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Glabrio and the Aetolians: A Note on *Deditio**

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The late spring and early summer of 191 B.C. brought a series of military disasters to the Aetolian League in its war with Rome. Antiochus III was defeated by the Romans at Thermopylae and subsequently withdrew from Greece entirely; a month later the great Aetolian fortress of Heraclea, in the mountains west of Thermopylae, fell to the consul M'. Acilius Glabrio.[1] The enthusiasm of the Aetolian populace for the war with Rome had fluctuated wildly, and had never been solid even with the (potentially) powerful support of Antiochus's presence (see Liv. [P] 36.15.4-5). But the initial response of the Aetolian Inner Council to the fall of Heraclea was to persevere: it sent an embassy to Antiochus (now in Asia) asking for money, reinforcements, and even a new Seleucid invasion of Greece (Liv. [P] 36.36).[2] As the impact of serious defeat continued to reverberate, however, the *Apocleti* changed their minds, and decided to surrender into the good faith of the Romans; and so an embassy was sent to the consul Glabrio, the victor of Thermopylae and Heraclea. The subsequent diplomatic interaction between Glabrio and the Aetolians at Heraclea is famous, especially because the historian Polybius employed the incident to emphasize to his Greek readers that surrender into the good faith of the Romans (ἐπιτροπὴ εἰς τὴν πίστιν, i.e., *deditio in fidem*) was exactly the same as complete and unconditional surrender (i.e., *deditio in dicionem* or *potestatem*). The unrestrained power of the victor over those who had surrendered to him in this fashion was symbolized by the consul Glabrio's threat to have the Aetolian envoys who had come to surrender to him chained and haltered when they protested the requirements he was imposing upon them.[3]

The scene involving Glabrio's threat to chain the Aetolian envoys is often recounted in modern works as an example of Roman brutality—and/or of

* This paper was greatly improved by the comments of *TAPA*'s anonymous readers. Any remaining faults result from the author's recalcitrance.

[1] Sources on the Roman victories at Thermopylae and Heraclea: Broughton 352.

[2] For both Liv. 36.15 and 36.26 as deriving from Polybian material, Briscoe 1981: 241 and 259-60.

[3] All extant information on the diplomatic interaction of Glabrio with the Aetolians ultimately derives from Polybius's account of these events at 20.9-10. Our other detailed account, Liv. 36.27-29, is not independent, but is based heavily on Polybius. For detailed discussion, see especially Tränkle, 170-78.

Glabrio's own harshness of temper.[4] And some commentators even see the incident as emblematic of a harsh new Roman attitude toward foreign states—as well as toward the instruments of foreign relations—at the turn of the second century.[5] The latter opinion, however, is certainly not that of Polybius: his point in 20.9-10 is to emphasize the great consistency in the Roman view of unconditional surrender, both before and after the Aetolian incident—so that his readers (politicians living in the 140s and 130s B.C.) will have a better idea of how to deal with *deditio*, should they ever have to confront it, than the Aetolians did (see especially 20.9.10-12). As for brutality, it is sometimes not realized by modern scholars that Glabrio's threat regarding the halters and chains was never carried out: that is made clear by Polyb. 21.5.3 (παρὰ μικρὸν εἰς τὴν ἅλουσιν ἐνέπεσον).[6] Indeed, a strict reading of Polyb. 20.10.7-9 does not automatically entitle us to believe that the chains and halters were even displayed to the Aetolian envoys, for all that Glabrio does is to give the *order* to have them brought (ἐκέλευσε, 10.8)—whereupon the Aetolians immediately change their demeanor, and the diplomatic interaction continues (10.9ff.). That is how Livy read the Polybian text, too (36.38.6).

Glabrio's harshness and brutality, in other words, has often been exaggerated.[7] The purpose of the present paper is in fact to suggest that a quite different general perspective on Glabrio's dealings with the Aetolian embassy is possible. In particular, I wish to emphasize an aspect of that interaction which has received almost no attention from modern scholars. Despite the threat about the halters and chains, the startling fact is that M'. Acilius Glabrio allowed the Aetolian envoys—and the Aetolian people—to reconsider and then actually to renege on a ceremony of *deditio* after it had already been formally carried out. Moreover, the Aetolians did not later suffer diplomatically at Glabrio's hands for such erratic behavior. These facts raise new and interesting questions about Glabrio, about the freedom of diplomatic action of Roman generals in the field, and (conversely) about the strict legalism (or even deep sincerity) with which the Romans approached the *deditio* ritual.[8]

[4] To cite just recent studies: Merton 6-7; Dahlheim 35; Errington 170-73; Walbank 1979: 80; Briscoe 1981: 259-60; Gruen 66; Freyburger 177, cf. 183-84; Ferrary 73, 75. For an earlier standard view along these same lines, Holleaux 216.

[5] See especially Piganiol 347; cf. Calabi 395 and n. 1; Lehmann 103-4.

[6] Noted rightly by Walbank 1979: 82. But see the (distorted) accounts in Dahlheim 35, Errington 172-73, or (most recently) Ferrary 75, where we are told that the Aetolians were chained like slaves.

[7] It remains possible that the chains and halters were indeed displayed to the Aetolians, rather than being a mere verbal threat on Glabrio's part; but we simply do not know.

[8] That Glabrio allowed the Aetolians to reconsider and then ultimately to reverse their *deditio* goes unmentioned by all the scholars listed in nn. 4-5 above, with the exception of very brief

The only complete account we have of the *deditio* ritual is found at Livy 1.38.1-2. According to Livy, those who had come requesting total surrender to the Romans were asked three questions: (1) whether the envoys were the legitimate representatives of the community that wished to surrender; (2) whether the community that wished to surrender was truly an independent state (*in sua potestate*, i.e., not the subject of some other state); and (3) whether the full scope and consequences of the act of complete surrender was truly and fully understood ("Do you surrender yourselves and your people, the city, the countryside, the water, the boundary-stones, the shrines, all tools of use, and everything sacred or human into my power and that of the Roman People?").[9] Only after the affirmative answer to these three questions did the representative of Rome complete the ritual by reciting the words *at ego recipio,* "And so I receive you [sc. your surrender]."

