

*NEQUAQUAM TANTUM BELLI: NEWS AND POLITICS IN LIVY, BOOK 35.1–8**

Abstract: In the opening chapters of Book 35, Livy raises the possibility of a serious revolt in Spain in 194 BCE, a possibility he proceeds to complicate and, ultimately, to reject. Interwoven with these chapters is a complementary narrative of events in Cisalpine Gaul. While both sequences apprise the reader of Roman magistrates' activities abroad, this is not their primary role. Rather, the opening of Book 35 serves as an object lesson on the process of politics at Rome, as the Senate and individuals within its ranks experience (and exploit) the difficulties of managing conflicts in increasingly distant provinces.

T. J. Luce once suggested that Livy himself found the material for Book 35 'meager and humdrum', and thus it was not the historian's fault that his pentad must draw to a close on a structurally unsatisfying note. Rather, Luce argued, we should see this paucity of material as reflecting the tedium that characterised much of the years 200–193 BCE, at least with regard to affairs in the western Mediterranean. This was by way of explaining why structural patterns, and in particular Livy's placement of important episodes at the beginning, middle, and end of books, appear to break down in Book 35.¹ The distribution of subsequent scholarship has tended to confirm this general judgement: much recent work on Livy treats either the first or the third decade, and it is the early books in particular that attract philological interest.² Those few studies that consider Books 31–45 are

* All dates are BCE unless otherwise noted; references to Livy's text are based upon Briscoe's Teubner edition of Books 31–40 (1991). Audiences at Princeton University, the University of Michigan, and the University of North Carolina, Chapel Hill listened to earlier versions of this paper and made many helpful comments; I especially benefited from discussing Livy's phrasing at 35.1 with Robert Babcock. I would particularly like to thank the anonymous reader for *Histos*, who deserves credit for improving the structure and focus here, and to whom I owe the suggestion that I consider in greater detail the issue of commanders' dispatches.

¹ Luce (1977) 53 ('The truth is that the events of 193–192 did not warrant nearly a book and a half for exposition and that in consequence his interest in the meager and humdrum material often flagged'); cf. 33–38, 47–52. Scafuro (1987) contests this assessment (explicitly at 253), although for different reasons than those adduced here, and concurs with Luce in viewing the initiation of war with Antiochus as the principle story of Book 35. Levene (2010) 1–33 is an essential reassessment of Livy's structural patterns and constraints, with references. For further discussion of this episode from a historical perspective, see Clark (2014) 100–8.

² The bibliography on Livy is immense; rather than recapitulate the standard references here, the reader is directed to D. S. Levene's magisterial 2013 bibliography on Livy,

more likely to focus on Livy's relationship with Polybius than on issues of language, style, and literary representations, although this picture is beginning to change.³ There is in fact much to engage the student of Latin narrative in these later books, where the subject itself is often not the main event (so to speak) and where Livy offers his audience any number of subtle vignettes of the intersection of historiography and politics at Rome.⁴ In this article, we will examine one example, Livy's use in the first eight chapters of Book 35 of what is sometimes referred to as his 'annalistic' material.⁵ We will see him present a pair of small dramas, events with little intrinsic interest that he enlivens by means of their evolving contexts of reception within his text. These episodes resolve a situation created in the beginning of Book 31, aid us in our apprehension of Books 36–40, and, as will be our main concern here, give his audience an object lesson in 'information management'.

Livy's Book 35 opens with a curious précis of events in Spain. One of the praetors in 194, a certain Sex. Digitius, had as his province Hispania Citerior. Digitius faced a rebellion of tribal groups that had supposedly been subdued by the consul Cato in the preceding year, and engaged in 'battles more numerous than worthy of description'. Without incurring even one rout of sufficient interest to merit elaboration, he nevertheless managed to lose half his army. Livy states that all that prevented the outbreak of a major war were the compensatory victories of another praetor, P. Cornelius Scipio Nasica, who campaigned in neighbouring Hispania Ulterior. We learn all this in the first two sentences of Book 35: something terrible has happened in Spain, though nothing that need detain Livy or his audience, and there is no great cause for concern because somewhere nearby, things went well.

With this introduction, the narrative of Book 35 begins on an ambiguous and almost desultory note. In the pages that follow, we will consider why Livy might have chosen to foreground this odd, brief notice. After all, there is nothing obvious about his subject here that can help explain its presence;

where he notes that 'the Fourth and Fifth Decades are far less studied than the First and the Third Decades'.

³ For example, a 2009 conference on 'Livy and Intertextuality' (Polleichtner (2010)) featured four papers with their primary referents in Books 21–30, one in Book 36, one in Book 38, and one which while ranging more widely (as indeed all of the published papers do to some extent) focuses upon examples from the first decade.

⁴ Pausch (2011) offers an important study of the ways in which Livy cultivates the relationship between his readers and the text, with a particular focus on the historiographic culture of the late first century BCE.

⁵ E.g. Briscoe (1981) 146; the classic treatment is Nissen (1863). Luce (1977) refers to these writers simply as Livy's 'Roman sources,' since his chief concern is to distinguish them from Polybius. For a recent reassessment of Livy's relationship to his predecessors (with a particular focus on the first seven books), see Ridley (2013) with references.

