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**WAS CAMILLUS RIGHT?
ROMAN HISTORY AND NARRATOLOGICAL STRATEGY IN LIVY 5.49.2***

INTRODUCTION

This article deals with one particular aspect of Livy's narrative of the Gallic Sack of Rome, told in Book 5, and traditionally placed in 390 B.C.¹ – namely the issue over the validity of the ransom agreement struck by the Romans with the Gauls. The broader context is well known – and needs only brief reiteration here.² When the Gauls march on Rome, the Romans give battle at the river Allia, leading to a resounding Gallic victory. Most of the Romans flee the battlefield and then the city, except for a small group of both old and young, male and female, who hold out on the Capitoline Hill. That hill is subsequently put under siege by the Gauls. Following several months of beleaguerment, both sides are depicted as severely worn out by hunger and fighting. It is important for present purposes to stress that when the Gauls stood at the gates and besieged the city, one of Rome's greatest heroes, Marcus Furius Camillus, was noticeably absent.³ Camillus was in neighbouring Ardea, some fifty miles south of Rome, training an army of Roman soldiers to challenge the Gallic invaders after his recent recall from exile and appointment to the dictatorship. But before Camillus' return to Rome, the besieged Romans surrendered and agreed a ransom with the Gauls in order to liberate their city. The continuation of the story as given in Livy is equally well known. Camillus arrives in the middle of the ransom exchange, asking for the exchange to be stopped. Unsurprisingly, the Gauls are not keen on following Camillus' orders, and insist on the ransom. Consequently, Camillus challenges the agreement between Romans and Gauls on a constitutional basis; the agreement was reached with a lesser magistrate after Camillus' appointment to the dictatorship (5.49.2):

* For exchange on various Livian adventures, including the present one, I owe thanks to Dennis Pausch, and to Michael Crawford. I should also like to thank the editor, Bruce Gibson, for his very helpful input. For Livy's text, the following OCT editions have been used: R.M. Ogilvie (ed.), *Titi Livii Ab Urbe Condita. Tomus I. Libri I-V* (Oxford, 1974); C.F. Walters and R.F. Convey (edd.), *Titi Livii Ab Urbe Condita. Tomus II. Libri VI-X* (Oxford, 1919); J. Briscoe (ed.), *Titi Livii Ab Urbe Condita. Tomus III. Libri XXI-XXV* (Oxford, 2016). The translations are mine.

¹ 390 B.C. is the year given in the so-called Varronian chronology; Polybius gives by contrast the year of the Peace of Antalcidas and the siege of Rhegium by Dionysius of Syracuse, in the (Olympiad) year 387/6 B.C.: 1.6.1-2, with F.W. Walbank, *A Historical Commentary on Polybius*, Vol. 1 (Oxford, 1957) on 1.6.1 (pp. 46-7). A brief summary of the matter (with further bibliography) is in M. Humm, 'From 390 B.C. to Sentinum: political and ideological aspects', in B. Mineo (ed.), *A Companion to Livy* (Chichester, 2015), 342-66, at 362 n. 1.

² The full story is in Livy 5.33-49.7.

³ This article is concerned with the version of events – and the role given to Camillus – in Livy's narrative only. The literature on the episode in general, and on the figure of Camillus in particular, is vast. Recent contributions that discuss Camillus' role during the Gallic attack on Rome include C. Bruun, "What every man in the street used to know": M. Furius Camillus, Italic legends and Roman historiography', in id. (ed.), *The Roman Middle Republic. Politics, Religion, and Historiography, c. 400-133 B.C.* (Rome, 2000), 41-68; J.D. Chaplin, 'Livy's use of *exempla*', in B. Mineo (ed.), *A Companion to Livy* (Chichester, 2015), 102-13; M. Coudry, 'Camille: construction et fluctuations de la figure d'un grand homme', in M. Coudry and T. Späth (edd.), *L'invention des grands hommes de la Rome antique* (Paris, 2001), 47-81; J.F. Gaertner, 'Livy's Camillus and the political discourse of the Late Republic', *JRS* 98 (2008), 27-52; B. Mineo, *Tite-Live et l'histoire de Rome* (Paris, 2006), 222-37; id., 'Camille, *Dux fatalis*', in G. Lachenaud and D. Longrèes (edd.), *Grecs et Romains aux prises avec l'histoire* (Rennes, 2003), 159-75; T. Piel and B. Mineo, *Camille ou le destin de Rome* (Clermont-Ferrand, 2010); T. Späth, 'Erzählt, erfunden: Camillus. Literarische Konstruktion und soziale Normen', in Coudry and Späth (edd.), (this n.), 341-412; J. von Ungern-Sternberg, 'Camillus, ein zweiter Romulus', in Coudry and Späth (edd.), (this n.), 289-97.

Cum illi renitentes pactos dicerent sese, negat eam pactionem ratam esse quae postquam ipse dictator creatus esset iniussu suo ab inferioris iuris magistratu facta esset, denuntiatque Gallis ut se ad proelium expediant.

When they, resisting, said that they had come to an agreement, he [Camillus] denied that an agreement was valid which, after he himself had been made dictator, had been concluded by a magistrate of lower status without his instructions, and he announced to the Gauls that they should prepare themselves for battle.

The constitutional argument has often been repeated by modern scholars. Ogilvie comments that '(t)he dictatorship was held to put all other magistracies into suspension'.⁴ Feldherr notes similarly that '(o)nce Camillus has been appointed dictator, his *imperium* supersedes that of the lesser magistrates who negotiated the surrender'.⁵ And to explain why the Gauls nevertheless entered into negotiations in Camillus' absence, Ross observes that 'the Gauls, of course, could hardly have known either of Camillus' appointment as dictator or of the fact that the dictatorship superseded all other magistracies'.⁶

In purely technical terms, Camillus' argument can be upheld. Going by the evidence for later centuries, for which we have reasonably good evidence for the role and powers of the dictator (otherwise than for the fourth century B.C.), the dictator enjoyed political supremacy, even if in practice the magistrates in office at the point of the dictator's appointment continued with their term of office.⁷ In Livy's own days, moreover, the dictatorship was revived in what Lintott has termed 'a stronger and more authoritarian form', no doubt influencing Livy's take on Camillus' powers:⁸ elsewhere – in Book 6 – Livy preserves a tradition that emphasizes the (supreme) powers of the dictator *vis-à-vis* other magistrates (6.16.3 and 6.38.13). Regarding Camillus' remit as dictator, we are at the same time in a similar situation to that assumed by Ross for the Gauls: we do not have knowledge of the formal dictatorial realm for what is envisaged to have been Camillus' second appointment to the dictatorship (of five in total): Livy merely comments that for the Romans who assembled in ever larger numbers in Veii, 'the time was now ripe to return to their native city and snatch it from the hands of the enemy', but that 'a strong body lacked a head'; for these reasons, they 'resolved to send for Camillus from Ardea, but not till the Senate at Rome had been consulted' (5.46.5-7). Whatever the narratological inconsistencies and the procedural irregularities, the overall context of Camillus' appointment to the dictatorship is that of a state emergency, which fits the military remit that drove many appointments to this office – *rei gerundae causa*.⁹ Viewed with all this in mind, it is entirely possible to conceive of Camillus' powers as including the powers of decision over Rome's surrender and ransom, once he was appointed to the dictatorship. It is also important to emphasize that the thrust of the story is to foreground Camillus' *imperium*, through his powers as dictator, and by extension Livy's historiographic authority to re-write Rome's history. Feldherr has consequently argued that '(t)he authority of Livy's representation of the past, his emphatic denial that the

⁴ R.M. Ogilvie, *A Commentary on Livy Books 1-5* (Oxford, 1965), on 49.2 (p. 738).

⁵ A. Feldherr, *Spectacle and Society in Livy's History* (Berkeley, Los Angeles and London, 1998), 81.

⁶ R.I. Ross, *Livy Book V* (Bristol, 1996), on 49.2 (p. 143).

⁷ The idea that a dictatorship entailed the suspension of the existing magistracies (but for the tribunate) is stated in Polyb. 3.87.8 (promising also a fuller discussion later on, which has however not survived); yet, it is not borne out by the evidence for the Romans' political practice.

⁸ A.W. Lintott, *The Constitution of the Roman Republic* (Oxford, 1999), 113, and generally 110-13.