Livy 1.38 is obviously fundamental to any detailed understanding of the structure and meaning of the *deditio* ceremony—including detailed understanding of the diplomatic interaction between Glabrio and the Aetolians in 191 B.C. The problem, of course, is that the Livy passage purports to describe an event of the seventh century B.C. (and the surrender described is to Tarquinius Priscus, a semi-legendary Roman king). Thus one must immediately ask how accurate a picture the passage gives of the antique Roman ritual, and—even if fundamentally accurate on the antique ritual—whether such a ceremonial formula endured into the second century. Otherwise we have no basis for detailed discussion. (Use of Livy 1.38, in other words, always requires explicit defense.)

The answer to both the above questions, however, is surprisingly encouraging. On the one hand, the structure of question-and-answer found in Livy 1.38 seems strong testimony to the authentic antiquity of the ceremony described, for it finds several impressive parallels in early Roman law.[10] And on the other hand, there is both literary and epigraphical evidence from the second century strongly suggesting that the ceremony had changed little over time. Thus Polybius 36.4.2, written well after 146 B.C., reports that in the *deditio* ceremony, the surrendering party is forced to give up "the whole of

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remarks by Gruen 56 and Freyburger 183. By contrast, Holleaux 216, after describing M'. Acilius as "a brutal soldier with none of Flamininus's clemency," goes on to emphasize the consul's "implacable insistence on unconditional surrender." Cf. also Ferrary 73: the scene at Heraclea was "un acte de violence qui aboutit à la guerre" (which seems doubly misleading).

[9] *"Deditisne vos populumque . . . urbem, agros, aquam, terminos, delubra, utensilia, divina humanaque omnia in meam populique Romani dicionem?"*

[10] See most recently the convincing discussion, with at least six major parallels, in Nörr 1989: 16 and n. 40. Cf. also Ogilvie 153-54.

their territory and the cities within it, all the inhabitants of the countryside and in the towns, all the rivers, harbors, temples and tombs, so that the Romans come into possession of everything." This, obviously, is strikingly close to the list found in the third question asked of potential *dediti* in Livy 1.38.[11] And similar is the new bronze inscription from Alcántara in Spain, commemorating a *deditio* which is securely dated to 104 B.C. It implies that representatives of the populace that lived in the region had indeed been asked the third question of Livy 1.38: *agros et aedificia leges cete[raque omnia] quae sua fuissent . . . eis redidit [imperator]* (Nörr 1989: 23, cf. 16).

The evidence is thus quite strong and consistent that the *deditio* ritual described in Livy 1.38 not only remained long in use, but remained in use long after the period under discussion in this paper. The ceremony of *deditio* which the Aetolian ambassadors were called upon to perform in 191 B.C., we may conclude, was therefore a ceremony close indeed to the one described in Livy 1.38 (Nörr 1991: 24, cf. 14-15).

That ceremony, in turn, clearly carries important implications for our understanding of the Romans' approach to foreign relations. The purpose of the three questions of the ritual was (sequentially) to ensure that the *deditio* ceremony was carried through without subterfuge on either side, without disturbing the situation of the larger international community (hence the concern that the surrendered be *in sua potestate*), and with the partner in the new relationship with Rome having entered into that relationship—which gave Rome complete power over it—truly, consciously and willingly. The approach is legalistic, but also moral.[12]

Walbank assumes that the Aetolian ambassadors to Glabrio indeed carried through to completion the ritual of *deditio*, and he does not examine the matter in any detail (Walbank 1979: 80). As with the usefulness of Livy 1.38, however, this is a hypothesis which requires explicit and careful defense in order for our further discussion to be securely based. In what follows, I will be using not only the Polybian narrative of the diplomatic interaction of 191, but Livy's version of it as well, to provide that defense. Livy is brought into the discussion not because he is likely to have had any independent

[11] See the comments of Dahlheim 5 and n. 1. Possibly one should also understand Liv. (P) 31.45.5 as describing the people of Andros in 200 B.C. being asked the second question of Liv. 1.38 (so Dahlheim 5 and n. 2). For the derivation of Liv. 31.45 from Polybian material, Briscoe 1973: 1-2 and 115.

[12] For cynical interpretations of *deditio* (and of Roman *fides* in general), see Piganiol 347, and especially Dahlheim 48-52. For arguments against such cynical interpretations, see now Gruen, especially 52; Freyburger, especially 185; Nörr 1989: 14-16; Nörr 1991: 20-22 (all convincing).

information—he is not (see above, n. 3). Rather, the point is to see how a sophisticated Roman, who also understood Greek well, interpreted and understood the events described in Polyb. 20.10. This, in turn, should help our own understanding of the passage.

It is, of course, true that neither in Polyb. 20.10 nor in Livy 36.28 is there a description of the full *deditio* ceremony with its three questions and the final formula of acceptance by the Roman. That, however, is the case with almost all descriptions of *deditio* found in the literary historians; they are brief, summarized.[13] Moreover, what we do find in Polybius is first a discussion of *deditio* and its meaning (20.1.10-12), and then a personal interview between the Aetolian envoys and M'. Acilius at Heraclea, in which an Aetolian statement that they have decided to commit themselves into the good faith of the Romans (20.10.2) is followed by close questioning by Glabrio concerning whether this was actually so (10.3: οὐκοῦν οὕτως ἔχει ταῦτα, ὦ ἄνδρες Αἰτωλοί;), and then a reassertion by the Aetolians that indeed it was (10.4). In Livy's version of this interaction, the Aetolians even present a decree to Glabrio, describing in detail (*diserte*, 36.28.2) that they were surrendering themselves and all their possessions (cf. 28.1: *se suaqua omnia*). It is likely that the story of the detailed Aetolian decree is merely an elaboration by Livy of his Polybian material, and not an additional tradition (Walbank 1979: 81; Briscoe 1981: 263); but in any case, the story displays exactly what Livy thought was happening. In the Livian narrative, the presentation of the detailed Aetolian decree is, in turn, followed by a close questioning of the Aetolian envoys by Glabrio to elucidate whether they were truly committing themselves and all their possessions to the Roman People: "*etiam atque etiam videte*," *inquit*, "*Aetoli, ut ita permittatis*" (36.28.2).