Digitius was a strikingly minor figure on the Roman political scene, and while he reappears as a legate or lieutenant in a trio of separate circumstances over the next twenty years, he is never again the subject of Livy's narrative (or, indeed, even of an active verb).⁶ Similarly, we cannot ascribe to Livy any enduring fascination with the Spanish theatre, even leaving aside his judgement that Digitius' engagements were unworthy of description. The Iberian peninsula loomed large in Book 34, but after having recounted Cato's activities in some detail there, Livy's attention will be primarily directed eastward in the books that follow. Thus it is not the man, nor his province, that gives Digitius' campaigns their relevance: it is rather what Livy chooses to do with their reception at Rome.

As we will explore below, in the first eight chapters of Book 35 Livy offers his readers the chance to experience foreign affairs as the Senate did.⁷ The narrative of events in Spain unfolds in the text as it would have at Rome, with rumour and politics playing their part, until careful management by senatorial elders resolved the potential crisis. Interwoven with this debate over affairs in Spain is a parallel narrative of disputed victories in northern Italy, in which the Senate responded to a triumphal request in a complementary manner. We see, in miniature, the issues that the Senate faced in terms of its access to information and the factors that informed its deliberation on military matters, and as readers we share the Senate's evolving awareness of the nature of events. As Philip Hardie recently noted, this

⁶ *RE* 2; Livy 37.4.2: Digitius handles troop transports from Brundisium, as one of three legates under L. Scipio, in 190; 41.22.3: Digitius is one of three ambassadors sent to Perseus in 174; 42.27.8: Digitius is one of three men assigned to purchase grain in southern Italy. Though it is interesting to see Digitius never again acting alone, these assignments suggest a reasonable degree of competence outside of the military sphere. Another Sex. Digitius, perhaps the son of the praetor of 194, served as a military tribune in 171 and had the unfortunate task of reporting his commander's defeats at Rome (Livy 43.11.1).

⁷ Livy's use of an 'internal audience' to shape his readers' reception of events has been well studied, building upon Solodow's 1979 study of Livy's narrative of the Horatii and Curiatii. The Roman Senate here, however, is atypical of the sort of audience that can provide a methodological guide to the reader, as its dominant role is as actor within the text and its construction as audience occurs piecemeal within Livy's intentionally fragmented account of affairs in Spain; there are, for example, no clear terms that point to the Senate's role as viewer or perceiver of events (cf. Solodow (1979) 257–258 and Levene (2006) 94–101, on *spectaculum* and related words). For a broader discussion of some of these issues, with references, see Pausch (2010) 198–202; see also Smith (2010), on Livy's use of speeches (in the first decade) as a venue for evolving political discourse. For our purposes, the key element of much recent work in this area is the importance of reading Livy's work as an integrated text, rather than one from which snippets may be extracted at need; as noted by Levene (2010) 74–75, the form of the ancient book roll will itself have militated against such excerptive reading.

rationing of knowledge is integral to the construction of Livy's text—in parsing rumours, 'the student of Livy is put in the same position as the actors in the Livian narrative, in trying to decide whether what is reported rests on a firm foundation or not'.⁸ In historical terms, those actors may or may not have behaved in a manner comparable to Livy's presentation, but that is a concern for another time. In our case, the relevance of these minor episodes in the western Mediterranean lies in the opportunity they provided Livy for a case study in information management and the reception thereof. This lesson teaches his readers how to read the behaviour of Senate and commanders, as Rome entered into ever more complex relationships around the Mediterranean, and how also to read his text—as a continuous narrative, in which any given chapter cannot be understood in isolation from its larger context within a Book, a pentad, or the work as a whole.

Livy 35.1

Livy's exploration of senatorial strategies unfolds chapter by chapter, line by line, and thus there is no substitute for a similar approach to the text here. Let us begin with the opening of Book 35 (35.1.1–2):

principio anni quo haec gesta sunt Sex. Digitius praetor in Hispania citeriore cum civitatibus iis quae post profectionem M. Catonis permultae rebellaverant crebra magis quam digna dictu proelia fecit, et adeo pleraque adversa ut vix dimidium militum quam quod acceperat successori tradiderit.

In the beginning of the year in which these things happened, Sex. Digitius, the praetor in Hispania Citerior, fought with polities (quite a few) that had returned to war after the departure of M. Cato—battles more numerous than worthy of description, and so many went badly that he passed on to his successor scarcely half as many soldiers as he had received.

This crowded sentence gives us both the first and the last words on the military career of the hapless Digitius, here situated with reference to the Roman negotiations in North Africa that had brought Book 34 to a close. Livy shapes the reception of this brief notice in several ways, not the least of

⁸ Hardie (2012) 230. See also Tsitsiou–Chelidioni (2009); though largely focused on Livy's speeches, she discusses the ways in which Livy can underscore different constructions of historiographic authority by mediating between what his characters, and what his readers, know.

which is the deliberate vagueness of its temporal and spatial contexts, and he delays acknowledging what, precisely, had transpired at the beginning of 194 BCE in Hispania Citerior. The reader first encounters Digitius' opponents, glossed as those groups which had been defeated by Cato in 195 and not otherwise identified in geographic or ethnic terms, but must wait to learn Digitius' relation to them.

