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Roman Banditry: Scorning Senatorial Skullduggery in Sallust

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Scorning Senatorial Skullduggery in Sallust Brady B. Lonegran

It is generally accepted that during both the Republican and Imperial eras (including the Pax Romana), banditry was commonplace throughout the known world. Due to its prevalence outside of urban centers, contemporary writers regarded brigandage as an unremarkable natural phenomenon only warranting a cursory glance.2 For this very reason, in his book Bandits in the Roman Empire: Myth and Reality (1999), Grünewald argues that an empirical study on banditry is simply impossible.3 However, as MacMullen notes in his appendix on 'Brigandage,' the Latin term latro (or the Greek: lestes) was applied to men apart from the traditional bandit. For example, it included individual usurpers or challengers of legitimate Imperial power rather than bands of marauders from the 'barbaric' border-states. 4 Grünewald takes this observation further in his work on bandits and emphasizes latrones and lestai as historical categories, which can be used to classify social realities. For him, the latro is a literary topos, an "artifact of the literary imagination."5

'Banditry,' as viewed in Rome, was synonymous with the illegitimate exercise of personal power. As Shaw points out, in the stateless societies of Homeric Greece, banditry was an acceptable and even honorable occupation.⁶ However, the formation of 'the state' as an "institutionalized form of power" left little room for extralegal displays of authority as they acted as decentralizing forces that threatened the supremacy of the state. With this development, all forms of latrocinium or lesteia acquired their contemporary connotations, and we come to the discussion of the sanction or the legitimization of power.

The fundamental question we must ask in a discussion of banditry and its relation to other expressions of power is 'who sanctions whom?' In historical accounts and literary depictions, we have three primary manifestations of the exercise of violence (vis). We have latrocinium symbolized by the latro, rebellion characterized by the rebel, and war (bellum) personified by an enemy (hostis) of the state. Although there are certain criteria and qualifications that separate these categories, the difference is often arbitrary and comes down to the attitude and agenda of the author. With the inherent vagueness of the terminology, we see Roman authors use these classifications interchangeably according to the direction of their narratives. In short, it is often the ulterior

motive of the author that dictates the characterization of 'historical' figures.

The subject of the author and his relation to the representation of historical figures as 'bandits' bring us to a few of the underlying questions motivating this paper: Is Jugurtha a bandit? If not, who is he, and why does Sallust portray him in such a way? Before getting into these questions, it seems imperative that we discuss and analyze 'the bandit,' as a real life phenomenon and more importantly, as a literary and historical metaphor, exploited by moralizing writers of Republican and Imperial Rome. It seems essential to note that Shaw and Hobsbawm among others are largely responsible for establishing the foundation upon which Grünewald successfully elaborates, and it is through these three authors, whom I attempt to establish a methodological framework from which I can approach the question of Jugurtha. In addition to establishing the boundaries among these three primary manifestations of power, our treatment of Jugurtha also necessitates a discussion of client-kings in relation to Rome. Once we have established the context, we can then turn our attention to Jugurtha as he is portrayed in Sallust's *The Jugurthine War*.

Before trying to understand what constitutes a bandit, it can be helpful to figure out what a bandit is not. In Roman legal terms, "[e]nemies [hostes] are those who have declared war on us or on whom we have declared war: all the rest are bandits [latrones] or plunderers [praedones]."8 Implicit in the definition is that the aggressor or the opposing party must be a "sovereign" state acknowledged by Rome.9 Apart from a recognized political entity, enemies must be able to fight a regular war (bellum) with Rome. Irregular warfare would then be anything inconsistent with conventional Roman military strategy and focused primarily on guerrilla tactics. With such a selective definition, tribal warfare, village conflict, urban unrest and any acts of aggression not preceded by a formal declaration of war cannot be distinguished from banditry.¹⁰ As a rule, Roman legal classification of enemies is very exclusive, and "[t]he terminological indecisiveness of the sources raises the question as to whether the juridical distinction between hostes and latrones really had any practical relevance."11 Since both banditry and war pose a threat to the state, sometimes the only distinction between the two is whether or not they pose a significant threat to Roman authority. Although nebulous, this criterion shows how, through an escalation of hostilities, a resistance movement can become a war. There are three factors that transform an individual and his men from latrones into hostes: the size of his forces, the success of his operations and the respect of the opposition. ¹² Beside the lack of a public declaration of hostility, it is impossible to differentiate between

brigandage and war.¹³ Thus, a foreign power could initiate a war against Rome and based on size, strategy and success, be considered a bandit-state incapable of legitimate warfare. With this in mind, the terms hostes and bellum become pretentious classifications meant to distinguish Rome from the rest of the world and hardly reflect the historical reality.

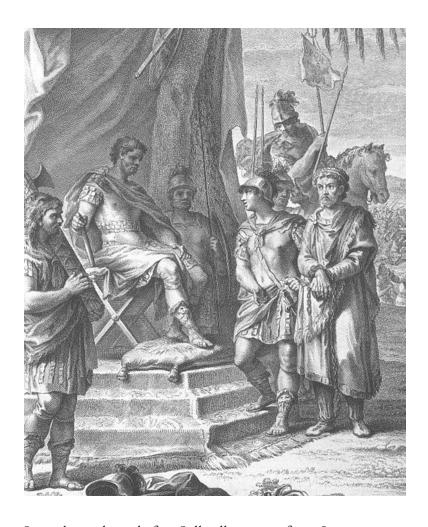
The term 'rebel' serves as a transition between *latrones* and *hostes* and implies that the aggressors are inhabitants of the Roman world. The most commonly recorded examples of rebels among Roman writers were the Isaurian and Cilician 'bandits' of the Taurus Mountains as well as the Celtiberians in Spain under Viriatus. Rebellions, generally caused by Roman expansion and the subsequent subjugation of native populations, often last until the success of Romanization. ¹⁴ It is with rebels especially that we see a significant variance in the use of terminology. Part of this inconsistency arises from modern writers, who see Isaurian and Cilician banditry as an act of protest against the Roman order. ¹⁵ Similarly, Shaw describes the increase in scale of the Cilician resistance as demonstrative of a shift from banditry to rebellion. ¹⁶ Hopwood also notes that 'bandits' frequently functioned as the nucleus of any full-scale peasant rebellion. ¹⁷ Furthermore, he argues that shepherds, whose transhumant style of living left them marginalized, were often assumed to be associated with bandits and may have played a similar role in regional resistance. ¹⁸

This association of shepherds and bandits with resistance movements is not an exceptional case. Rebels are often associated with or even called bandits, and there is considerable overlap between the attributes of both. As we will see, the two types are generally of 'barbarian' origin, resort to guerrilla warfare, exploit a superior knowledge of the terrain and have complex motivations. The nebulous nature of these definitions, which is largely the result of authorial motives, can be elaborated upon more easily once we have established the criteria and qualifications for our bandit.

