

LIVY ON SCIPIO AFRICANUS. THE COMMANDER'S PORTRAIT AT 26.19.3–9¹

According to Livy (26.18.3–26.19.2), in late 211 Publius Cornelius Scipio was elected *prius cum imperio pro consule* by the *comitia centuriata* and sent to Spain in charge of the legions formerly led by his father Publius and his uncle Gnaeus. This was the beginning of a new phase in the Hannibalic War, which would ultimately lead Rome to victory against its most dangerous enemy. As has long been recognized, Livy assigns Scipio a central role in the narrative development of the Third Decade. For most critics, this centrality coincides with (and is the result of) Livy's admiration: in his view, Scipio is the *fatalis dux*, the commander sent by Providence to lead Rome to victory;² he is Hannibal's rival par excellence, the only leader capable of matching the enemy's military genius and blocking his relentless advance against the Republic;³ he is, above all, the most shining example of the Roman virtues.⁴

In the last few decades, however, our consideration of Livy as a historian has radically changed, and we are now much more conscious of the complexity and ambiguity of his historiographical point of view and, especially, of his moralizing attitude towards Roman history.⁵ In the light of our new understanding of Livy's historiographical attitude, some scholars have carefully reconsidered some of the most

¹ An earlier version of this paper was read and commented on by Professors Gianluigi Baldo and Stephen Oakley. We also wish to thank the anonymous reader for *CQ* and the editor, Professor Bruce Gibson, for their useful suggestions. The paper as a whole is the result of a close cooperation between the two authors; however, the introductory and the last sections were written by Luca Beltrami, the second by Marco Rocco.

² See 22.53.6 *fatalis dux huiusce belli*; 30.28.11. In Livy's work the epithet is conferred only on Camillus (5.19.2); the analogy is certainly not coincidental and has long been noted by critics, who have stressed Scipio's function as an *alter Camillus*: see especially G. Brizzi, *I sistemi informativi dei Romani. Principi e realtà nell'età delle conquiste oltremare, 218–168 a. C.* (Wiesbaden, 1982), 95–6; R.I. Ross, "'Fatalis dux': Livy's portrayal of Camillus", *Prudentia* 25 (1993), 43–51; B. Mineo, *Tite-Live et l'histoire de Rome* (Paris, 2006), 296–300 and, for a more nuanced position, id., 'Livy's historical philosophy', in B. Mineo (ed.), *A Companion to Livy* (Chichester, 2015), 139–52, at 148–9.

³ See e.g. 30.30.1–2 *non suae modo aetatis maximi duces [sc. Hannibal et Scipio], sed omnis ante se memoriae omnium gentium cuilibet regum imperatorumque pares. paulisper alter alterius conspectu, admiratione mutua prope attoniti, conticuere* (cf. 30.30.12).

⁴ See e.g. P.G. Walsh, *Livy: His Historical Aims and Methods* (Cambridge, 1961), 93: 'Scipio ... undoubtedly approaches nearest to Livy's ideal Roman'; Brizzi (n. 2), 89 and 95–6.

⁵ See especially D.S. Levene, 'History, metahistory, and audience response in Livy 45', *CLAnt* 25 (2006), 73–108, at 101–4; id., 'Roman historiography in the Late Republic', in J. Marincola (ed.), *A Companion to Greek and Roman Historiography* (Malden, MA and Oxford, 2007), 1.275–89; on Livy's moral ambiguity, with reference to the First Decade, see also J.B. Solodow, 'Livy and the story of Horatius, 1.24–26', *TAPhA* 109 (1979), 251–68; S.P. Oakley, 'Dionysius of Halicarnassus and Livy on the Horatii and the Curiatii', in C.S. Kraus, J. Marincola and C. Pelling

famous episodes concerning Scipio, in order to highlight more controversial aspects of his political and moral behaviour.⁶ The Pleminius episode (29.8.6–29.9.12, 29.16.6–29.19.7)⁷ and the so-called Trial of the Scipios (38.50.4–38.60.10)⁸ provide two excellent cases in this respect. In both of these episodes Livy does not take an explicit position against Scipio, but seems to shape his account with the precise purpose of raising questions about his integrity by means of intratextual allusions, conscious contradictions and a very careful use of his sources. This, of course, does not change the fact that Livy shows high consideration for Scipio as a military and political leader; however, it reveals the complexity of his moral reading of Roman history and his artistry as a historian.⁹

Following in the footsteps of these studies, the aim of this paper is to reconsider a passage of remarkable importance for our understanding of Scipio's representation in the Third Decade, namely the portrait of the commander after his election as proconsul in Spain. It will be argued that this portrayal, far from being a mere eulogy of the hero of the Second Punic War, provides an excellent example of Livy's conscious problematization of the behaviour of a great Roman leader. The moral issues of this portrayal have been noted by critics,¹⁰ but the narrative importance of the section requires more detailed analysis. The first section of this paper will trace the differences between Livy's account and its sources, in order to show how Livy shapes a very personal image of the hero of the Second Punic War. The second section will propose a close linguistic and stylistic analysis of Livy's portrait, suggesting his intention of stressing ambiguous traits of Scipio's leadership, not taken into account by Polybius.

Livy's portrait of Scipio (26.19.3–9) comes at the end of a particularly animated section of his account: after the capture of Capua brought momentary peace to Italy and Sicily, the Senate is persuaded to turn to the Spanish front once again, where the situation is still uncertain (26.18.1 *Hispaniae populi nec qui post cladem acceptam defecerant redibant ad Romanos, nec ulli noui deficiebant*), and to ask the *comitia* to elect a new commander. To the great despair of the assembly, nobody is willing to take on such a crucial office in a war zone in which the Republic has just suffered,

(edd.), *Ancient Historiography and its Contexts. Studies in Honour of A.J. Woodman* (Oxford, 2010), 118–38, at 137; id., 'Didactic Livy', *CR* 66 (2016), 431–3.

⁶ Particularly relevant to this discussion is the remark found in Levene (n. 5 [2007]), 285: 'flirtation with Hellenism and his [i.e. Scipio's] tendency to self-promotion even through deceit are more uncomfortable'. On the ambiguity of Scipio's Hellenizing attitude, see also D.S. Levene, *Livy on the Hannibalic War* (Oxford, 2010), 235.

⁷ See A. Johner, *La violence chez Tite-Live: mythographie et historiographie* (Strasbourg, 1996), 34–7 and 206–8; Levene (n. 6), 123 and 235; in a paper given at the conference 'Relire Tite-Live 2000 ans après' (Paris, October 5th–6th 2017) and entitled 'Storia e oratoria in Livio: il caso di Pleminio nel libro XXIX', V. Casapulla showed how Livy undermines the pro-Scipio position by presenting it through the words of the Locrian ambassadors, whose speech is designed to contradict Livy's own account and is therefore meant to be regarded with suspicion by the reader.

⁸ On the contradictions in Scipio's civic behaviour during the trial, see e.g. M. Jaeger, *Livy's Written Rome* (Ann Arbor, 1997), 137–76; A.F. Rossi, 'Parallel lives: Hannibal and Scipio in Livy's Third Decade', *TAPhA* 134 (2004), 378–80 (with important remarks on the debate between Scipio and Fabius Maximus, which will be discussed later).

⁹ On the ambiguities of Livy's depiction of Scipio, see also C.S. 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 and Leipzig, 1998), 264–83, at 279; and especially B. Tipping, *Exemplary Epic: Silius Italicus' Punica* (Oxford, 2010), 139–45.

¹⁰ Besides Levene's remark cited in n. 6 above (apparently based on this section, among others), see Walsh (n. 4), 94; D.S. Levene, *Religion in Livy* (Leiden – New York – Cologne, 1993), 18–19, 61–2.

in the space of a month, the loss of two of its most valiant magistrates (26.18.3–6). When all seems lost, however, young Scipio comes forward and reawakens hope in the assembly which immediately and unanimously elects him proconsul (26.18.7–9). But after initial enthusiasm the voters realize the extent of the responsibility placed on the young man and fear that they have been guided by *fauor* rather than by *ratio* in electing him (26.18.10–11). Eventually these concerns are dispelled by Scipio himself, who, sensing the voters' feelings, succeeds in revitalizing their praise with a magnanimous and high-minded speech (26.19.1–2).