It is easy to see in all this a literary reflection of the formalities of the *deditio* ceremony. And certainly Glabrio in Polybius is then presented as believing that the ritual had been completed. This is proven by his subsequent colloquy with the leading Aetolian envoy Phaeneas: for the consul now rebukes the Aetolians for objecting to his demands "after you had surrendered yourselves into my good faith" (δεδωκότες ἑαυτοὺς εἰς τὴν πίστιν, 20.10.7; note the perfect participle). That idea is reflected, once more, in the Livian parallel passage, where Glabrio announces to the Aetolians that he is now giving orders *in deditos modo decreto suo* (26.28.5).

[13] See, e.g., Liv. 28.24.7 (206 B.C.), and 29.3.3 (205 B.C.). An exception is Liv. 7.31.4 (Capua in 343 B.C.), where the ritual phraseology exactly parallels 1.38 (and parallels, too, Polyb. 36.4.2).

Nörr has recently argued that it was simply the Aetolian envoys themselves who surrendered by *deditio* at Heraclea, with the rest of the Aetolian polity somehow remaining in suspense (Nörr 1991: 15). That hypothesis should not be accepted. Nörr can cite no real parallel for such a procedure.[14] Moreover, it is clear that in Polyb. 20.9 the *Apocleti* are deliberating for the entire Aetolian people, while at 20.10.2 the Aetolian envoys are seen offering justifications for the previous actions of the Aetolian state, and at 20.10.4-5 we find Glabrio issuing orders concerning future actions of the Aetolian state. Hence in Livy's version the Aetolian envoys offer Glabrio their decree in which everything Aetolian is committed to the good faith of the Romans (36.28.1-2). The action of the Aetolian embassy at Heraclea thus clearly resulted in the entire Aetolian community having become *dediti* to Rome.

As *dediti*, the Aetolians had now forfeited their international-legal existence—until, that is, a definitive disposition of their fate was made by the Roman commander, confirmed by the Senate.[15] It was thus to men now fully *dediti* that M'. Acilius began to issue his orders: restricting both diplomatic and private Aetolian contacts with Asia, demanding the surrender to him of various politicians he considered enemies of Rome (Polyb. 20.10.4-5, cf. Liv. 36.38.3). When Phaeneas now protested against these orders, the consul threatened him with the halters and chains, once more emphasizing the legal situation into which the Aetolians had placed themselves, precisely because they were *dediti* (Polyb. 20.10.7, cf. Liv. 36.28.5, explicit). As Livy says, the threat of the iron collars and chains finally drove home to the Aetolians a full consciousness of the implications of their act (*et tandem cuius condicionis essent senserunt*, 36.28.6).

The story of the chains and halters has riveted the attention of modern scholars, but of course it tells us nothing new. The *deditio* ceremony was traditionally performed with a strong aura of *fides* surrounding it (i.e., an informal assurance that if the *dediti* behaved properly, they would not suffer extreme penalties): why else, indeed, would the weaker party be interested in *deditio* at all?[16] But this "good faith" was different from a legal guarantee. The

[14] The attempt to bring in Liv. 24.47.13, the surrender of 120 Capuan aristocratic cavalrymen in 213 B.C. (1991: 15), founders on the fact that the incident does not concern the potential *deditio* of an entire community.

[15] Hence Ulpian's remark that the individual *dediticius* was *nullius certae civitatis civis* (*Epit.* 20.14). On this aspect of *deditio*, see Heuss 60-69; Dahlheim 20-43.

[16] See the comments of Nörr 1989: 30-31. It is precisely because *fides* adhered, powerfully but only informally, to the *deditio* ceremony (as one can see in the phrase of the Roman commander, "*At ego recipio. . .*"), that there is no reason to posit the existence of two separate Roman versions of *deditio*, one version being *deditio in dicionem* (*potestatem*), the other (milder) form being *deditio in fidem*. For the latter hypothesis, see especially Flurl *passim*,

Romans were left the masters, to decide the fate of the *dediti* as they wished (as we see Glabrio doing by issuing his specific orders to the Aetolians in 191).[17] Very often the actual outcome was a relatively happy one, with the surrendered community being legally reconstituted by Roman decision as an independent state (one friendly to Rome, to be sure). That was the usual result when polities sought *deditio* to Rome in order to escape pressure coming from third parties, and it often occurred even with those polities that decided to seek *deditio* in the midst of their own wars with the Romans.[18] But the range of potential outcomes was in fact very wide and could even include total destruction, as the populace of Capsa in North Africa found out after their *deditio* to C. Marius in 107 (see Sall. *Jug.* 91). Such extreme measures, however, traditionally required justification by their perpetrator.[19] When M'. Acilius threatened the Aetolians with the chains and iron collars in 191, his justification was obviously that the Aetolians, though now *dediti*, were continuing to show themselves recalcitrant, by protesting his demands and even interrupting him (see Polyb. 20.10.6; cf. Liv. 36.28.4). No breach of *fides*, to the Roman mind, would have been involved.[20]

By contrast, Glabrio's actions subsequent to the famous affair of the chains and halters *do* tell us something new about *deditio* and how the Romans viewed it, though (again) these actions have received little scholarly attention. First, members of Glabrio's military staff, led by the ex-consul L. Valerius Flaccus, intervened with him, pleading (ἐδέοντο) that Phaeneas and the other Aetolians should not be put in chains because they were ambassadors (ὄντες

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making the same mistake as the Aetolians in 191 B.C. *Contra*, arguing convincingly for the implied presence of a strong element of *fides* in *deditio*, co-existing with the mostly totalizing language of the ritual itself, see Gruen 53-55, 56-61; Freyburger 182-85; Nörr 1989: 14-15, 30-31, 129, 135; Nörr 1991: 4-6, 20-22.

[17] Cf. Freyburger 184; Ferrary 74-75; Nörr 1991: 6, 24-25. From the Roman point of view, the Aetolian ambassadors in 191 were thus erroneously (even immorally) attempting to interfere in this process, attempting themselves to participate in the "concretizing" of Glabrio's *fides* even though they were *dediti* (cf. Nörr 1991: 25).

[18] On the former process, see the classic study of Heuss 78-93. The latest example of the latter process is apparently the happy fate of the Seanoc[enses?] of Hispania Ulterior at the hands of the praetor or propraetor L. Caesius in 104 B.C., revealed now by the bronze table of Alcántara (see above, p. 274). For detailed discussion of the historical background to the Alcántara tablet, see especially Nörr 1989: 24-27 (preferable to Hoyos 94).

