Polybius on the Rôle of the Senate in the Crisis of 264 B.C.

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THE ROMAN DECISION to intervene militarily in north-eastern Sicily in 264 B.C. represented the first occasion on which the Roman Republic chose to project its power and influence beyond the Italian peninsula. The decision—to provide support to the Mamertine rulers of the strategic town of Messana—led directly to the First Punic War, and proved to be the decisive step in the transformation of Rome from a purely Italian state into a world power. Almost all aspects of the decision and its background have been the subject of intense scholarly debate. Amid all the controversy, however, one question has been considered closed: the mechanism by which the Roman decision to help the Mamertines was made. The crucial text is Polybius 1.11.1–3, our only detailed description. It is the current scholarly interpretation of this passage that I wish to re-examine.

πολὺν μὲν χρόνον ἐβουλεύσαντο, καὶ τὸ μὲν συνέδριον οὐδ' εἰς τέλος ἐκύρωσε τὴν γνώμην διὰ τὰς ἄρτι ἡηθείσας αἰτίας. ἐδόκει γὰρ τὰ περὶ τὴν ἀλογίαν τῆς τοῖς Μαμερτίνοις ἐπικουρίας ἰσορροπεῖν τοῖς ἐκ τῆς βοηθείας συμφέρουσιν. οἱ δὲ πολλοί, τετρυμμένοι μὲν ὑπὸ τῶν προγεγονότων πολέμων καὶ προσδεόμενοι παντοδαπῆς ἐπανορθώσεως, ἄμα δὲ τοῖς ἄρτι ἡηθεῖσι περὶ τοῦ κοινῆ συμφέρειν τὸν πόλεμον καὶ κατ' ἰδίαν ἑκάστοις ἀφελείας προδήλους καὶ μεγάλας ὑποδεικνυόντων τῶν στρατηγῶν, ἔκριναν βοηθεῖν. κυρωθέντος δὲ τοῦ δόγματος ὑπὸ τοῦ δήμου, προχειρισάμενοι τὸν ἕτερον τῶν ὑπάτων στρατηγὸν ᾿Αππιον Κλαύδιον ἐξαπέστειλαν, κελεύσαντες βοηθεῖν καὶ διαβαίνειν εἰς Μεσσήνην.

According to Polybius, the Roman Senate became deadlocked over the question whether to aid the Mamertines (1.11.1; cf. 1.10.3 and 10.9): for the arguments presented in the Senate in favor of intervention in Sicily seemed to be balanced by the arguments

¹ A useful summary of the issues can be found in F. Hampl, "Zur Vorgeschichte des ersten und zweiten punischen Krieges," ANRW I.1 (Berlin/New York 1972) 412ff.

against it.² But of $\pi o \lambda \lambda o i$, though worn out by previous wars and in need of rest, were convinced by the arguments of of $\sigma \tau \rho a \tau \eta \gamma o i$ and decided to aid Messana (1.11.2). The $\sigma \tau \rho a \tau \eta \gamma o i$ (Polybius in all probability means the consuls) invoked Roman national interest, combined with the prospect of personal enrichment as a result of booty from a Sicilian war.³ Following the decision of oi $\pi o \lambda \lambda o i$, the $\delta o i \gamma \mu a$ was approved by the $\delta i \gamma \mu a i \gamma c$, and the consul Ap. Claudius was ordered to aid the Mamertines and cross to Messana (1.11.3).⁴

This passage is universally taken to mean that it was not the Roman Senate ($\tau \hat{o} \mu \hat{e} \nu \sigma \nu \nu \epsilon \delta \rho i \sigma \nu$, 1.11.1) that made the decision to intervene at Messana, but rather the Roman People, meeting in formal assembly (oi $\delta \hat{e} \pi o \lambda \lambda o i$, 1.11.2).⁵ Indeed, a common sug-

² Polybius reports that the factors of concern were (1) fear of growing Punic power in the regions surrounding Italy, balanced by (2) the illogic of aiding the Mamertines when the Romans had recently destroyed a similar regime of Campanian freebooters at Rhegium. Both motives have often been considered suspect; cf. W. Hoffmann, "Das Hilfgesuch der Mamertiner am Vorabend des ersten punischen Krieges," Historia 18 (1969) 167–71. In the Livian tradition, the senatorial debate seems to have revolved around completely different issues; cf. Flor. 1.18.2–4, with M. Schermann, Der erste punische Krieg im Lichte der livianischen Tradition (Diss. Tübingen 1905) 17, although Florus' account in and of itself need not inspire great confidence. On the difficulty of discovering the actual details of any senatorial debate, see now W. V. Harris, War and Imperialism in Republican Rome (Oxford 1979) 5–7, 255–56. This paper, however, is concerned only with determining what Polybius believed occurred.

³ Polybius commonly uses $\sigma\tau\rho\alpha\tau\eta\gamma\dot{\phi}\varsigma$ in a Roman context to denote 'consul': cf. I. Casaubon, Lexicon Polybianum (Oxford 1822) 415 s.v.; so at 1.11.9 precisely of one of the consuls of 264. E. Meyer has suggested that at the time the Messana issue came before the Senate, only one of the consuls was still in Rome, the other having departed to the siege of Volsinii: "Die römische Politik vom Ersten zum Ausbruch des zweiten punischen Krieges," Kleine Schriften II (Halle 1924) 376 and n.2. This is possible but by no means certain.

⁴ Against which state or states was the Roman military intervention on behalf of the Mamertines directed? Either this 'military' decision was made relatively early in the crisis and was directed solely against Syracuse (which was threatening Messana), or else it occurred somewhat later, following purely diplomatic Roman support for Messana, and was directed against both Syracuse and Carthage, which were now besieging the town. I myself lean strongly toward the latter, more complex reconstruction of events. For discussion, see J. W. Rich, Declaring War in the Roman Republic in the Period of Transmarine Expansion (Brussels 1976) 119–23 (arguing for Syracuse); K.-E. Petzold, Studien zur Methode des Polybios (Vestigia 9 [1969]) 168ff, esp. 178 (arguing for a later decision, directed against both Syracuse and Carthage). For the purposes of this paper, however, the issue of which situation in Sicily occasioned the decision may be regarded as secondary.