Although this is a brief notice, it is no less carefully constructed for that brevity. The opening half of the sentence is dominated by the repetition of the very sounds that make up its first word, as the *pr-*, *c-* and *p-* of *principio* recur with near-alliterative frequency leading up to the decisive *rebellaverant*. The verb is a favourite of Livy's, but it is not found in his historiographic predecessors and is otherwise uncommon. Caesar, Cicero, and Nepos prefer to use *descisco* for its connotations of a greater separation from established control, just as Livy too will use *descisco* at times when an explicit breach of an established settlement is implied.⁹ The alternative choice of *rebello* here might suggest a more immediate resumption of hostilities following Cato's departure (thus contradicting the impression Livy gives in Book 34 of a thoroughly calmed province). Its combination with *permultae* creates a sense of serious unrest, as an unspecified but significant number of Spanish tribes return to the state of war they had only recently been convinced to leave. This is just a matter of a few words, but it is enough to unsettle the reader who has moved directly from Book 34 to Book 35.

As the reader approaches the verbs which have Digitius as their subject, the uncertainty increases. The shift in focal direction mirrors the aural contrasts between the two halves of the notice, as *ad-*, *qu-* and *di-* repeat in a manner only slightly less marked than the earlier alliteration. In terms of battle descriptions, *crebra magis quam digna dictu proelia* is remarkably uninformative, but just as one accepts that nothing of particular significance had occurred, Livy glosses these battles with the seemingly devastating detail that Digitius had lost half of the soldiers assigned to his command. This assessment is not without ambiguity, however; by presenting the attrition of Digitius' forces in reference to what would then await his successor, rather than providing any substantive elaboration (such as numbers killed, wounded, or captured), Livy has foreshadowed what he will shortly reveal as

⁹ The *OLD* usefully distinguishes the primary definitions of *descisco* ('to defect (from one's allegiance), revolt, desert') and *rebello* ('to rise up against a conqueror, revolt, rebel'), though of course there is inevitable semantic overlap. It is possible that *rebellare* is a Livian coinage; even if not, it is remarkable that he uses in more than fifty instances a verb that was at best uncommon before him. I plan to explore this issue further in another context.

the main issue here, that successor's presentation, at Rome, of a crisis in Spain.¹⁰

In the next sentence, the subject abruptly shifts to the campaigns of another praetor, P. Cornelius Scipio Nasica, in Hispania Ulterior (35.1.3):

nec dubium est quin omnis Hispania sublatura animos fuerat, ni alter praetor P. Cornelius Cn. f. Scipio trans Hiberum multa secunda proelia fecisset, quo terrore non minus quinquaginta oppida ad eum defecerunt.

Doubtless all Spain would have been inspired to rebel, if the other praetor, P. Cornelius Scipio (Nasica), son of Gnaeus, had not engaged in many favourable battles across the Ebro, from the fear of which no less than fifty settlements went over to him.

Sublatura animos is an interesting choice of phrase in this context. The expression is rare in prose, although Plautus, Terence, and Lucilius all use *tollere animos* to denote excitement or elevation.¹¹ The effect here is elevating in another sense, a curious note in these otherwise spare lines. In marked contrast to the description of Digitius' activities, here we do find geographic and strategic specifics, explicitly framed to assuage the reader's concerns. The counterfactual introduced by *nec dubium* ensures that Nasica's campaigns are received as victorious even before Livy echoes Digitius' *crebra ... proelia fecit* with a rather more positive *multa secunda proelia fecisset*. But despite his greater success and name-recognition, Nasica is identified in relation to Digitius, as the *alter praetor*, and as (probably) crossing into Digitius' province by traversing the Ebro.¹² We might also see a further slight parallel in the accounting with which Livy concludes both notices, Nasica's fifty *oppida* balancing Digitius' half-army lost.

There is still very little information here about the Spanish campaigns, but Livy has not finished yet. In the remaining sentences of 35.1, he describes in striking if compressed detail the victories won by Scipio during

¹⁰ Briscoe (1981) ad loc. would cast the whole notice in terms of its relevance for Digitius' successor, based on Livy's characterisation of the temporal context as *principio anni*—which rightfully ought to refer to 193. At the moment of first reading, this probably would not impose too greatly upon the reader's evolving understanding of events.

¹¹ See *OLD*, s.v. 'tollo', 9b, with further examples.

¹² The lines demarcating the boundary between Hispania Citerior and Hispania Ulterior were notoriously vague; on the organisation of these provinces, with references, see now Potter (2012), with Brennan (2000) 154–169; cf. Vervaet and Ñaco del Hoyo (2007) 33–36; Hoffman-Salz (2011) 35.

the following year. The reader learns quickly whom Scipio fought (the Lusitanians), how he encountered them (they had entered his province to plunder, and were returning home successful), when they fought (from the third to the eighth hour of the day), why the battle transpired as it did (although outmatched, the Romans were better rested, and when they had fought the Lusitanians to a draw, the praetor vowed games to Jupiter and routed the enemy), what resulted (casualties inflicted and incurred, standards captured), and what happened next (the praetor led his spoil-laden troops to the nearby town of Ilipa, where he returned much of the booty to its original owners and distributed the rest to his soldiers).¹³ Livy's crisp, detailed prose in this section is a model of clarity. Indeed, it seems intended to put the reader in mind of the sort of notice a commander might well send to the Senate, and which a Roman audience could expect to hear read aloud from the Rostra¹⁴—all the pertinent details are present, but the rhetorical elaboration is minimal, the syntax unexceptional, and the drama subdued, yet communicated nonetheless.