This highly dramatic series of reversals¹¹ is suddenly brought to an end by Livy's own voice, which intervenes in the narrative to paint a picture of Scipio whose explicit purpose is to explain to readers how he managed to obtain such an important charge from the *comitia* despite never having held any major magistracy before. The passage in question is the following (26.19.3–9):

[3] fuit enim Scipio non ueris tantum uirtutibus mirabilis, sed arte quoque quadam ab iuuenta in ostentationem earum compositus, [4] pleraque apud multitudinem aut per nocturnas uisa species aut uelut diuinitus mente monita agens, siue et ipse capti quadam superstitione animi, siue ut imperia consiliaque uelut sorte oraculi missa sine cunctatione exsequerentur. [5] ad hoc iam inde ab initio praeprans animos, ex quo togam uirilem sumpsit nullo die prius ullam publicam priuatamque rem egit quam in Capitolium iret ingressusque aedem consideret et plerumque solus in secreto ibi tempus tereret. [6] hic mos per omnem uitam seruatus seu consulto seu temere uolgatae opinionis fidem apud quosdam fecit stirpis eum diuinae uirum esse, [7] rettulitque famam in Alexandro magno prius uolgam, et uanitate et fabula parem, anguis immanis concubitu conceptum, et in cubiculo matris eius uisam persaepe prodigii eius speciem interuentuque hominum euolutam repente atque ex oculis elapsam. [8] his miraculis nunquam ab ipso elusa fides est; quin potius aucta arte quadam nec abnuendi tale quicquam nec palam adfirmandi. [9] multa alia eiusdem generis, alia uera, alia adsimulata, admirationis humanae in eo iuue ne excesserant modum; quibus freta tunc ciuitas aetati haudquaquam matura tantam rerum molem tantumque imperium permisit.

For Scipio was remarkable not only for his real abilities, but thanks to a certain skill also had from his youth adapted himself to their display, doing most of his actions before the public either as if they were prompted by visions in the night or inspired by the gods, whether because he also was possessed by a certain superstition, or in order that men might carry out without hesitation his commands and advice, as though emanating from an oracular response. More than that, preparing men's minds from the very beginning, from the time when he put on the manly gown, there was not a day on which he did any business public or private without going first to the Capitol, and after he had entered the temple, sitting down and usually passing the time there alone in seclusion. This custom, which he maintained throughout his lifetime, confirmed in some men the belief, whether deliberately circulated or by chance,¹² that he was a man of divine race. And it revived the tale previously told of Alexander the Great and rivalling it as unfounded gossip, that his conception was due to an immense serpent, and that the form of the strange creature had very often been seen in his mother's chamber, and that, when persons came in, it had suddenly glided away and disappeared from sight. He himself never made light of men's belief in these marvels; on the contrary, it was rather promoted by a certain studied practice of neither denying such a thing nor openly asserting it. Many other things of the same sort, some true, some pretended, had passed the limits of admiration for a mere man in the case of this youth. Such were the things on which the citizens relied when

¹¹ Livy's conscious use of rhetorical and linguistic devices in this section has been observed also by C. Castillo García, 'La personalidad de Escipión el Africano (Liv. XXVI–XXX)', in *Actas del VIII Congreso Español de estudios clásicos (Madrid, 23–28 de septiembre de 1991)* (Madrid, 1994), 3.125–31, at 3.127.

¹² The translation of *seu consulto seu temere* is discussed in n. 27 below.

they then entrusted to an age far from mature the great responsibility of so important a command.¹³

HISTORIOGRAPHICAL ANALYSIS. LIVY'S REWORKING OF HIS SOURCES

An enquiry into the stylistic and ideological peculiarities of Livy's portrait should first consider his sources. It has long been noted¹⁴ that the section has remarkable points in common with the discussion of Scipio's character found in Polybius' Book 10. Polybius' portrait is included in his account of military operations in Spain in 209–208 B.C. (10.2.1–10.3.2, 10.3.7, 10.5.5–9), but it incorporates digressions on two earlier episodes of Scipio's career: the rescue of his wounded father at the Ticinus (10.3.3–6) and his election to the aedileship (10.4.1–10.5.4).¹⁵ Given the length of the portrait, I will limit myself to a synthesis of the passages that are most relevant for the purposes of this discussion.¹⁶ Polybius states that

- 1) some historians falsely ascribe Scipio's successes to Fortune or Fate¹⁷ and fail to recognize his rational attitude, under the mistaken impression that this makes him 'more divine' (θεϊότερος) and 'more worthy of admiration' (θαυματοστότερος) to the readers (10.2.1–7);¹⁸
- 2) Scipio resembles Lycurgus inasmuch as he was not guided by oracles, dreams or premonitions, but consciously used religion to instil bravery and obedience in his subordinates (10.2.8–13);¹⁹
- 3) it is universally acknowledged that Scipio was 'beneficent and magnanimous' (εὐεργετικός καὶ μεγαλόψυχος), but no one will admit that he was also 'shrewd, discreet and with a mind always concentrated' (ἀγγίνους καὶ νήπτης καὶ τῆ διανοίᾳ ... ἐντεταμένους) except those who knew him personally, especially Gaius Laelius, who inspired Polybius' opinion on Scipio (10.3.1–2);²⁰

¹³ The translation of Book 26 is taken from the Loeb edition: *Livy*, vol. 7: *Books XXVI–XXVII*, transl. F.G. Moore (Cambridge, MA and London, 1950²).

¹⁴ See e.g. R. Seguin, 'La religion de Scipion l'Africain', *Latomus* 33 (1974), 3–21; E. Gabba, 'P. Cornelio Scipione Africano e la leggenda', *Athenaeum* 53 (1975), 3–17, at 6; see now id., *Aspetti culturali dell'imperialismo romano* (Florence, 1993), 113–31. Nearly every historical study on Scipio uses this portrait as evidence of the commander's political strategy or to illuminate institutional issues behind his early career: see e.g. R.M. Haywood, *Studies on Scipio Africanus* (Baltimore, 1933), 25; H.H. Scullard, *Scipio Africanus: Soldier and Politician* (Ithaca, NY, 1970), 18–23.

¹⁵ Polybius wrongly dates the election to 217 instead of 214, and his account is for many reasons implausible; on this, see M. Rocco, 'La caratterizzazione del giovane Scipione nei libri XXI–XXV *Ab Vrbe condita*: nuove considerazioni sul metodo d'indagine liviano', *RSA* 46 (2016), 27–55.

¹⁶ For a more wide-ranging analysis of Polybius' handling of Scipio's character, see e.g. Haywood (n. 14), 30–44.

¹⁷ However, Polybius later admits the importance of good luck in Scipio's achievements (10.40.6, 10.40.9). For the coexistence of *virtus* and *fortuna* in Scipio (but also in Fabius Maximus, Claudius Marcellus and Gaius Marius), see Cic. *De imp. Cn. Pomp.* 47.

¹⁸ For similar controversy over Hannibal's crossing of the Alps in 218, see Polyb. 3.47.6–3.48.12. The translation from Polybius between inverted commas is taken from *Polybius, The Histories*, vol. 4: *Books 9–15*, transl. W.R. Paton, rev. F.W. Walbank and C. Habicht (Cambridge, MA and London, 2011).

¹⁹ Against the Delphic origin of the Spartans' constitution (also testified to by Xen. *Lac.* 8.5; Pl. *Leg.* 1.624a; Iust. 3.3.10), see also Hdt. 1.65.4.

²⁰ Haywood (n. 14) 34–41, however, believes that not all aspects of Scipio's personality in Polybius derive from Laelius, at least not in the form in which the historian presents them. Haywood's point is further supported by several factual mistakes in Polybius' account of Scipio's aedileship (see n. 15 above), which rule out the possibility that this episode is based on Laelius' information.

- 4) Scipio as a commander demonstrated wisdom (νοῦς) in the years after his generous, but rash, rescue of his father at the Ticinus (10.3.7);²¹
- 5) rumours of Scipio's special relationship with the gods spread after his brilliant election to the aedileship, which was actually owed to his 'kind, munificent and agreeable' nature (εὐεργετικός καὶ μεγάλωδωρος καὶ προσφιλής) and his ability to take advantage of opportunities (καιρός), namely acting as though he was inspired by the gods, which Polybius openly considers a positive trait (10.5.5–8);²²
- 6) readers should not ignore Scipio's best character-traits (10.5.9), such as his cleverness (ἐπιδεξιότης) and his hard work (φιλοπονία).