[19] See now especially Nörr 1989: 14-15, 118, and Nörr 1991: 36. As Freyburger 182 puts it, the *dediti* had no claims on the Romans, but the Romans did have duties. Thus measures that appeared greatly to exceed informal behavioral norms had to be defended, both for social and (especially) religious reasons. Sallust provides a detailed justification for the fate of Capsa (*Jug.* 91.7).

[20] Glabrio's right to apply the full rigor of *deditio* to the Aetolians was never contested by any Roman: see the remarks of Freyburger 184 and n. 53.

πρεσβευταί, Polyb. 20.10.10). The consul acceded to Valerius's plea (20.10.11). But need he have? Ambassadors, of course, were traditionally under the protection of the gods, and the Romans took special pride in never violating that sanctity.[21] But upon the completion of the *deditio* ceremony, the Aetolians had forfeited (at least for the moment) their international-legal existence; and it is not clear how one could have divinely protected ambassadors from a community that no longer existed. Moreover, the ritual as described in Livy Book 1 has the Roman commander specifically asking the envoys from the surrendering community whether they—the envoys—were surrendering themselves (as well as their people) into his power: "*Deditisne vos populumque . . . in meam populique Romani dicionem*?" (1.38.2). Since it is clear that the traditional ceremony of *deditio* had been fully carried through in 191 (see above), Phaeneas and his colleagues had thus automatically lost their status as divinely protected envoys when they specifically and voluntarily gave themselves into the power of M'. Acilius.

Perhaps the consul granted L. Valerius's pleas because on a matter with religious overtones he was persuaded by Valerius's prestige not just as a Patrician and an ex-consul but because Valerius was a *pontifex* (Glabrio himself was a plebeian *novus homo*). Indeed, Glabrio seems to have been a religious man.[22] Perhaps the affair of the chains and halters had actually been a conscious show, staged simply to impress the Aetolians with their status, and had never been meant seriously; or perhaps (and this is more likely) the threat of chains and halters had resulted from a momentary surge of bad temper on Glabrio's part, which quickly dissipated.[23] But in any case, Glabrio's agreement to allow Phaeneas and the surrendered Aetolians with him the divinely protected status of ambassadors—a status which, under the protocol of *deditio*,

[21] The most famous example is that of the Roman citizens who attacked Carthaginian envoys in 187 B.C.: they were turned over to Carthage on the advice of the *fetiales* (Val. Max. 6.6.3). See now Nörr 1991: 11-12.

[22] Valerius had been a *pontifex* since 196, succeeding M. Cornelius Cethegus, cos. 204; see Liv. 33.42.5, and Broughton 338. Note that the special task of the *pontifices* was to assist magistrates in the religious aspects of their office: see, conveniently, Szemler 34-46. Glabrio's religiosity: he was a *decemvir sacris faciundis* (Liv. 31.50.3), and during the crisis of the battle of Thermopylae had vowed a temple to the goddess *Pietas* (Liv. 40.34.6; cf. Val. Max. 2.5.1.; Fest. 228L; Plin. *NH* 7.121).

[23] Gruen 67 was the first scholar to emphasize the ancient tradition that Glabrio had a hot temper, accepted as a key point by Freyburger 184. Nevertheless, Gruen leans toward a rationalizing reconstruction in which the threat of the chains and iron collars was really a conscious *coup de théâtre* to impress the Aetolians (67). In view of the several incidents recording Glabrio's irascibility (full discussion below), it seems better, however, to see the incident with the chains and halters as a true—but momentary—flash of anger.

could easily have been considered forfeit—is hardly an example of Roman brutality.[24]

Indeed, as Tränkle has pointed out, the picture of M'. Acilius elsewhere during the campaign of 191 is not generally that of a brute, but rather of a man who—while a quite capable general—preferred to achieve his aims with the Greeks by peaceable means wherever possible. That is the picture found in Livy and Plutarch; and there is no doubt that it derives ultimately from Polybius (Tränkle 170-78; cf. Briscoe 1981: 159-60). Thus at Thaumaci on the southeastern border of Thessaly, the consul first tried strenuously (but unsuccessfully) to convince the young men of the town to desist from their attacks on the passing Roman army; only when talks proved fruitless did he counterattack—and easily outmaneuver them (Liv. 36.14.12-14). Then in Phocis, and again in Boeotia, Glabrio consistently prevented his soldiers from pillaging, even though these regions had supported Antiochus. The one exception was near Coronea, as a result of a brief flash of temper when he found a statue of Antiochus set up in the temple of Athena Itonia, center of the Boeotian League; but the consul almost immediately returned to a posture of leniency and self-restraint with the Boeotian towns (36.20.1-4).[25] And following his strategic victory at Thermopylae, Glabrio again showed self-restraint when he seized Euboea. The Euboean *poleis* had strongly supported King Antiochus, but none sustained injury from Glabrio (Liv. 36.21.1-3; cf. App. *Syr.* 21, very emphatic). Included among the cities treated with leniency was Chalcis, home of Antiochus's new wife, married in winter 192/191; it had been the king's base of operations.[26] The people of Chalcis had been, indeed, most zealous allies of the king (Plut. *Flam.* 16.2), and this despite the fact that the Romans shortly before had freed them from Macedon.[27] At Chalcis we find M'. Acilius once more expressing initial outrage, followed—once more—by its quick dissipation, thanks this time to the intervention of the ex-consul T. Quinctius Flami-

[24] Valerius's plea to spare the Aetolians on grounds that they were ambassadors (Polyb. 20.10.10) should not be taken as evidence that the *deditio* ceremony had not yet been fully carried through when he intervened. On the contrary, that the ceremony had indeed been completed is proven by Glabrio's angry threat concerning chains and halters (Polyb. 20.10.8-9, cf. Liv. 36.28.6). Valerius's plea to the consul was just that, a plea for restraint (Polyb. 20.10.10), which was successful.

[25] On the political importance of the temple of Athena Itonia, see Briscoe 1981: 250-51.

[26] Sources for this famous marriage (and especially Polyb. 20.8): Walbank 1979: 75. Chalcis as Antiochus's base of operations: Plut. *Flam.* 16.2; Zon. 9.19. The marriage had important political implications, symbolizing a Seleucid claim to hegemony over European Greece: Walbank 1979: 76.