But, of course, this passage is not what a commander sent home in the year 194, since Nasica's defeat of the Lusitanians occurred in the following campaigning season. In Livy's narrative, the scant notices of loss and success of 35.1–3 are all that apply to the earlier year. The inclusion of Nasica's later victory perhaps allowed Livy to postpone returning to the Spanish theatre, and to highlight Nasica's victory a few chapters before describing his controversial failure to be elected consul upon his return to Rome.¹⁵ More importantly for our subject here, however, this more detailed narrative

¹³ Livy 35.1.3–12: *praetor haec gesserat Scipio: idem pro praetore Lusitanos pervastata ulteriore provincia cum ingenti praeda domum redeuntes in ipso itinere adgressus ab hora tertia diei ad octavam incerto eventu pugnavit, numero militum impar, superior aliis; nam et acie frequenti armatis adversus longum et impeditum turba pecorum agmen et recenti milite adversus fessos longo itinere concurrerat. tertia namque vigilia exierant hostes; huic nocturno itineri tres diurnae horae accesserant, nec ulla quiete data laborem viae proelium exceperat. itaque principio pugnae vigoris aliquid in corporibus animisque fuit, et turbaverant primo Romanos; deinde aequata paulisper pugna est. in hoc discrimine ludos Iovi, si fudisset cecidissetque hostes, praetor vovit. tandem gradum acrius intulere Romani cessitque Lusitanus, deinde prorsus terga dedit; et cum institissent fugientibus victores, ad duodecim milia hostium sunt caesa, capti quingenti quadraginta, omnes ferme equites, et signa militaria capta centum triginta quattuor; de exercitu Romano septuaginta et tres amissi. pugnatum haud procul Ilipa urbe est: eo victorem opulentum praeda exercitum P. Cornelius reduxit. ea omnis ante urbem exposita est potestasque dominis suas res cognoscendi facta est; cetera vendenda quaestori data; quod inde refectum est, militi divisum.*

¹⁴ On the importance of numerical figures in (specifically) triumphal notices, see Östenberg (2009) 40, 59–60, 72; her analysis may be extended to the dispatches that preceded senatorial decisions on thanksgivings and triumphs.

¹⁵ Scafuro (1987) 265–266 discusses Livy's placement of Nasica's initial failure and subsequent election 'within a larger frame of Corneli's failures and successes' (266).

establishes a clear contrast between styles of information: we see easily how much Livy could tell us about a battle, should he have deemed it *digna dictu*. This further reinforces the notion that it was not lack of interest, precisely, that led Livy to give so little attention to Digitius' tenure of his province, and we are thus led back to the question with which we began. Why did Livy begin Book 35 in the manner that he did?

Livy 35.2

The answer, as we begin to understand in the next section, lies in Rome. Livy continues (35.2.1–2):

nondum ab Roma profectus erat C. Flaminius praetor cum haec in Hispania gerebantur. itaque adversae quam secundae res per ipsum amicosque eius magis sermonibus celebrantur.

C. Flaminius (as praetor) had not yet set forth from Rome when these things were happening in Spain. Consequently the reverses, rather than favourable events, were being repeated by him and his friends in their conversations.

The key word in these lines is *itaque*: it is *because* Flaminius has not yet departed for his province that he and his friends are concerned to represent the situation there in negative terms. That is, Flaminius is ambitious—eager to achieve military renown through the resolution of this putative crisis in Spain, and thus less interested in having that crisis mitigated by others.¹⁶ His *amici* collude, suggesting that whatever the strategic realities that obtained in this situation, private considerations were also active. The implication of the phrase *sermonibus celebrantur* is that Digitius' battles, for all Livy did not regard them as *digna dictu*, were subject to elaboration, discussion, and repetition in Rome.

The motive behind all this talk is made clear in the following sentences, as Livy moves from the more casual *sermones* of Flaminius' supporters to Flaminius' own proposal to the Senate (35.2.3–5):

et temptaverat, quoniam bellum ingens in provincia exarsisset et exiguas reliquias exercitus ab Sex. Digitio atque eas ipsas plenas

¹⁶ *RE* 3; the characterisation of this Flaminius is undoubtedly coloured by the controversial career of his father, the C. Flaminius defeated and killed at Lake Trasimene in 217. For Livy's development of *pater* Flaminius' characteristics of ambition and haste, see Levene (2010) 133–135; further discussion in Clark (2014) 56–9.

pavoris ac fugae accepturus esset, ut sibi unam ex urbanis legionibus decernerent, ad quam cum militem ab se ipso scriptum ex senatus consulto adiecisset, eligeret ex omni numero sex milia et ducentos pedites, equites trecentos: ea se legione—nam in Sex. Digiti exercitu haud multum spei esse—rem gesturum.

And he tried—since a huge war had flared up in the province and he would be taking over scant remains of an army from Sex. Digitius, and those full of fear and flight—to get the Senate to decree him one of the urban legions, and when he had added to it the soldiery enrolled by senatorial order, he would choose from the whole number six thousand, two hundred infantry and three hundred cavalry: with this legion (for there was hardly much hope in Digitius' army) he would carry on.