⁹ The standard military remit of appointments to the dictatorship in the early Roman Republic is discussed in G.K. Golden, *Crisis Management During the Roman Republic. The Role of Political Institutions in Emergencies* (Cambridge, 2013), 11-41. Brief discussion of the procedural irregularities in Livy's depiction of Camillus' appointment to the dictatorship is found in Ogilvie (n. 4), on 5.43.6-46 (pp. 727-8).

Romans were ever ransomed, rests on the *imperium* of Camillus itself.¹⁰ But there is also another way of looking at the episode, which opens up a fresh perspective not only on the actual constitutional claim made by Camillus, but also on Livy's historiographical method. For this, the focus needs to be shifted from Camillus to those under siege at Rome. Before doing so, however, two disclaimers are in order.

First, while the present study has repeated recourse to (later) historical events and knowledge, it is not as such concerned with Rome's history. In other words, this article does not deal with what happened in 390 B.C.: in my view, the Livian text is poorly equipped to function as a reliable guide to that period. Instead, my exploration of other relevant historical contexts serves to tease out what a late Republican reader might have made of Livy's narrative: I therefore discuss evidence and knowledge that that late Republican reader might have had. 'At best', this article deals with historical issues in as far as it deals with Roman historiography of the late Republic, but not beyond. Second, this article concentrates, as stated, on the particular issue of the validity of the ransom agreement struck by the Romans with the Gauls that Livy features in his account of the event. For reasons of analytical clarity, I do not deal here with other related issues that press forward when reading Livy's narrative – such as for instance the ambiguous manner in which Livy phrases the Roman surrender that leads to the ransom agreement, implying technically (i.e. legally) wrongly that the Romans chose *between* surrender and ransom.¹¹ Nor do I deal with the broader issue of the underlying question as to whether the Romans bought their freedom with gold rather than iron, including the numerous modern opinions as to whether the Romans did indeed lose their city, surrendered and/or ransomed themselves.¹² The present argument focuses, plainly, on the few words in which Livy narrates Camillus' challenge to the ransom agreement, and the specific constitutional case made by Camillus in doing so. Put differently, the title says it all. In sum, the point of this article is to ask a simple and direct question: was Camillus right? It is time to join the Romans in their wait for the dictator.

WAITING FOR CAMILLUS ...

In his description of the situation at Rome, Livy notes that the army on the Capitol was waiting for Camillus; worn out by hunger, they looked out day after day to see if any relief from the dictator was forthcoming – but it was not. Eventually, therefore, they decided that they could not hold out any longer, but had, as Livy puts it, to surrender or ransom themselves. Livy tells us that the senate consequently met and instructed the tribunes of the soldiers to arrange terms with the Gauls. Thereafter, Quintus Sulpicius met with the Gallic leader, Brennus, to settle the matter. Then follows the narrative of the actual ransom exchange. Livy sketches the despair and ensuing decisions in the following manner (5.48.6-8):¹³

¹⁰ Feldherr (n. 5), 81.

¹¹ In addition to the ambiguity created by Livy's choice of words, the fact that the ransom had not been completely exchanged by the time of Camillus' arrival has also been regarded as evidence that the surrender (!) was not complete. Thus, J.P. Davies, *Rome's Religious History: Livy, Tacitus and Ammianus on their Gods* (Cambridge, 2004), 115 writes that 'the dictator "happened to arrive", and duly intervened' at the point at which 'the remaining Romans are *about to capitulate* to the Gauls and ransom the city' (my emphasis); similarly also Golden (n. 9), 21.

¹² I analyse the legal dimensions of the Roman surrender and ransom, as well as Livy's (deliberately) ambiguous narrative in a forthcoming monograph: U. Roth, *Saving libertas: Livy, the Gallic Sack of Rome, and the Shape of Roman History*. See also the contribution in n. 31 below.

¹³ Although Livy uses the verb *paciscor* to refer to the act of agreeing the terms between Romans and Gauls, which in other contexts has contractual overtones (see H. Cornwell, *Pax and the Politics of Peace. Republic to Principate* [Oxford, 2017], 15-23), he conspicuously avoids the use of words that would *clearly* identify the agreement as a contract, such as most notably *foedus*. This avoidance makes good sense in the

... interim Capitolinus exercitus, stationibus uigiliisque fessus, superatis tamen humanis omnibus malis cum famem unam natura uinci non sineret, diem de die prospectans ecquod auxilium ab dictatore appareret, postremo spe quoque iam non solum cibo deficiente et cum stationes procederent prope obruentibus infirmum corpus armis, uel dedi uel redimi se quacumque pactione possent iussit, iactantibus non obscure Gallis haud magna mercede se adduci posse ut obsidionem relinquunt. Tum senatus habitus tribunisque militum negotium datum ut paciscerentur. Inde inter Q. Sulpicium tribunum militum et Brennum regulum Gallorum conloquio transacta res est, et mille pondo auri pretium populi gentibus mox imperaturi factum.

Meanwhile the army on the Capitol was worn out with sentry duty and mounting guard; and though they had overcome all human ills, yet there was one, hunger, which nature would not suffer to be overcome. Day after day they looked out to see if any relief from the dictator was at hand; but at last when even hope, as well as food, began to fail them, and their weapons almost overwhelmed their weak bodies as they set out on sentry duty, they declared that they must either surrender or ransom themselves, on whatever terms they could make; for the Gauls were indicating very plainly that they could be persuaded to abandon the siege in return for a quite small sum. Then the senate met, and gave the tribunes of the soldiers the job of agreeing the terms. Then, at a meeting between Quintus Sulpicius a tribune of the soldiers and the Gallic chief Brennus, the matter was settled, and a thousand pounds of gold was agreed as the price of a people that was destined presently to rule the nations.

Notwithstanding the many complexities of the short passage, the emphasis on the desperate and prolonged wait of those holding out in Rome highlights the absence of the magistrate in charge – i.e. Camillus the dictator – day after day, *diem de die*. But the hoped for intervention was not forthcoming. It is notable in this context that amid total desperation and panic the Romans on the Capitoline Hill were mindful of due procedure. Thus, despite finding themselves in a situation of despair, the Romans are depicted by Livy as acting in an entirely methodical fashion in their ensuing deliberations with the Gauls. First, following the army's declaration, the chief authority – i.e. the Senate at Rome – is mobilised to authorise negotiations with the Gauls. Then, the military tribunes are given the task of coming to terms with the Gauls, i.e. of negotiating. Finally, Quintus Sulpicius meets with Brennus to agree the deal and the subsequent ransom. This highly disciplined demeanour of those on the Capitoline Hill comes, as stated, on the back of the Romans' active waiting for Camillus: it is only when the situation gets so bad that further waiting for Camillus can no longer be endured and justified that the request is made to initiate negotiations with the Gauls.¹⁴ However odd the Romans' behaviour from a practical perspective,

context of a surrender and ransom, which are not of a contractual nature (in Roman legal thought): see Roth (n. 12), ch. 2.

¹⁴ But this actual adherence to good order in a situation of total despair is then reminiscent of Livy's earlier stress, at 5.46.7, on the observance of due procedure by the Romans in Veii who asked for Camillus' recall from exile: *adeo regebat omnia pudor discriminaque rerum prope perditis rebus seruabant* ('due respect thus controlled everything and they observed proper procedure, although all was almost lost'). And like the earlier act, at Veii, the later adherence to what in the context was due process needs including in the list of pious and virtuous behaviour that the Romans are seen as engaging in following their disastrous defeat at the hands of the Gauls at the Allia – which is widely seen as 'the chief theme' after the battle: T.J. Luce, 'Design and structure in Livy: 5.32-55', *TAPA* 102 (1971), 265-302, esp. 268-71 (and 271 for the quotation); see also S. Oakley, 'Reading Livy's Book 5', in B. Mineo (ed.), *A Companion to Livy* (Chichester, 2015), 230-42, at 236-7; and D.S. Levene, *Religion in Livy* (Leiden, New York and Cologne, 1993), 194-5 and 202. The key actions that signal the return of Roman piety include the decision to hold out on the Capitoline Hill, combined with the rescue of the sacred objects, and their removal from Rome (5.39.10-11); the selfless action of Lucius Albinus, who transports the sacred objects together

it is Camillus' absence that allows the Romans on the Capitoline Hill to engage in deliberations with the Gauls that entail in addition to their own surrender also the surrender of their commonwealth – i.e. Rome.