This synthesis shows that Livy's portrait of Scipio follows the pattern of Polybius' Book 10. In both accounts, the overall narrative context is Scipio's departure for Spain; both stress the enthusiastic nature of popular support for him, especially during elections, although Polybius refers it to his election to the aedileship; and, above all, both agree in rejecting the so-called 'Scipionic legend'—a complex of stories about Scipio's link to the supernatural widely testified to by the sources—²³ as completely false, while stressing Scipio's 'propagandistic' ability to exploit these rumours for his own political purposes. But alongside these similarities, the two accounts show evident discrepancies, which have significant consequences for the general tone of Livy's portrait.

These differences can be summarized as follows:

	Polybius	Livy
Narrative context	Polybius does not report details about Publius' election as proconsul. It cannot be ruled out that this was included in the lost account of the defeat of Publius' father in Spain, at the end of Book 9.	The portrait is embedded in the narrative of Publius' election, which provides a necessary and logical framework for it.
Rumours relating to Scipio's divine inspiration (the	In contrast to earlier historians, Polybius dismisses the whole Scipionic legend, in order to	Livy stresses Scipio's <i>ars</i> involving spreading rumours about his

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²¹ It was a commander's duty to avoid unnecessary risk; see Polyb. 10.13.1, 10.24.3, 10.32.9, 10.33.1–7, 11.2.9–11. See also A.M. Eckstein, *Moral Vision in the Histories of Polybius* (Berkeley – Los Angeles – London, 1995), 29–30.

²² See Eckstein (n. 21), 85–6; C.B. Champion, *Cultural Politics in Polybius's Histories* (Berkeley – Los Angeles – London, 2004), 149, 186 and 256–7.

²³ On this, see also E. Meyer, 'Ursprung und Entwicklung der Überlieferung über die Persönlichkeit des Scipio Africanus und die Eroberung von Neukarthago', in id., *Kleine Schriften* (Halle, 1924), 2.423–56; Haywood (n. 14); G. De Sanctis, 'Review: R.M. Haywood, *Studies on Scipio Africanus*', *RFIC* 14 (1936), 189–203; F.W. Walbank, 'The Scipionic legend', *PCPhS* 13 (1967), 54–69; Scullard (n. 14), 18–23; Gabba (n. 14 [1975]); E. Torregaray Pagola, *La elaboración de la tradición sobre los Cornelii Scipiones: pasado histórico y conformación simbólica* (Zaragoza, 1998), 52–92. The 'Scipionic legend' seems to have been the result of a stratification of different traditions which began shortly after Scipio's death. The first layer, appearing in Polybius (10.11.7), linked Africanus to Poseidon/Neptune, whereas the link with Jupiter appeared only later (see especially Haywood [n. 14], 26; for a different view, see Walbank [this note], 63).

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	Polybius	Livy
‘Scipionic legend’)	exalt what he considers Publius’ real virtues—wisdom and foresight. These virtues brought Scipio to a realization of the usefulness of using people’s superstitions to gain support for his great deeds (10.2.1–7, 10.3.1–2, 10.3.7, 10.5.5–8). Rumours about Scipio’s divinity are not directly related to his Spanish appointment.	divinity without confirming or denying them in order to encourage people to accept his <i>imperia consiliaque</i> (26.19.4 and 8). Livy considers these rumours to be one of the main causes of his election as proconsul (26.19.9).
Scipio’s <i>uirtutes</i>	Polybius states that τύχη played no role in Scipio’s deeds, which were determined by his rational qualities, extensively and precisely listed (10.3.1–2, 10.3.7, 10.5.5–9). ²⁴	Livy refers only generically to Scipio’s <i>uerae uirtutes</i> and rather stresses his ability to showcase these (26.19.3). ²⁵ He does not mention τύχη but focusses on the hero’s divine fame, leaving the theoretical possibility that Scipio himself believed in his own divinity (26.19.4) ²⁶ and that the rumours spread spontaneously (26.19.6) ²⁷ open.

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²⁴ See B. Tisé, *Imperialismo romano e imitatio Alexandri. Due studi di storia politica* (Galatina, 2002), 53. For Polybius, Scipio synthesized *uirtus* and ἐπιστήμη, the Roman moral code and Hellenistic technical science: see G. Zecchini, *Cesare e il mos maiorum* (Stuttgart, 2001), 150.

²⁵ See also Livy 26.19.14 *ita elato ab ingenti uirtutum suarum fiducia animo, ut nullum ferox uerbum excideret ingensque omnibus quae diceret cum maiestas inesset tum fides*.

²⁶ See M. Jaczynowska, ‘La genesi repubblicana del culto imperiale. Da Scipione l’Africano a Giulio Cesare’, *Athenaeum* 63 (1985), 286–95, at 288–9; J.P. Davies, *Rome’s Religious History. Livy, Tacitus and Ammianus on their Gods* (Cambridge, 2004), 126–7.

²⁷ The translation of *seu consulto seu temere* is somewhat problematic. Commentators and translators usually interpret the two terms as respectively meaning ‘deliberately’ (i.e. on Scipio’s part) and ‘by chance’, implying that here Livy is contemplating the possibility that the rumours about Scipio’s divinity might have spread independently of the commander’s intentions; cf. W. Weissenborn and H.J. Müller, *Titii Liui ab Vrbe condita libri. Buch 24.–26.* (Berlin, 1895³), ad loc.: “‘absichtlich’, näml. von Scipio”; cf. also Livy, *Hannibal’s War: Books 21–30*, transl. J.C. Yardley (Oxford, 2006): ‘the belief in the story—perhaps deliberately put about, perhaps spontaneous’, and P. Jal’s Budé edition (Paris, 1991): ‘l’opinion répandue soit à dessein, soit par hasard’. *temere*, however, could also be interpreted more literally as ‘rashly’ (*OLD* s.v. 1 and 2), so that Scipio’s role is taken for granted and the alternative is only whether the rumour’s circulation was calculated or rash.

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	Polybius	Livy
Historical exempla	Polybius compares Scipio to Lycurgus in order to highlight his cleverness in using religion for political purposes (10.2.8–13).	Livy prefers to dwell on details of Scipio's relationship with the gods (<i>stirpis diuinae uir</i>) recalling the false story about his birth from a divine serpent (26.19.6), ²⁸ clearly based on the same, equally ridiculous, legend about Alexander the Great (26.19.7).

This comparison demonstrates the extent to which Livy modified both the substance of Polybius' account, adding details and eliminating others, and its narrative context.²⁹ In both accounts the theme of Scipio's virtues is closely bound to that of the Scipionic legend, but the two authors develop this link in a completely different way. Polybius enumerates Scipio's many virtues with great terminological precision and deals with the Scipionic legend with the sole purpose of showing just how unfounded it was. His intention is to silence tales of Scipio's supernatural powers, which in his view overshadow the commander's exceptional intelligence. To this end, he emphasizes Scipio's tactical and rational abilities: his exploitation of the supernatural is referred to only briefly and immediately reduced to a simple, though effective, communication strategy. For Polybius the divine element must be removed prior to the narrative of his undertakings in Spain in order to dispel any possible misunderstanding relating to the real reason for his success, namely his skillful use of rational abilities. Admittedly, such a representation implies a certain insincerity on Scipio's part,³⁰ but Polybius' portrait is completely positive and consciously unblemished, as is demonstrated by the parallel between Scipio and the wise Lycurgus.

In his portrait, Livy almost completely overlooks Scipio's virtues, which are mentioned at the beginning of the section (19.3) and then literally vanish: Scipio's exploitation of people's belief in a link with the divine is the object of the whole portrait. Undoubtedly, Livy's reworking of Polybius is partly due to the former's stylistic and literary attitudes as opposed to the latter's—for instance his desire to deliver a dramatic and compelling narrative, in which the portrait is organically embedded. But it would be far too simplistic to regard the thematic shift of Livy's portrait as pure embellishment. On the contrary, it tells us much about his historical perspective. Whereas Polybius was interested in arguing against historians who were incapable of grasping Scipio's military merits, Livy's main concern is to show his readers how the commander could have played such a crucial role in the most important war in Roman history at the age of

²⁸ See Livy 38.58.7 *P. Africanum tantum paternas superieicisse laudes, ut fidem fecerit non sanguine humano sed stirpe diuina satum se esse.*

²⁹ See Castillo García (n. 11), 127.

