

## The Roman Way of Declaring War

Source: Livy I.32. From: William Stearns Davis, ed., *Readings in Ancient History: Illustrative Extracts from the Sources*, 2 Vols. (Boston: Allyn and Bacon, 1912-13), Vol. II: Rome and the West, pp. 7-9. Dion. Hal. *RA* 6.95, 9.59. Translated by Earnest Cary. In *The Roman Antiquities of Dionysius of Halicarnassus*. Loeb classical library. Cambridge, Mass: Harvard University Press, 1937.

### Livy I.32

*It was highly needful to observe all the necessary formalities in beginning hostilities; otherwise the angry gods would turn their favor to the enemy. Ancus Marcius, the fourth king of Rome, was a man of peace and a soldier; and on the outbreak of a war with the Latins he is said to have instituted the customs which later ages of Romans observed in war.*

Inasmuch as Numa had instituted the religious rites for days of peace, Ancus Marcius desired that the ceremonies relating to war might be transmitted by himself to future ages. Accordingly he borrowed from an ancient folk, the Aequicolae, the form which the [Roman] heralds still observe, when they make public demand for restitution. The [Roman] envoy when he comes to the frontier of the offending nation, covers his head with a woolen fillet, and says: Hear, O Jupiter, and hear ye lands \_\_\_\_ [i.e., of such and such a nation], let Justice hear! I am a public messenger of the Roman people. Justly and religiously I come, and let my words bear credit! Then he makes his demands, and follows with a solemn appeal to Jupiter. If I demand unjustly and impiously that these men and goods [in question] be given to me, the herald of the Roman people, then suffer me never to enjoy again my native country!

These words he repeats when he crosses the frontiers; he says them also to the first man he meets [on the way]; again when he passes the gate; again on entering the [foreigners'] market-place, some few words in the formula being changed. If the persons he demands are not surrendered after thirty days, he declares war, thus: Hear, O Jupiter and you too, Juno—Romulus also, and all the celestial, terrestrial, and infernal gods! Give us ear! I call you to witness that this nation \_\_\_\_ is unjust, and has acted contrary to right. And as for us, we will consult thereon with our elders in our homeland, as to how we may obtain our rights.

After that the envoy returns to Rome to report, and the king was wont at once to consult with the Senators in some such words as these, Concerning such quarrels as to which the *pater patratus*<sup>1</sup> of the Roman people has conferred with the *pater patratus* of the \_\_\_\_ people, and with that people themselves, touching what they ought to have surrendered or done and which things they have not surrendered nor done [as they ought]; speak forth, he said to the senator first questioned, what think you? Then the other said, I think that [our rights]

should be demanded by a just and properly declared war, and for that I give my consent and vote. Next the others were asked in order, and when the majority of those present had reached an agreement, the war was resolved upon.

It was customary for the *fetialis*<sup>2</sup> to carry in his hand a javelin pointed with steel, or burnt at the end and dipped in blood. This he took to the confines of the enemy's country, and in the presence of at least three persons of adult years, he spoke thus: Forasmuch as the state of the \_\_\_\_ has offended against the Roman People, the Quirites; and forasmuch as the Roman People the Quirites have ordered that there should be war with \_\_\_\_ and the Senate of the Roman People has duly voted that war should be made upon the enemy \_\_\_\_ : I, acting for the Roman People, declare and make actual war upon the enemy!

So saying he flung the spear within the hostile confines. After this manner restitution was at that time demanded from the Latins [by Ancus Marcius] and war proclaimed; and the usage then established was adopted by posterity.

### Dionysius of Halicarnassus: *RA* 6.95, 9.59

*After a Latin rebellion was defeated at Lake Regillus (499 BCE), in 493 S. Cassius Vecellinus established a defensive military treaty of alliance between Rome and the other Latin cities. This treaty helped protect all parties against the Aequi and Volsci.*

At the same time,<sup>3</sup> a new treaty of peace and friendship was made with all the Latin cities, and confirmed by oaths, inasmuch as they had not attempted to create any disturbance during the sedition, had openly rejoiced at the return of the populace, and seemed to have been prompt in assisting the Romans against those who had revolted from them.

The provisions of the treaty were as follows: "Let there be peace between the Romans and all the Latin cities as long as the heavens and the earth shall remain where they are. Let them neither make war upon another themselves nor bring in foreign enemies nor grant a safe passage to those who shall make war upon either. Let them assist one another, when warred upon, with all their forces, and let each have an equal share of the spoils and booty taken in their common wars. Let suits relating to private contracts be determined within ten days, and in the nation where the contract was made. And let it not be permitted to add anything to, or take anything away

<sup>1</sup> The head of the Roman heralds.

<sup>2</sup> *Fetiales* were a college of Roman priests who acted as the guardians of the public faith. It was their province, when any dispute arose with a foreign state, to demand satisfaction, to determine the circumstances

under which hostilities might be commenced, to perform the various religious rites attendant on the solemn declaration of war, and to preside at the formal ratification of peace.

<sup>3</sup> 493 BCE ; cf. Livy II.33.4.

from these treaties except by the consent both of the Romans and of all the Latins.”

This was the treaty entered into by the Romans and the Latins and confirmed by their oaths sworn over the sacrificial victims. The senate also voted to offer sacrifices to the gods in thanksgiving for their reconciliation with the populace, and added one day to the Latin festival,<sup>4</sup> as it was called, which previously had been celebrated for two days. The first day had been set apart as holy by Tarquinius when he conquered the Tyrrhenians; the second the people added after they had freed the commonwealth by the expulsion of the kings; and to these the third was now added because of the return of the seceders. The superintendence and oversight of the sacrifices and games performed during this festival was committed to the tribunes' assistants, who held, as I said, the magistracy now called the aedileship; and they were honored by the senate with a purple robe, an ivory chair, and the other insignia that the kings had had....

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Meanwhile <sup>5</sup> both consuls took the field, Aemilius marching into the country of the Sabines and Fabius into that of the Aequians.<sup>6</sup> Aemilius, though he remained a long time in the

enemy's country, encountered no army ready to fight for it, but ravaged it with impunity; then, when the time for the elections was at hand, he led his forces home. To Fabius the Aequians, even before they were compelled to do so by the destruction of their army or the capture of their walls, sent heralds to sue for a reconciliation and friendship.

The consul, after exacting from them two months' provisions for his army, two tunics for every man and six months' pay, and whatever else was urgently required, concluded a truce with them till they should go to Rome and obtain the terms of peace from the senate. The senate, however, when informed of this, gave Fabius full power to make peace with the Aequians upon such terms as he himself should elect.

After that the two nations by the mediation of the consul made a treaty as follows: the Aequians were to be subject to the Romans while still possessing their cities and lands, and were not to send anything to the Romans except troops, when so ordered, these to be maintained at their own expense. Fabius, having made this treaty, returned home with his army and together with his fellow consul nominated magistrates for the following year.

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<sup>4</sup> Feriae Latinae.

<sup>5</sup> 467 BCE/

<sup>6</sup> Ti. Aemilius and Q. Fabius Vibulanus, consuls 467.