⁵ Thus T. Mommsen, Römische Geschichte I⁷ (Berlin 1881) 511; A. Holm, Geschichte Siciliens im Alterthum III (Leipzig 1898) 8; Schermann (supra n.2) 17; P. Meyer, Der Ausbruch des ersten punischen Krieges (Diss. Berlin 1908) 44–45; T. Frank, Roman Imperialism (New York 1914) 89; G. De Sanctis, Storia dei Romani III.1 (Turin

gestion has been that the ambitious and demagogic consul Ap. Claudius Caudex forced a motion favoring intervention through a meeting of the Roman People despite his being fully aware that the senate was unwilling to become involved in Sicily.⁶ Gelzer in fact thought that behind Polybius' account stands a condemnation of the greed of the Roman populace, a condemnation originating with the aristocratic Roman historian Fabius Pictor (who, by contrast, emphasized in his account of the senatorial debate over Messana the good faith and moral concerns of the Patres—cf. Polyb. 1.10.3—11.1).⁷ On the basic events, however, there is general agreement: (1) the Senate became permanently deadlocked over the issue of providing help to the Mamertines, and (2) the issue was then transferred to the Roman People as a whole, who in the end decided the matter by formally voting in favor of intervention. But fundamental obstacles stand in the way of this interpretation.

First, it seems clear from Livy Per. 16 that in the Livian tradition

^{1916) 96-97 (}but cf. n.14); E. Meyer (supra n.3) 376; T. FRANK, CAH VII (New York) Cambridge 1928) 670-71; M. GELZER, "Römische Politik bei Fabius Pictor," Hermes 68 (1933) 135-36; H. H. Scullard, A History of the Roman World from 753 to 146 B.C. (New York 1939) 156-57; A. Heuss, "Der erste punische Krieg und das Problem des römischen Imperialismus (zur politischen Beurteilung des Krieges)," HZ 169 (1949) 474-77; P. Bung, O. Fabius Pictor, der erste römische Annalist (Diss. Cologne 1950) 138; I. H. THIEL, A History of Roman Sea-Power before the Second Punic War (Amsterdam 1954) 137-39; A. LIPPOLD, "Der Consul Appius Claudius und der Beginn des ersten punischen Krieges," Orpheus 1 (1954) 154; F. W. WALBANK, A Historical Commentary on Polybius I (Oxford 1957) 60-61; F. CASSOLA, I gruppi politici Romani nel III secolo A.C. (Trieste 1962) 181; F. C. BOURNE, A History of the Romans (Boston 1966) 110-11; T. A. DOREY/D. R. DUDLEY, Rome Against Carthage (London 1971) 2; R. M. ERRING-TON, The Dawn of Empire (London 1971) 14-15; M. CARY/H. H. SCULLARD, A History of Rome³ (New York 1975) 117; J. MOLTHAGEN, "Der Weg in den ersten punischen Krieg," Chiron 5 (1975) 104ff (interpreting Polyb. 1.11,1-3 in the usual way, but doubting its historical value); K.-W. WELWEI, "Hieron II. von Syrakus und der Ausbruch des ersten punischen Krieges," Historia 27 (1978) 576; Harris (supra n.2) 188 and n.2. The same position is taken by translators: so E. S. Shuckburgh, The Histories of Polybius I (London/New York 1889); W. R. PATON, Polybius: The Histories, I (Cambridge [Mass.] 1922: LCL); M. H. CHAMBERS, Polybius: The Histories (New York 1966); P. PÉDECH, Polybe: Histoires (Livre I) (Paris 1969: Budé); I. SCOTT-KILVERT, Polybius: The Rise of the Roman Empire (Harmondsworth 1979). These works are cited hereafter by author's name alone.

⁶ Cf. P. Meyer 46; E. Meyer (*supra* n.3); Thiel 137 and n.237; Errington 15. Much more cautious is Lippold 154. Tenney Frank attributes the decision of the People to the activities of demagogues, "jingoes," and the military commanders—*Imperialism* 89, CAH 671.

⁷ Gelzer 135–36. On the other hand, Bung 138 believes that the (alleged) condemnation of the greed of the People comes from Polybius personally rather than from Fabius; see also Hoffmann (*supra* n.2) 171.

the Senate did not permanently deadlock; after a long debate, the Senate approved the dispatch of aid to the Mamertines: contra quos [Carthaginienses] et Hieronem, regem Syracusanorum, auxilium Mamertinis ferendum senatus censuit, cum de ea re inter suadentes ut id fieret dissuadentesque contentio fuisset. Most scholars, however, have found little reason to take the Periochae of Livy seriously when the far more trustworthy Polybius, as universally understood, has seemed to convey a quite different story. Usually, the Livian tradition has simply been ignored.8 Only W. Hoffmann has found it a cause for real concern, for he considered that significant elements within it (such as the long senatorial debate) clearly had their origin, ultimately, in Fabius Pictor—as must be true of Polybius' own account at 1.11.1-3.9 One may add that while Livy may tend to gloss over difficulties and hesitation within the Senate, he never denies the major rôle played by the assemblies of the People in Roman politics and in decision-making. 10 Thus if the tradition behind Per. 16 is falsely weighted in favor of the Senate, it would be a unique instance of such gross Livian distortion of the relations between Senate and People.

A second fundamental problem with the usual interpretation of Polybius is that the resulting picture of the political process in Rome in 264 seems difficult to believe. If the Senate deadlocked over the Messana question, then that fact alone would indicate that a large number of senators strongly opposed aiding the Mamertines. Yet if this was so, while at the same time the *populus Romanus* itself needed much convincing about Messana, then surely an independent attempt by the consuls to convince the People to intervene would have resulted in a tribunician veto of the assembly. In such situations, groups among the *principes* were not powerless. Consider the praetor M'. Iuventius Thalna's independent attempt to rouse the People to war against Rhodes in 167: vetoed by two tribunes.¹¹

⁸ The Livian tradition is not discussed by any of the scholars listed *supra* n.5, except briefly by Walbank.

⁹ Hoffmann (supra n.2) 171-72. He does not pursue this contradiction, simply suggesting that while the Senate approved an initial Mamertine appeal for $\varphi i\lambda ia/amicitia$, at a later stage it allowed the issue of military help for Messana to come before the People (174 and n.47). But this does not relieve the original difficulty: that Livy, who had Fabius Pictor available, apparently had the Senate deciding to intervene militarily at Messana. On Livy's direct use of Fabius see now T. J. Luce, Livy: The Composition of his History (Princeton 1977) 159-62.

¹⁰ Cf. P. G. Walsh, Livy: His Historical Aims and Methods (Cambridge 1963) 166.