A historically minded reader – then as now – might well be tempted to regard the Roman military tribunes charged with the negotiations as *tribuni militum consulari potestate*, i.e. as vested with consular powers.¹⁵ One theory about the rationale behind the consular tribunate suggests that this office was created as a result of an ever more complex military situation towards the end of the fifth century B.C. – at least this is what Livy reports in Book 4 (4.7.2).¹⁶ In short, these consular tribunes could be understood as dealing with military emergencies. Seen this way, the Senate's choice of such office-holders to undertake the negotiations with the Gauls makes good sense. But even leaving aside that Livy distances himself from this theory by merely *reporting* in Book 4 what others hold to be the truth – *sunt qui* ..., Livy's narrative has in any case Marcus Furius Camillus appointed to the dictatorship prior to this point, as already stated in the Introduction above. Whatever type of military tribunes we assume the chosen men to have been, i.e. with or without consular powers, by the time Quintus Sulpicius and colleagues enter the Livian stage, Camillus was vested with dictatorial powers: he, not the *tribuni militum*, was in charge. But why, then, does this great Roman hero need to challenge explicitly the constitutional basis for what has been agreed between Romans and Gauls? Why is there a seeming need *to argue*? The idea that the Gauls were ignorant of Camillus' appointment and powers, entertained for instance by Ross and cited earlier, does not solve the riddle: Livy's readers are Romans, not Gauls. The problem is on the Roman side. It is time to contextualise the army's waiting through other episodes in which a decision was made in the absence of the magistrate with the appropriate authority.

A suitable starting point for such a discussion is the issue over the appointment of a dictator in 217 B.C., during the Hannibalic War, and in an emergency situation that is in broad terms comparable to that described by Livy for the events in 390 B.C. In 217 B.C., the Romans were under massive duress, with defeat and disaster following one after another. When, finally, 4000 cavalry under the pro-praetor Gaius Centenius had diverted their path after hearing news of the Battle at Lake Trasimene, they fell into the hands of Hannibal in Umbria. The response to this in Rome was to have recourse to the institution of the dictatorship. In his account of the matter, Livy explicitly reports that the due process for the appointment of the dictator was ignored (22.8.5-6):

Itaque ad remedium iam diu neque desideratum nec adhibitum, dictatorem dicendum, ciuitas confugit; et quia et consul aberat, a quo uno dici posse uidebatur, nec per occupatam armis Punicis Italiam facile erat aut nuntium aut litteras mitti, quod nunquam ante eam diem factum erat, dictatorem populus creauit Q. Fabium Maximum et magistrum equitum M. Minucium Rufum.

with the Vestal Virgins in his cart to Caere (5.40.7-10); the sacrifice of the older consular and triumphal senators, who had chosen to remain (5.39.13-40.1), prepared for the arrival of the Gauls, clad in the insignia of office, and seated in the atria of their homes, awaiting, for all practical purposes, slaughter by the Gauls (5.41.1-9); the performance of a family sacrifice on the Quirinal Hill by Gaius Fabius Dorsuo, endangering his life by crossing the enemy lines (5.46.1-3); the insistence of Marcus Furius Camillus on the proper procedures for his recall as dictator to Rome, however impractical and dangerous (5.46.11); and the continued reverence for the sacred geese, despite the sustained period of hunger (5.47.4). Note that Luce adds to this list also '(t)he reward to Manlius on the Capitol of extra food, despite near-starvation (47.8)': (this n.), 271 (and 274-5 and 277). See also the 'long list' in Oakley (this n.), 236-7 (but note also Oakley's questioning comments on Luce's clear-cut *peripeteia*-argument: 241).

¹⁵ As was the *CQ* reader who suggested discussion of this office.

¹⁶ For detailed discussion of this office, and the source problem, see S.P. Oakley, *A Commentary on Livy, Books VI-X. Volume 1: Introduction and Book VI* (Oxford, 1997), 367-76.

And so the community took refuge in a remedy that had now long been neither needed nor used – the nomination of a dictator. And both because the consul, by whom alone it seemed one could be nominated was absent, and because it was not easy when Italy was controlled by Punic arms to send a courier or a letter to him, the people made Q. Fabius Maximus dictator, and M. Minucius Rufus master of the horse, which had never been done before that day.

The situation in 217 B.C. is at once similar to and different from the particular matter under discussion here for 390 B.C. The constitutional aberration in 217 B.C. affected the actual appointment of the dictator, while the issue over the Roman surrender and ransom agreement in 390 B.C. that are the focus of the present inquiry concerns the powers of the dictator once in office.¹⁷ But structurally, there are important parallels between Quintus Fabius Maximus' appointment to the dictatorship in 217 B.C. and the agreement reached between the Romans and Gauls in 390 B.C. that deserve teasing out.

Thus, Livy reports for 217 B.C. that the standard process was ignored because the consul, who had the required authority to nominate the dictator, was absent from Rome. Consequently, the dictator was elected by the People (*dictatorem populus creavit*). The legal aberration of the decision-making in 217 B.C., as well as the constitutional room for manoeuvre *in practice*, have been highlighted by Pina Polo:¹⁸

What happened in 217 demonstrates the general constitutional flexibility of Republican Rome and also represents an absolutely exceptional case. The appointment of a dictator had to be made by a consul – this is unquestionable – but circumstances forced a change in this process, and the dictator was simply elected directly by the people.

Livy reports that only seven years later, in 210 B.C., the People once again elected a dictator (for the purpose of holding the elections), this time because of the refusal of the consul Marcus Valerius Laevinus to comply with the orders of the Senate (27.5.14-19). Laevinus proposed Marcus Valerius Messalla for the role, but the Senate refused his proposal because Messalla was outside the *ager Romanus*, in Sicily, where he was in charge of the fleet. The Senate therefore requested that Laevinus should put the matter to a vote for the People to decide. Irrespective of the many complexities of the matter, it is clear that the Senate's request for the decision to be made by the People was motivated by the impossibility of adhering to the standard procedure. Pina Polo consequently concludes that '(b)oth episodes make it plain that the appointment of a dictator was an exclusive prerogative of one of the consuls *unless a situation of absolute emergency arose*' (my emphasis).¹⁹

The two episodes are of course distinctly removed in time from both the Gallic Sack and Livy's lifetime; but our source material is not brimming with other suitable examples of issues that arose when a magistrate in charge was absent. That said, we can be reasonably certain that these developments in the 210s were generally known in late Republican Rome. Moreover, Livy's narrative of the Hannibalic War in Book 22 makes an explicit connection between the men appointed in 217 B.C. and the Gallic Sack of Rome. Thus, in a speech put into the mouth of Marcus Minucius Rufus that heavily criticizes the military strategy of Quintus Fabius Maximus, the latter is counter-positioned with Camillus: adopting a focus that directs the readers' attention away from the great shame that the Gallic Sack brought upon Rome, Fabius' passivity is directly

¹⁷ See the reference to Ogilvie in n. 9 above regarding the irregularities in Camillus' appointment to the dictatorship.

¹⁸ F. Pina Polo, *The Consul at Rome. The Civil Functions of the Consuls in the Roman Republic* (Cambridge, 2011), 189.

¹⁹ Pina Polo (n. 18), 189-90.

contrasted with Camillus' forceful resolve and action (22.14.11). In addition to this direct mention of Camillus in Minucius' speech, Chaplin has pointed out broader similarities between the two narratives arising from the speech: the Fabius-Minucius pairing effectively recalls that of Camillus with the other great Roman hero involved in saving the Romans from the Gauls in 390 B.C. – Marcus Manlius Capitolinus; Chaplin concluded that in his critique of Fabius, Minucius 'resembles his villainous predecessors, Romans such as Manlius Capitolinus who arrogantly mis-apply the past'.²⁰ In sum, there exists a clear link between the two events in Livy's text that his contemporary audience would not have missed.