³⁰ See A.J. Toynbee, *Hannibal's Legacy: The Hannibalic War's Effects on Roman Life* (London – New York – Toronto, 1965), 2.502.

just 24 (§9 *tunc ciuitas aetati haudquaquam maturaе tantam rerum molem tantumque imperium permittit*). The answer provided in the portrait is that he managed to win people's consensus by skilfully exploiting their beliefs, so that they unconsciously contributed to bringing his objectives to fruition.³¹ Such a representation implies an interpretation of Scipio as a political and military leader,³² and adds, in comparison to Polybius, substantial elements of ambiguity to his behaviour.

Admittedly, it cannot be ruled out that this ambiguity was drawn from an annalistic source, rather than being the result of Livy's own reworking of Polybius. Given the fragmentary state of the annalistic tradition, it is very difficult to verify this hypothesis, and later sources concerning Scipio's portrait do not help in tracing variants earlier than Livy, for they clearly rely on him (or on Polybius). We do know, however, that Valerius Antias gave an unflattering version of the famous episode of Scipio's continence in Spain, claiming that he actually accepted the beautiful prisoner and kept her *in deliciis amoribusque*, rather than returning her to her family.³³ Gellius, who transmits the notice (7.8.6), states that Antias was the only historian who gave such a negative image of the leader's *mores* (*Valerium Antiatem aduersus ceteros omnes scriptores de Scipionis moribus sensisse*). If we were to speculate on the annalist from whom Livy could have taken the ambiguous traits of his portrait, Antias would thus be the principal suspect.³⁴ But, even ignoring the fact that this would mean denying Livy any critical autonomy, this hypothesis is unlikely. Livy's representation is very subtle and very far from Antias' bold claim recorded by Gellius; moreover, in his account of the episode of Scipio's continence Livy does not even mention Antias' version. Evidently, it is much more probable that he intentionally departed from Polybius' eulogy of Scipio to stress more ambiguous traits of the commander's leadership.

THE AMBIGUITIES OF A LEADER

The comparison with Polybius' Book 10 demonstrates that the portrait of Book 26 is not only a very good example of Livy's artistry but also a crucial section for understanding the complexity of his representation of the hero of the Second Punic War. Unlike other historians, Livy tends to avoid protracted portraits when characters first appear,³⁵ usually postponing these until after their deaths.³⁶ Admittedly, this is not the first

³¹ See Levene (n. 10), 61.

³² See J.D. Chaplin, 'Livy's narrative habit', in G.W. Bakewell and J.P. Sickinger (edd.), *Gestures. Essays in Ancient History, Literature, and Philosophy Presented to Alan L. Boegehold, on the Occasion of his Retirement and his Seventy-Fifth Birthday* (Oxford, 2003), 195–213, at 211: 'just because a historian does not state his ideas directly, we should not assume that he is not offering an interpretation of the events he is recording.'

³³ Valerius Antias, *FRHist* 25 F 29. Livy's account of the episode is found at 26.50.1–13.

³⁴ Some scholars have suggested that Coelius too might have been hostile to Scipio, for he states that it was not him who saved his wounded father at the Ticinus but a Ligurian slave (*FRHist* 15 F 12); cf. e.g. G. De Sanctis, *Storia dei Romani* (Turin, 1917¹), 25 n. 19; G. Brizzi, *Annibale. Strategia e immagine* (Spoleto, 1984), 142; P. Jal, *Tite-Live, Histoire romaine. Livre 21* (Paris, 1991), XXI; J.F. Lazenby, *Hannibal's War. A Military History of the Second Punic War* (Norman, OK, 1998²), 288 n. 8.

³⁵ See E. Bernard, *Le portrait chez Tite-Live. Essai sur une écriture de l'histoire romaine* (Brussels, 2000), 21–6.

³⁶ As he does with Scipio himself: see 38.53.9–11. On this, see Bernard (n. 35), 30–5. There are, however, exceptions, such as Valerius Corvus (7.33.1–4) or Papirius Cursor (9.16.12–19), whose

mention of Scipio in the narrative,³⁷ but there is little doubt that his sudden appearance at the *comitia* and his subsequent election as proconsul represent the moment of his investiture as a central player in this new phase of Rome's history. The importance of the moment is emphasized by its very position within the structure of the Third Decade. As has long been noted, Book 26 serves as a structural and narrative pivot for the whole decade, opening the new pentad focussed on Rome's recovery from the terrible defeats suffered during the first years of the war.³⁸ This pre-eminent narrative position is matched by the section's length. Even adopting Bernard's purely quantitative method, at 190 words it stands out as one of the longest portraits in the surviving books, comparable with those recognized by that critic as especially relevant to the narrative.³⁹

Livy's subtle ambiguity in the treatment of Scipio is suggested from the very first sentence of the portrait. The conjunction *enim* establishes a strong causal relationship between what the historian is about to say on the commander and the previous account of his triumphant election; however, Livy's first statement—that Scipio was certainly full of virtues, but it was his *ars*, his skill in showcasing them to an audience, that allowed him to be elected—is quite surprising: the contrast between *uirtutes* and *ars* comes across as strikingly ambiguous,⁴⁰ for the connotation of the virtues as *uerae* implicitly points to *ars* as *falsa*, or at least as something other than authentic moral greatness.

This view is supported by Livy's specific use of the term *ars* throughout his work, and especially in the Third Decade, as 'military stratagem'.⁴¹ In general, Roman thinking displays an ambivalent attitude to *ars* in warfare. In most cases it conveys negative connotations of deceit or fraud, and it is thus considered somehow alien to the ethics of warfare as dictated by the *mos maiorum*, which tends to consider battle as a *certamen* between peers strictly governed by honour and *fides*.⁴² In the Roman view, with its traps and stratagems *ars* is dangerously close to *perfidia*, a lack of *fides*. The clearest statement of this attitude is found at 42.47.1–9, where the elder senators, *moris antiqui memores*, explicitly condemn the new methods adopted by Roman imperialism, claiming

portraits come respectively in the middle of a battle and after the victory over the Samnites. On Cursor, see note 39 and page 243 below for further references.

³⁷ In the first half of the Decade Scipio is mentioned on three occasions: in 218 at the Ticinus, when he bravely saves his wounded father (21.46.7–8); in 216 in Canusium, when as *tribunus militum* he delivers a speech to a group of soldiers who wanted to desert after Cannae and swears a solemn oath to defend the Republic always (22.53); finally in 213, when he is elected *curule aedile* (25.2.6–8).

³⁸ On the narrative structure of the Third Decade, see E. Burck, *Einführung in die dritte Dekade des Livius* (Heidelberg, 1950), 11–56 (especially 19–26 on Book 26); id., 'The Third Decade', in T.A. Dorey (ed.), *Livy* (London, 1971); T.J. Luce, *Livy. The Composition of his History* (Princeton, 1977), 27–8; Levene (n. 6), 9–33.

³⁹ I.e. the aforementioned portrait of Papirius Cursor (9.16.12–19: 182 words), and the portraits of Hannibal (21.4.1–10: 208 words) and Cato the Elder (39.40.4–12: 215 words); on this, see Bernard (n. 35), 42–52 and 326 on the strategic positioning of Scipio's portrait. To these portraits one should add that of Antiochus Epiphanes (41.20.1–13: around 270 words, not including the initial and final sections, which are now lost).

⁴⁰ Here the virtues are not contrasted—as Levene (n. 10), 19 suggests—with the supernatural in general but more specifically with Scipio's public behaviour, which therefore remains the main core of Livy's argument (on this, see below). In this paper it will be argued that, although useful to an understanding of Livy's attitude to religion and the supernatural, the portrait conveys the idea that the religious phenomena surrounding Scipio derived from deliberate calculation.

⁴¹ On the Latin vocabulary of stratagem, see E.L. Wheeler, *Stratagem and the Vocabulary of Military Trickery* (Leiden, 1988), 50–92 (with reference to *ars* at e.g. 56–8).

