procedure.

Rome's sphere of influence from the 180s onwards subsumed all others and all international disputes of whatever magnitude came within it; and the senate expected to be consulted on them.³⁹ Many parochial disputes were submitted to the senate for arbitration with the mutual consent of both parties, and the Greek tradition of arbitration was thus continued at Rome.⁴⁰ But a majority of the cases which the senate "tried" had a different origin: a unilateral diplomatic initiative by B would provoke

a counter-embassy by A and the two embassies would eventually appear together in the senate; or alternatively charges made against A by B, C, D and E would necessitate an embassy by A to refute them. These circumstances were the product of the new conditions which obtained under the total Roman hegemony. Because there was no balance of power the senate's decisions were of vital importance to all interested parties and could only be disregarded at their peril. For this reason A was obliged in each of the above situations to present his case to the senate even if he had originally not wished to involve the senate in the matters at issue. Since A was an unwilling participant and the point in dispute had not previously been publicly formulated, we are not dealing with genuine cases of arbitration although the broader forensic model remains applicable. With no further recourse available senatus consulta acquired the force of international law. As arbitral judgements were underwritten not by international opinion but by the reality of Rome's unchallenged power and prestige. Since senatus consulta could not be disregarded the paramount task of every Greek ambassador at Rome was to influence their contents as much as possible in the interests of his state.

I have outlined above the two hypothetical situations which were most likely to lead to collective audiences in the senate of the courtroom type. The second of these in which more than two parties were involved was comparatively rare and has already received some attention; the first is the more common scenario since international disputes were usually between two parties. It is often difficult to distinguish such cases from cases of genuine arbitration when the circumstances in which the embassies were sent is inadequately known. For example embassies representing two parties at Phoenice in Epirus appeared in the senate cl57: nothing is known of the circumstances in which they were sent

except that there is an apparent chronological correlation with the death of Charops.⁴¹ Since one party were exiles and the other represented the government, it is perhaps more likely that the initiative to refer their dispute to the senate came from one side, namely the exiles. But it is equally possible that negotiations between the factions were initiated at home and then referred to Rome. This appears to have been the procedure followed in a similar situation in the 170s when an attempt to negotiate a settlement of factional strife in Aetolia was referred to Rome. Our only evidence for this sequence of events is a brief notice in Livy under the year 174:

fessi deinde et Romam utraque pars miserunt legatos et inter se ipsi de reconcilianda concordia agebant. (Liv 41.35.2)

Although this passage gives the impression that here perhaps was a case of genuine arbitration, it is obviously too vague to stand as evidence for details of procedure. In fact it is doubtful whether any such cases are definitely attested in the literary evidence. Another parallel to the situation of Phoenice in the 150s is provided by Sparta in the 180s. In the year 182/1 embassies representing the Spartan government and Spartan exiles appeared together in the senate; that the audience was a collective one is shown unequivocally by Polybius'

language (24.1.4): τῶν ἐκ τῆς Λακεδαιμόνος φυγάντων εἰσπορευθέντων καὶ τῶν ἐκ τῆς πόλεως ἄλλοι τούτοις....

But on this occasion we know enough about the circumstances in which the embassies were sent to state that they originated from quite independent initiatives,⁴² and that their simultaneous presence in the senate was the result of either the consul's management of senatorial business or of decisions taken by one or both of the embassies when they reached Rome. This was also the case with the embassies from Sparta and the Achaean League in 185/4.

For what may be called cases of genuine arbitration it is necessary to turn to the epigraphical evidence. An example from the middle of the second century is provided by a territorial dispute between Magnesia-on-the-Maeander and Priene which was referred to the senate's arbitration. The senate heard the case but delegated the job of arbitration to another independent state: in the senatus consultum which formed the senate's official reply to the interested states, provision was made for the praetor to supervise the appointment of the arbitrating state. The SC and the covering letter of the Roman praetor (M. Aemilius) to the chosen state (Mylasa) are substantially known from an epigraphical dossier preserved at Magnesia (the successful party in the dispute)⁴³. The praetor's letter states simply that "envoys from Magnesia and Priene approached me in order that I might grant them access to the senate", which suggests that the approach to the presiding magistrate was made jointly by the two embassies.⁴⁴ However this can be no more than a possible inference from the text as it stands: the language of the praetor's letter both in the Magnesia document and in the fragment from Corcyra shows an uncompromising brevity which is in stark contrast to the characteristically laborious and circuitous fluency of Hellenistic epigraphical documents.⁴⁵ Given the conciseness of the language used, it is difficult to see how, if the embassies had approached him separately, the praetor would have expressed himself differently. The simultaneous presence of the embassies in the senate is another factor for which the present document provides no explicit evidence. It is tempting to regard the following phrase as such:

ὡσαύτως περὶ ὧν οἱ αὐτοὶ Πριηνεῖς πρεσβευταὶ κατὰ πρόσωπον
πρὸς Μάγνητας πρεσβευτὰς λόγους ἐποίησαντο περὶ ἀδικημάτων....⁴⁶

But κατὰ πρόσωπον is a phrase which often occurs in Greek translations of senatus consulta and which appears more than once in the context of

senatorial audiences in Polybius; it means no more than "publicly" or "in the presence of the senate".⁴⁷ Similarly $\pi\rho\omicron\varsigma$ in this phrase need only mean "in reply to" or "against". As with Polybius' reference to the embassies of 186/5 the use of the preposition $\pi\rho\omicron\varsigma$ can best be understood in the context of a collective audience, but it is not in itself conclusive evidence that such an audience took place. However the whole weight of probability supports the view that in this case and in others of genuine arbitration a collective audience did take place.

There are two main arguments from probability: (1) the definitely attested instances of collective audiences in the senate on other occasions when there was common ground between the missions of two or more embassies; (2) the traditional practice of Greek arbitration which naturally required that the two sides should participate jointly in the proceedings.⁴⁸ The second of these arguments really depends on the contention that the senate's handling of the Magnesia/Priene dispute and other similar disputes were cases of true arbitration and not purely formal preliminary hearings. It may be argued that this was not so, since the senate did not adjudicate between Magnesia and Priene but merely authorised the appointment of another arbitrator. However if we look at the other parallel second century examples it will be seen that in at least two cases results were actually achieved in the senate. One may therefore contend that it was only after hearing the thorough arguments of both sides that the senate decided that the matter was beyond their competence and should be entrusted either to a team of senatorial legati or to an independent state in the locality.⁴⁹ When the senate did make a positive judgement, it was on a matter of principle. In the senatus consultum on the dispute between Samos and Priene, the senate upheld the Prienian claim that the previous award of a Rhodian tribunal should stand; it was able to make this judgement without first-

hand knowledge. The same holds true of the dispute between Melitaea and Narthacium in Thessaly: by upholding Narthacium's contention that the arrangements made by Flamininus in the 190s should stand, it effectively judged the case in Narthacium's favour.⁵⁰

Historically the difference between arbitration and other situations when there were two embassies in the senate is clear enough. Whereas the former was an old practice being carried out in the new context of the senate, the latter represented an entirely new diplomatic situation. But in practice both kinds of audience must have seemed similar to the senate which in either case was expected to choose between the claims of rival embassies. In 163/2 the senate had to choose between the claims of the two brothers Ptolemy for the possession of Cyprus.⁵¹ This might in a sense be regarded as a territorial dispute on a vastly larger scale than that between, for example, Magnesia and Priene. But the much larger issues of Ptolemaic dynastic politics were also involved, and the senate had to decide which of the two claimants to the Ptolemaic throne was to receive the weight of its diplomatic support. Polybius bemoans the senate's lack of fair play and reference to Rome's own interests which was apparent in the senate's reply.⁵² But this is only an indication of the extent to which Polybius had come to accept the senate as an international arbitration court rather than a place where diplomacy was carried out. It is probable that Euergetes and the embassy from Philometor were present simultaneously in the senate: Polybius implies that some sort of debate took place, although the procedure seems at first sight to be rather irregular.⁵³ When Ptolemaic affairs again came before the senate in the next year (162/1) it is certain from Polybius's narrative that envoys from both the brothers were together in the senate (31.20.2):

ὧν εἰσελθόντων εἰς τὴν σύγκλητον καὶ πολλῶν λόγων

γινόμενων καὶ φιλαπεχθῶν κατὰ πρόσωπον εἰς ἀλλήλους.

It is hard to see in what other context than that of a collective audience the words εἰς ἀλλήλους can be explained.

Collective audiences were generally characterised by an element of antagonism between the embassies which were involved. The Ptolemaic embassies of 163/2 and 162/1 represented rival dynastic claimants. In 185/4 embassies from Macedon and Pergamum disputed the status of the Thracian Greek cities; in the same year the embassies from the Achaean League and Sparta had opposing views on the settlement of Sparta. Again in 182/1 different Spartan embassies disagreed over the latest settlement of Sparta. The cases of arbitration which I have listed above all brought opposing embassies into the senate together to argue over territorial rights. Similarly the rival factions from Phoenice (c.157) and the Aetolian League (174) sent embassies to oppose each other in the senate. There are numerous other examples which I have not referred to and which are not difficult to find,⁵⁴ but in fact this element of antagonism was not invariably a feature of the collective audience. Essentially this type of audience was a device for dealing more efficiently and quickly with embassies whose missions were related or broadly similar.

A clear illustration of this process is given by Polybius under the year 170/69. A Rhodian embassy came to Rome in this year to renew friendship, to request the right to import Italian/Sicilian corn, and to refute various accusations made against their state (Pol. 28.2.1.2). The senate made no mention of the latter in their reply but gave permission for the Rhodians to import Sicilian corn (28.2.5). Having thus dealt individually with the Rhodian embassy the senate proceeded to give a joint audience to all the other ambassadors from Greece whose missions were the same: ταῦτα μὲν οὖν ἡ σύγκλητος ἐξημέτισεν ἰδίᾳ τοῖς

Ῥοδίων πρεσβευταῖς, ἀκολουθῶν δὲ καὶ τοῖς ἄλλοις ἕκαστιν ἀπήντησε
τοῖς ἀπὸ τῆς Ἑλλάδος παραγεγονόσι, τηροῦσιν τὴν αὐτὴν ὑπόθεσιν.⁵⁵

There is no question of there being any dispute between these unnamed states: the reason for treating them collectively can only be administrative convenience. As Rhodes was a long-standing ally and a major eastern power, she was considered worthy by the senate of the honour of individual diplomatic contact. Even if at this stage the Romans suspected Rhodes' loyalties, they would not have wished to jeopardise their alliance by diplomatic tactlessness.

This appears to be an instance of the senate giving a collective audience to embassies whose missions were similar but not actually related. It is not entirely clear what is meant by τηροῦσιν τὴν αὐτὴν ὑπόθεσιν, but the probable drift is "fulfilling the same mission" (i.e. as the Rhodians) and this presumably refers to the request for permission to import Italian corn. The war against Perseus was no doubt disrupting the corn supplies of more than one state; and it quite conceivable that the senate (or the consuls) should have arranged for these rather unimportant embassies to be heard in a single audience, so as to minimise the imposition on its time. There is no reason why such audiences should not have been common, but there are no other certain examples of this type. This is more likely to reflect the inadequacy of the sources than the actual rarity of such audiences, since the embassies involved would normally be too insignificant to leave any record in the literary sources, and the epigraphical evidence on embassies at Rome is in any case very scarce. The increasing volume of diplomatic traffic to Rome was obviously a problem for the Roman authorities, and the collective audience was an effective device for limiting the demands made on senatorial time.

The collective audience and the experimental conference-style audiences of the 190s illustrate the adaptability of the audience

and show how misleading it is to speak of a typical audience. Both types of audience made it inevitable that the proceedings would become publicised, except in the unlikely circumstance that the three or more parties involved (including the senate) were both able and willing to keep them secret. While this was the purpose of the conference-style audience, the later collective type was not so motivated, although on occasion the converse was true: the reason for withholding permission for a collective audience on the occasion of Eumenes' visit in 172 was the desire for secrecy. Openness in diplomacy was a traditional feature of the Hellenistic political scene, and the Romans' use of collective audiences only made confidentiality impossible where it had anyway been highly unusual previously. Thus the senate was not trying to impose an element of publicity on diplomacy, since it was something which they like the Greeks took for granted; and with the exception of a few embarrassing incidents it suited the hegemonial position which Rome rapidly acquired in the Hellenistic world.

The undertaking to Eumenes is the only known exception to this rule, but the general situation is parallel to that on the eve of the Third Punic War. Then the senate wished to keep its warlike intentions secret not for any strategic purposes but through fear of the harm which might be done to its international reputation. Polybius states under the year 150/49 that the Romans had long ago decided on war against Carthage but "were seeking a suitable opportunity and a pretext which would impress the outside world" (36.2.1). Valerius records in anecdotal form the senate's secret decision to go to war, and associates the secrecy maintained by the senate on this occasion with that which followed Eumenes' audience in 172: both are given as examples of the same particular aspect of the old Roman aristocracy's moral strength of character (V.Max. 2.2.1). But there is no indication that the resemblance

between the cases went any deeper and that the decision on Carthage was secretly communicated to any foreign representatives. It is possible that the original decision was taken in response to a Numidian embassy, and that some undertaking was secretly conveyed in the senate's reply to the embassy. The situation would then exactly parallel 172. But no such embassy is known, nor should it be expected; it is more likely that the decision followed a discussion which was internally initiated, perhaps on the return of one of the numerous Roman embassies of the 150s from Africa.

Classical Greek parallels may be found in the "secret" undertakings made by the Spartans to a Thasian embassy in 465/4 and to a Samian embassy in 440/39. In both cases the undertaking was to go to war against Athens. The Spartan assembly was at this time at its peak and will have included 4000-5000 Spartiate hoplites; this was much larger than the Roman senate and, if fully attended, not much smaller than the effective strength of the democratic Athenian assembly. However conditions at Sparta with its restrictions on foreign visitors were more conducive to secrecy, and in any case the undertaking to the Thasians could not have become known at Athens for at least three years. The news of Sparta's promise to invade Attica in 440/39 must have spread much more quickly, since the issue went before a Peloponnesian League Congress and could hardly have remained secret thereafter. Certainly the Corinthians in 433 do not appear to be acquainting the Athenians with unknown facts; and Athenian knowledge of this incident, as Ste. Croix points out, makes sense of the pre-emptive defensive measures which Athens carried out in the 430s.⁵⁶

Athens herself as a democracy was unable to preserve even the limited amount of secrecy which was possible at Sparta. The secret agreement between Athens and Philip II in 357 (if such an agreement

existed) was almost certainly made with Athens' generals in the Chersonese and not with the sovereign Athenian assembly.⁵⁷ Confidential diplomacy was incompatible with democracy, but it was also antipathetic to Greek political ideas in general. There is no doubt that the aristocratic Polybius disapproved of the underhand methods practised by Q. Philippus both on Polybius himself and on the Rhodians in the year 169, or that he disapproved of the secret agreement between Philip and Antiochus in 203.⁵⁸ The Romans practised open diplomacy to win the support of Greek public opinion, and their success in doing so enabled them to isolate and defeat their opponents. The hegemony which was thereby acquired relieved them from the pressures which in times of political equilibrium might have encouraged them to indulge in a more secret form of diplomacy.