In *Organised Crime in Late Antiquity*, Hopwood argues that bandits are not just the literary topoi described by Shaw. Instead, he asserts,

"Bandits were more than an abstract category: their lives on the ground were brutal and short; they were men, however, with temporary aims, rather than long-term principled causes. In times of stability they were something that the political cadre could be drawn together to oppose; in times of transformation they were conspicuous symbols of that transformation."

Although Hopwood seems to posit this idea against Shaw's primary aim, which is to demonstrate that what we have from ancient sources is merely



Jugurtha in chains before Sulla, illustration from *La conjuracion* de Catilina y la Guerra de Jugurta (Madrid, 1772)

a figurative representation of an ideal, the two ideas do not seem wholly incompatible. Shaw would agree with Hopwood that bandits did exist as more than an abstraction; but he would point out that these concrete bandits were so unremarkable that they did not warrant the attention of ancient sources, and that our sources only refer to bandits in terms of forces opposing Rome or in the context of political discord. Shaw even provides an additional explanation for why our sources are so lacking by describing his concept of 'space.' Claiming that bandits existed on the periphery of mainstream society, he allows for need and greed as the primary motivations for banditry and argues that bandit communities "tended to be characterized by an absence of all 'higher' civil modes of communication in writing or graphic symbols."20 In short, 'real' bandits left no written record, so we can only speculate on their reality and have to accept our 'historical' and literary examples for what they are: metaphors. At the very least both Hopwood and Shaw would plausibly agree with Grünewald in saying that banditry was perpetrated by bands of disreputable folk out to make a buck at the tip of a sword.²¹

The term latro originally meant mercenary but came to describe "any sort of extra-legal man of violence." Roman legal definition distinguishes banditry from common theft by the former's use of violence (vis), by its reliance upon a band (factio) and by its premeditated intention. The first criterion is consistent with the notion of an "economy of violence", which consists of materials procured by way of violence or the threat of violence. Bandits were also distinct from other non-violent criminals. They were interstitial characters, seen neither as persons with rights in civil law nor as enemies of the state but somewhere in between. Somewhere between common criminals and hostes, bandits were prosecuted harshly and left without the right to an appeal. They were either burnt alive, crucified, impaled or thrown into the arena. Moreover, brigands were often killed immediately upon arrest. Interestingly enough, these same punishments were reserved for insurgents as well, further blurring the lines between the two categories.

By this point, we can tentatively define banditry as a premeditated act of opportunistic violence committed by groups of individuals. This classification leaves room for both the 'real' bandit and his literary representation, on which we should now focus our attention. However, before departing from reality, we can look at Shaw's description of *latrocinium*, which applies to both types of banditry and provides an easy transition into the remainder of our discussion:

"Banditry is a form of personal power... This individual power, based on charisma, on appearance, on brute strength, and on the ties forged by way

of personhood (kinship, friendship, or clientage), is probably one of the primal forms of power known to humans."²⁶

This quote evokes images of typical Homeric heroes and is consistent with the depiction of banditry in the texts of Roman antiquity. As we will soon see, this exercise of personal power inherently poses a challenge to the sovereign state by creating a separate autonomous entity.

Although inconsistent with reality, Hobsbawm's notion of the 'social bandit' fits perfectly with the romanticized depictions of ancient authors and feed into the framework provided by Grünewald. Hobsbawm takes a Marxist interpretation, apparent in his discussion of the social origins of bandits:

"For the crucial fact about the bandit's social situation is its ambiguity. He is an outsider and a rebel, a poor man who refuses to accept the normal roles of poverty, and establishes his freedom by means of the only resources within reach of the poor, strength, bravery, cunning and determination." ²⁷

With this explanation, he stresses the bandit's close connection to the poor. For our purposes, Hobsbawm is spot on in terms of the autonomy of the brigand, but as we will see later, bandits were drawn from all backgrounds. However, his definition remains consistent with a Marxist reading of the subject. Additionally, the 'social bandit' is motivated by a desire to counteract and avenge injustice and to regulate the interaction between the wealthy and the destitute so as to prevent the exploitation of the weak.²⁸ He argues that bandits are "reformers, not revolutionaries", but that they can act as the first phase in a progression towards revolution when their acts become associated with defiance against oppressive forces or when they themselves have been overcome by hope for a better future.²⁹ In short, one can see how bandits could transition easily between robbery and revolution, as they become armed and mobilized.