⁴² On this, see especially J.-P. Brisson, 'Les mutations de la Seconde Guerre Punique', in id. (ed.), *Problèmes de la guerre à Rome* (Paris, 1969), 33–60, at 39–42; Brizzi (n. 2), 38–110; Brizzi (n. 34), 19–23; Levene (n. 6), 228–35; Brizzi's argument has been challenged by Wheeler (n. 41), 51–2.

that Roman *ars* does not turn to *insidiae* and *nocturna proelia* and it is to be contrasted with *uersutia Punica* and *calliditas Graeca*.⁴³ Obviously, the reference to the Carthaginians is not casual; it reflects a stereotype common in Roman mentality and of special relevance in the Third Decade.⁴⁴ In Livy's view, the Second Punic War was fought against an enemy who represented the very incarnation of *fraus* and, therefore, of deceptive *ars*. On many occasions, Livy stresses the fact that Hannibal's success was not the result of fair fighting but rather of trickery and calculation, and he invariably uses the term *ars* to express this attitude: for example 21.34.1 *non bello aperto sed suis artibus, fraude insidiis*; 50.2 *contra eludere Poenus et arte non ui rem gerere*; 54.3 *Mago locum monstrabit quem insideatis; hostem caecum ad has belli artes habetis*; 27.16.2 *totus in suas artes uersus insidiis locum quaerebat* [*sc. Hannibal*]. Admittedly, on some occasions the Romans resort to *ars* for victory too, and sometimes Livy regards it as a desirable quality in a capable commander;⁴⁵ but it is significant that, even in these cases, *ars* is considered as alien to Roman customs and explicitly presented as 'Punic': for example 22.16.5 *nec Hannibal fefellit suis se artibus peti*; 32.1 *consules ... Fabi artibus cum summa inter se concordia bellum gesserunt*; 25.39.1 *arte Punica*; 27.16.10 *Hannibal ... 'et Romani suum Hannibalem—inquit—habent; eadem qua ceperamus arte Tarentum amisimus'*.⁴⁶ In Livy's view, therefore, *ars* is a very problematic attitude, and we should not see it as a straightforward quality.⁴⁷

Furthermore, the reference to Scipio's *ars* induces readers to reconsider what they have just learnt about Scipio's election in the light of attitude to *ostentatio uirtutum*. And ostentation does play a central role in Livy's narrative of the *comitia*, which describes the crowd's state of mind through an effective use of visual details: at first they simply look around at one another, incapable of finding someone brave enough to take command (26.18.6 *in magistratus uersi circumspectant ora principum aliorum*

⁴³ For the idea, see also Polyb. 13.3.2–8 with F.W. Walbank, *A Historical Commentary on Polybius. Volume 2. Books 7–18* (Oxford, 1967), ad loc. The translation of Book 42 is taken from Livy, vol. 12: *Books XL–XLII*, transl. E.T. Sage and A.C. Schlesinger (London and Cambridge, MA, 1964).

⁴⁴ The stereotype of the fraudulent Carthaginian is evident in common formulas such as *Punica fraus* (22.48.1, 24.47.8, 26.17.15, 27.33.9, 30.22.6), *perfidia plus quam Punica* (21.4.9), *Punica fides* (30.30.27). The commonplace undoubtedly came from Greece (see e.g. Hom. *Od.* 14.288–9; Hdt. 7.158.2) and had great resonance from the Middle Republic onwards (see e.g. Plaut. *Poen.* 112–13; Cic. *Leg.* 2, 95; Sall. *Jug.* 108.3). On this, see especially L. Merante, 'La Sicilia e i Cartaginesi dal V secolo alla conquista romana', *Kokalos* 17–19 (1972–3), 77–103; L. Prandi, 'La fides Punica e il pregiudizio anticartaginese', in M. Sordi (ed.), *Conoscenze etniche e rapporti di convivenza nell'antichità* (Milan, 1979), 90–7.

⁴⁵ See e.g. 7.14.6 *dictator tamen, ut qui magis animis quam uiribus fretus ad certamen descenderet, omnia circumspicere atque agitare coepit ut arte aliqua terrorem hostibus incuteret*.

⁴⁶ In support of these observations, also note several cases in which *ars* is openly contrasted to *uis* in the sense of 'military force(s)' (*OLD* s.v. 5 and 24): see e.g. 1.15.4 *ibi uiribus nulla arte adiutis, tantum ueterani robore exercitus rex Romanus uicit*; 21.50.2 *contra eludere Poenus et arte non ui rem gerere*; 42.48.8 *sed eius demum animum in perpetuum uinci, cui confessio expressa sit se neque arte neque casu, sed collatis comminus uiribus iusto ac pio esse bello superatum*. The fact that Livy endows Scipio with a quality specifically attributed to Hannibal and the Carthaginians should be read in the light of the broad parallel between the two rivals developed in the Third Decade, on which see Bernard (n. 35), 318–21; Rossi (n. 8), 359–81; Levene (n. 6), 231–5; with special reference to Books 21–5, see Rocco (n. 15).

⁴⁷ Critics have often noticed Scipio's conscious self-celebration, considering it one of his virtues; see e.g. L. Catin, *En lisant Tite-Live* (Paris, 1944), 62–3; Brizzi (n. 2), 91–5; Levene (n. 10), 61; Jaeger (n. 8), 141; Bernard (n. 35), 326, 429; Mineo (n. 2 [2006]), 300–1. But little attention has generally been paid to the problematic nature of this in the context of Livy's value system and how precisely it is in contrast to the authentic virtues in Africanus' first portrait.

alios intuentium); but then, as Scipio suddenly appears on higher ground so that he can be seen by everyone (26.18.7 *in superiore unde conspici posset loco constitit*), all those gazing in hesitation finally find a leader to focus their attention on (26.18.8 *in quem postquam omnium ora conuersa sunt*).⁴⁸ The conclusion that readers must draw is that the election was the result of a well-orchestrated and intentional *coup de théâtre* in which they, just like the *comitia*, have fallen victim to Scipio's *ars*.

From this point forward, the portrait can be considered a protracted exemplification of Scipio's *ars* and *ostentatio*, focussing on his relationship with the masses and the supernatural. Livy immediately highlights the practices on which Scipio's *ars* rested, stating that he usually behaved as though inspired by nocturnal visions or by the gods themselves (26.19.3 *pleraque apud multitudinem aut per nocturnas uisa species aut uelut diuinitus mente monita agens*), apparently suspending judgement on the underlying reasons for this habit. In fact, he suggests two alternative motivations, namely that he was affected by genuine *superstitio* or that he consciously planned his behaviour in order to gain the same total obedience that the masses usually attribute to an oracle. This twofold explanation recurs later in relation to rumours about his divine birth (26.19.6 *seu consulto seu temere uolgatae opinioni fidem apud quosdam fecit*) and seems to present readers with the, at least virtual, possibility that Scipio's behaviour was motivated by real belief.⁴⁹ However, it should be noted that in both cases suspension of judgement is followed by a strong affirmation of Scipio's deliberate and calculated action, thus implicitly refuting the hypothesis of genuine religious interest. After the hypothetical *sive et ipsi capti quadam superstitione animi* (26.19.4), Livy affirms that Scipio prepared people's minds with frequent visits to the temple of Jupiter Capitolinus (26.19.5 *ad hoc iam inde ab initio praeparans animos*), where the expression *praeparare animos*⁵⁰ can only point to a self-conscious persuasion strategy, with the implication that these visits to the temple were nothing more than a means of enhancing Scipio's own legend. Similarly, the correlative *seu consulto seu temere* at 26.19.6 is followed by a new reference to the *ars* with which Scipio neither confirmed nor denied rumours of his divine birth, preferring instead to adroitly boost these (26.19.8 *his miraculis numquam ab ipso elusa fides est; quin potius aucta arte quadam nec abnuendi tale quicquam nec palam adfirmandi*).⁵¹ Therefore, although Livy seems to be open to the possibility that the rumours actually resulted from Scipio's special religiosity, this hypothesis is not actually developed in this section which, on the contrary, conveys an image of a cunning and calculating leader.⁵²

What is more, even accepting Scipio's belief in his own myth would in no way make Livy's portrait less ambiguous, for the latter refers to his religiosity with the highly

⁴⁸ Here Livy seems to echo Marius' speech in front of the People in Sall. *Jug.* 85.5 *et illud intellego, Quirites, omnium ora in me conuersa esse* (but for the phrasing cf. also 27.34.8, 40.5.13). It is worth noting that a later passage of the same speech (85.7 *ita ad hoc aetatis a pueritia fui, uti omnis labores et pericula consueta habeam. quae ante uestra beneficia gratuito faciebam, ea uti accepta mercede deseram, non est consilium, Quirites*) seems echoed by Scipio's words in Livy's account of the trial against him (38.51.11 *si ab annis septemdecim ad senectutem semper uos aetatem meam honoribus uestris anteistis, ego uestris honores rebus gerendis praecessi*).