Section iii

Along with the element of publicity in diplomacy at Rome went a restriction of ambassadorial competence. Some degree of confidentiality was required before an ambassador could proceed on his own initiative beyond what he had been strictly mandated to say. An ambassador could in any case only exercise his initiative if powers were given him to do so, and the delegation of such powers to individuals was contrary to the ideology of the polis. It was essentially the same democratic and participatory trend in Greek political ideology which objected both to the principle of secret diplomacy and to the excessive empowerment of ambassadors, and thus determined the character of ancient diplomacy.

Before examining ambassadorial competence in the context of 2nd century Rome it will be helpful to consider the Classical Greek background.¹ Ambassadors in the classical period were not closely circumscribed by their instructions; for these were often vague and of apparently wide application.² A more effective form of restraint was imposed by the political conditions in which the ambassadors worked. In a developed polis decisions of public policy were taken or at least ratified by an open assembly of full citizens, the size of which varied with the constitution of the state. It was to such a body that ambassadors would address themselves abroad and be answerable at home. They would not generally be empowered to make concessions which had not been specifically mandated and they would do so at the risk of prosecution for misconduct on their return home.³ Rather than take this risk ambassadors would seek further instructions; and even if they were prepared to take the risk and anticipate a decision of the assembly, the other party might insist on official ratification of the ambassadors' initiative before considering it to have any value.⁴ Thus each step in a negotiating process had to derive on both sides from the open decisions

of the respective sovereign assemblies: this obviously left little scope for ambassadors to exercise any initiative.

The apparent width of an ambassador's instructions counted for little if he knew that for his actions he might be prosecuted or disowned on his return, and this restriction on his competence must have hindered the process of reaching agreements. The disadvantages of this cumbersome procedure would not be considered unacceptable when the distances involved were comparatively short; and when both parties to a negotiation were hampered with the same restrictive system, no advantage would accrue to either. But in the mid-fourth century the Athenian democracy was confronted by the strong, centralised Macedonian monarchy under Philip II, and the drawbacks of the Athenian method of conducting diplomacy became obvious. In his indictment of Aeschines' ambassadorial activity at the Macedonian court in 346 Demosthenes makes the point that when an ambassador wastes opportunities, it is far more damaging to the interests of his country if he represents a democracy than it would be if he represented a monarchy or close oligarchy. He supports this contention by listing the various stages in the cumbersome Athenian process of authorising embassies.⁵

Ambassadors from Athens and other states were occasionally designated autokratores. It might be supposed that this designation exempted them from close dependence on official assembly decisions and the need to seek ratification for their actions. But in fact such ambassadors never seem to have been plenipotentiaries in any real sense.⁶

In the less democratic political conditions which prevailed in Europe from the Middle Ages until the early twentieth century, ambassadors were able to operate in greater confidence and with greater competence, and it was desirable that they should be able negotiators. But the ambassador in Classical Greece did not need to be so qualified: our

sources show him principally as the deliverer of speeches and it was in this that his role largely consisted. Oratorical ability was the most obvious qualification for an ambassador addressing a foreign community, as indeed it was for a domestic politician addressing his own community. It was partly for this reason that there was no separation of personnel between politicians and diplomats⁷: at any rate the function of both was to persuade.

Although the emergence of monarchies and federal states in the Hellenistic period diminished the independent sovereignty of the polis, the traditional reluctance to entrust excessive power to executive functionaries persisted. This reluctance could easily have hindered progress towards federalism had some provision not been made for it. For example the constitution of the reconstituted Corinthian League (302) provided that synedroi should not be liable to prosecution at home for joint resolutions:

περὶ δὲ τῶν ἐν τῷ συνεδρίῳ δοξάντων μὴ ἐξέστω ταῖς πόλεσιν εὐθύνας ἀκμβάνειν [παρὰ τῶν ἀποστελλομένων συνέδρων].⁸

That such provision should be required demonstrates the prevailing attitude among the city-states around the year 300 to a partial surrender of sovereignty even to elected representatives.

For the Hellenistic period documents concerned with ambassadorial activity became greater in number and more explicit in content and thus give a clearer picture of ambassadors' instructions. This probably reflects a change of emphasis as much as the mere distribution of epigraphical evidence. After 300 the mention of documents in connection with ambassadors becomes common in inscriptions, whereas for the period up to the death of Alexander no explicit mention of documentary instructions is found in such contexts. But it is hard to imagine how envoys in the Classical period could have operated successfully without

carrying some form of tangible authorisation.⁹ Evidently the compilers of the early decrees did not consider the documents carried by ambassadors to be a particularly significant element in the diplomatic interchanges which were being recorded. Later however the documents did come to be so regarded, and this was probably due to the influence of the incipient bureaucracies of the Hellenistic monarchies.

A considerable number of the Hellenistic inscriptions relating to ambassadorial activity are answering documents. In other words they are the letters of monarchs or decrees of city-states replying to the diplomatic initiative of another state. A familiar pattern is observed in these documents of recording (i) the ambassadors' transmission of their written documents and (ii) their oral presentation of the proposals contained in those documents; a courteous commendation of the ambassadors' performance is often included.¹⁰

Attention is thus drawn to the fact that diplomatic contact was being made on two levels, written and oral, with the ambassador's speech elaborating upon and arguing in favour of the written proposals. The real substance of an envoy's speech was predetermined by the written document, and the envoy himself was concerned only with its oral presentation.¹¹ In diplomatic contacts initiated by kings the document often assumed a greater importance than the man who carried it; if he was required to do no more than deliver the king's letter, he would be regarded not as an ambassador but as a mere letter-carrier (grammatophoros).¹² However all royal ambassadors should have carried some form of authorising letter from the king, and it seems quite unreasonable to follow Kienast who states that royal letters were transmitted only by grammatophoroi.¹³

These were among the diplomatic usages in existence when Rome emerged as the focus of international diplomatic activity early in the

second century. As the Roman hegemony became more firmly established, it became necessary for envoys to adopt a more deferential approach; moreover their speeches had to be translated into Latin. But in other respects the existing framework of Hellenistic practice survived, including the character of the documents and the degree of competence entrusted to ambassadors. It might be supposed that the greater distances involved would have led to a greater delegation of authority to ambassadors travelling to Italy. But in practice the senate's overwhelming superiority in its relations with foreign states meant that there was rarely any scope for negotiation anyway. Most embassies to Rome were concerned with obtaining the senate's support or approval, and thus persuasion continued to be by far the most important part of an ambassador's task. Even for persuasive purposes greater authority could be useful, as is shown by the Rhodians' selection of a navarch as an ambassador in 167/6 and again in 154/3. But these are isolated examples running counter to the general trend.

It is to be expected that when the diplomatic traffic to Rome began to build up in the early years of the second century, written documents were carried by the ambassadors. There is mention of these in the epigraphical evidence. The embassy of Menippus from Antiochus III in 194/3 is recorded by Livy and Diodorus; but a letter written by the Roman praetor, M. Valerius Messalla, to the city of Teos shows that Menippus also undertook a mission on behalf of Teos at the same time. The rest of the Roman letter reproduces a number of phrases familiar in Hellenistic official epistolography; in particular the first sentence after the conventional salutation refers to the two related aspects of the ambassador's mission, namely the transmission of documents and his own speech:

Μένιππος ὃ τε παρ' Ἀντιόχου τοῦ βασιλέως ἀποσταλὲς πρὸς ἡμᾶς πρεσβευτῆς προ-

χειρισθεῖς καὶ ὑφ' ὑμῶν πρεσβεύσαι περὶ τῆς πόλεως,
τό τε ψήφισμα ἀπέδωκεν καὶ αὐτὸς ἀκολούθως τούτῳ | διελέχθη μετὰ πάσης προθυμ

The letter of the consul, C. Livius Salinator, to Delphi also characteristically draws attention to the parallelism between the oral and documentary aspects of an embassy, in this case the embassy of Herys and Demosthenes in 189/8:

οἱ παρ' ὑμῶν ἀποσταλέντες πρεσβευταὶ Ἑρῆς Εὐδώρου Δημοσθένους Ἀρχέλα τὰ τε γράμματα ἀπέδωσαν καὶ αὐτοὶ διελέγησαν ἀκολούθως τοῖς ἐν αὐτοῖς κατακεχωρισμένοις μετὰ πάσης σπουδῆς.¹⁵

The documents from the mid-second century do not conform to this pattern. The senatus consultum had by then come to be regarded as a more important document than the magisterial letter; senatus consulta were often enclosed with covering magisterial letters, but the latter became shorter and less informative and dropped much of the elaborate courtesy of its Hellenistic model: in fact they were reduced to barest essentials and made no reference to the ambassadors' instructions. The senatus consultum itself generally referred to the ambassadors' speeches in the senate but not to any documentary instructions. The impression is thus created that documents ceased to be used at some time in the second century. But this impression is certainly an erroneous one, since the familiar phraseology reappears in magisterial letters of the first century and documentary instructions are once again mentioned. It is reasonable to infer that the use of documents remained unchanged throughout this period. The apparent hiatus can be explained as due partly to the distribution of the evidence and partly to a temporary change in the style of Roman magisterial letters.¹⁶

It is thus probable that all ambassadors at Rome had written instructions of some kind, whether the decree of a polis or league

or a royal letter. We know that these were handed over to the Roman authorities, but at what point did this happen?¹⁷ At the end of the first century A.D. in Rome ambassadors were required to undergo a process of ἀπογράφη with the praefecti aerarii at the Temple of Saturn. This word is interpreted by Liddell and Scott as "a written declaration before a magistrate", and it was also used of the procedure followed by ambassadors at Rhodes in the second century B.C. The latter usage has been equated with the process by which ambassadors handed over their documents to the Rhodian magistrates.¹⁸ At Rome in the second century B.C. the initial approach was made to a magistrate of presidential capacity, and at this interview the ambassadors were required to communicate the nature of their mission. This seems to be the obvious moment at which to deliver the official document which authorised their mission. It is unlikely that this interview took place very long after the embassy's arrival in Rome, especially if the envoys would otherwise be exposed to accusations of espionage, as happened to the Illyrian embassy of 172/1.¹⁹

From this it follows that shortly after their arrival in Rome the members of an embassy would be committed to the substance of what they would say in their audience. However long the embassy was required to wait for its audience, it could not withhold the purpose of its mission from the Roman authorities. This was entirely consonant with Greek diplomatic practice: the registration requirement did not present any difficulties to the average Greek ambassador who would normally not wish either to keep his mission secret or to have the opportunity to alter it. But problems could arise from the long delays to which embassies at Rome were often subjected, and there were occasions when changing political conditions made it desirable that ambassadors be relieved from this degree of prior commitment.

Perhaps the best example of this is provided by the Rhodian embassy which was at Rome in the summer of 168.²⁰ This embassy was sent to Rome in an attempt to effect a reconciliation between Rome and Macedon; its audience with the senate was delayed until just after the news of the Roman victory at Pydna had reached Rome. The Rhodian ambassadors could have wished for nothing more than the opportunity to disclaim entirely the real purpose of their mission and to invent some spurious pretext. This they were unable to do because they had evidently handed the decree of the Rhodian assembly which authorised their mission to a Roman magistrate soon after they reached Rome. They were obliged to admit that they had come to bring an end to the war, but went on to explain that this was because war was against the interests of all Greeks and of the Romans as well; and they were pleased that now the war was over it had finished in the manner the Rhodians had wished for (Pol. 29.19.3-4).

The decree which the Rhodian envoys brought with them presumably contained the assembly's decision to send ambassadors ὑπὲρ τῶν διαλύσεων or some similar phrase (cf. Pol. 29.10.1). Had Rome's unfavourable strategic position persisted or worsened in the course of the year 168, the Rhodian envoys would have been able to speak at length on the desirability of peace, and the senate would have found itself unable to disregard such an initiative.²¹ In the event the envoys mentioned the intended mediation, since the Romans already knew about it, but used as few words as possible.²² This gives some idea of the extent to which a Greek ambassador could adapt to changing circumstances; he could alter the presentation of his speech but he could not alter the intended purpose of his mission.

There was nothing peculiarly Roman in the insistence that ambassadors should undergo a process of registration on arrival;

nor was it this alone that imposed a restrictive prior commitment on them, whether at Rome or elsewhere. The Rhodian decree was passed in a public assembly and would have become common knowledge throughout the Greek World and at Rome in a relatively short period of time; Rhodes was after all a state of considerable political importance. Thus even if the ambassadors had not been required to divulge the nature of their mission some time before their audience took place, they would still have been considerably embarrassed when confronted by reports of the proceedings in the Rhodian assembly. It is true that hearsay reports could have been discounted as malicious rumours; but Greek ambassadors were not in any case in the habit of departing from their instructions, and they would be required at some time to hand over their documentary authorisation to the Roman authorities.²³ In general however the rather greater delays which might be faced by embassies in obtaining audiences at Rome must have posed new problems of flexibility, such as the Rhodians' predicament illustrates.

The obligation to inform a leading Roman magistrate of the purpose of a mission must have acted as a more serious restraint upon the ambassadors of monarchs than on those representing city-states or federal leagues. For there was no reason why the outside world should know of the instructions given by the Ptolemaic king, for example, to his ambassadors before these were announced to the Roman authorities. An instructive example which is in many ways parallel to the Rhodian embassy of 168 is provided by the Ptolemaic embassy of 170/69. This embassy under Timotheus came to Rome to renew friendly relations, and to put an end to the war with Perseus but especially to keep an eye on the ἐντεύξεις of the Seleucid embassy under Meleager.²⁴ Polybius' account goes on to say that on the advice of M. Aemilius, the ambassadors did not venture to speak (in the senate) on the subject

of *διάλυσις*. It is true that in Roman eyes the offer of mediation in early 169 would have been less offensive than the Rhodians' offer in 168, and the consequences of such an initiative would probably have been less serious.²⁵ But M. Aemilius Lepidus, the patron of the Ptolemaic royal house, evidently considered that an offer of mediation by the Ptolemaic crown would not be appreciated by the majority of senators and advised them accordingly. No public declaration of this intended reconciliation would have been made, and we may assume that it remained a secret between the regents of Philometor, the ambassadors and M. Aemilius, and that it was communicated to Polybius on a later occasion by one of the ambassadors.