If, then, the actions of army and Senate on the Capitoline Hill in 390 B.C. are seen against the backdrop of events in the 210s, they appear in a different light: the emergency that caused procedural irregularities in 390 B.C. has a (later) historical pedigree. More specifically, seen through the lens of the situation in 217 B.C., the emphasis on the army's desperate looking out for Camillus to appear in Rome provides a new context in which to read the subsequent surrender and ransom agreement: the Romans on the Capitoline Hill are not just waiting for military help; the Romans on the Capitoline Hill are also mindful of due procedure. In 217 B.C., the magistrate who alone possessed the necessary powers for the nomination of the dictator was absent, and it was not possible to communicate easily by letter either. It was precisely his absence that necessitated *and* justified at the same time the diversion from the standard process. Similarly, in 390 B.C., having sent news to Camillus via a courier of his appointment to the dictatorship,²¹ the Romans on the Capitoline Hill looked out for the dictator on a daily basis before they eventually decided to surrender and agree a ransom. If one understands Camillus' remit as dictator to include the powers of decision over Rome's surrender and ransom price – as has been elaborated in the Introduction above – the narrative's emphasis on the long wait contextualises the subsequent actions taken by the army and the Senate as a constitutional emergency measure in the absence of the appropriate authority. But when viewed from this angle, Senate and *populus Romanus* can be perceived as having struck a valid ransom agreement with the Gauls after all. Hence arises the need for Camillus' (counter-)argument.

... AND READING LIVY

The idea that the Romans on the Capitoline Hill struck a valid ransom agreement with the Gauls is, obviously, not the view adopted by Camillus. But the episode in 210 B.C. also helps to contextualise Camillus' subsequent insistence on his greater powers: in 210 B.C., Laevinus attempted to reassert his powers *vis-à-vis* the Senate thrice. First, he refused to put the matter before the People; then he prevented the urban praetor from taking his place in the process; and finally, after the election of Quintus Fulvius Flaccus to the dictatorship, Laevinus refused to appoint Flaccus to the office. It was therefore necessary for the Senate to instruct the other consul to undertake the task of appointing the dictator.²² Laevinus' effort at reasserting his consular powers – without success – provides a parallel for Camillus' insistence on his dictatorial powers. But there is more here than just a (later) historical context that helps to flesh out the kind of action ascribed to Camillus in 390 B.C.

It is important at this point to call attention to the fact that Livy does not actually answer the question as to which version is correct – that of Camillus or that of the Gauls. Instead, Livy

²⁰ J.D. Chaplin, *Livy's Exemplary History* (Oxford, 2000), 115 (with 43-4).

²¹ The news is delivered (in the most cumbersome way from Rome via Veii to Ardea) through the daring act of Pontius Cominus, who passes the enemy lines to return to Veii, whence he came to inform the Senate about the decision of the Romans based in Veii that Camillus should be recalled from exile: 5.46.8-11.

²² Brief discussion, with further bibliography, is found in Pina Polo (n. 18), 189.

merely narrates Camillus' constitutional challenge to the agreement with the Gauls (and the subsequent 'solution' to the problem, on the battlefield – which has, however, nothing to do with the constitutional argument as such); in essence, Livy puts both interpretations of the matter on show, beside one another, a technique known in ancient historiography from Herodotus onwards.²³ In his detailed study of the episode, Feldherr wrote that the Gallic contention that the agreement is binding 'is rendered doubly invalid by Camillus' *imperium*', and that Camillus 'is also "rewriting history" by invalidating in his own voice rival versions of the liberation of Rome'.²⁴ But we do not actually hear Camillus' voice because Camillus does not speak here; the view ascribed to him (quoted fully in the Introduction above) is narrated in the third person, not in direct speech, much like the view ascribed to the Gauls. In short, the two perspectives are narrated by the extradiegetic narrator, and not by any of the actors in the narrative themselves. Moreover, the two contradictory positions on the constitutional validity of the agreement, and by implication on Camillus' powers, are expounded without comment or verdict.

Livy's handling of the episode stands in contrast to how he deals with similar situations elsewhere in the *Ab urbe condita* – which help to throw into relief what is different here. Thus, on other occasions, when reporting differing viewpoints, Livy may give the 'answer', i.e. he may add a comment, often (but not always) in his own (first person) voice – what Pausch has called 'die zweite "Stimme"' (following his identification of the narrator's voice as the 'first voice').²⁵ For instance, in his discussion of the so-called *pax Caudina* – the peace possibly agreed between Romans and Samnites in 321 B.C., following the spectacular entrapment of the Roman army at the Caudine Forks – Livy states unambiguously that the view expressed by Claudius Quadrigarius regarding the procedure through which the agreement was reached was wrong:²⁶ *Itaque non, ut uolgo credunt Claudiusque etiam scribit, foedere pax Caudina sed per sponsionem facta est* ('so the Caudine Peace was not made by means of a treaty, as people in general believe and as Claudius even states, but by a *sponsio*', 9.5.2)²⁷ Similarly, in his account of the appointment of Camillus to the dictatorship, Livy first narrates that once the messenger who brought news of Camillus' nomination to the office to Veii had arrived, Camillus was fetched from Ardea; but he then immediately adds a different version of the developments, stating clearly that the latter version is preferable: ... *sen, quod magis credere libet ...* ('... or rather, as is better to believe ...', 5.46.11). And we have also already seen Livy's distancing from what he reports on the occasion of his discussion of the reasons for the creation of the consular tribunate. In clear contradistinction, no such judgemental or 'preferential' comments are offered regarding the validity of the agreement between Gauls and Romans in 390 B.C.

²³ e.g. Hdt. 5.44-45 (actively also inviting his readers to judge for themselves); and for programmatic statements of reporting what he has been told, and what different people have told him, see 2.123.1 and 7.152.3. For discussion of Herodotus' use of variants, see F.J. Groten, 'Herodotus' use of variant versions', *Phoenix* 17 (1963), 79-87.

²⁴ Feldherr (n. 5), 81.

²⁵ D. Pausch, *Livius und der Leser. Narrative Strukturen in ab urbe condita* (Munich, 2011), 11: 'läßt sich die zweite "Stimme" vereinfacht als diejenige des Autors verstehen, der sich außer in den *praefationes* immer dann – zumeist in der ersten Person Singular – zu Wort meldet, wenn unterschiedliche Überlieferungsvarianten diskutiert werden'; see also pp. 9-12 for discussion of the different voices of narrator and author. The English translation is mine.

²⁶ The broader context of the Roman debacle at the Caudine Forks is that of the so-called second Samnite War, caused by the Roman foundation of the Latin colony of Fregellae in north-western Campania, on the Liris, half-way between Sora and Interamna (as the river flows), in 328 B.C.: see E.T. Salmon, *Samnium and the Samnites* (Cambridge, 1967), 214-54, and 187-94 for discussion of possible treaties involving Rome in the early to mid-fourth century B.C.

²⁷ The polemic against one's historiographic peers and predecessors is a typical feature of ancient historiography: J. Marincola, *Authority and Tradition in Ancient Historiography* (Cambridge, 1997), 218-26.

Livy's narrator enjoys of course regularly the benefit of hindsight. But why, then, does the narrator – or Livy – not say which version is correct? One way of answering this question is to deny the narrator – or Livy – the kind of total knowledge that is characteristic for instance of the Homeric narrator, and that has also been attributed to historians, such as Herodotus.²⁸ In support of this view, Livy's admission, earlier in Book 5, of his own limited knowledge of matters of great antiquity could be adduced (5.21.9): viewed in this manner, Livy simply did not know which constitutional claim was valid. The fictional nature of much that is ascribed to the figure of Camillus – i.e. Livy's evident lack of sound knowledge regarding the events in which Camillus plays a significant role in the *Ab urbe condita* – functions then more broadly to support this view.²⁹ But there is perhaps yet again a more meaningful way of addressing the issue, if further account is taken of recent advances in the historiographic and narratological study of the *Ab urbe condita*.