[27] For the Roman decision to free Chalcis from Macedon (part of the Isthmian peace settlement of 196), see conveniently Eckstein 1987: 298-300.

ninus. The ultimate outcome was much to the Chalcidians' liking and relief (Plut. *Flam.* 16.2; cf. Liv. 36.21.1). Finally, when M'. Acilius turned his attention from the Euboeans to the Aetolians and was approaching Heraclea to begin his attack, he made a quite serious attempt to enter into peace talks with the League first, holding out to them good hopes of a reasonable settlement (Liv. 36.22.1-4).

This latter diplomatic effort failed, and it goes unmentioned in most studies.[28] But Glabrio's later action in agreeing to allow Phaeneas and the other Aetolian envoys to retain their protected status as ambassadors suggests that his desire to reach a satisfactory peace with the League was real enough. Indeed, rather than accepting Tränkle's thesis (175-76; followed by Briscoe 1981: 260) that Glabrio suddenly appears harsher in dealing with Phaeneas's embassy than he had previously appeared in Livy—with this transformation representing an incongruity in the source-tradition that needs explanation—it seems instead that Glabrio in this incident acts in a manner completely consistent with the portrayal of his personality elsewhere. As at Coronea and at Chalcis, there is with Phaeneas a sharp but short initial display of temper, but that is soon followed, as at Coronea and at Chalcis, by a much more moderate final outcome.

For not only did M'. Acilius agree to accept the Aetolian envoys' status as divinely protected ambassadors even though they were now in fact *dediti*, he also agreed to give them a ten-day truce in which to obtain a vote from the Panaetolian Assembly on whether or not the League would in fact accept the *deditio* and its consequences (Polyb. 20.10.11, cf. Liv. 36.28.7-8). Phaeneas evidently assured Glabrio that he himself, as well as the Aetolian *Apocleti* (who had authorized his mission to Heraclea), were indeed willing to obey all commands (Polyb. 20.10.11, cf. Liv. 36.28.7). As Livy says, this was a recognition that, having been threatened with the chains and halters, the envoys now understood their position as *dediti* (36.28.6). Nevertheless, Phaeneas also argued to the consul that it was necessary to get a vote of the entire Aetolian people before general Aetolian obedience could be officially confirmed (προσδεῖσθαι καὶ τῶν πολλῶν, εἰ μέλλει κυρωθήναι τὰ παραγελλόμενα, Polyb. 20.10.11; cf. Liv. 26.28.7). Phaeneas was thus leaving at least a significant degree of uncertainty about what that final decision would be.

Yet the consul accepted this position: Phaeneas, he said, spoke correctly (ὀρθῶς λέγειν, Polyb. 20.10.12; cf. Liv. 36.28.8), and the Aetolians were granted their ten-day truce. In effect, then, M'. Acilius was allowing the

[28] It is dismissed by Briscoe 1981: 254 with a snide remark; and neither Gruen nor Freyburger nor Nörr 1991 makes reference to it in discussing Glabrio's diplomatic interactions with the Aetolians.

Aetolians a way by which they might decide to back out of a *deditio* that had already been ritually consummated. This is a most striking situation. Why did Glabrio agree to it?

It seems possible that from the Roman point of view, Phaeneas was now offering a powerful ritual-legal argument that the *deditio* ceremony which had just been completed was in fact defective. Phaeneas might not know much about *deditio*, but for a Roman no *deditio* could be considered correctly completed unless the traditional questions had been accurately answered in the affirmative: that the envoys committing themselves to *deditio* were the legitimate representatives of their community as a whole, that this community was a fully independent polity, and that the nature of *deditio* was fully understood (see above, pp. 273-74). In the Aetolians' case, Glabrio could now consider that neither the first nor the third traditional requirement had been adequately met. This was because the envoys from the Aetolian Inner Council, led by Phaeneas, were now claiming that they had not had the right to speak for the entire Aetolian people on such an important matter; in addition, the envoys were now claiming that they themselves had submitted to the *deditio* ritual without understanding its full implications.[29]

Beyond these ritual-legalistic considerations, it is also easy to see how pragmatic considerations might have affected the consul's decision to accept Phaeneas's position. *Deditio*, after all, was supposed to be in essence voluntary: the ensuring of that condition was the whole idea behind the structure of the ritual. Consequently, the enforcement of terms imposed by Rome after completion of a *deditio* should theoretically derive from the voluntary submission of

[29] How could the Aetolians, who had dealt with the Romans for twenty years, have made such a mistake about a basic Roman instrument of diplomacy, especially when they had here the advice of L. Valerius Flaccus himself (Polyb. 20.9.8-9)? Some scholars find these elements in the story suspect; they suggest that Polybius may have misinterpreted the incident, and doubt that the conflict between Greek πίστις and Roman *fides* was as severe as Polyb. 20.9.10-12 implies: see Gruen 58-60, followed now by Rich 131. Yet Phaeneas, the leader of the Aetolian embassy of 191, had personally been lectured by T. Quinctius Flamininus in 197 on the benevolence the Romans traditionally extended toward those who had surrendered to them (Polyb. 18.38; cf. Gruen 58), so that a mistake—or wishful thinking—in 191 is quite understandable. The problem was that the political context of Flamininus's lecture to Phaeneas had been his assertion of Roman protection of certain surrendered towns against Aetolian territorial aggrandizement (Polyb. 18.38.4-9), and political contexts changed. It was in this manner that the deep ambiguity inherent in *deditio* was finally revealed to the Aetolians: Flamininus had stressed the protective value of surrender, whereas Glabrio in the end stressed the surrender itself (see the comments of Ferrary 74-75). As for Valerius, all he does in Polyb. 20.9 is recommend that the Aetolians not attempt to justify their present conduct but throw themselves on the Romans' mercy instead (20.9.9): he does not give them a technical explanation of *deditio*. There is no reason to think Polybius is wrong when he says in 20.9.10-12 that such an explanation was actually needed.

the *dediti*, and was therefore (theoretically) unproblematic. But if the terms imposed by Rome could be enforced only by Roman military violence, as if no *deditio* had occurred, which was the situation M'. Acilius now seemed to confront, then the procedure became pointless in a pragmatic sense. Rome would gain nothing by insistence on the Aetolian *deditio* except an uncomfortable diplomatic incident, an incident that might well have a negative impact on public opinion elsewhere in Greece. And Glabrio, despite his modern reputation, seems to have been a commander much concerned to conciliate Greek opinion.