⁴⁹ E.g. G. Stübler, *Die Religiosität des Livius* (Stuttgart, 1941), 132; W. Hoffman, *Livius und der zweite punische Krieg* (Berlin, 1942), 78–9; Scullard (n. 14), 27; Castillo Garcia (n. 11), 127–8.

⁵⁰ This locution is used by Livy mostly in military contexts with reference to minds prepared for battle (3.8.9, 33.37.7, 44.4.1, 44.38.11); for a more similar use to this, see e.g. 21.9.4, 34.61.1.

⁵¹ On this, see I. Kajanto, *God and Fate in Livy* (Turku, 1957), 44–5; Levene (n. 10), 19.

⁵² On Scipio's ostentation in visiting Jupiter's temple, see also J. Scheid, 'Livy and religion', in B. Mineo (ed.), *A Companion to Livy* (Chichester, 2015), 82–3.

problematic term *superstitio*.⁵³ As is well known, although at first the term was not pejorative in connotation, it went through a major moment of semantic formalization only a generation before Livy, namely in Cicero's work.⁵⁴ In Cicero's philosophical writings we find the first clear-cut distinction between *religio*, the meticulous observance of religious duties, and *superstitio*, which takes on the sense of an excessive fear of the gods, meaningless religiosity leading to non-compliance with the *mos maiorum*.⁵⁵ There is little doubt that, in his conception of *superstitio*, Livy aligns himself with Cicero's use: *superstitio* and *superstitiosus* occur seven other times in the surviving books and invariably with negative connotations. In five cases *superstitio* indicates a proliferation of religious phenomena following traumatic events, such as a plague (for example 6.5.6, 29.14.2),⁵⁶ and it is mostly in open conflict with civic religion. A most significant case occurs at 1.31.6, where Livy states that Tullus Hostilius was so exhausted by illness that he turned to every kind of *superstitio* even though he had always dedicated himself to the *sacra* of the city.⁵⁷ The same juxtaposition between *superstitio* and civic *sacra* is found also in 4.30.9–10, where, depicting the dissemination of foreign cults in Rome, Livy describes citizens with the exact same words also used for Scipio (*sunt capti superstitione animi*) and states that in this case *superstitio* was so widespread that the aediles had to intervene to bring Romans back to the places of cult prescribed by the *mos patrium*.⁵⁸ But in addition

⁵³ The following remarks on *superstitio* should be read in conjunction with Davies (n. 26), 128–9.

⁵⁴ Plautus seems to use *superstitiosus* to mean truthful or prophetic (e.g. *Curc.* 397; *Rud.* 1138; *Amph.* 323). But a negative connotation appears as early as *Enn. scaen.* 319 V² *superstitiosi uates impudentesque harioli*. On the semantic evolution of this term, see especially S. Calderone, 'Superstitio', in H. Temporini (ed.), *ANRW* 1.2 (1972), 377–96; D. Grodzynski, 'Superstitio', *REA* 76 (1974), 36–60; W. Belardi, *Superstitio* (Roma, 1976); M. Scarsi, 'Superstitutionis et religionis distantia', in U. Rapallo and G. Garbugino (edd.), *Grammatica e lessico delle lingue 'morte'* (Alessandria, 1998), 195–217.

⁵⁵ The most significant passages are *Cic. Nat. D.* 1.117 *superstitionem ... in qua inest timor inanis deorum ... religionem quae deorum cultu pio continetur*; 2.71–2 *non enim philosophi solum uerum etiam maiores nostri superstitionem a religione separauerunt. nam qui totos dies precabantur et immolabant, ut sibi sui liberi superstites essent, superstitiosi sunt appellati, quod nomen patuit postea latius; qui autem omnia quae ad cultum deorum pertinerent diligenter retractarent et tamquam relegerent, < > sunt dicti religiosi ex relegendo (...) ita factum est in superstitioso et religioso alterum uitii nomen alterum laudis*. Cicero (*Diu.* 2.148) condemns the faith in nocturnal visions as a form of *superstitio*.

⁵⁶ Livy often notes the abnormal quantity of prodigies reported by people in moments of serious crisis, hinting that they are the result of people's gullibility rather than the gods' will. See e.g. 24.10.6 *prodigia eo anno multa nuntiata sunt, quae quo magis credebant simplices ac religiosi homines, eo plura nuntiabatur*; 29.14.2 *impleuerat ea res superstitionum animos, pronique et ad nuntianda et ad credenda prodigia erant; eo plura uolgabantur*. See Levene (n. 10), 17–18; D.S. Levene, 'Review: J.P. Davies, *Rome's Religious History. Livy, Tacitus and Ammianus on their Gods*', *CPh* 101 (2006), 419–24, at 421–2, arguing against Davies (n. 26), 42–4.

⁵⁷ See 1.31.6 *tunc adeo fracti simul cum corpore sunt spiritus illi feroces ut qui nihil ante ratus esset minus regium quam sacris dedere animum, repente omnibus magnis paruisque superstitionibus obnoxius degeret religionibusque etiam populum impleret*.

⁵⁸ See 4.30.9–10 *nec corpora modo adfecta tabo, sed animos quoque multiplex religio et pleraque externa inuasit, novos ritus sacrificandi uaticinando inferentibus in domos quibus quaestui sunt capti superstitione animi, donec publicus iam pudor ad primores ciuitatis peruenit, cernentes in omnibus uicis sacellisque peregrina atque insolita piacula pacis deum exposcendae. datum inde negotium aedilibus, ut animaduertent ne qui nisi Romani di neu quo alio more quam patrio colerentur* (it should be noted that here and in the passage cited above [n. 57] Livy seems to embrace the negative sense of *superstitio* but not the positive one of *religio*, which is used as a synonym of the former term). Moreover, it was the *superstitio* resulting from a plague that brought the first *ludi scaenici*, defined as a *res peregrina*, from Etruria to Rome (7.2.3).

to the foreign connotation shared by all these passages, *superstitio* may also correspond to the idea of secrecy, resulting in shocking and subversive phenomena such as the Samnites' dreadful rites (10.39.2)⁵⁹ or the infamous Bacchanals.⁶⁰ It can thus be demonstrated that in Livy's view *superstitio*, like and more than *ars*, represents a threat to social order which could somehow lead to the dismantling of the rigorous socio-political structure of the *res publica*.⁶¹

From the very beginning of Scipio's portrait, then, readers are faced with a dilemma: Livy's declared purpose is to lay bare the reasons for the commander's huge and sudden success. The section, however, is rhetorically designed to leave the audience with the unsettling impression that *superstitiones* and *ad simulata*—that is, what has implicitly been labelled as *falsa* in the first sentence of the portrait—outweigh Scipio's undeniable virtues, at least in gaining people's support.⁶² The commander emerges as a figure somehow alien from the model of traditional Roman-ness usually celebrated by Livy.⁶³

The next paragraphs of the portrait (26.19.5–7) deal specifically with Scipio's public behaviour and the rumours they generated. The ostentation of this privileged relationship with Jupiter had disseminated the belief that Scipio had been conceived, just like Alexander the Great, by the father of the gods himself who, in the guise of a serpent, had lain with Scipio's mother.⁶⁴ Livy's judgement on these legends could not be clearer: they are nothing more than silly fairy tales, just like those about

⁵⁹ On *superstitio*, see also S.P. Oakley, *A Commentary on Livy, Books VI–X* (Oxford, 1997–2005), 4.413. For the description of these rituals, see 10.38.2–13.