As Miles has emphasized in his work on Livy's early Rome, the *Ab urbe condita* offers a history that 'perpetuates and interprets the collective memory on which the identity and character of the Roman people depend'.³⁰ And as Feldherr has highlighted in the passage quoted in the Introduction above, there is much at stake for Rome's collective memory in the way the Gallic Sack is ended. Moreover, while Camillus' success on the battlefield against the Gauls clearly functions to liberate Rome from the Gallic invaders, the military achievement does not invalidate or undo the preceding Roman surrender.³¹ If we return with all this in mind to the passage under scrutiny here, it becomes clear that by leaving the issue over the constitutional validity of the Romans' surrender and ransom agreement with the Gauls unresolved, Livy demands that his *readers* decide for themselves. This narratological tactic is clever; through it, Livy includes his readers in the 'decision-making process' of validating one or other version of events: if they adopt the viewpoint implicitly ascribed to the Gauls, they are forced to admit that Rome was surrendered and ransomed; if they opt for Camillus' claim, they help liberate Rome from the Gallic invaders without damage to Rome's juridical being. In other words, it is not Camillus who 'acts to ensure that the Romans will not "live by having been ransomed" (5.49.1)',³² but Livy's readers – if they choose the 'correct' answer regarding Camillus' constitutional claim.³³

²⁸ See I.J.F. de Jong, 'Herodotus', in ead., R. Nünlist, A. Bowie (edd.), *Narrators, Narratees, and Narratives in Ancient Greek Literature* (Leiden, 2004), 101-14; for a critical position, see J. Marincola, 'Herodotus and the poetry of the past', in C. Dewald and J. Marincola (edd.), *The Cambridge Companion to Herodotus* (Cambridge, 2006), 13-28, at 15.

²⁹ The Camillus-legend was first exposed as fictitious by L. de Beaufort, *Dissertation sur l'incertitude des cinq premiers siècles de l'histoire romaine* (Paris, 1866 [1738]), 248-9; Niebuhr subsequently commented on the groundlessness of the Camillus-legend ('ihrer völligen Fabelhaftigkeit'): *Vorträge über römische Geschichte, an der Universität zu Bonn gehalten*, ed. by M. Isler (Berlin, 1846), 386; Mommsen called it 'die verlogenste aller römischen Legenden': *Römisches Strafrecht* (Leipzig, 1899), 1018 n. 2. Camillus is today seen as perhaps the most embellished Roman hero of the age, as for instance by T.J. Cornell, *The Beginnings of Rome. Italy and Rome from the Bronze Age to the Punic Wars (c. 1000-264 BC)* (London and New York, 1995), 317, who described Camillus as 'the most artificially contrived of all Rome's heroes'.

³⁰ G.B. Miles, *Livy: Reconstructing Early Rome* (Ithaca, 1995), 74.

³¹ On the relationship between surrender and ransom, and their constitutional consequences, see generally W. Dahlheim, *Deditio und societas: Untersuchungen zur Entwicklung der römischen Außenpolitik in der Blütezeit der Republik* (Munich, 1965), 7-14 and 53-64. See also n. 12 above.

³² Feldherr (n. 5), 81, referring to Livy 5.49.1: *Sed dique et homines prohibuere redemptos uiuere Romanos*.

³³ In her discussion of the narratees of Herodotus' histories, de Jong suggests for types of passages similar to the one under discussion here that the narratees are 'invited to note the contrast': de Jong (n. 28), 111. Livy's elaboration of the narratees in 5.48.4-8, i.e. the Gallic invaders and the Roman soldiers and survivors, is not detailed enough to allow comment on their expected reaction. My view on the desired reaction of Livy's readers goes on the other hand beyond the noting of contrasts, and towards active decision-making (for contemporary purposes ultimately) outside of the text, elaborated below (with n.

The role of the reader has attracted much intense discussion in recent scholarship on Livy. In his 2011 study of the narrative structures and techniques in the *Ab urbe condita*, Pausch has elaborated with great clarity what he calls ‘the involved reader’ (‘der involvierte Leser’) in a number of episodes.³⁴ In similar vein, Kraus, in her discussion of repetition and empire in the *Ab urbe condita*, roughly one decade earlier, has noted more broadly that ‘(b)eyond perhaps all other genres, history needs its readers’; and, she continued:³⁵

Whether we regard Livy’s *monumentum* as a treasury or a jumbled heap, it demands our attention, insists that we compare, contrast, interpret, and, above all, judge. Only the consensus of readers, following the historian’s clues, can identify a given character or event as good or bad *exemplum*, a subject of imitation or avoidance; the sum total of such identifications establishes the narrative as an authoritative version of the past.

In the passage under discussion, precisely such ‘identification’ is encouraged and in fact demanded of the reader. But what makes our text particularly interesting for analysis of the role of the reader in our understanding of the *Ab urbe condita* is that Livy does not nudge the reader firmly one way or another, i.e. Livy holds back on offering what Kraus calls ‘the historian’s clues’, unlike on other occasions, as noted.³⁶ All the reader gets in the particular context of the constitutional argument is a subtle encouragement to take against the Gauls (also) on this occasion, and, by implication, to side with the view embodied by Camillus. Thus, to reiterate, at the very start of the passage under discussion, the Gauls are said to object vehemently to the request made by Camillus following his interference: *Cum illi renitentes ...* (quoted in full above).³⁷ The Gauls are thereby presented as the internal narratees of Camillus’ request to stop the ransom. At the same time, the external narratee, i.e. Livy’s Roman reader, is thus enticed to question their objection. The narratological emphasis is on the play with the negative identification, i.e. Roman (external) reader versus Gallic (internal) narratee. The episode thus constitutes a good example of the fact that narratees provide, as de Jong has put it, ‘the readers with figures to identify with or distance themselves from’.³⁸ But that is all. Importantly, Livy does *not* have recourse to the same or another narratological device (such as comment provided by the narrator, as already shown) with regard to the actual constitutional argument that follows

37).

³⁴ Pausch (n. 25), 191-250, and *passim*; the English translation is mine.

³⁵ C. Kraus, ‘Repetition and empire in the *Ab urbe condita*’, in P. Knox and C. Foss (edd.), *Style and Tradition. Studies in Honor of Wendell Clausen* (Stuttgart, 1998), 264-83, at 264.

³⁶ On a broader plane, Thucydides’ repeated lack of comments have similarly been interpreted as evidence for the need of involvement on the part of the reader: W.R. Connor, ‘Narrative discourse in Thucydides’, in M.H. Jameson (ed.), *The Greek Historians: Literature and History. Papers presented to A. E. Raubitschek* (Stanford, 1985), 1-17, esp. 11.

³⁷ The preceding passage, in which Camillus actually appears on the set, benefits from stronger narratological devices to arouse the attention of Livy’s reader. Thus, the passage begins with a ‘but’ (*sed*), followed by the contextual information that the expected outcome – i.e. the completion of the ransom payment – will *not* come to fruition; further, Camillus’ arrival is additionally explicitly labelled as an unexpected happening: *forte quadam* (Livy 5.49.1). For discussion of the narratological use of what de Jong has called ‘presentation through negation’ to ‘contradict the narratee’s expectations or create new ones’, including the use of interactional particles (on the example of Herodotus), see de Jong (n. 28), 111. Outside the study of narratology, Livy’s labelling of Camillus’ appearance *forte quadam* has been discussed in the context of the study of religion in the *Ab urbe condita*, because of the providential character that can be attached to *fors*: Ogilvie (n. 4), 737 talks plainly of ‘divine intervention’ (see also his comments on 1.4.4, at p. 48: ‘god-inspired’); further exploration is in Davies (n. 11), 115-6. See also J. Champeaux, ‘*Forté chez Tite-Live*’, *REL* 45 (1967), 363-89, for an exposition of the unexpected (as opposed to accidental) association carried by *fors*.

³⁸ de Jong (n. 28), 6.

Camillus' appearance and request to halt the ransom exchange.³⁹ Furthermore, it is in fact difficult to identify Camillus' interference as a good *exemplum*,⁴⁰ as Livy's reader is reminded on a later occasion. Thus, in Book 9, Livy recalls the event, in his narrative of the above mentioned Roman debacle at the Caudine Forks in 321 B.C., and in the voice of one of the deceived enemies of Rome, who puts Camillus' action in line with other occasions on which Rome is depicted (by them) as having played foul (9.11.6-7):⁴¹

Nunquamne causa defiet cur uicti pacto non stetis? Obsides Porsinnae dedistis; furto eos subduxistis. **Auro ciuitatem a Gallis redemistis; inter accipiendum aurum caesi sunt.** Pacem nobiscum pepigistis ut legiones uobis captas restitueremus; eam pacem inritam facitis. **Et semper aliquam fraudi speciem iuris imponitis.**

Will there never be a reason, when you have been beaten, for you to stand by what you have agreed? You gave hostages to Porsinna – and withdrew them by a trick; **You ransomed your community from the Gauls with gold – and they were cut down as they were receiving the gold.** You pledged us peace, on condition that we gave you back your captured legions – and you nullify the peace. **And always you give fraud some colour of legality.**

As I have shown in the previous part, the decision to surrender and to agree a ransom with the Gauls on the part of those in Rome can be viewed as producing a valid outcome in an emergency situation. Here, in Book 9, the same view resurfaces more sharply by implicitly referring to Camillus' constitutional argument even as fraud, thus raising the bar for the readers' identification with Camillus: *Et semper aliquam fraudi speciem iuris imponitis*. This is not the moment to elaborate on the relationship between the mentioned events.⁴² But the comment in Book 9 serves to corroborate forcefully the constitutional reading of the actions by army and Senate on the Capitoline Hill in 390 B.C. put forward above. Yet, if we accept that the Roman surrender and subsequent ransom agreement with the Gauls can be understood as juridically valid actions, this means that the desire to privilege an interpretation of the text that denies the Roman surrender and ransom through Camillus' intervention is imbued with some considerable tension.