Whatever the consul's possible reasoning here, however, one is still struck by M'. Acilius's decision in 191 simply not to recognize a self-evident diplomatic fact, the ritually completed *deditio* of the Aetolians. This is a decision that can be put into a wider context. I know of no other example where a Roman commander in the field allowed a foreign people to renege directly on a *deditio*. Nevertheless, the commander's *de facto* power in the preliminary peace-making process—his freedom of diplomatic maneuver—was very wide; and one can cite other cases from this period where Roman generals, engaged in peace-making, simply refused to recognize self-evident diplomatic facts. Thus in 211 B.C. the proconsul M. Claudius Marcellus chose to accept a large number of Sicilian *poleis* which had previously been involved in a powerful military rebellion against Rome (and involved, moreover, in an abortive *deditio* of Syracuse) as in reality, and officially, *socii fideles* (!). He had his reasons.[30] Again, in 206 P. Cornelius Scipio chose to accept a *deditio* from the Ilergetes of northern Spain, and thereafter to treat them mildly, even though the Ilergetes had grossly violated a previous *deditio* to Scipio's father and uncle—as well as a personal agreement with Scipio himself—by going to war against Rome three times. Here was a reneging on *deditio* indeed: in Polybius, Scipio does not hesitate to call the Ilergete actions treachery (ἀθεσία, 11.31.1). His decision to accept the renewed Ilergete *deditio* of 206, by contrast, is characterized by Livy as an example of good faith and *clementia* (28.34.3).[31]

[30] *Socii fideles*: Liv. 25.40.4. These polities were treated by Marcellus with great favor within his general peace settlement (*ibid.*). For discussion, Eckstein 1987: 166-68. On the abortive Syracusan *deditio*, in which the rebel communities played a key role as intermediaries, see Liv. 25.28-29, with Eckstein 1987: 159-60.

[31] The Ilergete *deditio* of 218 B.C.: cf. Front. *Strat.* 2.3.1, with Eckstein 1987: 196-97. The Ilergetes, in fact, had violated their surrender almost immediately (cf. Liv. 21.61.6-7), and later played a role in the Roman disasters of 211 B.C.: see Liv. 25.34.6, with the comments of Rodriguez Adrados 167. The agreement with Scipio himself (in 209/208 B.C.): see Polyb. 10.35-38. It had been sealed by oath (Polyb. 11.29-3), and violated (*ibid.*).

M'. Acilius Glabrio's act of generosity and self-restraint in 191 was therefore not completely unprecedented. But if the consul hoped it would pay dividends in Aetolia, he was soon disappointed. The Aetolian ambassador Phaeneas had expressed his own willingness and that of the *Apocleti* to obey Glabrio's orders (Polyb. 20.10.11, cf. Liv. 36.28.7), and indeed the Inner Council did now vote to call a special meeting of the Panaetolian Assembly to discuss accepting the situation (Polyb. 20.19.14, cf. Liv. 26.28.9). But Phaeneas had also indicated to Glabrio that nothing was secure (see above); and in the end, of course, the Aetolian people refused to ratify the *deditio*. According to Polybius, the news of the incident with the chains and halters so enraged the Aetolian populace that they simply failed to show up for the scheduled meeting of the assembly (20.10.13-16, cf. Liv. 36.29.1-2). This Aetolian attitude was evidently greatly reinforced by the coincidental return of an envoy, bearing positive messages, sent previously to beg financial and military help from King Antiochus (Polyb. 20.10.16, cf. Liv. 36.29.3). Thus the ten-days' truce passed, and the war with Rome continued—not even by a decision taken after debate, but rather by simple default (Polyb. 20.10.17).

Polybius's attitude toward the Aetolian behavior here deserves to be underlined. The Achaean historian had little love for the Aetolian League in general, of course. And he puts the blame for the Antiochene War squarely on Aetolian shoulders: it was their irrational anger at Rome (their ὀργή), arising from a feeling (mostly unjustified) that the Romans had shortchanged them in terms of territorial reward for their efforts in the previous war against Philip V of Macedon, that had led to the present destructive conflict (3.7.1-3).[32] And of course, in introducing the diplomatic interchange between Glabrio and the Aetolians, Polybius emphasizes that the cause of the fiasco was Aetolian misunderstanding of the meaning of *deditio* (20.9.3-12), i.e., not Glabrio's "brutality."[33] This sets the stage for Polybius's description of the reaction of the Aetolian populace when they learned of the scene between Glabrio and the ambassadors: the masses, in their anger, "became like wild beasts" (ἀπεθηριώθη τὸ πλῆθος, 20.10.15). Such phraseology is found elsewhere in Poly-

[32] On Polybius's negative evaluation of the Aetolians in general, and of their motives and conduct in bringing on the Antiochene War in particular, see Mendels 63-78, convincing against Sacks 92-106. On Polybius's highly negative view of the role of ὀργή in political decision-making, see Mendels 63 n. 4, and more extensively Eckstein 1989: 6-7. That Polybius considered many of the grievances the Aetolians felt against Rome to be misplaced is suggested by 18.45.8, cf. 18.34.1-2; and note his general description of Aetolian policy at the start of the war (ἀλόγως καὶ ψευδῶς, 3.7.3).