⁶⁰ See 39.16.10 *iudicabant enim prudentissimi uiri omnis diuini humanique iuris nihil aequae dissoluendae religionis esse, quam ubi non patrio sed externo ritu sacrificaretur. haec uobis praedicanda ratus sum, ne qua superstitio agitare animos uestros, cum demolientes nos Bacchanalia discentientesque nefarios coetus cerneretis.*

⁶¹ For *superstitio* as an anti-social threat, see e.g. S. Margel, 'Religio/Superstitio: la crise des institutions, de Cicéron à Augustin', *RThPh* 138 (2006), 193–207.

⁶² On this, see especially A. Feldherr, *Spectacle and Society in Livy's History* (Berkeley – Los Angeles – London, 1998), 66–72; D. Sailor, 'Dirty linen, fabrication, and the authorities of Livy and Augustus', *TAPhA* 136 (2006), 329–88, at 341–3 and 354–7.

⁶³ On Livy's moral view, Luce (n. 38), 230–49 is still of value. According to Walsh (n. 4), 94–5, Livy, although subtly critical of the mysticism encouraged by Scipio, tries to counterbalance his behaviour by stressing his orthodoxy in other respects so as to cancel out potentially dangerous aspects of his personality. According to Brizzi (n. 2), 91, Livy even struggled to place Scipio 'entro i rigidi schemi dell'ortodossia religiosa tanto cara all'età augustea'. On the contrary, the ambiguities presented in this portrait demonstrate Livy's desire to highlight problematic aspects of his leadership.

⁶⁴ Besides Livy, extant evidence of the Scipio-serpent-birth legend, and thus of the parallel with Alexander, is to be found in two biographers: C. Oppius, who wrote in the Caesarean Age, and C. Julius Hyginus, roughly a contemporary of Livy (respectively *FRHist* 40 F 1–2 and *FRHist* 63 F 3–4); both are quoted by Gell. *NA* 6.1.1–6; Sil. *Pun.* 13.628–49; Quint. *Inst.* 2.4.18–19; [Aur. Vict.] *De uir. ill.* 49.1–4. For Alexander's serpent birth, see Eratosthenes, *FGrHist* 241 F 28 (= Plut. *Alex.* 3.3); Plut. *Alex.* 2.6–3.2; Lucian, *De mort. Peregr.* 13, *Alex.* 7; Paus. 4.14.4–7; Gell. *NA* 6.1.1; Iust. 11.11.3–6, 12.16.2. Similar legends circulated about two other Greek commanders, Aristomenes and Aratus (Paus. 4.14.7, 2.10.3) and many Romans, such as Ti. and C. Gracchus, whose father received a snake omen (Plut. *Ti. Gracch.* 1.4–5), Nero (Tac. *Ann.* 11.11.2–3), Commodus and Severus Alexander (SHA, *Comm.* 1.3; *Alex. Seu.* 14.1), Galerius (Inc. auct. *Epit. de Caes.* 40.17); on this, see especially Walbank (n. 23), 54. Moreover, according to Suetonius, Asclepiades of Mendes, another contemporary of Livy, ascribed the serpent birth to Augustus himself (see Suet. *Aug.* 94.4; cf. Dio Cass. 45.1.2); the topic has been addressed by e.g. R.S. Lorsch, 'Augustus' conception and the heroic tradition', *Latomus* 56 (1997), 790–9, at 797–9; Torregaray Pagola (n. 23), 91–2; D. Ogden, 'Alexander, Scipio and Octavian: serpent-siring in Macedon and Rome', *SyllClass* 20 (2009), 31–52, at 39.

Alexander (26.19.6 *famam in Alexandro magno prius uolgatam, et uanitate et fabula parem*). This section of the portrait has been invoked as evidence of Livy's rationalist approach to religion,⁶⁵ and his condemnation of Scipio's divinization by the people has also been stressed.⁶⁶ It is difficult, however, to regard Livy's criticism as aimed solely at the rumours *per se* or, as Polybius did, at those who tried to divinize Scipio, for the point of the whole portrait is that the commander was ultimately responsible for his own myth.⁶⁷ P. Davies, who gave a thorough analysis of the religious implications of this portrayal, pointed out how transgressive Scipio's attitude is for traditional Roman religiosity, especially when it comes to his appropriation of the authority institutionally assigned to priests.⁶⁸ It is difficult to deny, therefore, that Livy's condemnation of these false beliefs should be read as an implicit criticism of Scipio's creation of religious propaganda to ensure absolute obedience.

This conclusion gains further support if one considers the fact that, with this reference to Alexander, Livy seems to suggest a broader parallel between him and Scipio.⁶⁹ Critics usually consider this parallel as a means of isolating Scipio from Roman commanders as a whole, in order to stress his greatness in a 'Hellenistic' way,⁷⁰ but this view does not take into account the highly negative connotation accorded to Alexander in a famous digression of Book 9 (9.16.19–9.19.7), in which Livy speculates on the outcome of a hypothetical war between the Macedonian king and the Roman Republic.⁷¹

The Alexander digression provides an interesting perspective on Scipio's behaviour and greatly contributes to shedding an ambiguous light on his attitude towards religion. Like the portrait, it refers to rumours which insisted in comparing a great Roman general, Papirius Cursor, with Alexander (9.16.9), and describes Zeus's paternity of Alexander in terms which closely resemble the terms in Book 26: 9.18.4 *uanitatem ementiendae stirpis* (compare 26.19.6 *stirpis eum diuinae uirum esse ... famam in*

⁶⁵ See Kajanto (n. 51), 44–6; Levene (n. 10), 18–19, who underscores the important role attached to Scipio's *ars*.

⁶⁶ See Walsh (n. 4), 94; Bernard (n. 35), 326.

⁶⁷ Again it is Scipio's active role that is stressed here, particularly by the verb *referre* (§7 *rettulitque famam*), whose subject might be *hic mos* but also Scipio himself; see Weissenborn and Müller (n. 27), ad loc., who cite similar expressions at 3.55.6 *relatis quibusdam ex magno interuallo caerimoniis renouarunt*; 37.1.9; and Cic. *Diu. Caec.* 67.

⁶⁸ See Davies (n. 26), 126–33.

⁶⁹ Both are young and undefeated generals, both achieve their first major successes in the siege of cities surrounded by the sea (Alexander at Tyre, Scipio at New Carthage), conquered with broadly similar strategies (see references in the next note).

⁷⁰ See Brizzi (n. 2), 91–5; Bernard (n. 35), 325–30, followed by Mineo (n. 2 [2006]), 308; E. Cimolino-Brebion, 'Scipion l'Africain chez Tite-Live: remarques sur le portrait d'un jeune général exceptionnel', *Vita Latina* 189–90 (2014), 104–21, at 112–13. For a more nuanced view, see now E. Bernard, 'Portraits of people', in B. Mineo (ed.), *A Companion to Livy* (Chichester, 2015), 39–51. On the Scipio/Alexander parallel, see also D. Spencer, *The Roman Alexander* (Exeter, 2002), 172–5 and 178–9 (on this portrait); Levene (n. 6), 119–21. In Silius Italicus (13.762–77) the two commanders meet in the Underworld (on this episode, see F. Ripoll, 'Scipion l'Africain imitateur d'Alexandre chez Silius Italicus', *Vita Latina* 152 [1998], 36–47; R. Marks, *From Republic to Empire: Scipio Africanus in the Punica of Silius Italicus* [Frankfurt, 2005], 32–7 and 142–7).

⁷¹ Among the most recent discussions on the section, see e.g. M. Mahé-Simon, 'L'enjeu historiographique de l'exkursus sur Alexandre', in D. Briquel and J.-P. Thuillier (edd.), *Le censeur et les Samnites. Sur Tite-Live, livre IX* (Paris, 2001), 37–63; Spencer (n. 70), 41–53; R. Morello, 'Livy's Alexander digression (9.17–19): counterfactuals and apologetics', *JRS* 92 (2002), 62–85. For a complete *status quaestionis*, see Oakley (n. 58), 4.184.

Alexandro magno prius uolgamat, et uanitate et fabula parem). Except that in Book 9 Alexander's divine birth is clearly presented as having been made up by the king himself.⁷² In fact, since Alexander claimed his divinity by visiting Zeus/Ammon's oracle at Siwah,⁷³ readers may wonder whether Scipio's visits to the temple of Jupiter could have served a similar purpose.