To illustrate his points, Hobsbawm outlined nine basic criteria for his 'social bandit,' whom we will find as the prototype for Grünewald's 'noble' bandit. "First, the noble robber begins his career of outlawry not by crime, but as the victim of injustice." Second, the social bandit is motivated to oppose inequality. Third, he is to provide for a redistribution of wealth by way of stealing from the wealthy for the betterment of the impoverished. Fourth, he never kills without justification. "Fifth, if he survives, he returns to his people as an honourable citizen and member of the community." Sixth, he enjoys the support of his community and often maintains a role as a local leader. Seventh, the 'social bandit' is invincible except in the case of betrayal. Eighth, he cannot be seen or beaten. Ninth, he only challenges the

authority of the local tyrant, while the king or emperor is the embodiment of justice.³² The mythical account of Robin Hood is the basis for Hobsbawm's 'social bandit' and is surprisingly consistent with the 'noble' bandits we have in Roman sources. The main difference, however, lies in the fact that unlike Hobsbawm's 'social bandit,' the 'noble' bandit is often meant to criticize the Emperor and local officials. Otherwise, we will see that Hobsbawm's qualifications act as motifs throughout our sources and that Grünewald expands upon the conception of the 'social bandit.' Although Hobsbawm's theory is highly romanticized, he does admit the certainty that "[i]n real life most Robin Hoods were far from noble."³³

Using the 'historical' accounts available, Grünewald has created two types of bandits ('common' vs. 'noble') and four classifications based on their actions ('bandits,' 'rebels,' 'rivals' and 'avengers'). In his investigation of banditry, he considers the cases of Viratus, Tacfarinas, Catiline, Bulla Felix and Maternus among others. Although each individual primarily fits into one category or another, he admits that there is significant overlap and that his definitions by no means final, should be used only as a valuable tool.³⁴ the 'common' bandit is the malevolent manifestation of this classification, bent on terror and destruction. In contrast, the 'noble' bandit is more akin to Hobsbawm's 'social bandit.' As we have already seen, the distinction between bandits and rebels is quite arbitrary. Later, it will make more sense when we see how and why our ancient authors used one term versus the other. To point out this lack of clarity, Grünewald shows through Viriatus and Tacfarinas how terms are used interchangeably. The classification of rivals applies to political or ideological rivals like Catiline, faction leaders of the Late Republic and the Third Century Crisis, and those who are portrayed more directly as rivals to Imperial power, like Bulla Felix and Maternus. The avenger is probably the most flexible category, as most historical bandits are cited as motivated by a desire for vengeance. Revenge is a significant aspect of the literary topoi surrounding the bandit, and as motivation, it is consistent with Hobsbawm's conception of the 'social bandit'. 35 Banditry in its 'noble' form was also typified by its leader's charismatic "magnetism," 36 which contributes to a bandit's following as well as to the success of his operations. As with the 'social bandit,' the 'noble' bandit, otherwise invulnerable, is susceptible only to deceit.37 Grünewald cites both Maternus and Bulla Felix as examples of men whose exploits end only when close associates betray them. However, the 'noble' bandit is victorious even in defeat. To demonstrate the fact that he cannot be brought down by conventional means, he always gets the last laugh.

For example, when the Praetorian Prefect Papinian asks Bulla why he entered a life of brigandage, he replies, "Why did you become a prefect?" The use of quick-witted quips in the face of defeat is an inheritance from Tacitus and possibly even earlier sources and demonstrates the inadequacy of current leadership, as we will see later in this discussion. 39

The barbarian origin of the bandit is another important feature for our developing definition. Rural districts, populated by 'uncivilized' rustics living on the margins of society, are the typical breeding grounds for barbarian bandits in Roman sources. What is considered even more 'barbaric' is the nomadic mode of life practiced by shepherds, depicted as so unsettled and uncivilized that they are not even agrarian. 40 As shepherds are viewed as more barbaric than agrarians, we see another reason for their close association with banditry. Similarly, Shaw refers to the "hereditary" nature of brigandage in Cilicia, Isauria and Spain, and we see in Apuleius' Metamorphoses the criminal pedigree boasted of by Haemus the Thracian. 41 The hereditary and barbaric nature of banditry reinforces the motif of the bandit as a 'noble savage.' The Celtiberian leader Viriatus personifies this ideal version of the truth, which is prevalent throughout historical accounts. The barbarism of these historical figures is also stressed because brigandage was considered the most primitive manifestation of power in pre-state societies ruled only by social contract. In short, the remoteness of any geographical location was indicative of its level of barbarism and banditry.

Although banditry requires a state to dictate which expressions of power are and are not legitimate, it also requires a state insofar as it exists on the periphery, straddling its political boundaries. Shaw describes this area as a "no-man's-land", outside the jurisdiction of Imperial governors. ⁴² Similarly, the extent of Roman control in any district is dependent upon the geography of that region. Mountains, forests, swamps and essentially any "topography sufficiently forbidding to prevent the effective penetration of urban institutions" also usually demarcated the limits of Roman authority. ⁴³ The natural resistance to urban encroachment offered by these isolated and oftentimes impregnable locales was thought to be indicative of the prevalence of bandits and was believed to be a source of their strength. The bandits in our historical accounts are often shown to have an advantage in their familiarity with and affinity for the harsh terrain. As we will see later, superior knowledge of local topography and the use of lighter long-range weapons conducive to guerrilla warfare were commonly associated with bandits.

The band (factio), although generally understood to be small, is an essential



Frontispiece of *The Works of Apuleius*, Bohn's Library edition, 1902.

aspect of banditry as being distinct from common robbery.⁴⁴ Bandits rely on the social contract they share with their brothers in arms as well as on the local support of their families and the greater community. 45 Even if they do not enjoy the support of the community as a whole, bandits depend heavily upon some sort of third party member, who acts as a mainstream contact. These receptatores, responsible for the conversion of stolen objects into money, act also as informants and are considered just as bad, if not worse than the bandits with whom they work. 46 The most successful and enduring bandits relied on their allegiance to wealthy landowners (honestiores/domini). By this association, bandits could legitimize their acts of violence.⁴⁷ Shaw reports that in Apuleius' Metamorphoses we see the poor as most often drawn to banditry for the social mobility it offers (inclusion and a sense of recognition as part of a 'gang,' acquisition of material wealth and a sense of empowerment through the exercise of violence). Arguably the most important aspect of 'the band' as a metaphor and as a draw for prospective brigands is the bandits' egalitarian system of justice. The most important feature of this ideal is the equal division of booty, from which Marxist interpretations arise. Also significant is the idea that the bandits maintain a fair system of material distribution without laws and, as social contract serves as the only safeguard against administrative abuse. 48 As we will find, this social cohesion, often absent in Roman society, is an escapist ideal for many writers.