[33] Livy's parallel passage (36.27.8) puts its own negative twist on the Polybian material here: see the comments of Briscoe 1981: 262. On the Aetolian misunderstanding of the nature of *deditio* (i.e. their belief that it was a guarantee of lenient treatment), see n. 29 above.

bius's *Histories*, and is typical of his deepest condemnatory judgment: he found such total loss of self-control morally intolerable, pragmatically dangerous, and characteristic of the most disreputable categories of people (for instance, as in 20.10.15, the masses).[34] The emotion-driven conduct of the Aetolian populace would have been further driven home to Polybius's audience by his depiction of the great surge in Aetolian morale caused by the arrival of the promises from King Antiochus (see above), for in fact those promises were vague, lacking in solidity, and ultimately false. But then, Polybius thought it typical of the masses that, when under pressure, they grasp at any straw (see, e.g., 33.17, on the Rhodians in 154/153 B.C.).[35]

We do not have to accept at face value what was evidently Polybius's negative judgment of the Aetolians' behavior when confronted with news of the diplomatic incident at Heraclea: he was biased against the Aetolians and thought their conduct in this particular period had been both ignominious and self-destructive. But neither do we have to base modern assessments of Glabrio's conduct on what the Aetolian masses felt when they heard about it (ἀπεθηριώθη τὸ πλῆθος. . .). Polybius's purposes in telling the story of Glabrio and the Aetolians were to explain to his readers the meaning of *deditio* (see 20.9.10-12, cf. 36.4.1), and perhaps to demonstrate how not to act in a crisis, not simply to attack the Aetolians *per se*.[36] His purposes were serious, then, not merely polemical, and this shows that there were in antiquity interpretations of the confrontation between Phaeneas and Glabrio that did not, as modern

[34] For Polybius's highly pejorative employment of ἀποθηριόω and its cognates, see, e.g., 1.67.6, 70.1, 81.9 (a characteristic of mercenaries, whom he hated); 6.9.9, 15.22.5, 30.11.5 (the masses, whom he distrusted). See further Mauersberger col. 182.

[35] Polybius's source of information for the impact on the Aetolians of Antiochus's promises may have been Nicander of Trichomium, the Aetolian envoy involved, for it is likely that Polybius knew him later in Rome (see Sacks 95 n. 14). Antiochus did give Nicander money for the continued prosecution of the war (Polyb. 20.11.4, cf. Liv. 36.29.5; see Walbank 1979: 83). But the Aetolian envoy was able to convey the money only as far as Lamia, on the Gulf of Malis; beyond, he found the way blocked by Roman and Macedonian troops, and—travelling without the money—he himself only reached the Aetolian heartland after great difficulty (Polyb. 20.11.4-10, cf. Liv. 36.29.5-11). It is unclear whether the Seleucid money ever reached Aetolia. Polybius thought it amazing, giving the military situation, that Nicander had gotten it as far as Lamia (20.11.4).

[36] The careful and emphatic discussion of *deditio* in Polyb. 36.4 in itself proves how concerned Polybius was to explain to his audience the full meaning and implications of *deditio*—which casts light on Polybius's intentions in narrating the story in 20.9-10 in detail. See 36.9.12-17 for still another exposition. There may well have been others. That is indicated by 36.4.1-3 (which is unlikely to be a reference back to 20.9-10 itself): see the arguments of Flurl 42-43, cf. Gruen 61 n. 52.

scholars do, place Glabrio's "brutality" at the center of the picture.[37] Indeed, another striking aspect of Glabrio's conduct toward the Aetolians in 191 is that the eventual Aetolian reneging on a *deditio* already ceremonially consummated did not make the consul totally impervious to further efforts for peace with the League. These occurred some two months later.

When it became clear that the granting of a truce to the Aetolians had been pointless, Glabrio led his army across the Oeta-Parnassus massif, and began a siege of Naupactus, the major Aetolian city on the Corinthian Gulf; the Aetolian army gathered there to meet him.[38] The siege that resulted lasted throughout the rest of the campaigning season and was an arduous enterprise (Liv. [P] 36.30.6 and 34.2).[39] This was the type of fierce resistance that in itself often called forth a harsh Roman attitude (cf. Volkmann 199-204). Nevertheless, when in September T. Quinctius Flamininus brought the consul a new Aetolian request for a truce, so that the possibility of peace could be explored at Rome, Glabrio agreed to this (Liv. [P] 36.34-35, cf. Polyb. 21.2).[40]

Agreement to this peace effort meant the abandonment of the Naupactus enterprise (Liv. 36.35.1); presumably this was because of the logistical problems that would result during the truce and the onset of winter. Moreover, the besieged Aetolians were themselves in increasingly desperate straits (Liv. 36.34.2),[41] while for his part, Glabrio feared a loss of honor if he withdrew from the siege (36.35.1). All these factors must have impelled him strongly

[37] The Polybian narrative, of course, gives great prominence to L. Valerius Flaccus: it is Flaccus who wisely counsels the Aetolians that they have no choice but to throw themselves on the mercy of Glabrio and Rome (20.9.5-9), and it is Flaccus who later intervenes with Glabrio, getting the consul to curb his temper and to treat Phaeneas and the other Aetolian envoys humanely (20.10.10). The prominence of L. Valerius may be due to Valerius having been, ultimately, Polybius's major eyewitness source for the incident at Heraclea. Valerius was a close friend and associate of Cato the Elder (Plut. *Cat. Mai.* 3.1-4, cf. 10.1), with whom, indeed, he served under Glabrio in Greece (Broughton 355). Glabrio had sent Cato to Rome with news of the Thermopylae victory (Liv. 36.32.4-8; Plut. *Cat. Mai.* 14.2-4), so Cato was not present at Heraclea; but it makes sense that Valerius would tell him of the incident with Phaeneas once Valerius himself returned to Italy. And Cato knew Polybius well (cf. Polyb. 31.25.5a; 35.6; 39.1.5-8). For Cato as a source for *The Histories*, see Pédech 464-66, and especially Nicolet 243-55.

[38] See Polyb. 20.11.11, with Walbank 1979: 83-85; cf. Liv. [P] 36.30 *passim*; App. *Syr.* 21.

[39] On Liv. 36.30 and 36.34 as deriving from Polybian material, see Briscoe 1981: 2.

[40] Flamininus's position was one independent of M'. Acilius; he had a special commission in Greece from the Senate (Broughton 351 and 354). But the decision-making at Naupactus was ultimately Glabrio's responsibility as consul, and Flamininus could only attempt to persuade (Liv. 36.34.8-35.2 and 36.35.5-6). The situation had been similar at Chalcis (Plut. *Flam.* 16.2).

[41] There is no reason to doubt this assertion: Briscoe 1981: 271.

toward a continuation of the fighting. The reasons for the consul's decision to grant the truce are therefore, once again, important to understand.