¹¹ Livy 45.21.1-8, cf. Polyb. 30.4.5-6, Diod. 31.5.3. Compare the cogent remarks of

The most serious problem with the interpretation, however, is the phrase κυρωθέντος δὲ τοῦ δόγματος ὑπὸ τοῦ δήμου at 1.11.3. Walbank was rightly disturbed by this legal-sounding phrase, for he pointed out that $\delta \delta \gamma \mu a$ is the normal Greek translation of senatus consultum. But the existence of a senatus consultum would imply an actual senatorial decision in favor of Roman intervention in Sicily, a decision that the People only ratified—in other words, the tradition that seems to have been preserved in Livy. Walbank's solution to this impasse (an impasse which he was the first to discuss) was that $\delta \delta \gamma \mu a$ is here used in another sense than its normal meaning of senatus consultum. At Res Gestae 20.4 ex auctoritate senatus is translated δόγματι συγκλήτου, which Walbank suggested bears the technical sense of "a resolution of the Senate which is invalid on formal grounds"; therefore, δόγμα at Polybius 1.11.3 might mean "a measure which the Senate had neither approved nor rejected," not a senatus consultum but a senatus auctoritas (cf. the senatorial deadlock referred to at 1.11.1).¹²

This argument must be rejected. Res Gestae 20.4 can as well refer to simple senatorial approbation of Augustus' actions in restoring the temples of Rome, or to Augustus' having acted precisely on the basis of a senatus consultum.¹³ But even under the technical

Heuss 476, adducing the example of Iuventius. Heuss also points out that it was the Senate which controlled financial appropriations at Rome, that in 264 the *Patres* obviously allocated the money necessary for Ap. Claudius' military operations at Messana, and that a decision on a major issue of foreign policy made solely by the People, without a previous decision by the Senate, was so unusual in this period as to be almost revolutionary. Heuss takes Polyb. 1.11.1–3 in the usual way, but escapes the paradox he has thus created for himself by suggesting that the *Patres*, though divided, did not block the process that led to military intervention in Sicily because they did not regard the issue as very important (477). This argument contradicts our evidence, and common sense as well (even if the only potential enemy was Syracuse, and not in fact Syracuse and Carthage). De Sanctis interprets 1.11.1–3 in the standard fashion, but then considerations similar to those of Heuss lead him to attack Polybius' historical accuracy here: in reality, the Senate must have approved and authorized the intervention (97 with n.14). So too Welwei 576.

¹² I 60, cf. A Historical Commentary on Polybius III (Oxford 1979) 758.

¹³ Walbank offers no argument for a technical usage of auctoritas senatus at RG 20.4. There were two ways in which a resolution of the Senate that was invalid on formal grounds still might technically be called an auctoritas (TLL II 1225–26): if a senatus consultum was passed but then vetoed by a tribune (cf. Cic. Fam. 1.2.4; 1.7.4; Att. 5.2.3; Caelius at Fam. 8.8.4), or if a resolution was passed, but without a quorum (Dio 55.3.4). In the case of RG 20.4, neither condition is likely. This was an important vote desired by Imperator Caesar; cf. R. Syme, The Roman Revolution (Oxford 1939) 447. H. J. Mason, Greek Terms for Roman Institutions (AmStudPap 13 [Toronto 1974]) 14, appears to take auctoritas/ $\delta \delta \gamma \mu a$ at RG 20.4 to mean, literally, senatorial approval, attributing the quirkiness of the Greek translation to Augustus personally. But, especially in the phrase ex

usage that Walbank himself suggests, auctoritas senatus could not denote senatorial neutrality ("a measure which the Senate had neither approved nor rejected"): for auctoritas $\delta \delta \gamma \mu a$ here would still denote formal senatorial approval of a resolution (essentially, the passage of a senatus consultum), a resolution which for some reason was later considered invalid. Indeed, on any interpretation of RG 20.4 what Augustus is emphasizing is precisely that he acted with the Senate's approval and authorization. No parallel therefore exists for $\delta \delta \gamma \mu a$ as senatorial neutrality. 15

Furthermore, $\delta \delta \gamma \mu a$ in Polybius always means an officially voted resolution expressing a definite opinion on a question of policy; often it occurs in connection with a demand for a specific action. Even more striking, however, is the fact that in Polybius' descriptions of specifically Roman practices and procedures, $\delta \delta \gamma \mu a$ always means senatus consultum. If It seems certain, therefore, that Polybius at 1.11.3 intends $\delta \delta \gamma \mu a$ to be understood as senatus consultum.

auctoritate senatus, auctoritas can mean the equivalent of senatus consultum: cf. TLL II 1226, and esp. Livy 7.19.6, 8.21.10, Vell.Pat. 2.20.3 (all fairly contemporary with the RG) and Suet. Tib. 54.

¹⁴ Thus, a senatus auctoritas was often a written opinion of the Senate, just as if it were a senatus consultum (see supra n.13).

¹⁵ The term δόγμα later takes the meaning of an edict of a Roman Emperor; but other than this development, and the single Augustan case where δόγμα means senatus auctoritas, the word in a Roman context always means senatus consultum. Cf. Mason (supra n.13) 39; E. G. Domingo, Latinismos en la Koiné (Burgos 1979) 370–73; and D. Magie, De Romanorum iuris publici sacrique vocabulis sollemnibus in Graecam sermonem conversis (Diss. Leipzig 1905) 45, who remarks that δόγμα without exception means senatus consultum in the relevant portions of Dionysius of Halicarnassus, Plutarch, Appian, and Dio.

¹⁶ There are 23 instances in a non-Roman context: 2.4.2, 61.7; 3.8.10, 27.7; 4.9.1, 13.6, 15.6, 25.6, 27.2; 5.93.1; 12.9.6; 16.31.4; 18.5.2; 20.4.6, 10.4; 21.42.27; 22.12.7; 23.4.5; 27.18.1; 28.7.10; 29.7.4, 9.8; 39.3.8—always a decree or formal resolution expressing an opinion or urging action, never a resolution which had been neither approved nor rejected. In a Roman context (senatus consultum: 22 times, apart from 1.11.3): 6.12.3, 12.4, 13.2; 18.44.1, 44.2, 44.5, 45.1 twice, 45.3; 24.10.3; 28.3.3, 13.11, 16.2 twice; 29.27.2; 30.5.12, 5.16, 19.6, 21.3, 30.3, 31.20; 33.18.11. Cf. A. Mauersberger, Polybios-Lexicon I.2 (Berlin 1961) col. 560, who refers to 1.11.3, however, only in the context of the phrase 'to ratify a decree (Beschluss)', without explaining what kind of decree he means.