As we discussed before, bandits were marked by their affinity for irregular warfare. Regardless, the Romans pretentiously referred to any opponent as a bandit if he could not "field a regular army of heavy infantry, trained in and equipped with the weapons of Greco-Roman military science."49 For this reason, despite the respect bestowed upon Viriatus as a military commander, he was still generally portrayed as a rebel bandit rather than as a legitimate enemy. Despite their derision of partisan warfare, the Romans resorted to guerrilla tactics on several occasions (for instance, the final phase of the Second Punic War). In truth, as a form of indigenous resistance, where native insurgents have limited resources and a superior knowledge of the terrain, it is simply the most strategically viable option. Along with partisan tactics, bandits also used the cloak of darkness "to exploit the common fear, deliberately disguising themselves as ghosts in order to add to the terror of their sudden nightly incursions."50 Similarly, there is a common cultural association of bandits with ghosts, darkness and death. This connection is reasonable as the obscurity of night enhances the aura of apparent invisibility as well as the general effectiveness of guerrilla attacks.

In *The City of God*, St. Augustine poses two important questions: "Remove justice and what are states but gangs of bandits on a large scale? And what are bandit gangs but kingdoms in miniature?"51 For our discussion, there is only one difference separating states and bands of brigands: the legitimization of violence. As Shaw points out, both live "parasitically" by stealing from others.⁵² Like empires, gangs of bandits were known to employ both largescale and more modest operations; some bands would even exact payment from neighbors in exchange for "protection." ⁵³ Hopwood notes that taxation and its enforcement in the provinces by kolletiones were no different from the 'tribute' of bandits. Either violence or the threat of violence was almost always used in order to exact revenue from Roman subjects. Additionally, Hopwood, attempting to explain why Rome's policy of extortion was considered taxation rather than banditry or opportunistic violence, comes up with the notion of a "monopoly of violence" held by the state.⁵⁴ As discussed previously, the development of the state and the formation of institutionalized power transformed these expressions from a Homeric ideal into an immoral act. Hopwood continues by explaining that if the state is to maintain its 'monopoly of violence,' then, as a mediator of internal conflict, it must actively choose a side, protecting one and condemning the other.⁵⁵ In doing so, the state creates a definition of what is lawful, and because independent expressions of power inherently undermine government authority, they become acts of banditry unjustifiable under law.

As we have seen before, the most enduring bandits were those who could depend upon the influence of wealthy patrons. Hopwood points out two roads available to the extra legal man of violence: either he could remain free and run the risk of capture, torture and execution, or he could exchange his individual autonomy and martial skill for the protection of local elite.⁵⁶ These armed retainers often functioned in two capacities by which their violence became legitimate. As their patrons were generally local town-councilors or eirenarchs (peace officers), typically drawn from the elite, they could be deputized as a pseudo police force, serving as a bodyguard for the wealthy individual and his estate. This outsourcing or insourcing, as the case may be, was even taken up by provincial governors, who lacked the military resources to patrol their own territories. Members of these quasi-peacekeeping forces,known as the diogmitai, were generally drawn from those armed retainers already serving the local elite. Under Roman law, these diogmitai were quite literally given a 'license to kill' and were not held responsible for their actions.⁵⁷ Moreover, these so-called peacekeepers often "behaved as badly as the villains they were

supposed to be chasing."⁵⁸ That Rome resorted to using bandits to fight other bandits illustrates the point that the only distinction between brigandage and 'moral' acts of violence was the sanction of the state.

In Roman conception, the bandit's relation to both shepherds and soldiers is very important, as it helps demonstrate the legitimacy of power under Roman rule. Shaw explains that the shepherd and soldier always existed as "potential" The first problematic class of soldier is the veteran. After active service, the professional Roman soldier is prepared for neither the transition into agrarian life nor reentrance into mainstream society. With their skill set, it was much easier to turn to banditry as a means of subsistence. The defeated armies of the Late Republic's civil wars were often forced to demobilize, so many of these men resorted to brigandage out of economic necessity.⁶⁰ During periods of political instability, robber barons took advantage of this pool of unemployed professional soldiers to increase their wealth and power.⁶¹ In this way, men who typically would have been considered bandits were able to fill the vacuum and acquire legitimate authority. 62 For example, during the Third Century Crisis, Maximinus the Thracian, a shepherd bandit who became a Roman soldier, won renown and eventually the Imperial throne for his daring military feats and positive yet decidedly 'barbarian' attributes. Most importantly, Maximinus was not the exception; the barbarian bandit emperor became a theme of the Late Empire in the West. 63

Similar trends occur in the Roman military in general as it becomes more barbarized. Cassius Dio shows that soldiers were often drawn from the same pool as bandits and that there was little visible difference between soldiers and bandits. Cassius Dio claims that this practice originated in the Roman tendency to recruit barbarians in order to maintain an auxiliary force while preventing these same men from becoming bandits in their own territories. As we have already seen, many Roman soldiers had lived as shepherds prior to enlistment, for they transitioned easily into both soldiery and brigandage because they have a skill set comparable to that of solders. Additionally, because of the "de facto freedom" inherent in their mobility, armament and distance from administrative centers, shepherds were considered natural predators. 65

Towards the end of the Republic, Cicero coined the term *latro* as a political epithet. 66 Unlike other types of bandit, in its political context, the term *latro* was never positive. However, it still implied that same lack of legitimacy and was used more figuratively as a means of comparison between the policies of a particular politician and the general outlawry of brigands. Because it was

typically used to challenge the legitimacy of an opponent, the term eventually came to be synonymous with usurper.⁶⁷ In coining this usage of *latro*, Cicero drew upon the similarities between political parties and gangs of bandits.⁶⁸ As a political epithet, it was used during the civil war between Caesar and Pompey as well as throughout the Imperial era. During the Crisis of the Third Century, it was used primarily as a way to "stigmatize" political opponents as dangerous and illegitimate claimants to the throne. ⁶⁹ According to the literary and historical topoi, once on the throne, these bandit emperors maintained their personal qualities. They were set apart by their humble origins, rough demeanor, brute strength, affinity for alcohol and sexual appetite.⁷⁰ Despite possible positive associations, the use of the term against legitimate emperors was generally a result of "the deep conflict between the senatorial aristocracy and the so-called soldier-emperors."71

The brigand as a political label was also used for local dynasts that had fallen in favor at Rome. During the civil wars of the Late Republican era, these same warlords were especially prone to being denigrated as latrones if they were on the losing side of the war effort.⁷² Although clients of victorious Romans were often safe from this mockery, any marginal, independent prince could be regarded as a bandit because it was believed that he "used [his] personal arm[y] to fight private wars which, from a legal point of view, were no more than plundering expeditions."73 In short, any semi-independent state outside of direct Roman administration was subject to the label of bandit.