The question of instructions still arises however; for it is not enough merely to say that the ambassadors went straight to M. Aemilius on their arrival in Rome to seek his advice (although that is likely enough). Although this would mean that they would not include *διάλυσις* in their statement to the presiding magistrate when their interview with him took place, it would not affect the nature of their written instructions. Should we assume therefore that the ambassadors tampered with their instructions and deleted the incriminating item (concerning *διάλυσις*) or that the document which they brought with them was merely a letter of introduction and did not contain any reference to the nature of the mission? There is evidently much room for speculation of a kind which is unlikely to lead to conclusions. However, another alternative, which is perhaps the most attractive, is that the ambassadors brought two separate letters addressed to the Roman authorities which dealt with the two separate aspects of their mission. (I discount the watching brief over the Seleucid envoys as being a part of the mission that was to be communicated to the Romans; cf. above n. 24). After the interview with Lepidus the ambassadors handed over

one of the these letters to the presiding magistrate and withheld the other.²⁶

By the second century depressed economic conditions and the political eclipse of the polis had generated a change in public attitudes towards ambassadors. The fate of many ambassadors in the Classical period was to face prosecution on their return for various kinds of misconduct, particularly for deviating from or exceeding instructions.²⁷ In the Hellenistic period embassies became burdensome or dangerous obligations: political figures invariably won the gratitude of their community for facing the expense and the hardships which were involved in undertaking such tasks.²⁸ At the same time the danger of captious political attacks and prosecutions for misconduct receded. The adherence of an ambassador to his instructions was however a principle of diplomatic practice which remained intact. It is unlikely that ambassadors ever seriously considered any deviation from them, particularly when, as was often the case, they were executing policies which they had previously initiated or supported. If there is a second century exception to this case it is provided by the embassy of the Achaean Callicrates to Rome in 180/79. The Polybian account of this refers to a debate in the Achaean synodos in which Callicrates opposed Lycortas on the subject of the Spartan exiles.²⁹ Eventually Callicrates was appointed apparently to lead (his name is the first mentioned in Pol. 24.8.8) an embassy to Rome to inform the senate of the views of Lycortas (τοὺς διδάξοντας ἂν Λυκόρτας λέγει). At Rome evidently without the backing of his fellow-ambassadors he delivered a speech in the senate, in which he articulated his own views and suggested to the senate the policy which it ought to adopt towards the Greek states.³⁰

It has been suggested that Polybius misrepresented the facts in this incident because of his personal animosity towards Callicrates.³¹ There

may be some truth in this and I believe that the instructions given to Callicrates and his fellow ambassadors as baldly represented by Polybius (τοὺς διδάξοντας ἢ Λυκόρτας λέγει) do sound implausible. Why should the man most opposed to a policy be selected to carry it out?³² I think that we may postulate that the embassy's instructions were essentially a compromise between the opposing views, leaning more towards Lycortas' position. We may thus concede that Polybius disingenuously simplified the instructions given to the ambassadors by referring to them in this way. But even if we accept that the instructions in fact represented some form of compromise between the opposing views, we cannot go so far as to absolve Callicrates from the charge of exceeding his instructions, since it is equally implausible that these authorised him to lecture the senate on the attitude it should adopt towards partisan conflicts in the Greek states. Callicrates' case remains an exception therefore; that it is exceptional is borne out both by the absence of parallel examples and by the righteous indignation it aroused in Polybius, which apparently was directed as much at Callicrates' abuse of his ambassadorial office as at the actual sentiments of his speech. Callicrates was effectively safeguarded from any risk of retaliatory action on his return to Achaëa by the terms of the senate's reply, which especially commended him and disregarded his fellow-ambassadors.³³ Any move against Callicrates could now be construed as directly contrary to the senate's interests.

Any greater degree of ambassadorial disobedience was hardly likely to be tolerated however much public attitudes towards ambassadors had changed. But the conditions of Hellenistic diplomacy in the second century, when large numbers of embassies from Greece and the Hellenised east were travelling to central Italy for audiences with the senate in Rome, might have been expected to lead to a lessening of the close dependence of ambassadors on their instructions. It was unusual for a state to send

more than one embassy to Rome in the course of a year, although this did occasionally occur. When one takes into account the time required for travelling, the restrictions on sailing, the delay which might be expected at Rome and the lengthy processes which might be necessary before another embassy could be sent out, this apparent infrequency seems in no way surprising.³⁴ Given that in their relations with Rome the Greek states were unable to rely on a frequent interchange of embassies, as they could in their relations with one another, what progress was made in the direction of entrusting wider authority to ambassadors at Rome? In fact there was no general progress in this direction, although the following instances deserve some examination.

The first is the Athenian embassy which was sent to Rome in 167/6 on the subject of various territories captured by the Romans in the war against Perseus. The information on this embassy is provided by a brief excerpt in Polybius:

ὅτι οἱ Ἀθηναῖοι παρεγένοντο πρεσβεύοντες τὸ μὲν πρῶτον ὑπὲρ τῆς Ἀλιαρτίων σωτηρίας, παρακουόμενοι δὲ περὶ τούτου τοῦ μέρους ἐκ μεταθέσεως διελέγοντο περὶ Δήλου καὶ Λήμνου καὶ τῆς τῶν Ἀλιαρτίων χώρας, εἰς ἑαυτοὺς ἐξαιτούμενοι τὴν κτήσιν· εἶχον γὰρ διττὰς ἐντολάς.

(Pol. 30.20.1-2)³⁵

For Polybius the main value of this incident was the opportunity which it afforded him to pass moral strictures on Athenian policy (loc. cit. 3-6); but this should not blind us to the significance of the "double instructions" which the ambassadors had. Polybius does not explicitly say that these were extraordinary, but he evidently felt that it was necessary to explain the fact that one embassy was able to make two entirely different statements to the senate on the same subject. It seems that the Athenians wished to take possession of Delos, Lemnos and Haliartus, but with regard to the last of these they had some compunction

which presumably bore some relation to the censure expressed by Polybius. Rather than undergo the delay and expense of having the ambassadors report back to the Athenian assembly on the senate's decision regarding the people of Haliartus and authorising another embassy to make the territorial requests, it was decided to streamline this process into the activity of one embassy by giving it conditional instructions.

This was contrary to the cumbersome procedures of democratic Greek states and effectively gave a greater degree of competence to the ambassadors involved. While in the present case it was a matter of purely objective assessment whether the condition had been fulfilled (ie whether the senate had granted "the safety of the people of Haliartus"), it was nevertheless a short practical (if not conceptual) step to a situation in which it was left much more to the discretion of the ambassador whether the condition stipulated in his instruction had been met. It may be argued that there is nothing exceptional about this and that such a development was to be expected. However not only was the short step never made, but even the limited experiment of conditional instructions appears not to have been repeated in the relations between Greek states and the Roman senate, as far as we can judge from the evidence.

It is likely that the Athenian embassy's instructions were contained in two entirely separate documents (this indeed is the most natural interpretation of *εἰς τὰ ἐντόλαι*) and as such they might appear to be comparable with the double instructions, if we assume them to have been so, borne by the Ptolemaic envoys in 170/69.³⁶ But it is important to remember that in the latter instance one part of the mission was not conditional on the acceptance of the other: both could have been presented in the same set of speeches to the senate. This brings us to consideration of whether the Athenians' conditional mission required two separate

audiences or only one. Polybius' account is obviously too brief to admit of any certainty on this question: compression is common in Polybius' treatment of the innumerable embassies which occur in his work, and procedural details were not in themselves of any interest to him. The following conclusions may be drawn however from his account:

- i) From the passage quoted above we know that the Athenian ambassadors addressed the senate first on "the safety of the people of Haliartus" and were in some way disregarded (*παράκουόμενοι*) before making their second address on the possession of Delos, Lemnos and Haliartus. From this it would appear that there was at least some interval between the two sets of speeches and that there were therefore two audiences.
- ii) It is obvious that the Athenians should have required the senate's answer on Haliartus before proceeding to ask for possession of it. But since no mention was made of Delos or Lemnos until the second audience, it follows that the second audience would have been required whatever the senate's answer to the first may have been.
- iii) We should also take into account a brief allusion to the embassy in the preceding excerpt of Polybius, where he describes how the senate after humiliating Eumenes at Brundisium went on to receive all of the numerous congratulatory embassies which had arrived. It replied *οὐκέως καὶ φιλοφρόνως* to all of them except the Rhodians; it also deferred (*ἐπέχετο*) the Athenians' business (Pol. 30.19. 14-17). Another part of the Athenian envoys' mission had thus been to congratulate the senate on its victory over Perseus. In this respect the Athenian embassy was one of many purely honorific missions in Rome at that time which the senate wished to dispose of as quickly as possible. Since the Athenians' instructions were of a far more complicated nature than those of the generality of embassies present, the presiding magistrate evidently decided to postpone their business until after these had been dealt with

en masse. It is fair to assume that both sets of instructions were submitted to the magistrate by the Athenians on arrival: nothing could be achieved by withholding one set until the outcome of the first audience was known, since public decrees of the Athenian assembly would in any case have become common knowledge.

The Rhodian embassy which was at Rome in this year and which had been singled out for ungracious treatment by the senate is also of interest in the consideration of ambassadorial competence in this period. The embassy was sent in the early summer of 167 to present a crown to the Goddess Roma and to attempt in every way to make an alliance with the Romans.³⁷ The head of the embassy was the elderly Theaetetus who was appointed *πρεσβευτὴν ἄμικ καὶ ναύαρχον*. The sentence which Polybius offers in explanation of this curious double appointment is grammatically unintelligible and has evidently been the subject of some textual distortion.³⁸ But Polybius' apparent meaning is that in the event of the embassy being unsuccessful, Theaetetus might in his capacity of navarch be free to act on his personal initiative to obtain the desired alliance.

Further evidence is provided by Livy's version of this incident which is closely based on Polybius but which reads intelligibly where Polybius does not.³⁹ Livy emphasises that the navarch could act without the authorisation of specific resolutions of the assembly, and that in this way public humiliation could be avoided.⁴⁰ Whether it was the powers themselves or the avoidance of publicity which they made possible that influenced the Rhodians' decision (and there is no reason why both considerations should not have carried weight), it is evident that what Polybius in his original version considered to be significant was the fact that the Rhodian navarch wielded an executive power which enabled him to act in the name of the Rhodian people without reference to the assembly. The Rhodian democracy had evidently found that it was militarily

essential for their chief executive to have this degree of discretionary power.⁴¹ The inclusion of Theaetetus in this embassy is clearly an example of genuine plenipotentiary powers being vested in the diplomatic representative of a democratic Greek state. In the event the Romans were unwilling to grant an alliance to Rhodes on any terms at that time: Theaetetus died in Rome while waiting for an answer to his original request for an alliance (Pol. 30.21.2), and his plenipotentiary powers were never actually put into practice. It is important however to look at the circumstances which led to the granting of these extraordinary powers.

The situation which faced the Rhodians was critical: although the threat of war with Rome had receded, the ambiguous position of being neither friends nor enemies of Rome was an almost equally intolerable one. Their irregular position vis à vis Rome acted as an open incitement to Rhodes' remaining subjects to seek independence. The mission entrusted to Theaetetus, Rhodophon and the other ambassadors was thus an extremely urgent one: it was important that the alliance should be secured as soon as possible. This was the kind of situation in which one might have expected a movement towards greater ambassadorial competence. A considerable delay would have been involved in referring back to the Rhodian assembly for ratification of any terms which the senate might insist on. Thus it was essential that the embassy should be empowered to complete its mission without such recourse.

So much for the internal constitutional requirements of Rhodes. It was also essential that the Romans should be impressed by the sincerity of the Rhodians' desire for an alliance. The Rhodian decree therefore gave the ambassadors apparently unlimited discretionary powers to fulfill their mission (πειρασμένους κατὰ πάντα τρόπον συμμαχίαν συνθέσθαι πρὸς Ῥωμαίους), and probably drew attention to the fact that the leader of

the embassy was fully empowered to commit the Rhodian state to a binding agreement on his own initiative. It follows from this that no further decree of the Rhodian people would have been required if Theaetetus' mission had been successful. This brings us to the factor stressed in the Livian version of this embassy, namely that by entrusting the negotiations to their navarch the Rhodians were not obliged to commit themselves in public decrees to policy initiatives which the Romans might subsequently rebuff: these would be taken instead on the personal authority of Theaetetus. There is no way of accurately reconstructing what the original comments of Polybius on Theaetetus' appointment were, nor of estimating how much if any of them is lost; it is likely however that all of the above considerations would have been considered by the Rhodians in the appointment of this somewhat atypical embassy.

It is important to remember that the embassy is atypical: it did not in fact form part of any general movement towards greater ambassadorial competence. The appointment of a chief executive as ambassador was quite exceptional, and the plenipotentiary powers vested in Theaetetus derived from his status as navarch rather than as a specially empowered ambassador. It was in fact symptomatic of the continuance of traditional constraints on ambassadorial flexibility that it was necessary to send the navarch as ambassador rather than simply appoint an ambassador with commensurate powers. The Rhodians' action reflects not merely their own concern for constitutional propriety but also the prevailing attitude towards ambassadorial status in the Hellenistic world (including Rome) which would probably have found the alternative unacceptable.

But if Hellenistic diplomatic practice remained largely impervious to change amid the altered conditions of the second century, this was not simply a result of Greek traditionalism but owed something to the new

conditions themselves. Greater ambassadorial competence might have developed if there had been some scope for negotiation between the Greek states and Rome. But after the establishment of Rome's hegemony the majority of diplomatic missions at Rome sought in some form the senate's diplomatic support which it was in a position to dispense as it chose. As in earlier times the ambassador's function was to persuade and not to negotiate. The process of persuasion might take place at the level of the collective senate or of the individual senators. It was seldom that the ambassador was in a position to concede something which the senate may have wanted.