¹⁷ To take δόγμα as 'plebescite' (so apparently Shuckburgh and certainly Scott-Kilvert) would be consistent with the standard interpretation of oi δὲ πολλοί at 1.11.2 ('the Roman People' in assembly). But the contemporary Greek terms for plebiscitum are well-known: ψήφισμα or γνώμη or ψήφος—not δόγμα; cf. Magie (supra n.15) 50; Mason (supra n.13) 195. One Late Byzantine dictionary, the Hermeneumata Einsidlensia, does translate plebiscitum as δόγμα δήμου (G. Goetz, Corpus Glossariorum Latinorum III [Leipzig 1892] 275), but this text can hardly have relevance to Greek usage of 1700 years earlier. By contrast, Magie (45) in fact takes 1.11.3 as a typical example of Polybius' use of δόγμα to

This interpretation is supported by the phrase $\kappa\nu\rho\omega\theta\acute{e}\nu\tau\sigma\varsigma$ $\delta\grave{e}$. . . $\delta\pi\grave{o}$ $\tauo\hat{v}$ $\delta\acute{\eta}\mu\sigma\nu$. Polybius elsewhere uses the verb $\kappa\nu\rho\acute{o}\omega$ or its cognates ten times with δ $\delta\hat{\eta}\mu\sigma\varsigma$ in the sense of 'the Roman people' to describe the ratification of a measure by a vote of a Roman assembly; and invariably, what the Roman $\delta\hat{\eta}\mu\sigma\varsigma$ officially ratifies are measures already decided upon by another and separate branch of the Roman state—'preliminary' decisions already proclaimed by generals in the field, or by a general and the Senate, or by the Senate alone. Polybius' usage thus is consistent with the hypothesis that the $\delta\acute{o}\gamma\mu\alpha$ at 1.11.3—the decision ratified by the Roman $\delta\hat{\eta}\mu\sigma\varsigma$ —is in reality a senatus consultum.

We must conclude that $\kappa\nu\rho\omega\theta\acute{e}\nu\tau\sigma\varsigma$ $\delta\grave{e}$ $\tau\sigma\grave{o}$ $\delta\acute{o}\gamma\mu\alpha\tau\sigma\varsigma$ $\delta\imath\grave{o}$ $\tauo\grave{o}$ $\delta\acute{\eta}\mu\sigma\upsilon$ means "the senatus consultum having been ratified by the People . . ." But this means that Polybius intended his readers to understand that at the base of the Roman intervention in Sicily was a favorable decision of the Senate, which, ratified by the People, resulted in the dispatch of an army to support the Mamertines. In other words, previous understanding of what Polybius says concerning the rôle of the Senate seems to have been mistaken: in Polybius as in the Livian tradition (Per. 16) it was the Patres, not the populus, who made the crucial decision.

Yet the conclusion reached above does raise another question: if the Senate was deadlocked over Messana (1.11.1), how is it that a senatus consultum later emerges (1.11.3)? One might imagine that Polybius here has somehow dovetailed two greatly variant traditions on the outbreak of the First Punic War, ¹⁹ or even that he has severely compressed a single, highly complicated tradition. ²⁰ But

mean senatus consultum. J. Schweighäuser, Polybii Megalopolitani Historiarum Quicquid Superest I (Oxford 1823), and Pédech both translate $\delta \delta \gamma \mu a$ at 1.11.3 loosely ('sententia'; 'le projet'), as do Paton and Chambers ('resolution'). There is no Polybian support for this loose sense of $\delta \delta \gamma \mu a$.

¹⁸ For instance, a 'preliminary' treaty with a foreign power: 1.17.1; 3.21.2; 6.15.9; 15.1.3; 18.43.4; 21.10.8, 17.5, 17.9, 24.3, 30.16, cf. 32.1. Or, precisely, a senatus consultum (here termed τὸ προβεβουλευμένου): 6.16.2.

¹⁹ For Polybius' apparent dovetailing of variant traditions on the outbreak of the Second Punic War (combining emphasis on the fall of Saguntum with emphasis on Hannibal's crossing of the Ebro), see G. V. Sumner, "The Chronology of the Outbreak of the Second Punic War," *PACA* 9 (1966) 14–15.

²⁰ Schermann (supra n.2) 17 suggested that both Polybius and Livy found in their sources a complex story in which the Senate deadlocked, the consuls convinced the People (Polyb. 1.11.1-2), and then the Senate—essentially faced with a fait accompli—passed a confirmatory senatus consultum in favor of intervention (Livy Per. 16). This hypothesis assumes that the rôle of the People has been completely suppressed in Per. 16, and that Polybius not

such solutions would require of Polybius an untoward obscurity and confusion of exposition. I would suggest instead that of $\pi o \lambda \lambda o i$ at 1.11.2—Polybius' term for those who finally decided that they ought to aid Messana—denotes not 'the Roman People' (the usual interpretation) but rather 'a majority' (of the Senate), and that it is precisely the senatorial change of mood at 1.11.2 which accounts for the appearance of the senatus consultum of 1.11.3. This solution, though simple, entails a revision of the traditional understanding of the whole passage; thus, it requires detailed argument.

First, scholars have assumed that Polybius at 1.11.1 describes a permanent senatorial deadlock, and that therefore oi $\pi o \lambda \lambda oi$ at 1.11.2 must denote the populus, the Roman People. The key phrase is $\kappa ai \tau oi$ μev $\sigma vv e \delta \rho iov$ ov oi eic $t e \lambda oc$ $e \kappa v \rho \omega oc$ $t \tau v v \omega \mu \eta v$. Usually eic $t e \lambda oc$ is taken to have a temporal force: in the end, the Senate was unable to sanction the proposal (because of the equal balance of arguments for and against intervention). But eic $t e \lambda oc$ in Polybius has intensive force, not temporal. Thus, what Polybius means is that the Senate was not at all agreed on the proposal (because of the existing balance of arguments for and against intervention). In other words, eic $t e \lambda oc$ expresses the intensity of the quandary in which the Patres found themselves over Messana; but Polybius here by no means implies the permanence of this quandary, or that the deadlock was necessarily the final stage of the political action in the curia.