The bandit is a metaphorical figure in Roman history and is used as a comparison rather than a representation of reality. As a rule, any mention of bandits by a Roman writer signals the existence of an ulterior motive.⁷⁴ Generally, literary and historical banditry provides a "social mirror" and microcosm of the current social order, which often inverts traditional relationships and carries with it a criticism of the inequities of the current world order. 75 Typically, the egalitarian values of the literary bandit acted as an ideal and offered a "picture of a better world"⁷⁶ where justice prevailed and where men could rely on one another through bonds of "philia (friendship) and syngeneia (cooperation)" as the only means of social contract.⁷⁷ Grünewald's commentary on the selflessness of Cilician pirates amongst themselves summarizes the effect of the bandit as a literary fabrication: "even if this report is fantasy, at least it offers an insight into the unfulfilled wishes and longings of a society in which social constructs such as the patron-client system were no longer able to provide a basic level of cohesion."78 Moreover, the inclusion of bandits in historical accounts provides "a consistent commentary

on the nature of power and on the contrast between the opposites of justice and legitimacy in the exercise of power."⁷⁹ As both a political epithet and a narrative device, the bandit is at the forefront of the Roman dialogue on the legitimacy of power.

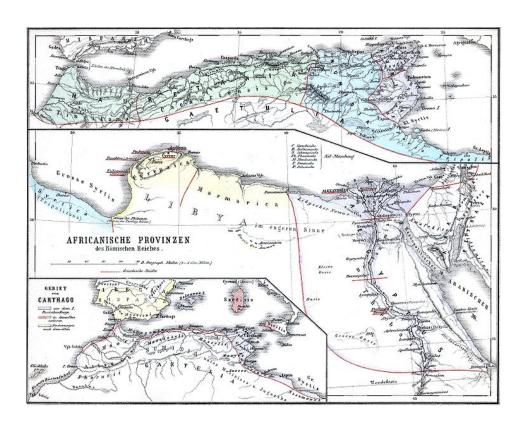
In order to understand the duality of the good and the bad representations of bandits, it is helpful to examine some examples. In the historical accounts of Roman authors, Viriatus is a projection of the ideal citizen of Rome.⁸⁰ He acts as a reincarnation of Cincinnatus (or Romulus and Remus among others) and the primitive yet noble origins of Rome. Here, his barbarian heritage is a positive as it is used to provide a sharp contrast with the greed, corruption and brutality of the Roman commanders sent against him. Not only does he form a critique of those military men, but he is also a condemnation of the decadence of the senatorial aristocracy. Additionally, Viriatus stands apart because of his righteous cause. Here, his motivations are meant to contrast with the egotistical impulse behind Roman foreign policy. Not only did Viriatus resist the unjust incursions of Rome and nobly defend his people, but he also avenged the brutal massacre of his comrades at the hands of Servius Sulpicius Galba. Roman writers even justify Viriatus' youthful banditry because it served as preparation, "strengthened his manly virtues and increased his capacity for great deeds."81 It is also important to note that whenever Viriatus is referred to as a bandit it is only to highlight his superior skills as a shrewd and charismatic military leader. He is transformed into a bandit to show how barbarian virtus can overcome the Roman military machine.82

Numidian rebel Tacfarinas, though forced to resort to guerrilla warfare like Viriatus, he was depicted negatively. First off, Tacfarinas' career embodies a devolution in character. Whereas Viriatus begins as a shepherd bandit and through his manly virtues becomes a tribal leader and successful military commander, Tacfarinas is seen as suspect in his motivations and as embarking upon a moral decline after his desertion from the auxiliary forces. Grünewald argues that Tacfarinas was considered a also bandit because he never represented a serious threat to Roman authority in North Africa. More importantly, Tacitus portrays him as a trivial threat in order to demonstrate Tiberius' incompetence and inadequacy as Emperor. Regardless, his negative portrayal is also symptomatic of Roman attitudes towards desertion, viewed as betrayal and even as rebellion.

In the case of Bulla Felix and Maternus, the former represents the 'noble' bandit while the latter his 'common' counterpart, distinguished by his motivations. On the one hand, Felix is motivated by a pursuit of justice

and acts as a wake up call for the Emperor; Maternus' actions, on the other hand, are dictated by baser instincts, which inspire his designs on the Imperial throne.85 In representing Maternus as a usurper brought down by fellow bandits who prefer the authority of the rightful emperor to that of a usurper, Herodian questions the legitimacy of the emperors of the Severan Dynasty. 86 Like Tacfarinas, the character of Bulla Felix was used to cast doubt on the competence of Septimius Severus because he had such a difficult time subduing a mere bandit. There are also a number of other theories surrounding Bulla Felix as a literary fabrication. Grünewald argues that his name and character were meant to channel imperial authority. As examples, he cites the connection between Bulla and the Imperial amulet of the same name as well as the moniker Felix, which was assumed by several emperors, Sulla in particular. Additionally, Grünewald points to the link between Bulla's band of followers and the Senate, both of which are composed of exactly six hundred men.87 In contrast to Septimius' burdensome taxes, Bulla is depicted as only stealing a part of his victims' belongings. Most importantly, Bulla is shown masquerading in the uniforms of Roman centurions and magistrates. This depiction illustrates Cassius Dio's primary criticism, which is the "loosening of the traditional social hierarchy" leading inevitably to the lowest classes' rising to the highest positions. 88 In this way, Cassius Dio expresses his outrage at the "superficiality and artificiality of state power and social constraints."89 In short. Bulla's character is meant to shift his audience's focus to the problems for which its members should be held accountable.90