We may turn to the earlier part of the second century when there existed an actual or vestigial balance of power and when Rome was obliged to treat with other powers on a more or less equal basis. Here one might expect to find those opportunities for real negotiation (as opposed to mere persuasion) conducted at long distances which could have led to the greater empowerment of the ambassadors involved. However what we actually find in this period is a number of occasions when negotiations broke down at Rome owing to the inadequate empowerment of ambassadors. The Macedonian ambassadors at Rome in 198/7 were questioned on the subject of the Fetters and replied that they had no instructions.⁴² We know from Polybius that they had prepared an elaborate speech which in the event they were prevented from delivering; but evidently none of this material touched on the subject of the Fetters, since otherwise (unless they wished to abort the negotiations as soon as possible) they would not have replied that they had no instructions. This diplomatic incident has engendered a great deal of speculation and disagreement among modern historians as to the sincerity of both Philip V and Flamininus in initiating the negotiations.⁴³ I personally incline to the view that Philip could not have been genuinely seeking a peaceful

settlement, given that he omitted to brief his ambassadors on what was evidently such a crucial issue. But we may leave aside the controversy as to whether Philip had been specifically led to believe that the Fetters would not be a matter for negotiation. It still remains that his ambassadors were not instructed on this matter and that negotiations broke down as a result. When it is remembered that a limited period (of two months) had been allotted by Flamininus for the completion of the negotiations, one can only conclude that Philip gave his ambassadors excessively narrow instructions.

The possibility of an agreement being reached between Rome and Antiochus in 194/3 was frustrated when the Seleucid ambassador in Rome, Menippus, declared to an 11-man senatorial commission that he was not empowered to concede anything on Antiochus' position in Europe.⁴⁴ It might be claimed with historical hindsight that any attempted settlement was foredoomed to failure.⁴⁵ I do not believe however that the events leading up to the war indicate that either of the protagonists actually wished to bring it about. Assuming therefore that Antiochus was anxious to secure a settlement, he must have realised his (comparatively small) interests in Europe were the area in which it was most likely that concessions would have to be made. The fact that Menippus had no instructions to make concessions presumably means that Antiochus was holding these in reserve for a later occasion and was attempting to negotiate for the present on the basis of the status quo. In his statement to the senate Menippus clearly indicated that concessions were to be had if the negotiations were referred back to Antiochus.⁴⁶ But this delay only allowed relations between the two powers to worsen, and the later round of negotiations at Ephesus in 193 foundered. Although Livy states that the debate followed the same lines as the previous one at Rome, his account contains no mention of the Roman demand that

Antiochus should evacuate Europe: instead discussion was concentrated on the Greek cities of Asia Minor. Perhaps this meant that the Roman envoys were no longer willing (after their sojourn with Eumenes at Pergamum) to offer a price for the renunciation of their interest in the Asian Greek states.⁴⁷ On this interpretation of events it is apparent that a possible settlement was never closer than in 194/3 when it was frustrated by the inadequacy of Menippus' instructions.

The position of the Aetolian League envoys in 190/89 was in a sense similar although the very obvious inferiority of their negotiating position constitutes an important difference. They were asked by one senator whether they would submit the decision on their fate to the Roman people and by another if they would have the same friends and enemies as the Romans. Since they made no reply to these questions we may clearly infer that they were not specifically empowered to do so.⁴⁸ What in effect this means is that they were not instructed to accept terms of unconditional surrender. We are left uncertain as to what terms, if any, they were empowered to accept: when Aetolian envoys were granted peace terms of a far less severe character later in 189 by the consul, M. Fulvius, they were required to submit them to ratification by the Aetolian people before going on to Rome. Although this was doubtless a very sensible precautionary move which might also impress the senate of Aetolian sincerity, we may contrast the lack of competence of these successive embassies with the extraordinary powers which the no less democratic Rhodians would grant to Theaetetus in a no more desperate situation 22 years later.⁴⁹

Another parallel situation may be found on the eve of the Third Macedonian War. In this case however we must remember that our only source is a particularly unreliable section of annalistic narrative in Livy. In 172/1 envoys of King Perseus appeared before the senate. After

their speech they were asked to reply to remarks made by the legatus of Cn. Sicinius, but they could only state that they had no further instructions. Their mission was thus unsuccessful.⁵⁰

While the motif of inadequate competence recurs in all the above instances, the situations themselves were clearly different. What is common to them all is the inability of the ambassadors to make any response to developments at Rome once their prepared statements had been delivered or when such a response meant departing from the instructions on which the prepared statements were based. In other words an ambassador had said all that he had to say when he had delivered his prepared statement, and it was unlikely that he would be able or willing to make any further statement or to answer any subsequent questions of a substantive nature.⁵¹

In conclusion one may say that the speeches made by ambassadors in the senate were usually little more than extended rhetorical compositions in furtherance of an object stated in their written instructions. In this respect ambassadorial activity in second century Rome reflected traditional Greek practice. Since an ambassador could normally neither deviate from nor exceed his instructions, the essence of his task was to present any proposals contained in them in the verbal form which was most likely to secure agreement or approval; and this task required the exercise of his rhetorical skills rather than what we would call negotiating ability.

The extent to which a Greek ambassador was able by means of rhetorical expertise to influence either a large citizen assembly or the Roman senate can only really be guessed at. But it is unlikely that foreign envoys could ever have persuaded the citizens of another state to adopt a policy which was not also recommended by at least some of those citizens' own political leaders. Thus it will have been normal

practice for ambassadors to attempt to win over such leaders, and this will have involved a much less public process of persuasion and the cultivation of personal relationships. At Rome the need for ambassadors to engage in these activities, which were not dependent on formal rhetoric, was perhaps greater. This reflects the fact that the consulares' control over senatorial decisions was more tangible and reliable than, for example, a Greek political leader's control over an assembly's decision; and it was probably harder to influence the senate through a rhetorical tour de force than a mass citizen assembly. This subject however will be more fully considered in the following chapter.

Chapter 5

Section i

The audience was essentially an opportunity for ambassadors to deliver prepared speeches to the senate. The hearing of speeches and the senate's subsequent reply in the form of a senatus consultum really constitute a single process. But the senate often listened to more than one embassy before it discussed the issues or formulated an answer. And on rare occasions it might withhold a reply altogether from an embassy which had been granted an audience. Therefore a single audience can only be taken to refer to the senate's hearing of one embassy's speeches and not to the complete process of an exchange of statements.

It was by delivering a prepared speech that an ambassador officially discharged his mission, and in this respect the senatorial audience resembled the conventional audience which the ambassador might expect to receive anywhere in the Greek world. Once his speech had been delivered it served not as the basis for further discussion between himself and the senate - although he might be asked questions by leading senators - but for a later discussion in his absence in which a senatus consultum was formulated. The senate's reply was unquestionably the more important part of the exchange. As the senate assumed the role of an international arbitration court, its replies to embassies in the form of senatus consulta came to be regarded as judgements and were treated virtually as documents of international law.¹ Thus the success or otherwise of a diplomatic mission to Rome was reflected very closely in the content of the senatus consultum. To assess the importance of the audience proceedings in diplomacy at Rome, it is necessary to consider the effect which ambassadorial speeches could have on the senate's decisions.

It has emerged from an examination of ambassadorial competence that these speeches were essentially rhetorical compositions urging the

acceptance of a certain proposal or request which the ambassador himself was powerless to alter or adapt. In other words it was really only the ambassador's rhetorical expertise and persuasive powers which were being brought to bear. On a priori grounds it seems improbable that a rhetorical tour de force would have much effect on the senate's decisions. The senate was hardly susceptible to techniques of mob oratory, for it was a much smaller body and better educated than a mass citizen assembly. In addition there were other factors which influenced senatorial decisions on foreign policy, and the decision-making process itself was comparatively tightly controlled.²

A further consideration which might have reduced the effectiveness of ambassadorial speeches in the senate was the fact that Latin was the official language at Rome. Greek on the other hand had a virtually ecumenical currency throughout those states most likely to come into regular diplomatic contact with Rome in the second century.³ It will be interesting to consider what effects if any proceeded from this language barrier confronting Greek-speaking ambassadors at Rome.

On the problems of language and the role of interpretation in senatorial audiences little evidence is available.⁴ This reflects a general lack of interest among ancient authors in the linguistic problems which must frequently have attended ambassadorial contacts. The only second century instance in which interpretation in the senate is specifically recorded is the audience of the Athenian embassy in 156/5, whose members were the philosophers Carneades, Diogenes and Critolaus. Two brief accounts of the embassy survive, which convey more or less the same information; but of these Plutarch's is interested in the embassy as an episode in the career of his subject, the elder Cato, and Gellius' is concerned more with the academic qualities of the ambassadors.⁵ Gellius simply states that on their introduction to the senate the ambassadors used a senator, C. Acilius, as their

interpreter. Plutarch describes him as ἀνὴρ ἐπιφανής and adds that he performed this function at his own instance and request.

The natural inference from this case is that the senate's regular practice in the second century was to have all ambassadorial speeches translated into Latin. If there is any unusual feature in the incident, it is apparently the status of the interpreter and not the requirement of an interpreter in itself. That this requirement was upheld throughout the second century is borne out by the testimony of Valerius Maximus (2.2.3): from this passage it may be inferred that no foreign ambassador addressed the senate without an interpreter until 81.

When we consider the extent to which the educated classes at Rome had absorbed Greek culture by the mid-second century, it would not have been unreasonable if the requirement of an interpreter had been waived for Greek embassies. Yet apparently interpretation was required throughout the second century and beyond, and the requirement should therefore be explained in terms of the upholding of an imperial power's dignity and prestige in its dealings with inferior states. Again this motive is confirmed by the analysis of Valerius Maximus (2.2.2) writing in the first century A.D.

As to the status of the man who interpreted the speeches of the Athenian ambassadors both Gellius and Plutarch place a certain amount of emphasis on it. From this we may surely deduce that it was unusual for this function to be performed by a senator. We may also assume that it was the ambassadors' celebrity which induced a high-ranking man to undertake what might normally be regarded as a rather menial task. Normally the function of interpretation would be performed by a man of lower status, but by whom?

It is possible that the Romans provided officials for this purpose, and indeed there is some evidence that a permanent staff of Greek experts was employed in the translation of official letters and

other documents of Roman origin for circulation in the East.⁶ But in general the republican authorities at Rome had no professional bureaucracy, and it is equally possible that interpreters were included in the personnel of incoming embassies. It is known that on an unspecified embassy to Greece (probably in the mid-second century) Roman legati took with them a Romanised Greek freedman to act as their interpreter.⁷ Admittedly this does not argue any firm conclusions for the practice of Greek embassies to Rome. And an important consideration is that the Romans would have a far greater supply of Greek experts available in Italy than the average Greek state would have of Latin experts. Presumably there would be numerous employment opportunities open to a freelance bilingual resident in Rome.

Valerius Maximus devotes two discursive sections De Institutis Antiquis (2.2.2-3) to the use of language in the international relations of the republic, and from the mass of verbiage some interesting details emerge. The Greeks were compelled by magistratus prisci to use interpreters in their dealings with the Roman authorities both at Rome and in the provinces. This insistence on the official use of Latin was with a view to preserving gravitas. But in Valerius' own day (the first century A.D.) the ears of the senate were deafened by Graecis actionibus, and he attributes the origin of this insidious practice to the embassy of the Rhodian rhetor, Molo, who in Valerius' opinion was the first foreign ambassador to speak without an interpreter.

This is the Apollonius Molon who played an important part in the education of the young Cicero. But the embassy which Valerius mentions so briefly does not appear to be the kind of unhistorical anecdote which gravitates towards the names of famous people: at least it has no sensational details. The fact that Molo spoke in the senate without an interpreter should not therefore be doubted, although it is perhaps a little less certain whether he was really the first to do so. But

since there is no evidence to the contrary, the date of Molo's embassy may be provisionally taken as the terminus ante quem for the obligatory use of interpreters. The date generally accepted for this embassy is 81.⁸

Addresses to the senate in Greek without the use of an interpreter were not perhaps as common as Valerius appears to suggest. In 41 A.D. the new emperor Claudius allowed Herod and Agrippa to enter the senate and express their thanks to him in Greek (Dio Cass. 60.8). There is every indication that this was a special honour, and it is on the word *ἐμνηστί* that Dio places emphasis. However there was no special honour involved in merely addressing the senate in Greek: all Greek-speaking ambassadors must have done so from earliest times, since there would otherwise have been nothing for the interpreters to translate. We must assume that the concession which was granted on this occasion was that the two dynasts be permitted to address the senate in Greek without the use of a Latin interpreter. The significance of this honour was that the two men should not be subjected to the normal display of Roman superiority inherent in the requirement of an interpreter at all official diplomatic exchanges. This incident was either contemporary with or very shortly after the time at which Valerius was writing: it was over 120 years after the embassy of Molo. And yet Dio's evidence implies that the concession granted by Claudius was still regarded as a noteworthy honour to be bestowed not merely on foreign ambassadors but on reigning dynasts. Some allowance should be made for the patriotic and antiquarian slant of Valerius, which must have led him to exaggerate what was still a comparatively rare occurrence.

Thus after the requirement of an interpreter had been retained throughout the second century, it was not unknown for Greek to be spoken untranslated in the senate by ambassadors in the first century. But the relaxation of the requirement never applied to languages other

than Greek. Cicero, while discussing the unintelligibility of dreams introduces a hypothetical analogy from contemporary diplomatic practice:

similes enim sunt dei si ea nobis obiciunt quorum nec scientiam neque explanatorem habeamus, tamquam si Poeni aut Hispani in senatu nostro loquerentur sine interprete. (Cic. Div. 2.131)

This is not merely hypothetical (thus illustrating that it did not really happen): it is also intended to be patently absurd. But there is also the implication that the use of "Graeci" would not have suited nearly so well Cicero's purpose, which was to convey the idea of utter unintelligibility.

I have shown that ambassadorial speeches in Greek without the use of an interpreter were exceptional in Republican times and probably unheard of in the second century. But it is important to realise that this was not due to any problem of intelligibility. The evidence bearing on the ability of Roman senators to understand Greek is abundant and need not be considered in detail here.⁹ The following observations will be sufficient.