As to oi $\pi o \lambda \lambda oi$ at 1.11.2, it is true that in Polybius oi $\pi o \lambda \lambda oi$ can mean 'the many' in the sense of 'the common people': by my count, this usage occurs sixty-eight times in the extant text,²⁴ eleven of

merely compressed severely but also seriously misunderstood the order of events he found in his sources—for in his account, the last political action at Rome is by the *populus*, not the Senate.

²¹ So the translations of Schuckburgh, Paton, Scott-Kilvert, W. Ihne, *The History of Rome* II (London 1871) 37 n.2, and Heuss 474. That the passage is being read in this fashion is also apparent from the reconstructions offered by Holm 8, Scullard 156, Bourne 110, and Dorey-Dudley 2.

²² Noted, with his usual care, by Walbank, with reference to J. Schweighäuser, Lexicon Polybianum (Leipzig 1795) s.v. τέλος; cf. also Casaubon (supra n.3), s.v. τέλος. Examples: 1.20.7, 20.10, 20.16, 48.4; 2.31.10, 50.5; 3.36.3; 4.21.5, 84.1; 8.2.2; 11.24.2; 15.12.2; 18.18.6; 24.5.8.

²³ The phrase was correctly interpreted by Schweighäuser (*supra* n.17), *cf.* now both Chambers and Pédech.

²⁴ 1.32.6; 3.85.7, 98.9, 118.7; 4.24.8, 26.2, 34.5, 81.2; 5.39.3; 6.7.2, 7.5, 9.7, 11.12, 16.1, 16.5, 51.7, 53.3, 54.2; 8.31.4; 10.5.3; 11.6.9; 15.1.5, 2.4, 21.2, 25.4, 25.24, 25.36, 27.1, 28.8, 29.3, 32.8; 16.23.2, 26.7; 18.43.8; 20.6.4, 10.11; 21.3b.2, 6.2, 6.6, 31.8,

the Roman populace specifically.²⁵ But Polybius always uses of $\pi o \lambda \lambda o i$ to denote 'the populace' at Rome in a rather vague and general sense, and not in the sense of a decision-making assembly of the Roman People (a comitia). 26 This fact speaks against the usual interpretation of oi $\pi o \lambda \lambda o i$ at 1.11.2 as denoting a comitial meeting where the consuls convinced the People to vote for intervention at Messana.²⁷ Indeed, Polybius' term for the Roman People meeting formally in *comitia* is not of $\pi o \lambda \lambda o i$ but (of course) δ $\delta \hat{n} u o c$ —used twenty-one times to describe decision-making assemblies at Rome.²⁸ So precisely at 1.11.3 a meeting of the Roman $\delta \hat{n} \mu o c$ votes to ratify an existing $\delta \delta \gamma \mu a$ in favor of intervention in Sicily. And this last event is itself odd if of $\pi o \lambda \lambda o i$ at 1.11.2 also means the Roman People meeting formally in assembly; for if that is correct, then at 1.11.2 the decision of the Roman People in favor of intervention has already taken place (of $\delta \hat{\epsilon} \pi o \lambda \lambda o i \dots \tilde{\epsilon} \kappa \rho i \nu a \nu$ $\beta on\theta \hat{\epsilon iv}$). But why should Polybius choose to repeat himself in this paradoxical fashion?²⁹ Thus there are unexpectedly severe difficulties in taking oi πολλοί at 1.11.2 to mean 'the Roman People' meeting in Assembly.

^{31.15; 22.7.8, 10.10, 10.15, 12.6, 13.4; 23.12.9, 14.4, 16.4; 24.7.2, 9.4, 9.6; 27.7.10, 7.13, 9.1, 10.4; 29.16.1; 30.32.8; 31.12(20).4, 29(32).8; 32.3.11; 33.3.2, 20(16}a); 38.3.13, 11.15, 17.1, 17.8.

²⁵ 3.85.7, 118.7; 6.11.2, 16.1, 16.5, 53.5, 54.2; 10.5.3; 16.23.2; 23.14.4; 31.29(32).8.

²⁶ Some passages may arouse controversy: notably 3.85.7; 6.16.1, 16.5; 10.5.3; 23.14.4. But in none of these does Polybius use $oi \pi o \lambda \lambda oi$ to denote the Roman People in assembly, actually making a decision. Thus, at 3.85.7 the leading men of the state realize that they must tell $oi \pi o \lambda \lambda oi$ the news of the disaster at Lake Trasimene—but the People in assembly to hear the news are called $oi \delta \eta \mu o i$. At 6.16.1 and 16.5 the contrast is between the Senate and the People, but in a general sense—the People meeting in a specific assembly are not involved. At 10.5.3 Polybius says that $oi \pi o \lambda \lambda oi$ awarded the Scipio brothers public offices, but again he is not describing any specific electoral assembly. Finally, at the trial of Africanus $i v \tau \hat{o} \delta \eta \mu \omega$ at 23.14.4, his defense causes $i \sigma i \kappa \lambda \lambda oi$... $i \kappa i \kappa v i \kappa i \kappa i$ to rise up and depart the trial, but this means not that the assembly itself dissolved formally, but that the common people left (for not everyone did).

²⁷ Comitia centuriata: P. Meyer 44–45, de Sanctis 97, E. Meyer (supra n.3) 376, Thiel 137–38. Concilium plebis: Frank, Imperialism 89 and CAH 671, Dorey/Dudley 2, Cary/Scullard 117. 'Comitia' or 'the assembly': Gelzer 135, Walbank 60, Cassola 181, Hoffmann (supra n.2) 171, Molthagen 104, Welwei 576.

²⁸ 1.11.3, 17.1, 62.8, 63.1; 3.21.2, 29.3, 103.5; 6.14.6, 19.5, 19.7; 15.1.3, 4.8, 8.9, 8.13; 18.42.3, 42.4; 21.24.3, 30.16, 32.1; 23.14.2; 31.25(32).5a. In 6.14, his discussion of the formal rôle of the *populus Romanus* in the Roman state, Polybius employs δ δημος exclusively.