There are two justifications for Flaminius' request, at least according to Livy's paraphrase: the *ingens bellum* that has engulfed his province, and the numerical and psychological damage incurred by the army he would be expected to command. But Livy has given us cause to greet both claims with scepticism, as we have already heard that the timely victories of Scipio Nasica prevented the escalation of hostilities, and Livy's initial framing of Digitius' casualties with reference to his successor now, in hindsight, casts the independence of that report under suspicion. Because Livy had earlier implied that this conflict was the opposite of a 'huge war', Flaminius' indirect discourse seems doubly unconvincing.

The praetor thus appears to exaggerate the danger, in order to set the stage for his own anticipated glory. Flaminius, in this characterisation, might even be said to go too far in his lyrical exaggerations; after all, a *bellum ingens* is how Jupiter characterises Aeneas' war for Italy in his prophecy in Book 1 of the *Aeneid*, and Livy had used the phrase *ingens bellum* to describe an earlier conflict in Spain in Book 33.¹⁷ In that context, an uprising in 196 had claimed the life of the propraetor C. Sempronius Tuditanus, and occasioned the assignment of Cato and his consular army to the province in the following year. Flaminius' elevation of the current situation to such a level cannot but raise eyebrows, following as it does so closely upon the vignette

¹⁷ Verg. *Aen.* 1.263; Livy 33.44.5. On a similar scale, Livy has the consul P. Sulpicius Galba describe the coming war with Philip V as an *ingens bellum* in his speech to persuade the Centuriate Assembly to authorise war in 200 BCE (31.7.2). That the phrase was 'marked' for Livy is suggested by its usage—in Packard's invaluable concordance, we find *ingens bellum* three times, and *bellum ingens* five times, but neither the phrase in any other form (thus never *bello ingenti*, for example) nor its wording even disturbed by *-que*.

of his friends' interested speech. Moreover, the phrase *plenas pavoris ac fugae* is an oddly mannered diagnosis for the reader to evaluate, since we know so little of what Digitius' forces encountered in Spain—either Flaminius knows more than we do, or he is willing to do more with the little that he knows.

The reader's scepticism would seem to be rewarded when the *seniores* of the Senate offer Flaminius a rather stern response. The flamboyant phrasing that marked the lines Livy associated with the praetor evaporates in the polished discourse that meets his request (35.2.6–7):

seniores negare ad rumores a privatis temere in gratiam magistratuum confictos senatus consulta facienda esse: nisi quod aut praetores ex provinciis scriberent aut legati renuntiarent, nihil ratum haberi debere. Si tumultus in Hispania esset, placare tumultuarios milites extra Italiam scribi a praetore. Mens ea senatus fuit ut in Hispania tumultuarii milites legerentur.

The elders denied that senatorial decisions should be made based on rumors rashly put together by private citizens to please the magistrates: nothing ought to be considered valid unless the praetors wrote it from the provinces or legates reported it. If there were a *tumultus* in Spain, it pleased that emergency soldiers be raised outside of Italy by the praetor. It was the Senate's thinking that they would be levied in Spain.

Thus the proper basis for senatorial decisions on military matters is made explicit, defined as dispatches from praetors in their provinces or the reports of legates, in the absence of which the Senate would assume that the *rumores* were the product of private citizens attempting to curry favour with Flaminius.¹⁸ Moreover, these simple lines effectively distance any danger from Rome itself. The *si*-clause communicates the Senate's doubt, while the repeated geographical markers (*extra Italiam*, *in Hispania* specified twice) suggest that Italy itself would not be affected. Livy's use of *tumultus* and repetition of *tumultuarius* brings a note of sobriety to the debate, in counterpoint to Flaminius' more exaggerated language in the preceding sentences—a *tumultus* was a specific category of military emergency for which procedures and precedents were well understood, and the calmly formal tone with which the possibility is mooted here reasserts senatorial control over any measures under contemplation.

¹⁸ Thus, in historical terms, Eilers (2009) 9–13, emphasising senatorial preference for making decisions with the key parties present at Rome; Eckstein (1987) xix discusses the role of individuals and memory in the use of legates' reports.

This compressed rebuttal further suggests that, within this temporal world of Livy's making, Digitius (and perhaps Nasica as well, given the plural *praetores*) had not yet written to the Senate from Spain, or at least had not communicated in sufficient detail to resolve the question of whether or not a state of emergency existed. The Senate chose to reject rumours in the absence of such official dispatches, but in so doing it artificially constrained the informational parameters within which it would act; after all, it would not have been surprising if reasonably accurate rumours could reach Rome in advance of formal letters. The implication is that such constraints were accepted deliberately: whatever the failings of the Senate's various options, what mattered was the consistency and justifiability of the criteria for constructing its working reality. On the other hand, Livy does not present his Senate as wilfully dismissing a potentially dangerous situation. Instead, we find a compromise wherein Flaminius might have his troops—if indeed he should have any need of them. And according to Valerius Antias, Livy says in the sentence that follows, he was able to levy the forces he desired—although not quite in the manner suggested by the Senate.¹⁹

That Livy may have found his details in Antias' account does not change the impact of this episode in his own text.²⁰ We have been given the opportunity to reason as the Senate would have done—confronted by an initially alarming, potentially contradictory, terminally vague note about Hispania Citerior at the beginning of Book 35, we were then made aware of the motives that informed the presentation of that update. We also saw it contrasted with an ideal-type of a commander's dispatch, reminding us of the differences within the Senate's potential sources of information. Readers who shared the prudence and experience of senatorial *seniores* then proceeded to reserve judgement concerning what might or might not be happening in far-away Spain, and to authorise a response that would be minimally disruptive within Italy and which distanced the Senate from the intrigues of *amici* and *privati*. Readers who favoured Flaminius and his friends might wring their hands at the Senate's caution—after all, 'the critical moments of warfare did not await the delays and deferrals of commanders',