Rome moved into the sphere of the surviving Greek states in Southern Italy from the mid-fourth century onwards. It is unknown whether the Roman ambassadors to Naples in 327/6 attempted to speak in Greek to the Neapolitan senate or made use of an interpreter. In 282 a Roman senator, L. Postumius, actually did speak in Greek in front of the Tarentine assembly; but on this occasion Postumius was ridiculed for his unpolished Greek by the Tarentine citizenry.¹⁰ If he was the most accomplished Grecian the senate could send on his mission, then the average standard among senators could not have been high. It is interesting to note that (if the anecdote is true) the Romans had not by this time developed the sensitivity towards their dignity and superiority to which Valerius refers, and which undoubtedly did colour their later handling of diplomatic affairs. The fact that Postumius

did not speak in Latin with an interpreter does in fact fit into the pattern of Roman policy in the early third century, which was concerned with identifying as closely as possible with the Greek world.¹¹

After the fall of Tarentum Greek culture flowed into Rome at a vastly increased rate and became firmly entrenched there in the course of the third century. The educated upper-class Romans who filled the senate could be expected to have a working knowledge of the Greek language in the early second century. The aforementioned C. Acilius was only one senator of the period who followed the example of Q. Fabius Pictor of writing Roman history in Greek. Another example is A. Postumius Albinus who also, as it happened, came into contact with the Athenian ambassadors of 156/5.¹²

Flamininus is said by Plutarch to have been fluent in the Greek language. Admittedly his letter to Chyretiae betrays a number of conspicuous Latinisms, but the assumption that he was himself responsible for the Greek version of it is only an assumption and should not be pressed too far.¹³ Aemilius Paullus was able to converse with Perseus in Greek (Liv. 45.8.6), but when it came to making his official statement at Amphipolis in 167 he spoke in Latin. However the statement was translated into Greek by another senator, the praetor Cn. Octavius (Liv. 45.29.3).¹⁴ In this way Paullus adhered to the principle, which Valerius ascribes to magistratus prisci, of insisting on the use of interpreters. The elder Cato followed the same principle when he spoke at Athens in Latin, although he was quite capable of speaking in Greek (Plut. Cato Maior 12.4). But there was evidently no consistent code of practice, since Ti. Sempronius Gracchus addressed the Rhodians in Greek in 165 (Cic. Brut. 79). Cato was at great pains to distinguish himself from the generality of the Roman upper classes in his opposition to Greek culture. This opposition is in itself sufficient testimony to the progressive Hellenisation of Rome, but

even Cato is known to have had an ample command of Greek literature and language.¹⁵

Against the background of such evidence, it is certainly probable that a majority of senators in the second century would have had little difficulty in understanding speeches delivered in Greek. The retention of an interpreter, while understandable in terms of propriety and national pride would in effect be no more than a formality.¹⁶ And if the function of interpretation is to be explained in terms of formal procedure rather than intelligibility, this has some bearing on assessing the effectiveness of ambassadorial speeches. For if we regard the speeches as primarily exercises in persuasive rhetoric, then it is clear that the actual language in which they were composed must have been important and that much would be lost or diluted in translation. It is true that, if the speeches were carefully prepared compositions, the translations could similarly be prepared in advance. But if the translation was done by a Roman official (or indeed a Roman senator), such an opportunity would not arise. If, as is most probable, the translation was appended as a mere formality after the ambassador had communicated his speech in Greek to all but the dullest-witted of senators, then it becomes plausible to suppose that the ambassador's eloquence and the presentation of his case could exert some influence on senatorial opinion.¹⁷

Thus the language barrier probably presented no real problem to the Greek-speaking ambassador and his case could perhaps be presented there as effectively as anywhere else. But the educated, upper-class membership of the senate which enabled it to understand Greek speeches will also have made it capable of judging the issues on their merits and in terms of its own best interests. In other words senators were unlikely to be bamboozled by sophisticated rhetoric or swayed by emotional outbursts. What evidence exists therefore that ambassadorial

performances did have an effect on senatorial opinion?

It will be convenient at this point to return to the Athenian embassy of 156/5, since this is the most obvious example in this period of ambassadors being selected for their academic rhetorical abilities. The embassy was sent to attempt to secure a reversal of the decision by Sicyonian arbitrators on a dispute between Athens and Oropus; their decision had imposed a fine of 500 talents on Athens. Roman interests were obviously not directly involved and the senate was on good terms both with Athens and the Achaean League of which Sicyon was a member-state. The minds of most senators will thus have been open on the disputed matter, and they will have been prepared to judge it on its merits. To what extent then did the famed eloquence of the ambassadors avail their mission?

We know from Pausanias (7.11.4-5) that the Senate remitted all but 100 talents of the original fine, which means that the mission was partly but not entirely successful. Plutarch tells us that Cato censured the magistrates for leaving the business of an embassy uncompleted, whose members could secure anything by their persuasiveness (Cato Maior 22.5). It scarcely needs to be said that Cato's remark was heavily ironical and should not be taken as evidence for the susceptibility of the senate to persuasion by skilled practitioners of rhetoric. Cato would not have wished to imply that the senate was so gullible, and of course the ambassadors did not in the event secure the complete remission of the fine. While denying that the oratory of these men was entirely irresistible, we must nevertheless accept that there must have been some good reason for their selection as ambassadors. Did the Athenians really think that a political success could be achieved through the exercise of their academic powers? To a certain extent this may have been true. We do not know exactly what the envoys said in the senate, but the situation was very much a forensic one. The Athenians were

appealing against an international arbitration award, and the ambassadors were submitting their defence to the senate as a kind of appeal court. The scope for deploying rhetorical techniques in such a forensic situation was rather greater than in a purely political one, and in antiquity cases did tend to be judged on their presentation rather than their merits.

However Plutarch's account does not stress the impact made by the envoys in the senate. Before their audience they had given lectures on philosophy and exhibitions of their rhetorical powers; and it was this entirely unofficial and apolitical activity which made a deep impression on the educated Roman upper classes and on the younger members of these in particular. The Athenian philosophers were able to meet a considerable intellectual demand at Rome, and this had probably been foreseen by the Athenians when they selected the men for the embassy. After the initial impact which they made on the public and with the active support or friendship of such notable Hellenophiles in the senate as C. Acilius and A. Postumius, the envoys were more than likely to receive a favourable hearing from the senate. It was because of the depth of the impression made by the Athenian envoys that Cato was particularly anxious for them to be sent home as soon as possible. Plutarch goes on to say (Cato Maior 23.1) that Cato was not motivated by personal animosity but was merely trying to stem the flow of Greek cultural influences into Rome.¹⁸

The Athenian embassy does not therefore constitute evidence that the senate was likely to be swayed by oratorical performances of an intellectual or professional kind. But an embassy's presentation of its case was commonly intended to produce an effect which would secure the sympathy and thereby the support of the senate. An element of humiliation commonly occurs in this respect, and the motif of supplication is a recurrent one. An early example is provided by the Locrian embassy

of 204: the envoys approached the consuls in the Comitium "covered with filth and squalor, holding out their suppliant apparel and olive branches, and fell upon the ground in front of the tribunal with cries of lamentation" (Liv. 29.16.6). Livy does not say that the envoys repeated their performance in the senate, but this is a plausible assumption and, for what it is worth, Livy introduces the suppliant motif into their speech (29.18.19). According to Livy a very similar performance was staged in the senate by Ptolemaic envoys in 168:

sordidati, barba et capillo promisso, cum ramis oleae ingressi curiam procubuerunt, et oratio quam habitus fuit miserabilior. (Liv. 44.19.7).

The image appears again in Livy's account of the audience given to the Rhodian envoys early in 167 (45.25.1). The account is in other respects unreliable, since the speech which Livy puts into the mouth of one of the Rhodian envoys is almost certainly fictional; but the envoys' assumption of mourning garments is recorded by Polybius, and an act of supplication in the senate is entirely plausible in the circumstances.¹⁹

These embassies would hardly have acted in this way, if they had thought that the reaction of most senators would be adverse. Such displays of abasement and humiliation evidently flattered the senate and nourished its developing superiority complex. Polybius considered that Prusias plumbed the depths of *κολακεία* when he appeared before the senate in 167. On entering the senate-house he abased himself before the senators and addressed them as gods:

καθ' εἰς τὰς χεῖρας ἀμφοτέρως προσεκύνησε τὸν οὐδὸν καὶ τοὺς καθήμενους, ἐπιφθεγγόμενος "χαίρετε, θεοὶ σωτῆρες...."²⁰

According to Polybius (30.18.7) Prusias received a favourable answer precisely because he was *εὐκαταφρόνητος* (contemptible). This comment should be interpreted largely as a cynical sneer on Polybius' part; but flattery and servility were becoming in the behaviour of a client

towards his patron, and the Romans must to a certain extent have expected such qualities in ambassadorial audiences and been impressed by them.

This was one way in which an ambassador's style of presentation could exert some influence on the senate's response to his case. The element of servility was certainly present in Eumenes' speech to the senate in 189 and to a lesser extent in that of the Rhodians.²¹ In fact it will have become de rigueur for ambassadors at Rome at a comparatively early stage, and such histrionics as those mentioned above will have been necessary to make a conspicuous impression. An act of supplication would be intended to arouse the pity of senators as well as to appeal to their collective ego. According to Livy the embassy of Micythio of Chalcis in 170 made an impression by its very entrance: Micythio was carried into the senate on a litter (43.7.5). There is no reference in Livy's account of his speech to the motif of supplication, but Micythio was clearly trying to evoke pathos in his exposition of Chalcis' sufferings, and his appearance in the senate in the ancient equivalent of a wheel-chair must have contributed to this purpose. And as Livy says (43.7.6), his appearance immediately convinced the senate of the urgency and sincerity of his mission.

Another example of the effective use of pathos seems to be provided by the Lycian embassy of 178/7 under Nicostratus of Xanthus. The ambassadors arrived in Rome late in the summer of 178 and obtained a favourable senatus consultum on their status vis a vis Rhodes, which involved a definite reversal of Rome's former policy in this area. Polybius' brief account of the ambassadors' activities contains the following:

πολλοὺς εἰς ἔλεον ἐξεκαλέσαντο τῶν ἐν τῷ συνεδρίῳ τιθέντες ὑπὸ τὴν ὄψιν... καὶ τέλος εἰς τοῦτ' ἤγαγον τὴν σύγκλητον, ὥστε...²²

Polybius evidently believed that the ambassadors' success was due to

their winning the sympathies of senators, but he leaves it unclear whether this was achieved merely in the course of their audience or through a series of preliminary unofficial contacts as well. The latter is suggested by the phrase πολλοὺς.... τῶν ἐν τῷ συνεδρίῳ which may reflect an individual approach to senators; and by the use of *τέλος* which implies that the senatus consultum was obtained only after a long process of working upon senators' sympathies. Neither of these indications however is by any means convincing evidence for unofficial activity; and while such activity is obviously quite plausible in the circumstances, there are no firm grounds for correspondingly underestimating the effect made by the Lycian ambassadors at their audience.

One audience which seems to have had a profound effect on the senate and influenced the course of senatorial policy is that given to Eumenes in conditions of secrecy in 172. Eumenes' speech is given a prominent part in the events which led up to the war between Rome and Perseus, and according to Livy his words had a profound effect on senators (42.14.1). To an extent this assessment of Livy's has to be taken on trust, although it probably reflects Polybius' original words. This leads us to a consideration of the treatment of ambassadorial speeches in the literary sources, which will have an obvious relevance in assessing the importance of these speeches.

Section ii

Polybius is the major historical source for the period under consideration, whether directly or through passages in Livy, Diodorus and other authors which ultimately derive from him. As a contemporary observer he is also the most reliable source, and some care should be taken to distinguish the Polybian tradition from the annalistic tradition to which ambassadorial activity was often of interest for other than objectively historical reasons. Polybius' attitude to the writing of history was considerably more scientific than that which prevailed in Hellenistic historiography, and this was particularly evident in his handling of speeches. He considered that political speeches exerted an influence on the course of events and therefore formed an important part of the historical process. This was because such speeches were invariably made before the taking of crucial decisions. This view was characteristic of the essentially humanistic tradition of Greek historiography and was by no means peculiar to Polybius.

But Polybius scientifically insisted that because of their importance the historian should make every effort to reproduce what was actually said, and here he explicitly rejected the practice of Timaeus and other Hellenistic historians of inserting free rhetorical improvisations of what could or should have been said. It may be assumed therefore that of the (comparatively few) speeches in Polybius (1) that they correspond closely to historical fact or that Polybius had good reason to consider that they did; and (2) that they were included by Polybius because of the influence which he thought they had had on the course of events, and not merely as literary decoration.¹

Thus the extent to which ambassadors' speeches could influence the senate's decisions should somehow be reflected by Polybius' coverage of them. Of the 35 or so speeches which are recorded either

wholly or partly in oratio recta (i.e. where some attempt has been made to reproduce the actual words spoken), five are those of ambassadors addressing the Roman senate. At first sight this represents a comparatively high proportion of the surviving speeches. But the number of embassies to Rome which Polybius reports is vast, and it is clear that in the overwhelming majority of cases ambassadors' speeches have been consigned to the briefest of summaries in indirect speech. These were evidently not considered to have exerted sufficient influence on historical events for it to be worth recording them verbatim. But there remain the handful of speeches which did satisfy this criterion and which Polybius regarded as worthy of inclusion and a certain depth of treatment.

The earliest of the five speeches are those made by Eumenes and Rhodian envoys at Rome in the summer of 189 with a view to influencing the senate's decision on the future political settlement of cis-Tauric Asia. The question at issue was the crucial one of whether Rome should extend her championship of the autonomy of the Greek city states from Europe into Asia. In my opinion the two speeches which we have reflect at least part of what was actually said in the senate; but this opinion is not universally accepted.²

Polybius omitted to reproduce the speech made by the ambassadors from Smyrna, which for accidental reasons came between those of Eumenes and the Rhodian envoys. This speech was unlikely to carry much weight in the formulation of the new Asian settlement. The same is true of the speeches made by the Seleucid envoys and those from the numerous other Asian states, which are likewise omitted by Polybius. This has left the speeches of Eumenes and the Rhodians standing alone in Polybius' narrative in an apparently contrived antithetical relationship which has aroused the suspicions of some modern scholars.

Bickermann regarded them as literary compositions by Polybius representing the later propaganda of the mid-second century.³ If this is

true we must assume that Polybius openly and deliberately departed from the principles so sententiously elaborated by himself elsewhere to indulge in the kind of unhistorical composition for which he censured other historians. Such a departure would require an adequate explanation and seems on the face of it to be most unlikely. Another possibility is that Polybius unconsciously transcribed the episode complete with its unhistorical speeches from an earlier, unreliable source. This is equally improbable, since the proceedings in the senate in the summer of 189 must immediately have become common knowledge due to the presence of so many ambassadors in Rome. There would thus be no lack of oral sources from whom Polybius could reconstruct the episode without recourse being necessary to written propagandist sources.⁴

Bickermann's case relies on probability and assertion rather than detailed argument. He says for example that "les harangues composees par Polybe n'ont que tres peu de rapport avec les faits reels, et meme avec sa version erronee du senatus-consulte."⁵ The contention that the speeches do not correspond closely to the senatus consultum seems remarkable, since it presupposes that ambassadorial speeches would automatically determine the content of the senatus consulta. This is an entirely unreasonable assumption given the extent to which the senate frequently disregarded ambassadors' speeches; and it should anyway be corroborated by a good deal of evidence. Bickermann regards the speeches as being composed of generalities rather than "real facts"; but by real facts he refers to the element of self-justification and the recitation of past services which characterised the speeches of the envoys from Smyrna and Alabanda.⁶ There are two points to be made here:

(1) As I point out below, the element of self-justification did figure in both Eumenes' and the Rhodians' speeches. Polybius however considered such sentiments to be too commonplace and uncontroversial to be worth reproducing and concentrated on those parts of the speeches

which he thought important. Self-justification was played down more in the Rhodians' speech than in Eumenes', for whose argument it was more appropriate. In doing this Polybius was adhering to his principles: for he says that historians should record what was actually said and of that only τὰ καμπίωτάτα καὶ πραγματικώτατα (36.1.7).