Having completed our overview of banditry, we can now shift our focus to the topic of client-kings, which are relevant to our analysis of Jugurtha. Like bandits, client-kingdoms existed on the peripheries, both in and outside of the Roman Empire. 91 Hobsbawm explains this phenomenon perfectly when he writes, "Where the state is remote, ineffective and weak, it will indeed be tempted to come to terms with any local power-group it cannot defeat."92 Although Hobsbawm refers to 'bandits' in particular, his statement can be directly applied to the case of Roman client-kingship because as Braund argues, the relation of the client-king to Rome is not always one of subservience, in which case, Rome often acted out of convenience in order to avoid costly military confrontations.⁹³ Braund makes this point also because client-kings were not always the mindless lackeys abhorred by Tacitus and should be referred to as 'friendly' kings instead. Realistically, both sides, not just the Empire, had to find their relationship gratifying. Linda Honey claims that the whole conflict in Isauria arose when the Isaurians, who were originally 'friends' of the



Northern Africa under Roman rule, from the *Historischer Schulatlas*, 1879.

Roman Empire, felt slighted after Rome had broken their 'covenant' (which is meant to be reciprocal and has serious implications in Near Eastern culture) with the imposition of taxes. 94 In return for contributing soldiers, provisions and money (rarely as a form of institutionalized taxation), the friendly king "had a moral claim to Rome's protection." 95 Most client-kings had adequate resources at their disposal to defend their territory, and the knowledge that assailing an allied power could very well provoke Roman retaliation was generally sufficient deterrence. This association also served to enhance Rome's status as a military power and discouraged future transgressions.⁹⁶

The most important reward for a client-king's allegiance was the power and authority. Braund stresses that men with no legitimate or hereditary right to the throne owed their position entirely to the endorsement of Rome. These men could also rely upon Roman protection if ousted from power.⁹⁷ Rome enhanced its reputation by displaying its power to give away (or simply recognize) entire kingdoms. In return, the friendly king handled administrative affairs and performed essential functions in an environment less receptive to Roman governors. 98 This delegation of administrative affairs and inherent autonomy is demonstrative of much of Rome's policy towards local authorities. Braund's main point seems to be that Rome exploited this means of delegation because she "gained a great deal from her friendly kings in return for a relatively meager investment."99

At one point or another in his Jugurthine War, Sallust ascribes the qualities characteristic of each of our categories to Jugurtha. First off, since he was recognized as King of Numidia, it is important to analyze the nature of that kingship. Although "he was born to a concubine" 100 and was "inferior to [Adherbal and Hiempsal] on his mother's side,"101 the current Numidian king, Micipsa, "adopted him and established him as heir along with his sons in his will."102 Here, because of his ignoble birth, Jugurtha's legitimacy as heir to the Numidian throne is thrown into question. After the death of Micipsa, Jugurtha begins to consolidate his power. Instead of sharing administrative duties, he decides to dispose of his adoptive brothers "by whatever means." 103 After the murder of Hiempsal, "[t]he Numidians [were] divided into two parties," one led by the remaining brother and the other by Jugurtha. 104 This splintering of the state is reminiscent of the civil wars of the Late Republic and those of succession of the Empire. It is also important to note that the same phenomenon also occurred in other client-kingdoms, where Rome often acted according to expediency and did not care which side won as long as it remained loyal to Rome. One can then see why the Republican authorities

overlooked Jugurtha's murder of Adherbal and Hiempsal. However, Rome's hand was forced after the massacre at Cirta: "when the choice arose between loyalty to a client-king and loyalty to the Italian traders, Jugurtha could not hope to win." So, in spite of his connections, Jugurtha overstepped his bounds and provoked a formal military response.

As we have seen in the previous section on client-kingship, Jugurtha shows a considerable level of autonomy and does not embody his title' subservient connotation. By sending gifts and exploiting his connection to Scipios, "Jugurtha acquired access to the favour and goodwill of the nobility", and like any politically adept client-king, he "canvassed individual members of the senate" for his consolidation of power. ¹⁰⁶ He also interacts with a neighboring kingdom through his recruitment of Bocchus of Mauretania as an ally. Jugurtha even binds himself to Bocchus through ties of marriage, which hold little value as a result of Numidian and Mauretanian polygamy. ¹⁰⁷

Despite the dubious nature of Jugurtha's deceitful tactics, Sallust repeatedly reminds us of the Numidian's popularity in Rome and North Africa. As we have seen, P. Scipio "counted him amongst his friends...", which helped preserve his high regard in the Senate. 108 Most notably however, Sallust depicts Jugurtha as popular amongst his fellow Numidians and African neighbors. He is referred to as "dear to them all" 109 and as "a man so well liked by his compatriots" periodically throughout the text in order to demonstrate "the Numidians' burning enthusiasm for Jugurtha. 110 Even Bocchus in his double-dealings has to consider the fact that by betraying his neighbor, "he might alienate the hearts of his compatriots, for whom Jugurtha was dear and the Romans resented. 111 In my mind, the degree of popularity and support Jugurtha enjoys amongst his people as ruler of Numidia helps legitimize his claim to the throne; more importantly however, it demonstrates one of the first and foremost characteristics of our literary bandit.