¹⁹ Livy 35.2.8–9: *Valerius Antias et in Siciliam navigasse dilectus causa C. Flaminius scribit, et ex Sicilia Hispaniam petentem tempestate in Africam delatum, vagos milites de exercitu P. Africani sacramento rogasse; his duarum provinciarum dilectibus tertium in Hispania adiecisse*. The force of *et*, and the details that show Flaminius acting other than in accord with the *mens senatus* that Livy describes, suggests that Antias' emphasis differed from that of Livy. We could see here a more heroic Flaminius who, in rough parallel with Africanus when the Senate denied him troops during the Second Punic War, used his own initiative to counter political opposition.

²⁰ Rich (2005) 147–55 offers a salutary re-evaluation of Valerius Antias, with particular reference to his reputation for fabrication and exaggeration.

to quote a senatorial debate that was resolved quite differently in Book 31 and which we will discuss below.²¹ But these impetuous readers would be brought up short by the revelation of what had really been going on in His-Hispania Citerior, to which Livy will return at 35.7.2.

Livy 35.3–7.1

In the meantime, the narrative shifts to events in Liguria and Cisalpine Gaul for the year 193. In Liguria, the consul Q. Minucius Thermus busied himself with warring tribes to little effect, and Livy deals efficiently with his activities in the third chapter of Book 35. North of the Po River, the other consul, L. Cornelius Merula, engaged the perennially problematic tribe of the Boii in a campaign that merited two chapters (35.4–5). Livy provides a fairly detailed account of Merula's main battle, elaborating the 'who, what, where, when, how', and in essence creating the same type of set-piece as he had employed for Nasica's victories a few chapters earlier. In a manner directly comparable to that earlier description, though perhaps a bit heavier in its use of military idiom, we learn how the consul encountered the enemy (35.4.1–2), why and when it came to a pitched battle (35.4.3–7), how the troops were deployed (35.5.1–3), how the Romans were victorious (in this case, involving both the consul's quick thinking and the help of his subordinates, 35.5.4–12), and the spoils won and the human costs to both sides—surprisingly high, leading Livy to remark that this was *nec incruenta victoria* (35.5.13–14).²² Just as with Nasica's battle, however, despite a few tense moments there is nothing in the narrative that would suggest imprecision or multivalence to the first-time reader.

The main interest of these events lies not in their commission, but in their aftermath. Both consuls sent letters to Rome, Thermus to propose that his colleague return to Rome in his stead to preside over the coming elections and Merula to report his victory (35.6–7.1). In each case Livy again shows us the Senate at work. Upon receipt and consideration of Thermus' request, senatorial legates went north to speak with Merula directly, and also brought him a copy of Thermus' initial letter. Action was taken and the matter was resolved, if no more swiftly than the messengers could travel. Merula's own letter did not receive quite so expedient a response. As we soon learn, the consul was not the only witness to his victory to write home

²¹ Livy 31.48.10: *non exspectare belli tempora moras et dilationes imperatorum.*

²² The first attestation of *incruentus* occurs in Sallust (*Cat.* 61.7; *Jug.* 92.4), who may have coined the term; while it would become common in historiography (as noted by Briscoe (1981) 152), it might still have seemed striking to Livy's contemporary audience.

from northern Italy. A legate, the estimable M. Claudius Marcellus, had fought under Merula and subsequently undertook to communicate his own account of the battle to Rome. The result was a challenge to the record, and indeed also to the version of events that Livy himself had described in the prior chapter (35.6.8):

de litteris L. Corneli, quas scripserat secundum proelium cum Bois factum, disceptatio in senatu fuit, quia privatim plerisque senatoribus legatus M. Claudius scripserat. ...

Concerning the letters of L. Cornelius, which he had written after his favourable battle with the Boii, there was a debate in the Senate, since the legate M. Claudius had written privately to many senators. ...

Marcellus, in these unofficial communications, alleged that the thanks for the victory were due to the Roman people's good fortune and the bravery of the soldiers, and further charged that Merula, as consul, had in fact caused greater casualties and allowed the enemy to escape utter annihilation through his mismanagement of the troops at his disposal. These accusations effectively amount to an alternate account of the battle (albeit a much abbreviated one).²³

At stake here is not only the Senate's ability to assess events in the north, but also the question of authority over information. Merula, as consul, wrote openly to the Senate as a body; Marcellus, as legate, chose to correspond *privatim* with however many senators might be contained within *plerisque*. Livy's phrasing itself puts the consul at a disadvantage, subordinating his letter to the Senate's disagreement and allowing only Marcellus the status of an expressed nominative. Unfortunately, Livy's use of the term *legatus* is not as technical during this period as one might like, and it is possible that Marcellus' position was such that a direct address to the Senate would have been impolitic. The Senate's response to this development is, in any case, a model of avoidance (35.7.1):

²³ As discussed by Pittenger (2008) 185–6, Livy uses the passive voice and a certain temporal indeterminacy at key moments in his main narrative of Merula's battle and thus subtly leaves space for Marcellus' criticisms. I would agree, with the caveat that this narrative positioning is sufficiently subtle so as to be apparent only in hindsight—that is, after the reader encounters Marcellus' letters and rewinds to the preceding battle looking for support.

de ea re nihil temere decerni placuit; ad frequentiores consultatio dilata est.