(2) As Walbank observes, we should not be surprised to meet with generalities in historical speeches.⁷ It is quite unreasonable to doubt the authenticity of the speeches on the grounds that they read like rhetorical compositions: this is exactly what they were. An ambassador in the year 189 would take just as much care over the construction of his speech as would the historian or propagandist of the next generation; and there is no reason why the content should be so very different.⁸

The only external views that the senate was likely to take into account in the summer of 189 were those of her two principal Asian allies, Rhodes and Pergamum. The senatus consultum on Asia was in effect a compromise between their views (with the balance in favour of Eumenes), and it could thus be said that both speeches were in some way influential on the final decision. Eumenes had spoken in favour of Rome rewarding her allies, the Rhodians for the extension of the autonomy principle (applied to mainland Greece since 196) to include all the Asian Greek states. The senatus consultum gave autonomy to those states which had not gone over to Antiochus and were not already subject to Eumenes, the rest were divided (unequally) between Pergamum and Rhodes.⁹

Polybius tells us that the speech of the Smyrnaean envoys consisted of a long disquisition on the goodwill and zeal displayed by their city on Rome's behalf, and rightly concludes that it need not be reproduced in full (21.22.3-4). Such self-justification was an important element in Eumenes' speech (21.20 passim) and occurs in that of the Rhodians

(21.22.5); it was doubtless also a recurring feature in the speeches made by the other Asian envoys, whose principal purpose will have been to obtain recognition of their autonomy. Similarly the Seleucid envoys were required only to make a formal request for the ratification of the settlement agreed with the Scipios after Magnesia. All these speeches were of a purely formal character and were unlikely to affect the major decision of principle which formed the core of the senatus consultum on Asia.

In these circumstances it is entirely natural that Polybius should have reproduced the debate in which the differing views of Rhodes and Pergamum were expressed, and excluded the other more inconsequential speeches. The omission of these does not present any serious obstacle to accepting the authenticity of the episode as a whole. And in general the episode's structure does not indicate that Polybius was departing from his own principles on the treatment of historical speeches.

By his selective inclusion of two particular speeches, Polybius showed that he considered them to have been more important than those he left out, and in this he is surely correct. But what actually was their importance in terms of the effect which they had in determining the final shape of the senatus consultum on Asia? Polybius does in fact give an exaggerated impression of their importance in this respect by omitting any mention of the debate in the senate after the audience, and omitting to mention any other considerations which might have influenced the senate's decision apart from the wishes of its Asian allies. This kind of information was in any case more or less inaccessible to Polybius, since it required an informant from inside the senate and these events occurred 22 years before Polybius became a resident at Rome.

The views of Rhodes and Pergamum would have assumed maximum importance in a situation where the majority of senators had an otherwise

open mind on the matter under consideration. But it would be absurd to suggest that this could have been so with regard to the future political settlement of Asia at so late a stage as 189. It was after all perhaps a year since the Roman commanders in Asia, L. and P. Scipio, had first insisted on Antiochus' withdrawal from cis-Tauric Asia as a condition of peace.¹⁰ It is hard to believe that this stipulation did not originate from senatorial instructions, and that the resultant political vacuum had not been discussed in the senate either before or since. Some kind of redistribution of the former Seleucid possessions among Rome's allies seems to have been generally expected, not least by Eumenes (despite his prevarication in the senate) and the Rhodians. The lessons of recent Roman history also pointed in this direction, and indeed the pertinent examples of Massinissa and Pleuratus were on Eumenes' lips when he appeared in the senate (Pol. 21.21.2-3).

On the other hand we must allow for the possibility that there were differing opinions in the senate even among the Eastern experts. Flamininus and the ten commissioners had disagreed in 194 over the question of withdrawing Roman troops from Greece. It is unlikely that a definite decision about Asia had been taken before the appearance of the Asian embassies in 189. The Scipios themselves did not return until after the embassies had departed, so that the senate had not had the opportunity to hear their recommendations in person.¹¹ Flamininus' strategy of maximum Greek autonomy had been consistently followed by the senate for many years, and the Greek cities in Asia had been an important factor in the abortive negotiations between Rome and Antiochus in the 190s.¹² Many senators may thus have become almost conditioned to accept a liberal approach to these cities, but at the same time it could be argued that Flamininus' general strategy had been a failure.

To this extent the collective mind of the senate could have been

open, and it is certainly probable that a substantial body of senators were largely ignorant of the complex issues of Eastern politics: it was still only a minority of senators who had been directly involved in the East. This does not mean that they will have been more readily swayed by the performances of Eumenes and the Rhodians in the senate. In the circumstances it would be most natural for them to pay particular heed to the views of their own Eastern experts, and among these Flamininus was probably overruled or outnumbered on this occasion.

What scope then was left for the ambassadors' speeches to have an effect on the senate? It should not be surprising that Eumenes' excessive servility was generally well received by the senate. Although this trait was by no means absent from the Rhodians' speech, they themselves claimed to be speaking *μετὰ παρρησίας* (Pol. 21.23.12). Eumenes' noticeably more submissive and client-like behaviour may have won him support from partly undecided senators, who were prepared to be influenced by what they saw in front of their eyes. It was naturally important for both parties not to prejudice their case by making a bad impression on the senate, and indeed both did satisfy this rather negative requirement. Polybius briefly mentions the senate's reaction to the two speeches: after Eumenes had spoken adequately, the senate received the King and his speech *φιλοφρόνως* (21.22.1); the Rhodians seemed to all to have spoken moderately and well on the situation (21.23.13). These remarks probably refer in both cases to the senate's official reply: it is known that the senate replied separately to all the embassies.¹³ But apart from creating a generally favourable impression on the senate, there is no evidence that either of the speeches went much further in influencing its decision.

The senate as a whole with the guidance of its Eastern experts would probably by now have realised that Flamininus' settlement of mainland Greece had not been successful and wished to impose a more stable

settlement on Asia. Senators will also have been unwilling to see those states which had actively or passively supported Antiochus against the Romans go unpunished. With such preconceptions the senate will have considered the views of its Asian allies and attempted to reach some form of compromise agreement. Because Eumenes' views more nearly coincided with those of the senate, the balance of the compromise was tilted in his favour. And the Rhodians, while being committed in public to the cause of Greek autonomy, may have expressed privately that they too had imperialist ambitions to be satisfied. Since Rome would rely on Rhodes and Pergamum to police the new Asian settlement, it could not afford to disregard the views of either.

Later in the same year an Aetolian embassy was at Rome to conclude a final peace settlement with the senate. It was accompanied by envoys from Rhodes and Athens who were to speak on behalf of the Aetolians. Polybius records the speech of the Athenian envoy, Leon, in a mixture of direct and indirect speech,¹⁴ and introduces it with the observation that he was thought to have spoken well on the whole and particularly in his use of an appropriate simile (21.31.6). The extract is simply an extended application of this apparently trite simile: the sea (the Aetolian people) is naturally calm but may be roused to turbulence by violent winds (their demagogic leaders). Polybius concludes the episode with the statement that by this speech the Athenian envoy persuaded the senate to make peace with the Aetolians (21.31.16).

It might be argued that the senate was anyway disposed to grant peace terms and that such speeches as Leon's did not significantly affect the decision-making process: after all a Roman consul had provisionally granted terms and little could be achieved by prolonging a war which was not a war of conquest.¹⁵ But this was not the way in which Polybius saw or described these events. Philip V's friends at Rome had been working against Aetolian interests (21.31.3-4), and when the Aetolian

ambassadors appeared before the senate, they were disregarded (21.31.5). Only when the Rhodians and Athenians spoke on their behalf did the senate change its attitude. In explanation (καὶ γὰρ) of this change of attitude Polybius proceeds to his exposition of Leon's speech. This suggests that it was not simply the intervention of Rome's allies on Aetolia's behalf which by itself caused the senate's tergiversation. Moreover when Polybius says that Leon persuaded the senate to make peace, he uses the aorist tense (ἔπεισε) which implies a successfully completed action.

There is little doubt that Polybius (and presumably the source or sources on which he was drawing) believed that Leon's speech was mainly instrumental in procuring a favourable senatorial decision: this in turn justifies the detailed attention to the speech in Polybius's narrative. At any rate Polybius would clearly have his readers believe the speech was important, and his claim can really only be taken on trust. If we follow Polybius in ascribing such importance to Leon's speech, then we should also moderate any scepticism about the susceptibility of the senate to persuasion by formal Greek rhetoric. There is no sign that Leon's speech was anything more than an entirely routine rhetorical exercise.

We turn next to the speech made by Callicrates in the senate, probably in the year 180/79. There is no doubt as to the significance which Polybius attached to this speech: he regarded it as an historic turning point in Rome's relations not only with the Achaean League but with all the Greek states.¹⁶ It is not difficult to believe that the speech made a profound effect on the senate: apart from any other consideration it was quite extraordinary for an ambassador to depart openly from his instructions and to make an entirely personal appeal to the senate on his own initiative. The senate were influenced in their response (24.10.6-7) by what Callicrates said rather than by

what his instructions stated, i.e. by the speech rather than by the official document. It cannot be denied that an ambassador's speech on this occasion had a major effect in determining senatorial policy; but allowance should be made for the totally exceptional nature of the incident, which in a sense places it outside the scope of normal ambassadorial relations.

The last of the five speeches is that made by Astymedes of Rhodes on his second embassy to Rome in 165/4. This embassy at last clinched the alliance with Rome which Rhodes had sought for three years. Polybius reports much of Astymedes' speech in direct speech, prefacing it as he frequently does with an introductory passage in indirect speech.¹⁷ He says that Astymedes took up a more moderate and a better position than on his last embassy (30.31.2), and that he was thought to have spoken in a manner appropriate to the occasion (30.31.18). The attention given by Polybius to Astymedes' oratorical performance suggests that he regarded it as a major factor in the success of the mission. And yet Polybius explicitly states that the factor which contributed most to the success of the mission was the evidence given by the returning embassy under Ti. Gracchus (30.31.19). The source of this information is unknown, but Polybius certainly had access to reliable senatorial contacts.¹⁸ Logically the information must have come from a senatorial source, since Gracchus' report was made to the senate and could only become public knowledge through "leakage". As an analysis of senatorial decision-making the present instance closely resembles Polybius's account of the embassies at Rome in 183/2: on that occasion Q. Philippus' ἀποπρέσβεια served as the basis for the senate's replies. Such dependence by the senate on the advice of its own experts does not appear to have been exceptional in the second century.¹⁹

The speech made by Astymedes on his first embassy to Rome in 168/7 also attracts a considerable amount of Polybius' critical attention.

But Polybius only summarises the substance of the speech briefly in the course of his criticism of it: he did not see fit to reproduce any of it in verbatim form. Astymedes himself thought that his speech was good and subsequently published a version of it; but it did not meet with such approbation elsewhere in Greek circles (Pol. 30.4.10-11). Polybius himself found the tenour of the speech and the arguments used in it inappropriate (30.4.11-14). But much of his criticism seems to be based on criteria of morality and taste. The speech was in fact successful in so far as the senate did not proceed to a declaration of war against Rhodes, which had at one time been a genuine possibility. The terms of the senate's reply stated that this eventuality was averted principally through the ambassadors' own conduct; at least this is the natural meaning of the rather obscure *μάλιστα δι' αὐτοῦς* (Pol. 30.4.9). And we do not know how far Roman senators would have shared Polybius' distaste for Astymedes' method of indiscriminately accusing third parties. On the other hand Polybius' description of the speech as unusual (*ἄτοπος*) and unconvincing (*ἀπίθανος*) implies a more practical line of criticism (30.4.11). And when he comes to compare it with the speech made by Astymedes in 165/4 and says that he adopted a better position (*ἔστη... βέλτιον*) on the latter occasion (30.31.2), the comparison is most naturally understood as one of effectiveness. In other words Polybius seems to have regarded the comparative failure of Astymedes' first embassy and the success of his second as dependent in part on the respective speeches which he made in the senate on those occasions.

Astymedes' instructions were not of course identical on both missions. There is no specific record of his instructions in 168/7; we may guess however that their import was "to defend the conduct of the Rhodian people against various accusations" or something similar. In 165/4 his instructions were specifically "to obtain an alliance".¹⁰

But on both embassies his task was essentially the same in as much as it involved conciliating senatorial opinion towards Rhodes as much as possible. Thus Polybius is justified in comparing the two speeches. From this comparison and the nature of Polybius' comments on the speeches it becomes clear that the tone and precise argumentation of the speeches were factors which were left to the initiative of the individual ambassador. Indeed if this was not the case, there would be no reason for an ambassador to attract the praise or blame of historians or other observers. Little other scope existed in ancient diplomacy for the exercise of initiative; and since the manner of presentation was a variable factor, it will have had some influence on the selection of ambassadors. This was not solely a matter of rhetorical ability: the ambassador's own political leanings would naturally affect his presentation of a case, and I suggested that this may partly explain Callicrates' selection in 180/79.²¹

It is also relevant to consider why Polybius did not report verbatim the 168/7 speech of Astymedes, although it was evidently of such interest to him. A possible answer might be seen in his distaste for the sentiments expressed therein. But this does little justice to the impartiality of Polybius' reporting, and it is also uncharacteristic of his tendency (otherwise observable here) to parade in public view the shortcomings of others.²² It is clear that he did not dismiss the speech as insufficiently important to merit inclusion, since it did merit detailed criticism. And we should also consider the senate's reply, which Polybius renders as follows: "that had it not been for the the few men who were friends (of the Romans) and especially themselves (the ambassadors), they would have known well and justly how they ought to have been treated" (30.4.9). There was a serious possibility that Rhodes would find herself at war with Rome. Not only was the praetor peregrinus, M'. Iuventius, inciting the people to vote for war, but

those who had fought in Macedonia as consuls, praetors and legati spoke against Rhodes in the ensuing senatorial debate.²³ Such men would normally be expected to be influential in framing the senate's decisions. We do not know how much of the credit for averting war should go to Astymedes and how much to Philophon or even to Cato, who was the Rhodians' staunchest supporter in the senatorial debate (Liv. 45.25.2).²⁴ But Astymedes was at least sufficiently impressed with his own performance to publish it subsequently.