It is of course widely agreed (as already mentioned with particular regard to Livy himself) that later historical knowledge of developments in the early Republic was fragmentary at best, at Rome and beyond.⁴³ It is therefore unsurprising that the Gallic attack on Rome attracted

³⁹ On the use of changing narratological perspectives in the *Ab urbe condita*, see D. Pausch, "Autor, übernehmen Sie" – der Wechsel zwischen den Erzählebenen in der antiken Historiographie', in U.E. Eisen and P. von Möllendorf (edd.), *Über die Grenze. Metalepse in Text- und Bildmedien des Altertums* (Berlin and Boston, 2013), 197-219.

⁴⁰ Camillus' exemplarity has often been emphasized by modern scholars: see, e.g., Coudry (n. 3), 49, who speaks of 'un passé reculé d'actions exemplaires'; Späth (n. 3), 386, who stresses that the ongoing reinvention of the figure of Camillus focuses on *mores* in order to exemplify social norms; or Chaplin (n. 20), 115, who foregrounds Camillus' earlier insistence on due senatorial sanction.

⁴¹ On the function of enemy speeches in Livy that challenge Roman approaches and viewpoints, see Pausch (n. 25), 170-87.

⁴² The episode involving Porsinna belongs to the narrative thicket concerned with Rome's transition from regal to republican rule: Livy 2.10-14.4; brief discussion is in Ogilvie (n. 4), 255. I discuss the relationship between the Gallic Sack and the Caudine Fork disaster, as well as the later (related) Roman debacle at Numantia in 137 B.C., in a forthcoming article: U. Roth, 'Travelling back in time: Numantia, the Caudine Forks, and the (late) making of Marcus Furius Camillus' legal armoury'.

⁴³ The Romans themselves conceptualised the Gallic Sack as a watershed regarding the availability of archival sources for later historians, allegedly because of the destruction of Roman records in the fire that devastated many parts of the city during the Gallic attack. A key exponent of this view is Livy himself, who states plainly at the outset of Book 6 that he will offer a 'clearer and more certain account' of Rome's

numerous different treatments in antiquity; as Williams has put it: '(i)t is apparent from the extant versions that the tradition of the sack was constantly remade, and at any one time circulated in a number of different versions'.⁴⁴ Moreover, the third-century examples discussed above document plainly the fundamental difficulty over reaching clear answers to constitutional questions concerned with the powers associated with particular offices: there was regularly no easy solution to such problems. The struggle over the relationship between the executive and the judicative in reaching crucial decisions for the state that has characterised the political scene of the UK in the period in which this article has been written is a good, if painful illustration of the kinds of challenges involved. But the tension that I have just argued for between the two viewpoints contained in the episode points towards a more particular aspect of the late Republican reception and perception of the event: it is likely, in my view, that this tension is indicative of the fact that the issue over what happened to Rome in 390 B.C. was precisely that – an issue. In that view, the open manner in which Livy presents the constitutional disagreement to his readers in Book 5 (and of which he reminds them in Book 9) is to be understood as a reflection of the diverging views on the matter in his own day – i.e. of the lack of an agreed answer.⁴⁵ The fact that Livy offers in this way 'both' versions to his readers regarding the constitutional fate of Rome in 390 B.C., in place of a single version in which Camillus for instance arrives with his army *before* a Roman surrender, to defeat the Gauls in battle, suggests then furthermore that the 'rival' version in which Rome formally, i.e. legitimately surrendered and subsequently ransomed itself was strong enough in Livy's own day that its outright suppression would not carry persuasion.⁴⁶ I show elsewhere that the constitutional argument as such was a late addition to the figure of Camillus, with a *terminus post quem* of 136 B.C.⁴⁷ But the particular involvement of his readers on the part of Livy in addressing the constitutional challenge only makes sense if the issue had not long been settled, for instance late in the second century B.C., or in the first half of the first century B.C., but that it constituted an acute, and unresolved question in Livy's own days. The fact that Polybius' narrative only featured the version in which Rome pulled the short straw and the Gauls agreed to lift the siege and to liberate Rome on conditions

'civil and military history' from now on than he had been able to in the first five books of the *Ab urbe condita* – because 'of such records as existed in the commentaries of the pontiffs and in other public and private documents, most perished in the conflagration of the city': 6.1.2-3. See also Livy 7.18.1, calculating a date in Rome's history by reckoning from both the foundation of the city by Romulus and the Gallic Sack.

⁴⁴ J.H.C. Williams, *Beyond the Rubicon. Romans and Gauls in Republican Italy* (Oxford, 2001), 142. Our principal sources for the Gallic attack on Rome are, besides Livy, Polybius, Diodorus Siculus, Dionysius of Halicarnassus, and Plutarch. On the chief differences between the strands preserved (and reworked) in these authors, see Gaertner (n. 3). See also the comments and contributions in n. 29 above.

⁴⁵ A similar disagreement can be traced regarding the question over the city's capture or surrender. Livy's narrative foregrounds the city's successful defence (followed by surrender), also highlighted in Polyb. 1.6.2-3 and 2.18.2-3, twice noting that the Capitoline Hill was not taken (but see also Polyb. 2.22.4-5). Tacitus, on the other hand, offers two different versions of the story: in *Hist.* 3.72.1, he prefers the version in which only the (lower) city is taken, whilst in *Ann.* 11.23.7, he has the Gauls also take the Capitoline Hill. The ancient disagreement is mirrored in the modern debate. The notion that the Gauls successfully took the Capitoline Hill has been argued in multiple studies by Otto Skutsch: 'The fall of the Capitol', *JRS* 43 (1953), 77-8; *Studia Enniana* (London, 1968), 138-42; 'The fall of the Capitol again: Tacitus *Ann.* 11.23', *JRS* 68 (1978), 93-4 (with reference to earlier, similar suggestions by other scholars); *The Annals of Q. Ennius* (Oxford, 1985), 408. For the opposing view, see esp. T.J. Cornell, 'The *Annals* of Quintus Ennius', *JRS* 76 (1986), 244-50. For a broader discussion of other key versions and variants as well as the wider context for historiographic disagreements in the period, see Williams (n. 44), 142-50.

⁴⁶ Roman history was more generally characterised in this period by a variety of different, rival approaches. The development of various media through which history was communicated in the late Republic, including opposing methods and perspectives, is discussed in Pausch (n. 25), 24-37.

⁴⁷ See Roth (n. 42).

that were satisfactory to them means on the other hand that we can assume that the story of a Roman surrender and ransom payment gained a wide circulation in the mid to late second, and on into the first century B.C.⁴⁸ But this means that Livy's reader was, consequently, not merely asked to wise up on their constitutional expertise, or to brush up on their historical knowledge, but, in effect, to take sides in a contemporary debate: Livy's reader was asked to judge, as Kraus has put it (quoted above) – i.e. to commit to a view as to whether Camillus was right in an ongoing, *contemporary* debate on Rome's fate in 390 B.C.