Along with fulfilling the criterion of maintaining the support of his community, Jugurtha is initially represented as the embodiment of early Roman virtues. "He was powerfully strong, of becoming appearance but, above all, forceful in intellect." Additionally, he was "[a] man of action above all" who "had an appetite for glory" and "[b]y working very hard and taking great pains, as well as by the most deferential obedience and frequent encounters with danger, he had soon reached such a degree of distinction that he was overwhelmingly dear to our men..." As a Numidian of barbarian ancestry, Jugurtha qualifies another criterion for our literary bandit. In short, Sallust characterizes Jugurtha as a 'noble' barbarian and ideal Roman

(i.e. "Numidians for the most part fed on milk and wild-animal flesh"), reminiscent of Rome's founders.115

Along with the previously discussed attributes, Jugurtha is most identifiable as a bandit because of his military tactics and charismatic leadership. Before every engagement, "by using guarantees, threats and entreaties as was appropriate to the temperament of each man, he motivated them all in different ways."116 In short, through encouraging words and his presence in battle, Jugurtha "magnified both the courage of his own men and the terror of the enemy."117 Additionally, his tactics stand out as being decidedly guerrilla. Jugurtha is often shown attacking "unexpectedly" 118 at dead of night" 119 and seizing "many mortals along with cattle and other plunder." 120 regularly uses his elite 'band' of Numidian cavalry to ambush enemy forces, and he often takes advantage of his superior knowledge of the terrain and of the cover provided by local vegetation to conceal his movements. 121 of the confrontations reported by Sallust are noted for their "irregularity" 122 and are even said "to resemble banditry rather than a battle." ¹²³ In addition to nocturnal raids, Jugurtha also resorts to "contaminating the fodder and water sources" in his war of attrition against Roman forces under Metellus. 124 Finally, like our other 'noble' bandits, Jugurtha cannot be defeated by conventional means. Instead, he is betrayed by his Mauretanian ally and ambushed by the Romans en route to an alleged peace conference. 125

Although he exhibits many of the qualities characteristic of our literary latro, Jugurtha also demonstrates that he is a legitimate threat and enemy of the Roman state. First off, Sallust describes the conflict as a "war...which the Roman people waged with Jugurtha, king of the Numidians [and which] was great and fierce and of only sporadic success."126 Implicit in this statement is the recognition of Jugurtha as a legitimate political entity. It also illustrates why the conflict could be seen as both a war and as a series of isolated acts of banditry or rebellion because although it was significant to some degree, it was of limited success and eventually ended in Jugurtha's defeat. However, there is a significant body of evidence pointing to the interpretation that the conflict between Rome and Jugurtha was that between two warring powers. Although we have seen that Jugurtha regularly used guerrilla tactics in his military operations, he is also depicted as a very able commander and is shown only abandoning conventional warfare after his confrontation with Metellus (who along with Marius stoops to both deceit and total warfare as well as slash and burn techniques against civilian targets). 127 Against the previous commander, Jugurtha mobilizes and commands large armies organized into

infantry, cavalry and elephants, ¹²⁸ practices a decidedly Roman brand of siege warfare ¹²⁹ and even sends a defeated Roman army under the yoke in the typical fashion. ¹³⁰ Most importantly however, the Senate issues a formal declaration of war against Jugurtha and dispatches Metellus to direct military operations in Africa. And, although Sallust never mentions it, upon his return to Rome, Marius was granted a Triumph in which Jugurtha was paraded throughout the city in chains prior to his execution.

After looking at the various aspects of the conflict between Jugurtha and Rome, it is necessary to look at Sallust's motivations for his representation of the Numidian. As with Bulla Felix and Viriatus, the bandit is rarely the actual focus of any historical account. Sallust is no exception in that his didactic intentions dominate his interpretation of events and use Jugurtha as a means of illustrating a point.¹³¹ "Like his Greek predecessors... who shaped their narratives to illustrate a view of human nature, Sallust molded his own narrative... to expose corruption in Rome and to put the war with Jugurtha into a larger historical and moral context." 132 As Dué claims, Sallust's goal was to highlight the moral corruption in Rome. Sallust believed that in the decades of relative stability following Hannibal's defeat, Rome had lost its edge, becoming a den of corruption characterized by bribery and deceit. 133 Sallust also distorts the timeline of events to realize his own intent. Although the war of succession and Jugurtha's return from Numantia were more than fifteen years apart, Sallust compresses the chronology in order to demonstrate the infectiousness of Roman decadence. As a result, the narrative reads as if Jugurtha's moral decline and subsequent ambition for power were precipitated by his interaction with the Roman nobility in Scipio's entourage. 134 This argument is also concurrent with Sallust's thesis that the ruination brought about by the devolution of virtue into base ambition was caused by contact with the inherently depraved Roman senatorial class. 135 More specifically, he seeks to paint a picture in which members of the aristocracy are entirely consumed by corruption while the plebeian party leaders always have the best interests of the Roman people at heart.¹³⁶ It is clear that Sallust has a particular political agenda in mind; he often shifts his focus away from Jugurtha in favor of the Roman aristocracy.

As we have already noted, Sallust's historical account of the conflict in Numidia is not really about Jugurtha at all. Instead, it is meant to focus on Roman leaders like Metellus, Marius and Sulla, who are more important in the historical framework of the capital. With these characters as representatives of opposing parties, Sallust plays with the notion of political cooperation

and expresses his belief that cooperation leads to greatness while the lack thereof inevitably results in failure and destruction.¹³⁷ Additionally, Levene describes Sallust's account as a deliberate 'fragment,' intended to allude to the unavoidable downfall of Marius and Sulla.¹³⁸ In this way, Jugurtha and Metellus, as well as Metellus and Marius, act as foils for one another and as literary prototypes for the eventual ruination of the younger Marius and Sulla Felix.

After looking at numerous sources and comparing our methodological frameworks and working definitions to Jugurtha, it seems as if we have made little to no progress. In one respect, Jugurtha was most certainly a bandit; he relied upon his superior knowledge of local topography, the cover of darkness and the mobility of his cavalry to wage a partisan war against oftentimes suspect Roman commanders. However, in another respect, as a former auxiliary and the ruler of a client-kingdom (loyal to Rome since the time of his grandfather), he was obviously a rebel by coming into conflict with his patron state. And, in yet another respect, judging by the Senate's formal declaration of war and the Triumph held in the capital upon his defeat, he was undoubtedly a hostis, posing a legitimate threat to the hegemony of the Roman Republic. Considering his questionable legitimacy and usurpation of power, Jugurtha even personifies the Ciceronian interpretation of the latro. However, amidst all of this uncertainty, one truth remains: Sallust's Jugurtha does conform to our definition of banditry, but only as a piece of literary topoi.