²⁹ One might argue that what is being described at 1.11.2 is only an informal *contio*, something quite different from a formal meeting of a *comitia*, and requiring the latter's sanction (thus the meeting of $\delta \delta \hat{\eta} \mu o \varsigma$ at 1.11.3). But Polybius at 1.11.2 says of $\delta \hat{\epsilon} \pi o \lambda \lambda o i \ldots$

Now another and very different meaning of $oi \pi o \lambda \lambda oi$ is found quite frequently in Polybius: 'the many' in the sense of 'most people', that is, 'a majority'. By my count, there are at least twenty-nine examples of this usage; and in at least four, $oi \pi o \lambda \lambda oi$ denotes 'the majority' within a group debating a specific issue.³⁰ Two scenes are of special interest here, for they describe division of opinion within a restricted governing council (as opposed to a popular assembly).

First, Polybius' account of a debate at a meeting of Antiochus III and his council of advisors, the issue being whether Antiochus should take the field against the usurper Molon (5.49.1ff). Epigenes proposed an immediate attack on Molon; Hermeias insulted Epigenes, and proposed delay instead. oi $\pi o \lambda \lambda oi$ were offended by Hermeias' behavior ($\pi po\sigma \acute{\epsilon} \kappa o\pi \tau \epsilon \ \mu \grave{\epsilon} \nu \ \tau oi \varsigma \ \pi o \lambda \lambda oi \varsigma$, 5.49.4), and a little later Epigenes' proposal was accepted by oi $\pi o \lambda \lambda oi \ (\delta \acute{o} \xi a \nu \tau o \varsigma \delta \grave{\epsilon} \ \tau oi \varsigma \ \pi o \lambda \lambda oi \varsigma$, 5.49.6); the result was a council decision to attack Molon. Here Polybius twice uses oi $\pi o \lambda \lambda oi$ without modifiers to denote a majority within a restricted governing council engaged in intense debate.

Again, at 33.18.11 Polybius uses of $\pi o \lambda \lambda o i$ in the sense of 'a majority' within the Roman Senate itself. The situation is a senatorial debate in 154/3 concerning Seleucid Syria. The pretender Alexander Balas appeared before the Senate to plead for Roman support against the reigning king Demetrius I, and Alexander was strongly seconded by his adviser Heracleides. The more moderate members of the Senate (oi μèν οὖν μέτριοι, 33.18.10) remained unmoved by these speeches; but the majority (oi δὲ πολλοί) were convinced. And the result of the persuasion of oi πολλοί was a δόγμα, a senatus consultum favoring Alexander Balas' attempt to gain Demetrius' throne. The parallel with 1.11.2 is perhaps not complete, for one might argue that at 33.18.11 oi δὲ πολλοί within the Senate are contrasted with oi μὲν οὖν μέτριοι, while at 1.11.2 oi δὲ πολλοί seem to be contrasted with the Senate as a whole (τὸ μὲν

ἔκριναν βοηθεῖν: the act seems definitve and final. Moreover, if what is being described is a meeting of the populus, how could such a definitive decision be made known except by formal vote?

^{30 2.64.2; 3.63.9, 64.2, 65.11, 112.7; 4.40.10; 5.49.4, 49.6; 6.9.5; 7.17.2; 9.8.4, 26}a.7; 10.2.10, 6.10, 7.2; 11.8.7, 27.8; 12.25d.6; 15.29.10; 18.46.12; 20.7.3; 26.1a.2; 27.3.6, 7.8; 29.22.1; 30.12.2; 33.6.2, 18.11; 38.12.4. Majority in debate: 5.49.4, 49.6; 33.18.11; 38.12.4, cf. 12.6. In ten more cases, 'majority' is the probable meaning: 2.47.8; 3.94.8; 6.6.10; 9.32.1; 16.3.4; 27.7.5; 28.16.1; 33.16.2, 16.7; 36.17.3. Cf. also τὸ πολὺ μέρος, or τὸ πολύ, 'the greater part': 1.2.5; 2.3.4; 3.92.11, 102.1; 5.14.4, 14.6; 8.13.5; 15.25.20, 25.22; 18.46.7; adverbially at 16.4.14; 21.32c(41).2.

συνέδριον, 1.11.1). But the contrast at 1.11.1–2 may well be between 'the Senate' at one stage of events and 'a majority' (of the Senate) at a slightly later stage (see below). What 33.18.11 does show is that Polybius was perfectly capable of using oi πολλοί to mean precisely a majority of the Senate—indeed, a majority whose votes produce a δόγμα.³¹

Two further arguments strongly support our interpretation. First, according to Polybius 1.20.1, "when news of the events at Agrigentum reached the Senate of the Romans [i.e., late in 262], overjoyed and exalted they did not hold to their original purposes, and were not satisfied with having saved the Mamertines and with the booty gained from the war itself." Instead, Polybius reports, there was now a basic change in senatorial policy in Sicily: they decided to try to drive the Carthaginians completely from the island. The measures taken to achieve the new goal (including the eventual building of a large warfleet) are then detailed.

Clearly this is a description of the evolution of senatorial policy early in the First Punic War; this has often been recognized by scholars.³³ The Senate is explicitly the scene of action. It is all the more remarkable, then, that an important implication has been overlooked. Polybius at 1.20.1 attributes to the Roman Senate two original goals of policy ($\lambda o \gamma \iota \sigma \mu o i$) in Sicily, goals that were changed after the fall of the great Carthaginian base at Agrigentum. Those goals correspond precisely to the two arguments which Polybius at 1.11.2 depicts the consuls using to persuade $oi \pi o \lambda \lambda o i$ to favor Roman intervention in the first place—namely, considerations of

³¹ It is possible that of $\pi o \lambda \lambda o i$ at Polyb. 28.7.8 and 29.24.5 and 9 means 'a majority' during various debates within the Achaean $\beta o \nu \lambda \dot{\eta}$: these would be three more examples of 'a majority' in a debate within a restricted council meeting. But it is not clear whether Polybius means the Achaean $\beta o \nu \lambda \dot{\eta}$ or the Achaean assembly: cf. E. S. Gruen, "Class Conflict in the Third Macedonian War," AJAH 1 (1976) 34 and n.48 (leaning somewhat towards $\beta o \nu \lambda \dot{\eta}$ at 28.7.8); Walbank (supra n.12) 406–14 (arguing for assembly meetings).

³² Τῆς δ' ἀγγελίας ἀφικομένης εἰς τὴν σύγκλητον τῶν 'Ρωμαίων ὑπὲρ τῶν κατὰ τὸν 'Ακράγαντα, περιχαρεῖς γενόμενοι καὶ ταῖς διανοίαις ἐπαρθέντες οὐκ ἔμενον ἐπὶ τῶν ἐζ ἀρχῆς λογισμῶν, οὐδ' ἠρκοῦντο σεσωκέναι τοὺς Μαμερτίνους οὐδὲ ταῖς ἐζ αὐτοῦ τοῦ πολέμου γενομέναις ἀφελείαις.