Concerning this matter it pleased that nothing be decided hastily; deliberation was postponed until more senators were in attendance.

The key detail, expressed in terms that consciously echoed the formal language of senatorial decrees, as well as the Senate's earlier response to Flaminius, is that the Senate will not be rushed—nothing *temere* here. Instead, it turned its attention to sharp loan practices, which were resolved through the combined efforts of the Senate and Assembly.²⁴

The juxtaposition of this episode and Flaminius' adventure in information management is instructive. In the case of the Spanish campaign, Livy's narrative suggests that the Senate had only rumours with which to engage, rumours which private citizens advanced for their own reasons. It elected patience in the absence of formal communication. In this Cisalpine campaign, the issue is rather that there is an excess of communiqués from the province. Again the Senate decided to wait, and instead of a political wrangle between the supporters of the absent letter-writers, Livy shows us an excellent illustration of efficiency and concord in the resolution of a financial issue. We are a scant seven chapters into Book 35, and the repetition of these concerns is unlikely to be accidental.

Conclusions: Livy 35.7.6–35.8

At last, Livy returns us to the Spanish theatre. Near the end of the seventh chapter of Book 35, the threat introduced at 35.1 is conclusively dismissed: *in Hispania nequaquam tantum belli fuit quantum auxerat fama* ('in Spain, there was by no means as much of a war as rumour had magnified', 35.7.6). Flaminius spent most of his time in his winter camp and, like his predecessor Digitius, fought 'some battles, none worthy of record (*nulla memoria digna*), sallies against bandits more than enemies, with varied outcome and not without loss of life.'²⁵ His colleague, M. Fulvius Nobilior, fared better in his military endeavours but received no greater attention in the text (35.7.8).²⁶ What

²⁴ Livy 35.6.2–5; cf. Briscoe (1981) ad loc., with references.

²⁵ Livy 35.7.7: *C. Flaminius in citeriore Hispania oppidum Iluciam in Oretanis cepit, deinde in hibernacula milites deduxit; et per hiemem proelia aliquot nulla memoria digna adversus latronum magis quam hostium excursiones, vario tamen eventu nec sine militum iactura sunt facta.*

²⁶ Later in Book 35, in the context of events of the following year, Livy briefly mentions a successful siege overseen by Flaminius, before turning, in slightly more detail, to the successes of the similarly prorogued Nobilior, who celebrated an ovation when he

Livy's readers have now learned is that their response to Digitius' 'rebel-rebellions' was the product of the manipulation of information. This operated on two levels, as Livy skated the edge of dissimulation in his carefully worded account of Digitius' affairs and Flaminius' activities at Rome, and as his Flaminius stretched the truth during the debate in the Senate. Importantly, however, the senatorial elders were not fooled. Though they had no more data than the reader upon which to base their assessment of the Spanish situation, they elected to set aside rumour in favour of caution. That this was wisdom, rather than ignorance, is here confirmed by Livy's summary dismissal of Flaminius' supposed *ingens bellum*—which was, in fact, *nequaquam tantum belli*.

Thus the story-arc of Digitius' and Flaminius' activities illustrates the difficulties of managing a war in such a distant and poorly understood territory, as Livy allows his audience to experience the flow of news much as the Senate had done—from an initial impression of alarm, through the imposition of reason and the suppression of politicking, to the confirmation that indeed *fama* (or *Fama*) lay behind it all.²⁷ Although historians have read the opening of Book 35 as evidence that a major war flared up as soon as Cato left his province (and thus as evidence that the consul had exaggerated his accomplishments), Livy's purpose in describing Spanish affairs in this period had, in fact, nothing particular to do with Spain.²⁸ He tells us as much—both Digitius and Flaminius did nothing worth discussing. Rather than seeing the historian as reluctantly including material that he had no interest in 'writing up', we should read the curious opening drama of Book 35 as an excursion into politics, and in particular the politics of information management, at Rome.

In the next chapter of Book 35, the dispute over Merula's Gallic victory comes to a parallel resolution. When Merula returned to Rome to oversee

returned to Rome in 191. Spanish campaigning in 192: Livy 35.22.5–8; Oros. 4.20.19 is less complimentary. Nobilior's ovation: Livy 36.21.10–11.

²⁷ For the particular weight of this term in Livy's work, see Hardie (2012) 226–72; the example discussed above does not fully qualify as a '*fama*-episode' by his criteria (248–9), but it bears sufficient resemblance thereto to signal that this sequence of events may be more than the sum of its parts.