As stated, reaching a consensus is seen as the essential condition for the development of an authoritative version of the past. But the passage under discussion here, and the challenge that it poses to Livy's contemporary readers, goes beyond the past, and also beyond the question of memory and remembering *per se*, which have been central to Feldherr's argument about the authority behind Livy's presentation of the past, quoted earlier: an exclusive focus on the past, and on the Romans' historical memory, fails to explain the manner in which Livy challenges his readers over Camillus' constitutional argument. It is notable in this context that Livy's narrative of the above discussed happenings in the Hannibalic War pertaining to Fabius and Minucius also involves both internal and external narratees: Levene has shown that Minucius' speech 'strikes a chord in his listeners (22.14.15)', concluding moreover that 'the overlap with the Romans' sense of their own traditional values suggests that he would strike one in Livy's readers as well'.⁴⁹ At the forefront of the Fabius-Minucius dispute is the question over the best military strategy – whether passive or aggressive: 'the question is to determine the circumstances when it is appropriate to adopt each'; at root, the dispute is over what Levene has called 'traditional and untraditional ways of Roman fighting'.⁵⁰ Livy's narrative thereby actively involves the reader in a matter to do with the proper Roman way of doing things. Both occasions, the Gallic Sack and the Hannibalic War, constitute watershed moments in Rome's history: they are of critical importance for the late Republican Romans' self-understanding, providing in turn occasion for dispute and disagreement. Leaving the Hannibalic War behind, the manner in which Livy presents the constitutional argument put forward by Camillus in 390 B.C. can, as proposed, best be explained if we see in it evidence for a contemporaneous, late Republican discourse that attracted different opinions. This also implies however that any consensus on what happened in 390 B.C. could not have been based solely, or even primarily, on what Kraus has referred to as 'the reader's recognition of familiar story patterns'.⁵¹ Clearly, some story elements were more established than others, some more familiar to Livy's readers than others, but there were also some that lacked a sustained narrative pedigree altogether: Camillus' constitutional argument falls into the latter group.⁵² The consensus on this matter was, then, still to emerge. In historical

⁴⁸ Polyb. 1.6.2-3 and 2.18.2-3 (with n. 45 above). Polybius himself claimed that his history is of universal interest (1.1.5); he moreover postulated that his work is a possession for all time, specifying explicitly future readers (3.4.7-8). Modern scholars see Polybius' audience primarily in Greek readers; but Polybius certainly expected Romans to read his history (too) and, perhaps, to be his most eager audience, given the subject matter of his work: e.g. 6.11.3 and 31.22.8-11. Polybius' late(r) Roman Republican readership is sufficiently documented by Livy's own use of Polybius – intensely discussed for instance for the fourth and fifth (and third) decades in H. Tränkle, *Livius und Polybios* (Basel and Stuttgart, 1977), and more recently specifically for the Hannibalic War narrative (and more) in D.S. Levene, *Livy on the Hannibalic War* (Oxford, 2010), *passim*. For a study of Polybius' narratees (concentrated therefore on the historian's Greek audience), see T. Rood, 'Polybius', in I.J.F. de Jong, R. Nünlist, A. Bowie (edd.), *Narrators, Narratees, and Narratives in Ancient Greek Literature* (Leiden, 2004), 147-64, at 157-60.

⁴⁹ Levene (n. 48), 229.

⁵⁰ Levene (n. 48), 80-1 and 229.

⁵¹ Kraus (n. 35), 264.

⁵² The perspective championed here has broader implications for our appreciation of the role of inherited beliefs in Roman historiography: a recent, short overview of the issues involved is in C. Smith,

terms, we end up with a refined chronological range for the debate on Rome's constitutional fate in 390 B.C. that generated the Camillan challenge of the mid to late first century B.C., including evidently the period of Livy's intense composition of the first few pentads of the *Ab urbe condita*.

CONCLUSION

To sum up. The matter under discussion here serves to illustrate how Livy has exploited a seeming technicality in order to actively involve his readers in his historiographic project: through the use of the extradiegetic narrator who does not provide concluding comment, the juridical stalemate between the Gauls and Camillus regarding the constitutional validity of the Roman surrender and ransom agreement must be addressed *by the readers*, and irrespective of Camillus' martial prowess that decides over the power relationship between Romans and Gauls thereafter. While Camillus orders his own men to liberate the city on the battlefield 'with iron instead of gold' (*Suos ... ferroque non auro recipere patriam iubet*, 5.49.3; cf. Ennius fr. 183-190 Skutsch), Livy challenges his readers to liberate Rome in the calm of their studies through involving them in the kind of juridical decision-making that the Senate dealt with for real for instance in 210 B.C. – a bit like a dry-run. Put differently, Livy's reader was asked to decide whether Rome was liberated in practice by brute force, on the battlefield, or whether Rome was to be seen instead as never having lost its juridical being at the hands of the Gauls in the first place. But by engaging his readers in a decision that falls into the realm of politics in its actual application – i.e. the question over a magistrate's power and authority, as the example of Marcus Valerius Messalla illustrates – and that involved people in a real-life context in their political persona, i.e. as the People, Livy has transformed a seemingly passive activity (that he himself fraudulently claimed to help avert the gaze from contemporary politics: 1 *praef.* 5) into a prime tool for political socialisation. Thus, by reading Livy's narrative of Camillus' interference in the ransom exchange, and by subsequently taking sides in the debate on Camillus' constitutional argument, Livy's readers do not only take part in the making of Rome's history, but they also turn into participants in the actual civic discourse of the day. In brief, Livy offers 'citizenship training' through the study of history.

It is moreover unlikely that this activity was confined to the scholar's closet. It is easy to imagine that Livy's peers engaged in debate on the question of the constitutional validity of Camillus' action upon the publication of the relevant parts of Livy's *Ab urbe condita*. It is equally easy to imagine the debate to have continued also outside the small group of Rome's predominantly male adult elite that I have tacitly privileged in the above considerations, and the 'correct' answer to have been transmitted beyond a narrow literary circle. In his quest for the significance of the people in the political practice of Republican Rome, Wiseman has suggested that Camillus' sudden interference in the ransom exchange points to the performance of this episode on the stage, thus substantially enlarging the potential audience of (at least this episode told in) the *Ab urbe condita*.⁵³ Public recitations offered another space for the wider dissemination of the latest literary endeavours, including the opportunity for exchange and debate, and are

'Introduction', in K. Sandberg and id. (edd.), *Omnium annalium monumenta: Historical Writing and Historical Evidence in Republican Rome* (Leiden, 2018), 1-13, at 7-12.

⁵³ T.P. Wiseman, *Unwritten Rome* (Exeter, 2008), 35. Note, however, that Wiseman's insistence that Camillus' crossing of the enemy lines (to enter Rome) lacks a backdrop in the practice of siege warfare does not hold: U. Roth, 'The Gallic ransom and the Sack of Rome: Livy 5.48.7-8', *Mnemosyne* 71 (2018), 460-84, at 480-3. Note also that the Gallic siege narrative in Livy features two other scenes that involve the crossing of enemy lines: 5.46.1-3 (i.e. the performance of a family sacrifice on the Quirinal Hill by Gaius Fabius Dorsuo), and 5.46.8-11 (i.e. the daring acts of Pontius Cominus who functioned as courier between Rome, Veii and Ardea), with nn. 14 and 21 above. For discussion of the performance character of Livy's narrative and the associated enlargement of his audience, see generally Pausch (n. 25), 38-45.

documented for Rome in the period of the gestation and publication of the *Ab urbe condita*, including by individuals who also wrote history: the public recital of the products of Greek historians are moreover clearly attested, which enticed Dalzell to comment more broadly that ‘history was a genre which lent itself to public recital’.⁵⁴

Similarly important for civic discourse must have been monumental displays, with or without inscriptional information: as Sandberg and colleagues have recently stressed, ‘sources of historical knowledge (or, better, notions about the past) exist in altogether other forms than in the guise of records and written accounts, and even outside the medium of writing itself’.⁵⁵ Most notable, perhaps, in the period of immediate interest here, is the display of the *elogia* of Rome’s great heroes in both the Forum Romanum and the Forum Augustum, which included Camillus.⁵⁶ These monuments offered prime space for the broader dissemination of Camillus’ great deeds, for the lively exchange between viewers of different social pedigrees, and for the instruction of male children by their fathers in the course of one or other customary *ambulatio* – in the latter scenario also enhancing the continued, future transmission of Camillus’ deeds.⁵⁷ That these men and their *elogia* did indeed attract comment is demonstrated not least through their inclusion in the poetry of one of Livy’s contemporaries – Ovid: Ovid imagines Mars visiting ‘his’ new forum, describing in the process the location of the inscriptions below each statue (*Fast.* 5.566: *claraque dispositis acta subesse uiris*; and see generally 5.545-98, with Mars’ visit at 5.545-69).