Moreover, the general tone of the digression advises against considering Alexander as a virtuous model for Livy. There, Livy eulogizes Roman collective heroism claiming that Roman generals are superior to Alexander because they achieved their extraordinary successes within the boundaries of the Republican constitution, facing up to the temporal and civic limits of their power, whereas Alexander won his victories as a monarch, completely unbound by any institutional restraints.⁷⁴ This makes the Scipio/Alexander parallel even more problematic: it is precisely during the Second Punic War that the real effectiveness of appointing magistrates on an annual basis becomes a pressing problem in Rome, where opinion is divided between those who consider the iteration of office as the only possible solution in the face of Hannibal⁷⁵ and those concerned by the threat of *adfectatio regni*. Scipio himself will later be accused by Fabius Maximus of exploiting his military success to obtain consecutive office and thereby showing a monarchical attitude: 28.42.22 *ego patres conscripti, P. Cornelium rei publicae nobisque, non sibi ipsi priuatim creatum consulem existimo, exercitusque ad custodiam urbis atque Italiae scriptos esse, non quos regio more per superbiam consules quo terrarum uelint traiciant*.⁷⁶

This is not the only case in which Livy's criticism of Alexander is paralleled by similar accusations by Fabius against Scipio. In 9.18.3–4 Livy states that Alexander's army would have arrived in Italy already weakened by Persian *luxuria*, completely oblivious of its homeland and led by a commander dressed in Eastern garments: *Dareo magis similis quam Alexandro in Italiam uenisset et exercitum Macedoniae oblitum degenerantemque iam in Persarum mores adduxisset. referre in tanto rege piget superbam mutationem uestis*.⁷⁷ Similar criticism is to be found in Fabius' invective against Africanus after the Pleminius scandal, except that Scipio's soldiers are said to have forgotten not simply their homeland but even their enemy: 29.19.11–13 *etiam imperatoris non Romanus modo sed ne militaris quidem cultus iactabatur: cum pallio crepidisque inambulare in gymnasio, libellis eum palaestraeque operam dare ... cohortem totam Syracusarum amoenitate frui, Carthaginem atque Hannibalem excidisse de memoria*.⁷⁸ These coincidences demonstrate that the Alexander reference

⁷² The fraudulent sense of *stirpem ementiri* is confirmed by Cic. *Balb.* 5 *non genus suum ementitis*.

⁷³ See especially Strabo 17.1.43 (= Callisthenes, *FGrHist* 124 F 14); Diod. Sic. 17.51.1–2; Curt. 4.7.25, 4.7.30, 8.1.42; Gell. *NA* 13.4.1–3; Arr. *Anab.* 3.3.2–3.4.5; and Oakley (n. 59) on Livy 9.18.4.

⁷⁴ See 9.17.5–14, 9.18.13–19.

⁷⁵ See e.g. Fabius Maximus' speeches in 24.8.6–8, 27.6.7.

⁷⁶ On Fabius' speech against the African expedition in 205, see Mineo (n. 2 [2015]), 149. Similar charges were made against Africanus during the trial of the Scipios (see 38.54.6 *regnum in Senatu*). With regard to these allegations, however, it is worth noting that, according to Livy (27.19.3–6) and Polybius (10.40.2–9), when the Spaniards acclaimed Scipio as king, he firmly refused the title (but allowed people to acknowledge his 'regal spirit', *regalem animum*).

⁷⁷ Alexander's progressive adoption of Oriental customs is constantly highlighted by the sources; see passages cited by Oakley (n. 59), ad loc. and E. Baynham, 'Barbarians I: Quintus Curtius' and other Roman historians' reception of Alexander', in A. Feldherr (ed.), *The Cambridge Companion to the Roman Historians* (Cambridge, 2009), 288–300, at 291.

⁷⁸ Livy later states that some of these accusations were well grounded: 29.20.1 *partim uera partim mixta eoque similia ueris*. Scipio's habit of wearing Eastern clothes seems to have become almost

is anything but a straightforward eulogy; on the contrary, it clearly plays a role in distancing Scipio from the model of Roman hero praised by Livy throughout his work (and particularly in Book 9) pointing to criticism of him by his contemporaries.

The final section of the portrait is perhaps also the most striking. After mentioning Scipio's ambiguous and skilful behaviour before the people once more (26.19.8 *his miraculis numquam ab ipso elusa fides est; quin potius aucta arte quadam nec abnuendi tale quicquam nec palam adfirmandi*), Livy states that, as a result of his *ars*, admiration for the commander among citizens exceeded human limits: 26.19.9 *multa alia eiusdem generis, alia uera, alia adsimulata, admirationis humanae in eo iuuene excesserat modum*. This final comment definitively undermines the previous account of Scipio's election: his immense *fauor populi*, earlier presented as a sign of his greatness,⁷⁹ now takes on unsettling connotations of excess and a lack of *modus*. It is an especially perilous excess as it touches on the religious sphere: the term *humanus* contextualizes Scipio's behaviour into a man–god antithesis, already suggested at the end of the election, when it is said that Scipio 'filled men with a more assured hope than belief in a man's promise or reasoning based upon confidence of his success usually inspires' (26.19.2 *ut ... impleret homines certioris spei quam tantam fides promissi humani aut ratio ex fiducia rerum subicere solet*). In this respect too, Livy's portrait seems to anticipate criticism against the commander: during the aforementioned debate on the African expedition, he will defend himself from the accusation of *immodestia* made by Fabius Maximus: 28.44.18 *modestiae certe et temperando linguae adulescens senem uicero*. And *moderatio* is one of the most important virtues in the moral order of Livy's history, a trait often considered as a prerequisite for the righteous exercise of power.⁸⁰

Did Livy think that Scipio was a bad commander, or even a bad Roman citizen? Of course not. In the Third Decade, Scipio's virtues emerge very often and in much less ambiguous terms than here: a little later on in Book 26, the narrative of the siege of Nova Carthago (26.41.1–26.47.10) leaves no doubt about his military acumen, and the subsequent episode of Allucius' fiancée (26.50.1–13) seems specifically designed to exalt his continence and restraint. But it is significant that when Livy explains the reasons behind Scipio's election—one of the rare occasions in which he voices his own views—he chooses to focus on Scipio's duplicitous attitude towards the people rather than on his virtues, in a portrayal which seems to stress precisely the ambiguity of his behaviour and which foreshadows more substantial criticism against him. In doing so, Livy consciously and radically modifies the historiographical tradition on Scipio which he inherited from Polybius and the Annalists, condensing information which he is less interested in and expanding more problematical aspects. Scipio thus emerges

proverbial: see e.g. Tac. *Ann.* 2.59.1–2, where Germanicus is said to have imitated this habit; Val. Max. 3.6.1.

⁷⁹ Livy states that Scipio was voted for not only by every century but also by every single component of each century (26.18.9 *ad unum omnes non centuriae modo, sed etiam homines P. Scipioni imperium esse in Hispania iusserunt*). The notice seems suspect: election procedures established that once a candidate had won a majority of the votes (i.e. 97 out of 193 total centuries) the election terminated and the candidate was automatically elected (see e.g. W. Blösel, 'Die "Wahl" des P. Cornelius Scipio zum Prokonsul in Spanien im Jahr 210 v. Chr.', *Hermes* 136 [2008], 326–47, at 326). Perhaps Livy meant, however, that Scipio was voted for by everyone before a majority was reached.

⁸⁰ See T.J. Moore, *Artistry and Ideology. Livy's Vocabulary of Virtue* (Frankfurt, 1989), 72–8; K. Scheidle, *Modus optimum. Die Bedeutung des 'rechten Maßes' in der römischen Literatur* (Frankfurt, 1993), 103–38.

as a living and controversial character defined by a remarkable moral ambiguity. The young general, whose merits are beyond doubt, saved the *res publica* with his *uerae uirtutes* but also by means of his innate ability to trick people, however noble his motives. Like many other passages in the *Ab urbe condita*, therefore, this portrayal reflects Livy's concern with confronting his reader with a challenging and non-simplistic moral representation, especially when the nature of political and military power is concerned.

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