It is perhaps the fact of publication which explains Polybius' omission of it, especially if this made it generally available for consultation by interested readers. It would then be comparable with Cato's Pro Rhodiensibus, which Livy declined to reproduce on the ground that the reader could find it in Cato's own Origines (Liv. 45.25.3). The publication of political speeches is attested before the beginning of the fourth century, but it is impossible to estimate how widespread the practice had become in the second century.²⁵ Astymedes' speech is the only example of a published ambassadorial speech which is specifically attested for this period. But the argument from silence points, as so often, in both directions: the practice may be regarded as quite exceptional or alternatively as too common to deserve mention. I incline to the latter view, since Polybius does not appear to regard the publication of Astymedes' speech as an unusual occurrence in itself, but only in so far as it exposed any defects to public scrutiny and therefore attracted criticism. In general we may regard the attention paid to Astymedes' speech by Polybius and others as enhancing the importance of ambassadorial speeches in diplomacy at Rome, although this impression should be tempered by the realisation that much of the contemporary interest in it was based on moral considerations.

The audience given to Demetrius (later Soter) in 164/3 is also instructive. Demetrius had served as a hostage in Rome since the

accession of his uncle Antiochus Epiphanes in 175. On the death of the latter he petitioned the senate for his release; while his position was not that of an ambassador, it was clearly comparable.²⁶ Polybius tells us that the senators "were moved in themselves" by what he said, but publicly decided to detain him at Rome and allow the Seleucid throne to pass to the infant son of Epiphanes. According to Polybius their motive in so doing was self-interest: a weak Seleucid king was obviously to their advantage (31.2.6-7). This interpretation of the senate's motivation seems entirely plausible, and is not invalidated by the fact that Demetrius' subsequent reign was not marked either by strength or success.²⁷ In which direction then does this piece of evidence point? Demetrius' speech evidently made a profound effect and disposed many senators to grant his request. But when (presumably in the course of senatorial debate) it was made clear that such a concession might be contrary to Rome's own interests, the pathos of his appeal was forgotten and expediency prevailed. We may perhaps conclude that had Rome's interests not been affected one way or the other (i.e. if Demetrius had aspired to some minor principality), the senators would have been not merely moved but actually persuaded by his address to them. At the same time it should be remembered that the initial success of Demetrius' appeal was due not so much to his own eloquence as to his intimacy with many members of the Roman aristocracy, which he naturally emphasised in his speech (Pol. 31.2.5).

I come now to Eumenes' speech in denunciation of Perseus, which was delivered to a receptive senate in 172. It does not occur in any surviving Polybian excerpts, but it is recorded at length by Livy and in a more abbreviated form by Appian. Since the content of both versions corresponds closely with a contemporary Roman propaganda document against Perseus, it is highly probable that both derive from a contemporary source, i.e. Polybius. This conclusion had anyway been

reached by Nissen before the discovery of the document.²⁸ If Polybius recorded the speech in oratio recta then he ought to have had a reliable source of information for it (whether a Roman senator or a Pergamene courtier); if such information was not available to him, he may have tried to reconstruct in indirect speech what Eumenes was most likely to have said.

Whatever form Polybius' version took would have made very little difference to Livy, who would have freely improvised a speech where Polybius had none or rewritten the Polybian speech to bring it up to post-Ciceronian literary standards.²⁹ But such improvisation or rewriting does not in the present case appear to have affected the content of the speeches, in so far as this can be checked: the specific charges laid by Eumenes against Perseus are authentic. Livy's account of the audience concludes with the words: "haec oratio movit patres conscriptos" (42.14.1). This testimony as to the effectiveness of the speech is probably reproduced more or less directly from Polybius. All accounts of the origins of the Third Macedonian War associate the senate's decision to go to war with the appearance of Eumenes in the senate, and this probably reflects the view held by Polybius. Indeed the cloak of secrecy which surrounded Eumenes' audience is only really intelligible if such a view was correct.³⁰

The indications are that Eumenes' speech belongs to the same epoch-making category as does Callicrates' 180/79 speech. These speeches had a decisive effect on the senate's immediate policy and beyond that on the wider course of historical events. But it is not simply the effectiveness of Eumenes' rhetoric which was decisive: the gesture of coming to Rome in person and the accumulation of charges against Perseus must have helped to tip the balance of senatorial opinion against Perseus. At the same time Eumenes' cause was aided by the unfavourable impression created by the speeches of Harpalus and an unnamed Rhodian

envoy, both of whom appeared in the senate within a few days of Eumenes. According to Livy Harpalus, the Macedonian ambassador, "exasperated the feelings of the senate with his over-confident attitude" (42.14.3); and the Rhodian envoy made a speech which "while being acceptable to the people of Asia was offensive to the ears of the senate" (42.14.9). These comments must reflect the original words of Polybius whom Livy follows from 42.11 to 42.18. There is thus good evidence that the speeches of Eumenes, Harpalus and the Rhodian ambassador affected the senate's judgement, the adverse effect of the latter two confirming the favourable effect of the former. However the senate was in any case predisposed to believe what Eumenes said and to disbelieve whatever contradicted it: that this partiality existed in advance is indicated by the senate's refusal to allow other embassies to confront Eumenes in the senate.³¹

Finally we may consider the Aetolian embassy of 190/89 which was sent to Rome during the six month truce arranged with the Scipios. The embassy is dealt with in the middle of a long annalistic section of Livy's narrative, but it is clear that he has reverted briefly to Polybius for his account of the audience: a fragment of Diodorus survives which closely resembles Livy's version.³² Livy and Diodorus both relate that the ambassadors were concerned more with recalling their past services than with displaying the deference and humility expected of a defeated enemy. Livy says that they offended the ears (of the senators) with their "insolentia sermonis" (37.49.2-3). Again the performance of ambassadors in the senate was producing an adverse effect which prejudiced their cause. The Aetolian ambassadors were dismissed empty-handed (ἀπράκτους) after failing to reply to a senator's question.

The evidence presented above does not point to a single conclusion. The speeches of Eumenes and Callicrates were of unusual importance but

were by no means typical cases. On these occasions the right thing was said in the right way at the right time: ambassadorial speeches would not normally lead directly to major shifts in senatorial policy. Polybius realised this and rarely gave any prominence to them. But when important foreign policy decisions were taken by the senate, Polybius seems to have automatically assumed that the ambassadorial speeches which preceded them were significant. Such an assumption was natural in the context of the political conditions with which he was familiar in Greece but which were not necessarily applicable at Rome. A degree of tension on Polybius' part between underlying assumptions and observed facts would explain his inconsistent attitude toward Astymedes' embassy in 165/4: Astymedes' speech receives detailed treatment from Polybius, as if it were an important factor operating on the senate's volte face over the Rhodian alliance; and yet he is aware that it was Ti. Gracchus' ἀποπρέβεια which really clinched the senate's decision. Similarly Polybius dwells upon the persuasiveness of Demetrius' speech in 164/3, while recognising that such considerations were really of secondary importance.

Again Polybius was aware of the unofficial activity carried on by Ariarathes and other ambassadors in 158/7 and by Heracleides in 153/2, and he was in a position to observe many other examples of it. But in the main he confined himself to reporting the official exchanges which occurred in the senate. This is not surprising and may be explained partly by a sense of what was the proper material of history, and partly by the fact that unofficial activity was by its nature intangible and inconsequential and difficult to report. Polybius probably regarded such material as too trivial or commonplace to mention, except when his interest or indignation were aroused. We should thus make some allowance for the undue emphasis placed by Polybius on ambassadorial speeches when we are evaluating their general importance.

When we come to look at the treatment of ambassadorial speeches in the Roman annalistic tradition, a far greater degree of caution is required. Livy and the earlier Roman annalists whom he followed in those sections of his narrative which did not derive from Polybius did not share Polybius' comparatively scientific attitude to history. For them distortions, embellishments and improvisations were admissible if they served to enhance Rome's image or to improve the literary and dramatic qualities of the narrative. Livy is more reliable in reproducing those speeches which were available in Polybius' text. We cannot check the accuracy of Livy's version of, for example, Eumenes' speech to the senate in 172, but this is possible for the speeches of Eumenes and the Rhodians in 189, for which the complete versions of both authors survive. Livy does in fact follow Polybius very closely, except that he has shortened Eumenes' speech and lengthened the Rhodians' to achieve a more stylish balance between them; the additions to the Rhodians' speech are at least in part motivated by Roman patriotism.³³

Most ambassadorial speeches in Livy do not derive from Polybius, and the Rhodian embassy of 168/7 again provides an instructive example. The speech made by Astymedes on this occasion was extensively discussed by Polybius, who criticised it for the numerous accusations of third parties which it included, but did not present a version of it. The speech which Livy puts into the mouth of an unidentified Rhodian ambassador and records at full length does not therefore reproduce a Polybian original; nor does it contain the indiscriminate accusations which Polybius censures in Astymedes' speech. As for the other Rhodian envoy, Philophron, Polybius merely mentions that he spoke first and gives no other information about his speech (30.4.6); and there was no source other than Polybius from which Livy could have acquired an authentic tradition of Philophron's speech. It is clear that Livy did not refer to the appropriate passage in Polybius when writing the speech:

he must either have composed it himself or adapted it from an annalistic source. We do not know whether Livy specified the name of the Rhodian speaker, since the opening words have been lost; but the names of Philophron and Astymedes do not appear to have been introduced until 45.25.4, when Livy makes a rather awkward and transparent transition from his annalistic source to Polybius. Nissen called the speech "ein gewöhnliches rhetorisches Schulstück", and its historical value is obviously no greater than such an evaluation suggests.³⁴

The same must be true of most of the ambassadorial speeches which appear in the surviving books of Livy. The information which was available to annalists from senatorial and pontifical records would have been extremely limited: visits of embassies were recorded with (presumably) some mention of the purpose of their missions. Senatus consulta replying to embassies were also available, and these might have been supplemented by the private records of senatorial families.³⁵ But there could have been no reliable tradition on the speeches of ambassadors, and we must accept (if it is not obvious) that such speeches in the annalistic sections of Livy are the product of a later academic historian's imagination.

Livy was not concerned, as Polybius was, to discover and reproduce what had actually been said, although he will have tried within his capabilities to compose speeches which seemed appropriate to the demands of the occasion. Of such a kind are the speeches attributed to the envoys from Saguntum in 205 and Locri in 204, of which Livy could have known nothing more than the circumstances in which they were delivered. The embassy from Locri initiated a controversial episode in domestic politics by bringing to the senate's attention the misconduct of the propraetor, Q. Pleminius.³⁶ But the embassy from Saguntum had no real historical importance, although it occupied a significant place in the structure of Livy's second decade. For this

reason Livy has given emphasis to a comparatively routine congratulatory embassy and composed for it a speech of moderate length. Saguntum had been Rome's original casus belli, and its embassy appeared at Rome at a point when the long Spanish campaign had been successfully completed under Scipio's leadership, and the same commander was about to undertake the final phase of the war in Africa. Thus we are not entitled to infer from the inclusion of a speech by Livy that it had any special historical significance. As for the sentiments expressed by the Saguntine envoys, they are again inspired by Roman patriotism: they go some way towards alleviating the burden of guilt which the Romans undoubtedly felt on account of their "betrayal" of Saguntum.³⁷

Ambassadorial activity was particularly susceptible to the patriotic distortions of the annalists, and their treatment of the Rhodian embassy of 169 provides a good example of this. We learn from Livy that the embassy coincided with an embassy from Prusias of Bithynia, and that both sought to bring an end to the war between Rome and Perseus. The Rhodians spoke "superbe" and their speech (given by Livy in oratio obliqua) ended with the threat of possible action against the side which hindered the suspension of hostilities. The senate's answer was correspondingly indignant and is presented by Livy in a highly rhetorical form. An alternative version which Livy received from Claudius Quadrigarius had the senate making no reply other than to pass the SC on Caria and Lycia, and included an anecdote about the pompous behaviour and subsequent deflation of the leader of the Rhodian embassy. The whole of this episode is entirely unhistorical in the context in which it is given. We know from Polybius (28.2.1-2) that a Rhodian embassy came to Rome in 169 to renew friendship, to request the right to import Italian/Sicilian corn and to refute various accusations which had been made against Rhodes; the senate's reply to this embassy was quite cordial (28.2.5). The attempted mediation

by Rhodes belongs to 168 and the SC on Caria and Lycia to 167; by retrojecting these elements into the year 169 and emphasising the arrogance of the Rhodians the annalists were attempting to justify Rome's harsh treatment of her former ally after the war.³⁸

Such passages are of limited value as sources of information on the senatorial audience: no inferences can be drawn from the effect had on the senate by the ambassadors' demeanour in a case where their demeanour and many other features of the embassy are patently fictional. For a less extreme example we may turn to the Carthaginian embassy which was at Rome in 203/2 to secure a peace settlement. Livy gives a fairly detailed account of the audience and the debate in the senate which followed it. The ambassadors confessed that they were too young to be able to remember the Lutatius treaty of 241 (which they claimed to be renewing), and the senate adopted the hostile motion of M. Valerius Laevinus and the envoys were dismissed "without securing peace and almost without an answer". But we know from Polybius that peace was agreed upon in the winter of 203/2 and that it was subsequently broken by Carthage. The terms of the senatorial reply recorded by Livy must therefore be fabricated, and it is uncertain whether the element of fabrication is confined to this particular sentence or pervades the whole episode. This means that none of the details of the audience can be reliably accepted, and it is quite possible that the impression made by the envoys was not as unfavourable as Livy suggests.³⁹

It should be apparent from the above analysis that the annalists' treatment of senatorial audiences was conditioned by too many non-historical factors for it to be of any use in evaluating ambassadorial speeches or indeed any other aspect of diplomacy at Rome. Polybius' infinitely sounder and more scientific method provides us with more worthwhile information, but at the same time he creates the impression that more could be achieved by an ambassador's performance in the senate

than is really borne out by the facts which he reports. It remains to consider those factors which can be seen to have diminished the importance of the senatorial audience and thus of the speeches which constituted it.

Section iii

The phenomenon of preliminary unofficial activity on the part of ambassadors has been considered in some depth in an earlier chapter. However some of the conclusions which emerged there have clear implications for the importance of the audience proceedings, and should thus be recapitulated and enlarged on in the present context.