³³ Not only is it the Roman Senate that rejoices over the fall of Agrigentum, but the decision to extend the scope of Roman ambition in Sicily (20.2) can only have been the Senate's, as also the approval expressed concerning the handling of Roman land forces in Sicily (20.3–4), and the eventual decision to build a warfleet (20.5–16; cf. Ined. Vat. 4 [Hermes 27 (1892) 121] for the senatorial debate). Cf. Frank, Roman Imperialism 92 and CAH 678, de Sanctis 121, Scullard 160, Harris (supra n.2) 108 (Agrigentum "delighted the Senate, and excited their minds so that they passed beyond their original designs . . ."); so too the translations of Schuckburgh and Chambers.

The question here is not the accuracy of Polybius' account of the development of senatorial policy during the war; it has long been recognized that 1.20 is probably too schematic, the rôle played by the fall of Agrigentum over-emphasized.³⁶ But if 1.20.1 is not completely trustworthy as history, it is still vital for our purposes, since it reveals what Polybius believed. He believed that the Senate

³⁴ For ἀφέλειαι in general as 'praeda bello facta', cf. Casaubon (supra n.3) s.v.; of 1.20.1 specifically, Schweighäuser (supra n.17), 'bello praeda'. Schuckburgh, Paton, Chambers, and Scott-Kilvert are too vague ('advantages', 'gains'), as is Pédech, though to a lesser extent ('des profits de la guerre'). Florus has the opulentissimam . . . praedam of Sicily a major motive for Roman intervention (1.18.2, cf. 1.18.4 sollicitante praeda); yet Florus is an epitome of Livy, in whose account the Senate made the decision (Per. 16). It is tempting to conclude that Livy attributed to the Senate the greed that Polybius attributes to of πολλοί—further testimony that the latter means a majority of the Senate.

³⁵ Harris (supra n.2) 74–77, cf. his "On War and Greed in the Second Century B.C.," AHR 76 (1971) 1371–85. The most obvious example of movable booty as an overt goal of senatorial policy is the Roman treaty of alliance with the Aetolian League concluded in 212 or 211; for discussion see H. H. Schmitt, Staatsverträge III no.536. Popular understanding of senatorial desire for booty as a major motive for war was widespread enough to be the subject of jokes on the Roman stage: Plaut. Epid. 193–94. Cf. I. Schatzman, "The Roman General's Authority over Booty," Historia 21 (1972) 177–205: Roman commanders in the field were within their rights to take a substantial portion of booty for their private use. For the greedy division of such spoil by aristocratic generals and their friends—evidently a normal practice—cf. Cato the Censor in H. Malcovati, Oratorum Romanorum Fragmenta³ (Turin 1967) 82 fr.203. So too another remark of Cato's: in 167 war threatened between Rome and Rhodes because many of the summates viri were eager for Rhodian booty (63 fr.163; cf. Harris [supra n.2] 77). The parallel with what I have suggested Polybius is describing at 1.11.2–3 is striking.

³⁶ For discussion see Walbank 72–73. Indeed, Polybius is apparently too schematic in representing booty as a major senatorial goal, for *throughout* the war there occurred Roman expeditions whose sole purpose seems to have been the acquisition of booty—most notably, the naval raids on Punic Africa in 253 and 247 (Polyb. 1.30.1–6; Zonar. 8.16). Cf. Harris (supra n.2) 63.

had played the directing rôle in the war from its very outset (the senatorial $\partial \xi \partial \rho \chi \hat{\eta} \zeta \lambda \delta \gamma i \sigma \mu \delta i$ of 1.20.1), and that the original goals of the Senate were precisely the same as the arguments he says at 1.11.2 convinced of $\pi \delta \lambda \delta i$ to intervene in Sicily to begin with (which leads us back to the $\delta \delta \gamma \mu \alpha$ —senatus consultum—of 1.11.3). These facts weigh heavily in favor of interpreting 1.11.2 to mean that because of the arguments of the consuls, 'a majority' (of the Senate) voted to intervene in Sicily.

A second argument, though less important, may be added; it concerns the pattern in Polybius of $d\pi o \rho ia$ (hesitation or indecision) and its consequences. In Polybius' thinking the Roman Senate in 264 was in a state of $d\pi o\rho ia$ regarding the Mamertine question: 'Ρωμαΐοι δὲ πολὸν μὲν χρόνον ἠπόρησαν (1.10.3). 'Ρωμαΐοι clearly means the Roman Senate, for what follows is the debate over Messana in the Senate, an account which ends with the statement 'Ρωμαΐοι . . . πολὺν μὲν χρόνον ἐβουλεύσαντο (1.10.9)—an obvious echo of the phrase at 1.10.3. Now, what is striking is that in every other case of $d\pi o\rho ia$ in Polybius, the hesitation or indecision is only temporary; $d\pi o\rho ia$ inevitably resolves itself into decision.³⁷ If the senatorial $d\pi o\rho ia$ over Messana is to conform to the pattern of *ἀπορία* found elsewhere in Polybius, then the senatorial indecision ought to resolve itself into a definite decision. The simple solution then is to take of $\pi o \lambda \lambda o i$ at 1.11.2 to mean a majority of the Senate, whose vote in favor of intervention was how the (temporary) senatorial $d\pi o \rho i a$ over Messana was resolved.