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³ Grünewald, *Bandits*, 8.

⁴ Ramsay MacMullen, *Enemies of the Roman Order* (Cambridge: Harvard University Press, 1966), 255.

⁵ Grünewald, *Bandits*, 13.

⁶Shaw, "The Bandit", 303.

⁷ Shaw, "The Bandit", 303.

⁸ Shaw, "The Bandit", 305.

⁹ Grünewald, *Bandits*, 40.

¹⁰ Shaw, "The Bandit", 305.

¹¹ Grünewald, *Bandits*, 40.

- ¹² Grünewald, Bandits, 41.
- ¹³ Grünewald, *Bandits*, 16.
- 14 Grünewald, Bandits, 33.
- ¹⁵ Keith Hopwood, ed., *Organised Crime in Antiquity* (London: Gerald Duckworth & Co. Ltd., 1999), 179.
- ¹⁶ Shaw, "The Bandit", 301.
- ¹⁷ Hopwood, Crime, 180.
- ¹⁸ Hopwood, Crime, 180.
- ¹⁹ Hopwood, *Crime*, 195-196.
- ²⁰ Shaw, "The Bandit", 325.
- ²¹ Grünewald, *Bandits*, 138.
- ²² Grünewald, *Bandits*, 5.
- ²³ Grünewald, *Bandits*, 15-16.
- ²⁴ Shaw, "The Bandit", 321.
- ²⁵ Shaw, "The Bandit", 322.
- ²⁶ Shaw, "The Bandit", 302.
- ²⁷ Eric Hobsbawm, *Bandits* (England: George Weidenfeld & Nicolson, Ltd., 1969), 77.
- ²⁸ Hobsbawm, Bandits, 21.
- ²⁹ Hobsbawm, Bandits, 22.
- 30 Hobsbawm, Bandits, 34.
- ³¹ Hobsbawm, *Bandits*, 35.
- 32 Hobsbawm, Bandits, 36.
- 33 Hobsbawm, Bandits, 34.
- ³⁴ Grünewald, *Bandits*, 3.
- 35 Hobsbawm, Bandits, 137.
- ³⁶ Grünewald, *Bandits*, 88.
- ³⁷ Grünewald, *Bandits*, 87.
- ³⁸ Grünewald, *Bandits*, 118.
- ³⁹ Grünewald, *Bandits*, 119.
- ⁴⁰ Grünewald, Bandits, 50.
- ⁴¹ Shaw, "The Bandit", 329.
- ⁴² Shaw, "The Bandit", 321.
- ⁴³ Shaw, "The Bandit", 308.
- 44 Shaw, "The Bandit", 329.
- 45 Shaw, "The Bandit", 323.
- ⁴⁶ Shaw, "The Bandit", 323.
- ⁴⁷ Shaw, "The Bandit", 324.

- ⁴⁸ Shaw, "The Bandit", 304.
- ⁴⁹ Grünewald, *Bandits*, 39.
- 50 Shaw, "The Bandit", 328.
- ⁵¹ Shaw, "The Bandit", 303.
- 52 Shaw, "The Bandit", 324.
- 53 Shaw, "The Bandit", 324.
- ⁵⁴ Hopwood, *Crime*, 188-189.
- 55 Hopwood, Crime, 189.
- ⁵⁶ Hopwood, Crime, 196.
- ⁵⁷ Shaw, "The Bandit", 319.
- ⁵⁸ Grünewald, *Bandits*, 22.
- ⁵⁹ Shaw, "The Bandit", 314.
- 60 Shaw, "The Bandit", 316.
- 61 Shaw, "The Bandit", 315.
- 62 Shaw, "The Bandit", 339.
- 63 Shaw, "The Bandit", 340.
- 64 Shaw, "The Bandit", 339.
- 65 Shaw, "The Bandit", 316.
- 66 Grünewald, Bandits, 72.
- ⁶⁷ Grünewald, *Bandits*, 89.
- 68 Grünewald, Bandits, 73.
- ⁶⁹ Shaw, "The Bandit", 307.
- ⁷⁰ Grünewald, *Bandits*, 89.
- ⁷¹ Grünewald, *Bandits*, 86.
- ⁷² Grünewald, *Bandits*, 79.
- ⁷³ Grünewald, *Bandits*, 79.
- ⁷⁴ Grünewald, *Bandits*, 5.
- ⁷⁵ Shaw, "The Bandit", 329-330.
- ⁷⁶ Grünewald, *Bandits*, 7.
- ⁷⁷ Shaw, "The Bandit", 332.
- ⁷⁸ Grünewald, *Bandits*, 6.
- 79 Shaw, "The Bandit", 334.
- 80 Grünewald, Bandits, 35.
- 81 Grünewald, Bandits, 38.
- 82 Grünewald, Bandits, 55.
- 83 Grünewald, Bandits, 48.
- 84 Grünewald, Bandits, 55.
- 85 Grünewald, Bandits, 136.

- 86 Shaw, "The Bandit", 366.
- 87 Grünewald, Bandits, 111-112.
- 88 Grünewald, Bandits, 118.
- 89 Grünewald, Bandits, 121.
- 90 Grünewald, Bandits, 9.
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- ¹⁰³ Sallust, *The Jugurthine War*, 58.
- ¹⁰⁴ Sallust, *The Jugurthine War*, 59.
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- 107 Sallust, The Jugurthine War, 111.
- ¹⁰⁸ Sallust, *The Jugurthine War*, 55.
- ¹⁰⁹ Sallust, The Jugurthine War, 54.
- ¹¹⁰ Sallust, *The Jugurthine War*, 55.
- ¹¹¹ Sallust, The Jugurthine War, 136-137.
- ¹¹² Sallust, *The Jugurthine War*, 54.
- ¹¹³ Sallust, *The Jugurthine War*, 54.
- ¹¹⁴ Sallust, *The Jugurthine War*, 55.
- ¹¹⁵ Sallust, *The Jugurthine War*, 138.
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- ¹²⁰ Sallust, *The Jugurthine War*, 67.
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