²⁸ In variously damning terms, see e.g. Badian (1958) 119, 121; Schlag (1968) 35–36; Scullard (1973) 110; Astin (1978) 28–49; Knapp (1980) 25 n. 16, 46 n. 90; Briscoe (1981) 35–7; Richardson (1986) 85–8, (1996) 54, (2000) at Ap. *Ib.* 41.170; Curchin (1991) 31; Vervaeke and Naco del Hoyo (2007) 46. Burton (2011) 154–5 does not discuss the resumption of war while agreeing that Cato's historiographic influence led to the exaggeration of his accomplishments; cf. Tränkle (1971) 129–30. Livy 35.1.1–4 is the only citation for rebellions upon Cato's departure, since Appian (*Ib.* 42) suggests a hiatus in conflict between 195 and 182.

the elections, he left his cavilling legate in command of his legions. Although he had thus neatly prevented Marcellus from raising his concerns in person, this led to the accusation that Merula had deliberately obstructed the Senate in its efforts to resolve the matter. Livy now recasts Marcellus' private correspondence as letters sent *ad magnam partem senatorum* (35.8.4); the context of this revision, an indirect speech given to Q. Caecilius Metellus, conjures a tableau of senators conscientiously awaiting the opportunity to determine the truth. Moreover, two tribunes of the plebs seem to concur with Metellus' assessment insofar as they threatened to veto any senatorial decision on the matter. Merula ultimately received no official recognition for his victory, because his own actions prevented the Senate and people from achieving confidence in the reliability of his claims.

We are again drawn back to an episode from the beginning of Book 31, mentioned above. In that context, the praetor L. Furius Purpureo had been assigned the province of Cisalpine Gaul. When a significant uprising there took Rome by surprise, the consul C. Aurelius Cotta was directed to address the threat. Cotta's army reached the northern city of Ariminum before him, and the enterprising Purpureo led it to victory in the consul's absence. Speeding back to Rome, Purpureo requested a triumph in a remarkably unorthodox fashion, having neither secured the demobilisation of his forces nor, in fact, the authority under which they might have been regarded as his to command.²⁹ In the Senate, however, Purpureo used his *amici* and his *gratia* to overcome the objections of senatorial elders (those *maiores natu*, and in particular *consulares*³⁰) and to win himself a triumph—the first ever celebrated by a praetor for a land victory. Historical issues aside, for our purposes what matters is the way that Livy has crafted the cases of Flaminius and Merula to correct the Senate's judgement in the earlier case, reasserting the principles by which senatorial decisions were properly made. Senatorial decision-making thus neatly ties together the first and the final book of the pentad, as Livy's Romans readjust to the new world order that followed upon their victory in the Second Punic War and the great social and institutional changes that that conflict precipitated. Luce's chart of structural

²⁹ For a more detailed discussion of this triumphal debate, see Pittenger (2008) 168–80; because parallels with the campaigns of C. Cornelius Cethegus have led many since Münzer (s.v. 'Furius', *RE* 34) to label Purpureo's activities as a 'doublet', this episode has not attracted a great deal of scholarly attention. But see Brennan (2000) 111 and Briscoe (1973) 82–3.

³⁰ Briscoe (1981) at 35.2.6 also connects these two episodes as representations of generational conflict.

patterns in Books 31–5 need not retain its blank space for the beginning of Book 35.³¹

There are further historiographic implications. Livy has told us a story in which there was a victory in northern Italy; as his audience, we experienced Merula's leadership in a difficult engagement, and appreciated his deployments and their success. It was neither the most elaborate nor the most dramatic of military set-pieces, but certainly we were given no reason to doubt the details on a first reading. But now we do, since our impression as readers is at odds with the official verdict at Rome, where in place of any official vote of thanks or other recognition of his success Merula instead became something of a negative example. The differences between the two coexisting narratives may be relatively minor—Marcellus' objections concerned primarily whether the consul deserved credit for the victory, not whether a victory had occurred at all (although he certainly emphasised casualties and missed opportunities in place of spoils and success). The two versions are nevertheless incompatible, and we believed a story that failed to earn the Senate's imprimatur, just as we imagined at the start of Book 35 that there was actually a great rebellion in Hispania Citerior. Each battle, each episode is one piece of the larger story of Rome's military capabilities, its relationship to its neighbours and sometimes enemies, and its dramatic redefinition of its place in the Mediterranean world following the Second Punic War. Crucially, however, it is not 'what really happened' that informs Roman actions in these arenas, but it is rather what the Senate represents, and the Roman people accept, as having happened. And in this example from Book 35, no victory over the Boii would be entered into the ledger of Roman ascendancy north of the Po River.

The stakes are low in this episode from northern Italy, but the issue is more acute in the Spanish case. Reconsidering the opening of Book 35, we can have no doubt that (as readers enacting the role of a contemporary audience at Rome) we were led down a false trail. Whom were we meant to believe? In the present of any given point in the text, we were certainly meant to follow the authority of our narrator, but that narrator seems to demand that we rethink our response as each unfolding scene creates an opportunity for hindsight. Livy has here allowed for multiple realities, some of which expire upon the receipt of new information and others which remain at least within the limits of the possible. He leads us thereby to the congruence of the written and the experiential world: the reader encounters Rome's past within Livy's text just as historical actors encountered that past as their present. Livy has successfully conjoined what we might divide as the historical and the historiographic, illustrating the power—and, at least in

³¹ Luce (1977) 36.

Book 35, the wisdom—of the Senate’s control over information in the realm of military policy and commemorative judgements. At the same time, he reaffirmed the intrinsic fluidity of the past and the inescapable presence of the author, both in navigating its various and shifting channels and in mapping the truest course for those who follow. Here at the close of the pentad that famously (or infamously) begins with his metaphor of a man wading into uncharted depths as the vastness of the past spreads before him, the image is particularly apt.

Florida State University

JESSICA H. CLARK
jhclark@fsu.edu

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