Moreover, not only its architecture, but also the visual programme of the Forum Augustum was copied elsewhere: numerous towns within and outside of Italy, including Pompeii and Arezzo, Mérida in the west of the Empire, and Aphrodisias in Asia Minor, benefitted from the creation of images or structures that resembled the *Roman* forum of Augustus, or that were at least in active dialogue with it, in some cases even displaying copies of the *elogia*, including word-for-word copies.⁵⁸ Zanker therefore stressed the empire-wide impact of the display.⁵⁹ In short, as

⁵⁴ A. Dalzell, ‘Pollio and the early history of public recitation at Rome’, *Hermathena* 86 (1955), 20-8; with Sen. *Controv.* 4, *praef.* 2. Note also that Suetonius remarks that public recitals could attract large audiences, commenting on the recitals of Ennius’ *Annals* by Quintus Vargunteius: *Gram. et rhet.* 2. For discussion of earlier public recitals of Greek histories, see Dalzell (this n.), 23.

⁵⁵ K. Sandberg, ‘*Monumenta, documenta, memoria*: remembering and imagining the past in late Republican Rome’, in id. and C. Smith (edd.), *Omnium annalium monumenta: Historical Writing and Historical Evidence in Republican Rome* (Leiden, 2018), 351-89, at 352; see also the contributions by S. Bernard, G. Cifani, P.J.E. Davies and K.-J. Hölkeskamp in the volume.

⁵⁶ Camillus was included in the line-up of *summi viri* in both the Forum Romanum and in Augustus’ new forum – the Forum Augustum. The chronological (and other) relationship between the *elogia* in the Forum Augustum and those in the Forum Romanum is debated, but not critical for the present argument. For brief discussion of the chronological aspects (with earlier bibliography), see S. Panciera (ed.), *Iscrizioni greche e latine del Foro Romano e del Palatino. Inventario generale – inediti – revisioni* (Rome, 1996), 100 and 131-9; for an overview of the visual programme of the Forum Augustum, see P. Zanker, *Forum Augustum. Das Bildprogramm* (Tübingen, 1968). Camillus’ *elogium* has survived in part, listing *inter alia* the conquest of Veii, the expulsion of the Etruscans from Sutrium, and the wars against the Aequi and the Volsci: *CIL* I² (Pars 1), VII = *CIL* VI.1308; with A. Degraffi, *Inscriptiones Italiae XIII. 3. Elogia* (Rome, 1937), no. 61 (pp. 38-9); see also Panciera (ed.), (this n.), 102, no. 2.

⁵⁷ The transmission of historical understanding from father to son is encapsulated forcefully in Livy’s own text in the speech put into the mouth of Lucius Lentulus, the *princeps legatorum*, in the narrative concerned with the Roman debacle at the Caudine Forks in 321 B.C. (see above, p. 8), in which Lentulus contends that he has ‘often heard (his) father say that on the Capitol he was the only man who did not urge the senate to ransom the community from the Gauls with gold’, thus also stressing the regularity of the paternal exposition of the past, here precisely of the Gallic Sack: 9.4.8.

⁵⁸ A short summary is in V. Kockel, ‘Forum Augustum’, in E.M. Steinby (ed.), *Lexicon topographicum urbis romae*, Vol. 2 (Rome, 1995), 289-95, at 293. Note however also the careful interpretation of the visual programme of the Sebasteion at Aphrodisias within a Greek myth-history paradigm by R.R.R. Smith, ‘The imperial reliefs from the Sebasteion at Aphrodisias’, *JRS* 77 (1987), 88-138, esp. 93-6 and 135-6.

the example of the *elogia* of Rome's great heroes, displayed in Rome and elsewhere shows, we must assume that Livy's Camillian story fell on fertile ground for discussion, debate and argument in a multitude of fora, material and intellectual.⁶⁰ But by whatever means Livy's narrative of Camillus' constitutional argument entered those fora, the participants in the debate about it not only took part in the making of Rome's history by playing their role in the establishment of a consensus on a past matter, but they also contributed in the process to the actual civic discourse of the day. If this view is accepted, this means that the constitutional issue emerges as a living component of the then current civic debate.⁶¹

What has been suggested above, and in this article throughout, means of course also that Camillus' constitutional argument must in effect have functioned to polarise Livy's contemporary audience, with some preferring to stick to the version displayed for instance in Polybius' history, which saw the Romans defeated without any last-minute rescue, and others accepting the newer variant that denied the surrender and ransom exchange on juridical grounds.⁶² In consequence, the seemingly harmless ancient fairy-tale of Camillus' heroic rescue of Rome would have given rise to active exchange and disagreement on what was in fact a critical political matter. In his comparative study of the Augustan *elogia* and Livy's text, Luce has long noted that there were noticeable discrepancies between the Livian Camillus and the Augustan one; and, he concludes:⁶³

The *elogia* [...] pursue an independent course in the information they provide about the *summi viri*, disagreeing not only with Livy, but on some points with all other sources that survive. The disagreements with Livy, however, are curiously many, especially when we consider that the *elogia* for the most part select for mention the highlights of the careers of famous men: doubly curious given that most *elogia* are very fragmentary and given how brief the few are that survive complete, or nearly complete; triply so, given the fame that Livy's history enjoyed. The suspicion arises that on particular points the *elogia* may have deliberately been making correctives or ripostes to Livy's version of events [...]

Whatever Augustus may have intended with the creation of his forum, dispute among viewers of the *elogia* who knew their Livy was, plainly, predictable. But a similar potential for disagreement was, I have argued, already contained in Livy's own *oeuvre*, by design, regarding Camillus' argument about his powers as dictator. By so doing, Livy channelled – seemingly oddly – attention towards the constitutional dimension of the episode, despite the subsequent solution to

Augustus' own *elogium* – i.e. the *Res Gestae* – was of course to be reproduced for display throughout the Empire.

⁵⁹ Zanker (n. 56), 27: 'Die propagandistische Wirkung des Forum – das kann man schon aufgrund der zufälligen Funde sagen – erstreckte sich auf das ganze Imperium'.

⁶⁰ A multiplicity of fora (real and intellectual) for the communication of history is characteristic of Rome more generally, including also the funerary procession, the domestic display of ancestor masks (with *elogia*), historical epic, drama, etc.: a brief summary is in Pausch (n. 25), 18-24, concluding (at 24) that a high proportion of Rome's population possessed considerable familiarity with a range of diverse historiographic media ('erhebliche "Medienkompetenz"').

⁶¹ On the broader issue of the reflective capacity of the *Ab urbe condita* regarding contemporary developments, see Pausch (n. 25), 32-7; for a specific interpretation of the *Ab urbe condita* in its (Augustan) context, see Mineo (n. 3 [2006]), 71-82 and 109-34 (and *passim*).

⁶² The fragmentary record of Rome's historiography makes it difficult to gauge how Rome's (Republican) historians handled this matter: see now T.J. Cornell (ed.), *The Fragments of the Roman Historians*, 3 vols. (Oxford, 2013).

⁶³ T.J. Luce, 'Livy, Augustus, and the Forum Augustum', in K.A. Raaflaub and M. Toher (edd.), *Between Republic and Empire. Interpretations of Augustus and his Principate* (Berkeley, Los Angeles and Oxford, 1990), 123-38, at 136-7.

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the power struggle between the Gauls and Rome on the battlefield: why the constitutional fate of Rome in 390 B.C. mattered so much in the age of revolution that it gained centre-stage in Livy's text is, then, the real conundrum of the story, especially at a time when Rome had successfully subjected its most feared enemies, from the Gauls to the Carthaginians.⁶⁴ For now, suffice it to acknowledge that Livy's narrative of Camillus' challenge to the Roman surrender and ransom agreement is a relic of a political culture of open public exchange and disagreement that was about to be lost forever at Rome – irrespective of whether Camillus was right or not.

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⁶⁴ Cicero famously contended in 63 B.C. that 'no king is left, no people, no nation, whom you need fear: there is no evil from outside, of others' causing': Cic. *Rab. Perd.* 33. See also Cic. *Cat.* 2.11. Nevertheless, the Roman fear of the Gauls is well documented, and has received plentiful discussion: e.g. Williams (n. 44), 170-82, and H. Bellen, *Metus gallicus – metus punicus. Zum Furchtmotiv in der römischen Republik* (Mainz, 1985).