In the first place the inscription of the 160s from Abdera makes no mention of a senatorial audience or of the ambassadors' performance in the senate. This omission must be significant in an inscription which purports to give a detailed account of the ambassadors' work at Rome. The inscription concentrates instead on the business of canvassing senatorial support by unofficial means, and the obvious implication is that the envoys achieved their success through painstaking work of this kind rather than by their speeches to the senate.¹ At the audience they probably found that this preparatory work enabled things to fall smoothly into place for them and that their speeches were to little effect either way; they would thus have acquired the impression that the audience was a mere formality. This at any rate is the impression which seems to have been transferred into the Abdera inscription.

The inscription is exceptional in its preoccupation with the unofficial side of ambassadors' activities, but it should not for that reason be dismissed as unrepresentative. In fact there is no comparable text (certainly of the second century) which describes an embassy to Rome in such detail, so that the inscription is perhaps only exceptional in so far as it survives. There is nothing in it which suggests that the envoys' activities were exceptional. And if Robert is correct in assuming that the purpose of the embassy was to resolve a comparatively routine territorial dispute, then there was also nothing unusual about the circumstances of the embassy, and thus no

reason for the ambassadors to go to exceptional lengths at Rome.²

Polybius' account of the unofficial activity of Ariarathes and the counter-embassies in 158/7 confirms the impression given by the Abdera inscription. Once again no mention is made of the senatorial audience(s) which must have occurred, but in this case it is an accidental omission reflecting the fragmentary nature of the Polybian excerpts. We may assume that Polybius did actually record the audience(s) and the senatus consultum on Cappadocia which will have followed. But all that remains is the comparatively detailed account of the ambassadors' arrival and the preliminary interviews which they attended.³ This is unusual: as a close contemporary observer Polybius was in a good position to observe such activity but seldom reports it. Perhaps there needed to be a good reason to bring it to the surface of his narrative. If so, the presence in Rome of the dethroned king of Cappadocia had intrinsic interest, and there would be sufficient cause to report his activities.⁴ Certainly Polybius' account gives no impression that these activities were exceptional.

Not only are the private interviews given a degree of prominence in Polybius' narrative, but Polybius was able to comment on them to the effect that (at a point before the audience(s) took place) Orophernes' affairs were proceeding favourably. The fact that this observation could be made suggests that it was possible to predict the outcome of an audience in advance by reference to the private meetings. If this was generally true and senatus consulta were effectively arranged in advance, then the audience must have become an empty ritual and the ambassadors' speeches devoid of any significance.

However a problem is caused by the outcome of the audience: the senate decided that the two claimants should rule jointly (App. Syr. 47). Does this reflect the favourable outcome which Orophernes was expecting? In other words what did Polybius mean when he said that things were

going in Orophernes' favour and did this assessment in fact turn out to be wrong? If the assessment was wrong, then the degree of prearrangement would appear to be less. We know the terms of the senatus consultum on Cappadocia, as briefly recorded by Appian, but the exact significance of it is unclear. If, as seems likely, the SC reflects a compromise decision between two evenly balanced groups in the senate, then Orophernes must have had the support of approximately half the senate.⁵ This in itself could be regarded as no mean achievement, since Ariarathes was the legitimate king and could expect to win senatorial support on account of his past connections with Rome: he had been educated at Rome and had continued his father's good relations with the senate.⁶

But if Orophernes had been more ambitious in his expectations, and Polybius meant in 32.10.8 that a majority of the senate seemed predisposed towards him, then something must have happened between that point (where Polybius' narrative breaks off) and the senatorial audience to swing opinion towards Ariarathes. Now it could be that it was the speech made by Ariarathes in the senate which caused this shift,⁷ but in the complete absence ^{of definite evidence} it is at least equally likely that it was caused by further diligent canvassing by Ariarathes and his friends: in a similar way the Tean envoys in 167/6 seem to have dismantled much of the senatorial support for Cotys.

But in fact the correctness of the observation made by Polybius at 32.10.8 is not really important. If it was wrong, this does not invalidate the significance of its being made at all, which is that the preliminary round of private diplomatic meetings introduced an element of predictability into the audience, and that contemporary observers could gauge the success or otherwise of an embassy in advance of the audience.

The most extreme example of artificiality in the audience

proceedings is in Polybius' account of Attalus' visit in 168/7. Here the sequence of events is almost farcical. The senate's reply was framed not on the basis of the speech made in the senate by Attalus, but on the basis of a quite different statement which certain leading senators expected him to make. These expectations, which were determined in his earlier private conversations with them, were not met by Attalus; and the senate was later obliged to alter its reply when it realised that the originally expected statement would not be forthcoming. Since the earlier reply had related directly to the private negotiations and not to Attalus' speech, we cannot avoid the conclusion that on this occasion the speech was quite irrelevant and the audience need not have occurred. While this may be considered an extreme example, Polybius does not even seem to find anything ridiculous in the chain of events which he describes.⁸ This confirms the impression that an ambassador's performance at the audience was usually a formality, provided that the earlier work of conciliating senators had been carried out successfully.

The same impression emerges from the embassy from Jugurtha in 117/6, when his envoys concentrated their efforts into unofficial rather than official channels. In Sallust's words they relied on bribery instead of pleading their cause. It may have suited Sallust's polemical purpose and the theme of corruption which obsessed him and his sources to describe as bribery what may have been the more acceptable process of canvassing senatorial support (together with a perhaps excessive generosity in distributing gifts of hospitality). Accepting the general truth of Sallust's account while dispensing with the specific allegations, we are left with a plausible (and instructive) episode. At the official audience Adherbal made a wordy and impassioned speech which was followed by a brief statement from Jugurtha's envoys. The latter seem to have realised that the issue would not be decided

by the speeches made in the senate, and so paid little attention to theirs: their preliminary canvassing work had already secured them a favourable senatorial decision.⁹ That this represented no new insight on the part of Jugurtha or his ambassadors is shown by the activities of Timarchus and Heracleides in the 160s and 150s.

The support of senators and particularly of consulares was essential, but it was of little use unless it could be translated into senatus consulta. The unofficial activity carried out by the ambassadors was in preparation for the audience, and this preparatory work came to fruition when the senate discussed the business raised by an embassy and formulated its reply. There was never really any question of bypassing the audience, and the prominence given to the audience in the sources is to that extent justified. But there was no doubt that on occasions the outcome of an audience could be determined in advance, in which case it became a redundant ritual with the ambassadors' speeches occupying a rather mechanical role.

A quite distinct factor which further diminished the importance of the audience proceedings was the tendency of the senate to pay minimal attention to ambassadorial speeches. This reflected the senate's reluctance to become too deeply involved in the intricacies of foreign policy questions and its corresponding willingness to accept without argument the advice or opinions of those whom it trusted: by the latter is meant principally the senate's own delegated representatives. This tendency has been noticed above as an aspect of the simplification of the senatorial audience. I have also drawn attention in passing to the favourable report on Rhodes made by Ti. Gracchus in 165/4, which was an important factor in securing a successful outcome for the Rhodian embassy of that year. In the following year it was again Ti. Gracchus' report which helped to secure a friendly reply from the senate to a Cappadocian embassy:

this at any rate is given by Polybius as the principal factor determining the senate's reaction to the embassy.¹⁰

When the senate dealt with the Cappadocian embassy, Gracchus' report had been made over a year previously. The senate could refer to this in their deliberations and Gracchus himself would be available for consultation: in fact as the consul of 163 he may well have presided at the audience. The case of the Rhodian embassy in 165/4 however seems to be rather different, and Gracchus' return to Rome almost coincided with its audience (Pol. 30.31.19). Polybius speaks of the returning ambassadors "giving evidence" on the Rhodians' conduct (30.31.20), and this suggests that they were making a specific contribution to the debate on Rhodes. Does this mean that their report had not been made in full and was not available to be referred to? The Gracchan embassy had already reported its inconclusive findings on Pergamum and the Seleucid kingdom (Pol. 30.30.7), and it would be unusual, as well as unlikely on a priori grounds, for the senate to receive the embassies before Gracchus' report had been heard in full. Either Gracchus made a further contribution in the debate on Rhodes, or Polybius has dramatically compressed the events and merged Gracchus' report with the account of the audience.

A similar uncertainty exists over the exact procedure followed with the Ptolemaic embassies of 163/2. Ptolemy Euergetes had come to Rome in person and his elder brother Philometor was represented by the ambassador Menyllus. Euergetes spoke in the senate against the partition of the Ptolemaic kingdom which had been arranged the previous summer, and sought to have it changed (Pol. 31.10.1-3). Polybius omits any mention of Menyllus' speech, but says that Canuleius and "Quintus" testified on behalf of Menyllus' embassy and the existing settlement (31.10.4-5). These are apparently the Roman legati who had supervised the recent partition and who had presumably made their report at an earlier stage.

Polybius goes on to say that Euergetes denied all their evidence (31.10.6), and the senate subsequently adopted a new settlement.

There are a number of odd features about this episode. Apart from the fact that the senate actually went against the advice of its own delegated representatives, the procedure is unusual. As it stands, Polybius' admittedly brief account suggests that a debate took place in which both the ambassadors and the Roman legati participated, and in which Euergetes was allowed to speak both before and after the Roman legati. Polybius would certainly not have lacked first-hand information on the audience: his friendship with Menyllus is well-known from their collaboration in Demetrius' escape from Rome in this same year. But procedural details were not of intrinsic interest to Polybius, and he has concentrated on what was said with comparatively little attention being paid to the order in which it was said. The odd features may thus be explained away as due to compression, but the possibility certainly exists that senatorial experts could actually participate in the audience proceedings. Such participation would be comparable with Marcellus' speech against the Syracusan envoys in 210 and with other counter-embassies from Roman magistrates and their representatives.¹¹ Thus on the present occasion there seem to have been three opportunities for Canuleius and his colleague to express their views on the Ptolemaic question: when they made their report to the senate, when they gave their "evidence" in the audience itself, and when their opinions were called for in the later senatorial debate.¹²

It was normal practice for returning legati to make a full report of their mission to the senate (ἀποπρέσβεικ) and for this to form the background against which the senate received any related incoming embassies. For example when Q. Caecilius Metellus returned from his 185 embassy to Macedon and the Peloponnese, he made his report to the senate and then the embassies from these areas were introduced (Pol. 22.11.1).

Later there was in fact a kind of debate in the senate between Caecilius and the Achaean League envoys, but this was over the limited issue of access to the Achaean Ekklesia.

The same order of events may be observed with the embassies of 183/2. Q. Marcius Philippus had recently returned from Greece and reported on Macedon and the Peloponnese. According to Polybius the senate no longer required to hear many words, and although it summoned the embassies from Macedon and the Peloponnese and gave them a hearing, it drew up its replies not on the basis of the ambassadors' speeches but according to Marcius' ἀποπέσεια (Pol. 23.9.4-5). In other words the senate was so preoccupied by Marcius report that it had already decided what answers to give to the embassies before it heard them. The report formed not merely a background for the senate's treatment of the embassies, but dictated it to the extent that the embassies themselves became virtually irrelevant.

This particular instance highlights the total artificiality which often characterises the senatorial audience: the senate listened to the ambassadors' speeches out of politeness and wholly ignored their content. If this case were taken to be representative, it would imply a level of importance for the ambassadorial speech so low as to be insignificant. But the case is not typical. The senate certainly did tend to follow the advice of its own experts, and there is nothing very surprising about this tendency. But there were not always experts available, and the example of Canuleius and "Quintus" shows that their advice might occasionally be overruled. And when their advice was accepted this did not generally involved the complete disregard of the audience proceedings, which was the case in 183/2.

Polybius often complains about the motivation of senatorial decisions, but the implicit criticism of the senate's methods in 183/2 is not paralleled elsewhere in his narrative. It is possible that Polybius'

information derives from a disgruntled Achaean ambassador, whose mission was unsuccessful and who strongly disapproved of the devious tactics proposed by Marcius and adopted by the senate.¹³ The significance of Marcius' report may thus have been exaggerated by Polybius' source. But the embassy still exemplifies the generally applicable rule that the reports of returning legati predisposed the senate in its attitudes towards incoming embassies. In the following year (182/1) a report had recently been made by "Marcus" on the situation in Asia, so that the senate "no longer required many words" from the ambassadors of Eumenes and Pharnaces before giving its reply (Pol. 24.1.2-3). Similarly in 156/5 the senate listened to P. Lentulus' report on his recent mission to Asia, and when Athenaeus, the brother and ambassador of Attalus, was subsequently summoned to an audience, few words were required from him (Pol. 33.1.1-2).

When Polybius says that few words were required, he is in fact saying that the ambassadors' speeches were unimportant because the senate had largely prejudged the case. In the latter example the senate was predisposed in Attalus' favour after hearing the report of Lentulus; in the previous year Attalus had sent Andronicus to complain of Bithynian aggression, but the senate had disbelieved what he said. At this stage the senate seems to have been correspondingly predisposed against Attalus, and these preconceptions were confirmed by Nicomedes' denial of the allegations brought by Andronicus. The senate thus paid no attention (*οὐ προσέειχον*) to Andronicus' speech, although it was presumably at this point that P. Lentulus was sent to Asia (Pol. 32.16.2-3).¹⁴

The senate was frequently predisposed for or against embassies, and this was not always brought about by the reports of the senatorial legati. The events of 157/6 provide one example. In 189 it was the activities of Philip V's friends in Rome which caused the senate almost to disregard (*παρήκουσε*) an Aetolian embassy which was seeking to conclude a peace

settlement (Pol. 21.31.3-5). It was probably because of a predisposed antipathy to Philip of Macedon that the senate did not listen to the whole of the speech of his ambassador, Philocles, in 184/3 (Pol. 23.3.2-3). After Eumenes' appearance in the senate in 172 the senate was strongly prejudiced against the Macedonian embassy under Harpalus and rejected all its arguments (Liv. 42.14.2): in this way the order in which embassies were given audiences might have a considerable effect on their outcome.¹⁵

On the other hand the report of a returning senatorial embassy usually had an observable effect on senatorial policy, regardless of whether there were incoming embassies to be dealt with. Fannius' report on the situation in Illyria in 157/6 led to a Roman declaration of war against the Dalmatians (Pol. 32.13.14); and the report of Hortensius and Aurunculeius from Asia in 155/4 led the senate to take tougher measures against Prusias (Pol. 33.7.1). Livy reports the ἀποπρέσβεια made by C. Popilius to the senate on his return from Egypt in 168/7 (45.13.1); because Popilius had confirmed the withdrawal of Seleucid troops from Egypt, the senate was able to return a friendly answer to the Seleucid embassy (Liv. 45.13.6).