The argument employed by Flamininus in Livy to convince Glabrio is that it was not in Rome's interest either to prolong the war or to destroy the Aetolian League utterly, because either of these two developments would unduly increase the power of Rome's erstwhile ally Philip V of Macedon, thus leaving Rome with a continuing problem in Greece (36.34.8-10). We may assume that Flamininus did say something like this in autumn 191. It fits with his consistent policy of attempting to establish a careful balance of power among the Greek states that would be satisfactory to Roman security interests—the policy of the Isthmian Declaration of 196. And it also fits with the facts on the ground, for during Glabrio's siege of Naupactus, Philip had indeed been making large territorial gains in the north at Aetolian expense.[42] Still, this argument might have seemed a singularly abstract one, especially if Glabrio had chosen to feel that he had been personally insulted by the fiasco caused by Phaeneas's *deditio* at Heraclea and its ultimate outcome—a problem compounded by the fact that Phaeneas himself was playing a central role in the new Aetolian peace initiative (Liv. [P] 36.35.2)!

Perhaps M'. Acilius was indeed convinced by what was essentially an appeal by T. Quinctius to his patriotism: that, at any rate, is how Livy portrays it (36.34.8-35.1 and 35.5-6).[43] The difficulties of the siege (Liv. 36.30.6) may also have weighed on the consul's mind (though we are also told that the Romans were on the verge of success: 36.34.2). The consul's concern for honor was deep (36.35.1), but it may have been soothed by Flamininus's own prominent part in (and moral responsibility for) the new truce and by Glabrio's knowledge of his own previous victories (for which he was eventually

[42] On Philip's large territorial gains made while Glabrio was enmeshed at Naupactus, see Liv. 36.33 and Plut. *Flam.* 15.4-5, with Walbank 1939: 207.

[43] Glabrio was certainly also personally jealous of Philip's successes in the war: see Liv. (P) 36.25.5-8, where the consul reserves the conquest of Lamia for Rome. It is unclear whether this would have been a factor aiding Flamininus in his arguments against Philip at Naupactus, or whether on the contrary this would have tended to confirm Glabrio in his determination to conquer the city, as a counter-weight to Philip's new victories. It is often suggested that Philip's withdrawal from Lamia in June was actually the Aetolians' price for agreeing to the truce (Polyb. 20.10.4-5, cf. Liv. 36.27.3) that eventually led to the scene with Glabrio at Heraclea: so De Sanctis 166; Walbank 1939: 204 and n. 4, and 1979: 383; Briscoe 1981: 258. But there is no support of this rationalizing reconstruction of the Lamia incident in the ancient sources, and it contradicts what Polybius (20.9.1 and 9), followed by Livy (36.27.1-2), say about the situation and mood of the Aetolians after the fall of Heraclea to Glabrio: they were in no position to make demands.

awarded a triumph by the *Patres*).[44] Moreover, it is clear that the official *legati* whom Glabrio sent to Rome during the truce played a significant role in the peace terms set by the Senate, and that those peace terms were tough: either the Aetolian payment of a huge war indemnity—or *deditio* (Polyb. 21.2-3-6).[45]

Yet, despite all the above, it is also obvious that if M'. Acilius had chosen to, he could simply have refused to grant a truce for new peace talks on grounds of the previous disreputable conduct of the Aetolians in reneging on Phaeneas's *deditio*. P. Cornelius Scipio had acted in that fashion in North Africa just a decade before: he had refused negotiation (and even *deditio*) to all the Punic towns, because of his anger over the Carthaginian disruption of the provisional peace agreement they had worked out with him in autumn 203 (Polyb. 15.4.2).[46]

The point of this paper, however, has all along been to show that M'. Acilius Glabrio acted not only within Roman traditions but indeed from the Roman point of view in an eminently moderate manner with regard to the *deditio* offered him by the Aetolians in the early summer of 191. Indeed, Glabrio—despite his modern reputation (and perhaps an unfortunate tendency to flare-ups of temper)—pursued an essentially moderate policy toward all the Greek states during his command in Hellas. His interactions with the Aetolians (both in the early summer and then in September) cannot be seen as an exception to this. On the contrary: both those latter interactions fit into Glabrio's moderate pattern. He was always willing to talk peace, and the freedom of diplomatic maneuver traditionally granted to Roman generals in the field allowed him great flexibility in the manner in which he went about doing so.

But further, Glabrio's interaction with the Aetolian embassy at Heraclea also reveals the deep seriousness with which Romans took the *deditio* ritual. The legalism typical of Roman culture seems obvious in Glabrio's acceptance that the *deditio* of the Aetolians could be discovered, *post hoc*, to have

[44] For Glabrio being willing to let Flamininus take major moral responsibility for arranging the truce, see Liv. 36.35.2, with Briscoe 1981: 272. Sources for Glabrio's triumph after his return to Rome in 190 (a triumph for victories over both Antiochus and the Aetolians): Broughton 357.

[45] The Aetolians eventually rejected *both* of the alternative peace proposals put forward by the Senate—in part because they thought the proposed monetary indemnity was much too large (Polyb. 21.5.3, cf. Liv. 37.7.2), in part because they feared outright enslavement if they took the other choice, *deditio* (Polyb. 21.5.3, cf. 2.5-6; Liv. 37.7.2, cf. 1.6). This latter feeling is clearly one untoward result of Glabrio's threats about the chains and halters, as Polybius explicitly says (21.5.3). See Heuss 67; Dahlheim 38 n. 1; Walbank 1979: 91.

[46] For discussion of this incident, see conveniently Eckstein 1987: 254-55. Compare with Scipio's much more forgiving attitude toward the Ilergetes of Spain, discussed above, p. 282 and n. 31.

contained defects—arising from the Aetolian side—that might render it invalid. And legalistic punctiliousness is not the only element at the center of the consul's conduct. Though no legally binding assurance was ever given to *dediti*, the Romans were, by their own lights, sincere in their approach to *deditio*, and surrounded the ritual with an aura of "good faith." Indeed, in a world without international law (see, e.g., Polyb. 5.67.11), such sincerity in diplomatic interaction might well be seen as one of the foundation-stones of the success of Roman expansion.[47] Thus when M'. Acilius Glabrio saw that deep problems had emerged for the Aetolians after the ceremonial consummation of their *deditio* to him, he allowed them time to reconsider their act. The consul—who shortly before this had vowed a temple to *Pietas*—would surely have called his behavior toward the Aetolians a fine example of *fides Romana*.

[47] See the comments of Freyburger 185. The contrast here with the position taken by the scholars listed in n. 5, above, is obvious.

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