

*Livius Criticus: A Polybian Intertext at AUC 21.18-19*

The Roman senate, in 218 BCE, sent a delegation of some of its most senior members to Carthage to determine whether Hannibal had acted upon his own initiative during the siege of Saguntum. If Hannibal had acted *sua sponte* the delegation demanded his surrender, if with public knowledge, they would formally declare war (Liv. 21.18.1-3; Pol. 3.20.6-7). Upon their arrival in Carthage, the Romans were admitted to the *adirim* (Carthage's major deciding body) and a Carthaginian – unnamed in all surviving sources – answered their demands in a speech, variously presented in direct speech (Livy) or summarily in indirect speech (Polybius). The closeness of these speeches invites speculation as to the relationship between the texts of Livy and Polybius. While the links between Livy and Polybius have long been debated (see, e.g., Tränkle 1977, Walsh 1961 and 1973, Levene 2010 and 2014), I agree with Levene, *contra* Tränkle and (to a lesser extent) Walsh, that Livy used Polybius as a major source throughout books 21-30. Building on Levene (2010 and 2014), I argue that Livy mobilizes a Polybian intertext as a critique on the previous historian, especially his insistence on legalism during the embassy to Carthage.

In recent years, the idea of intertextuality has updated our understanding of historiographical source use, in the manner of modern footnotes or sources. The wide range of inflection and meaning achieved through deploying intertext in Roman historiography has been noted by scholars such as O'Gorman (2009) and Damon (2010). Further, ancient history was widely read in antiquity; an ancient reader of Livy's *Ab urbe condita* would be as familiar with a major earlier historian such as Polybius as Vergil's audience was with *Odyssey*. This raises the

possibility that Livy could criticize and “one-up” Polybius in the same manner that Vergil made his Aeneas a better-than-Odysseus.

The Carthaginian in both authors makes the argument that (1) the treaty with Hasdrubal preventing the Carthaginians from crossing the Ebro is null and void, since it was not approved by the *adirim*, following the Roman precedent of the Treaty of Lutatius in the first Punic war which was not approved by the Roman senate, and (2) Saguntum was not mentioned by name in any treaty that Rome had with Carthage. After this speech that, in Livy, is replete with sarcasm and sophistic argumentation, Fabius offers Carthage a simple choice between peace and war, which he carries in the folds of his toga (21.18.13-14). When the Carthaginians claim that they do not care which Rome offers, Fabius declares that Rome gives Carthage war.

In Polybius, the Carthaginian’s speech and Fabius’ dramatic gesture are separated by a lengthy excursus detailing, nearly *verbatim* and with his own commentary and explications, every treaty between Rome and Carthage since Rome’s founding (3.22-28). Following this digression, Polybius appends his own argumentation about where the actual causes of the war lay, rehearsing Roman counter-arguments based on the same legalistic points used by the Carthaginians (3.29). Polybius then complicates the idea of causality with a discussion of origins, wherein the cause of the war was the attack on Saguntum, but the origin might be held to be Rome’s illegal annexation of Sardinia, in which case Rome would be responsible for the beginning of the war (3.30). After this fine distinction, Polybius discusses the benefits of a thorough study of history (3.31) and argues for the clarity and utility of his own choice of “universal history” (3.32). Only at this point does Polybius return to the scene with the Roman senator dropping war from his toga (3.33).

Livy's own digression after the Carthaginian speech and war declaration is pointed (21.19). Omitting much of Polybius' excursus, Livy states that legalistic argumentation is not fitting to the dignity of the Roman people. Thus, Livy precludes any Roman counter-argument and makes a brief case for the validity of Rome's unstated position. While this is a fairly minor difference at first sight, the comparison of the two accounts underscores Livy's criticism of Polybius' rationale-driven historiography as well as his claims of historical clarity and utility.

### Bibliography

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