Are there any serious problems inherent in our interpretation of the passage? First, according to Diodorus (23.1.4), when the news of the joint Carthaginian/Syracusan siege of Messana arrived in Rome, $\delta \delta \hat{\epsilon} P \omega \mu a i \omega v \delta \hat{\eta} \mu o \varsigma$ ordered the consul Ap. Claudius to relieve the city. But no one would deny that there was eventually a formal vote of the Roman People authorizing this action; that is

³⁷ Examples of (only temporary) ἀπορία: 1.60.6–9; 2.51.6–52.3; 3.102.3–5; 4.70.6–71.3; 5.25.6–26.7; 7.12.5, 17.7–8; 10.27.7–12 (Polybius himself), 38.9–10; 11.1.6–7, 20.5–7, 25.1–8; 14.6.9–12; 16.2.1–2; 18.45.10–12; 21.25.9–11; 27.14(11).1–2; 28.7.8–13; 29.5(1b).1 (Polybius himself); 30.9.15–17; 31.18(27).4–6, 18(27).10; 36.4.7–8. Particularly noteworthy are two cases where the Roman Senate is described as being in a state of ἀπορία, 30.19.2–19.6 and 32.2.2: in both, the ἀπορία is only temporary and the Senate finally arrives at a decision (at 30.19.6, it is in the form of a δόγμα). Two other cases of senatorial hesitation or indecision are described by Polybius without using ἀπορία or its cognates; here too the hesitation is only temporary and a final decision emerges (30.32.6–9; 35.6.1–3).

clear from Polybius 1.11.3. The only question has been whether this vote of the People came in consequence of a senatus consultum, and here Diodorus provides no information.

One might also hesitate over Polybius' description of $oi \pi o \lambda \lambda oi$ at 1.11.2 as "worn out by the previous wars." This might perhaps sound more natural as a description of the Roman populace in 264 than of the Senate. Yet it can easily refer to the *Patres*: the Pyrrhic War had probably taken a heavy toll of the aristocracy (note the persistent tradition concerning strong senatorial sentiment for peace with Pyrrhus, even on relatively unfavorable terms); the past decade had seen war throughout Italy; and just before the Messana crisis, war had begun against Volsinii, a war in which one consul had already been killed in battle, and which was still such a concern to the Senate in 264 that only one of the consuls could be spared to deal with the situation at Messana. It would be perfectly understandable if in this situation the *Patres* were reluctant to burden themselves (and the state) with yet a new conflict, and required much persuasion before deciding to do so.

³⁸ For the occasional strength of peace sentiment within the Senate during the Pyrrhic War, see the discussion in Frank, CAH 646-48. The sources for the widespread fighting in Italy in the decade preceding 264 are listed in T. R. S. Broughton, *The Magistrates of the Roman Republic I* (Cleveland 1951) 196-202.

³⁹ For reduplicated $\mu \acute{e}v$ cf. J. D. Denniston, The Greek Particles² (Oxford 1954) 384–86; reduplication for clarity, 385. The reduplicated $\mu \acute{e}v$ of 1.11.1 (in connection with the $\delta \acute{e}$ of 1.11.2) may have the further purpose of delineating two different stages in the senatorial debate: on the one hand, the Senate could not agree about intervention at Messana because of the balance of previous arguments for and against; but then the majority were con-

I would therefore offer the following translation:

(1.10.9) The Roman Senate . . . debated for a long time (1.11.1) and the Senate was not at all agreed on the proposal, because of the reasons stated above. For it seemed that the arguments concerning the inconsistency of helping the Mamertines were balanced by the advantages to be gained from intervention. (11.2) But the majority, though worn out by the previous wars and needing restoration of every sort, still listened to the consuls, who pointed out the advantages mentioned above that the war would bring the state, and also the obviously great amount of booty which would accrue to each man individually; so they voted to help. (11.3) The decree of the Senate having been ratified by the People, they appointed to the command Appius Claudius, one of the consuls, ordering him to cross to Messana and help the city.

To conclude: Polybius 1.11.1-3, our only detailed account of the Romans' decision to project their power beyond the Italian peninsula for the first time, has been held to show that the Senate became deadlocked and that the decision was then transferred to the Roman People, who decided the matter by voting for intervention. I have argued instead that, according to Polybius, after long debate a majority of the Senate decided in favor of military intervention in Sicily; this decision was expressed in the form of a senatus consultum, which was in turn ratified by a vote of the Roman People.⁴⁰

Evidently, the historiographical traditions concerning the outbreak of the First Punic War are not so diverse as has been thought; for here Polybius and the Livian tradition, far from conflicting on a most important aspect of the crisis of 264 (the rôle of the Senate) prove instead to be in agreement, both attributing to the Senate the essential decision to intervene in Sicily.⁴¹ Moreover, it would

vinced by the arguments (one of them—the prospective booty—quite new) offered by the $\sigma\tau\rho\alpha\tau\eta\gamma\sigma i$. For a parallel case where Polybius depicts consuls arguing successfully for war before an uncertain Senate, cf. 2.34.1.

⁴⁰ It seems best to insist on Polybius' words, that the Roman People now authorized simply the crossing of a Roman army to Sicily in order to protect Messana (1.11.3)—that is, he does not depict a formal declaration of war, nor even a 'conditional' declaration of war; cf. Rich (supra n.4) 119–23, rightly stressing Front. Strat. 1.4.11. For a parallel decision some twenty years earlier, to aid Thurii but without declaring war against the Lucanian tribes threatening the city, cf. Livy Per. 11 with Plin. HN 34.32.

⁴¹ That scholars have sometimes been too quick to see greatly divergent ancient traditions concerning the outbreak of the war is shown by the success of Petzold (*supra* n.4) 165–74

appear that Polybius felt comfortable presenting senatorial desire for booty as one important factor in the first Roman foreign policy decision discussed in the *Histories*. Perhaps neither he—nor his (Roman) source—found that motive especially unnatural. Finally, if the interpretation argued here is correct, then the picture of a Senate which in 264 was indecisive and ineffectual—a Senate which blandly left to the *populus* the important issue of probable war in Sicily with one great power and possibly two—disappears. It is replaced by the picture of a Senate which played the central and vital rôle in the formation of policy, and the activity of the *populus* is reduced to the formal ratification of a senatorial decision. Given the institutional and political characteristics of the Middle Republic, one might have expected all along that such had been the case.⁴²

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in combining the narratives of Diodorus and Dio/Zonaras with that of Polybius. Note also that Polybius at 1.11.3 and Frontinus at *Strat*. 1.4.11 (based on the Livian tradition) evidently agree on the absence of a declaration of war in 264 (*supra* n.40). That Polybius and the Livian tradition on the war should agree about other matters as well, such as the rôle of the Senate, ought therefore to come as no surprise.

⁴² Cf. the remarks of de Sanctis 97 n.14 and Welwei 576. Professors Ernst Badian, Erich Gruen, and Kent Rigsby provided this paper much useful comment and criticism; special thanks, too, to Professor Raphael Sealey and to Jeanne Rutenburg, for advice on methodology. The gratitude I owe these scholars does not implicate them as supporters of my interpretation, and the responsibility for any errors of fact or argument is of course my own.