

POLYBIUS, ‘THE TREATY OF PHILINUS’, AND ROMAN ACCUSATIONS AGAINST CARTHAGE

Philinus of Agrigentum, a pro-Carthaginian and anti-Roman historian of the First Punic War (Polyb. 1.14.3), asserted that there was a treaty between Rome and Carthage which forbade Roman involvement in Sicily as it forbade Carthaginian involvement in Italy. The terms of the treaty which Philinus reported are summarized by Polybius at 3.26.3: ἔδει Ῥωμαίους μὲν ἀπέχεσθαι Σικελίας ἀπάσης, Καρχηδονίους δ’ Ἰταλίας. Philinus went on to assert that when the Romans crossed into Italy to aid the Mamertines of Messana (264 B.C.), and thus began the First Punic War, this was a violation of the treaty and of Roman oaths to the gods to obey it; the Romans broke τὰς συνθήκας καὶ τοὺς ὅρκους (3.26.7, cf. 26.4).¹

Polybius, of course, denies that the treaty of Philinus ever existed. This was in great part because even with the help of Roman friends (3.23.3), he could not find such a treaty in the ‘Treasury of the Aediles’ at Rome; yet several other Roman–Carthaginian treaties dating from before the First Punic War were there, inscribed on bronze tablets (3.26.1), as well as several Roman–Carthaginian treaties dating from the middle and late third century. In addition, Polybius emphasized that the terms of the three treaties antedating the First Punic War that were in the archives took as a given the presence of Romans in Sicily, including Punic western Sicily, and took as a given the presence of Carthaginians in Italy, including in Latium (3.23.5, 24.12–16, cf. 25.3–5). Polybius concluded: ‘How, then, and from what source did he [Philinus] make so bold as to write that there was a treaty? There has never been and there is no document of this kind at all’ (3.26.3).²

The question of the historicity of the ‘treaty of Philinus’ is a major issue in the modern scholarship of Roman expansion under the Republic, and scholars are divided on whether Polybius was correct, or whether, on the contrary, the Philinus treaty actually existed.³ The question is important for two reasons. First,

¹ It is obviously unfortunate for analysis of Philinus’ accusation against Rome that we do not have a complete text of what Philinus actually said, or any details, but only Polybius’ summary of his position; on the other hand, there is no reason to doubt that the summary is accurate (for one thing, Philinus’ work was available at Rome – see below, p. 411 and n. 28).

² That Polybius’ position is not based solely on the absence of the Philinus treaty from the archives is underlined by E. Badian, ‘Two Polybian Treaties’, in *Miscellanea di studi classici in onore E. Manni* I (Rome, 1979), 166. This was pointed out long ago by M. Cary, ‘A forgotten treaty between Rome and Carthage’, *JRS* 9 (1919), 67. It is missed by e.g. P. Bung, *Q. Fabius Pictor, der erste römische Annalist* (Cologne, 1950), 144 n. 1.

³ In favour of Philinus, see e.g. Cary (n. 2), 67–77; S. Mazzarino, *Introduzione alle Guerre Puniche* (Catania, 1947), 56–98; Bung (n. 2), 143–7; J.H. Thiel, *A History of Roman Sea-Power before the Second Punic War* (Amsterdam, 1954), 12–29 and 129–34; A.J. Toynbee, *Hannibal’s Legacy* I (Oxford, 1965), 551–4; H.H. Schmitt, *Die Staatsverträge des Altertums* III (Munich, 1969), 53–5 (no. 438); R.E. Mitchell, ‘Roman–Carthaginian treaties, 307 and 279/278 B.C.’, *Historia* 20 (1971), 633–55; K. Meister, *Historische Kritik bei Polybios* (Munich, 1975), 135–9; W. Huss, *Geschichte der Karthager* (Munich, 1985), 167–8; H.H. Scullard, ‘Carthage and Rome’, in A.E. Astin et al. (edd.), *Cambridge Ancient History* VII.2 (2nd ed., Cambridge, 1989), 530–6; R.E.A. Palmer, *Rome and Carthage at Peace* (Stuttgart, 1997), 16–17; and most

if the Romans intervened in Sicily in 264 in contravention of a sworn treaty with Carthage, then this would be an example – and a proof – of just how ruthlessly aggressive and imperialistic the Republic of Rome could be.⁴ Second, if Polybius goes out of his way to assert to his audience that the Treaty of Philinus did not exist when actually the treaty not only existed but the Romans had grievously violated it, then this would be an example – and proof – that the Achaean historian was at best naïve in regard to Rome, and at worst a conscious defender of the indefensible when it came to Roman interstate behaviour.⁵

Polybius has had many defenders, some of whom point out that Philinus, who came from Agrigentum (Akragas), a Sicilian city destroyed by a Roman army during the First Punic War, had every reason to be ill-disposed towards Rome.⁶ But there has also been a powerful – even a majority – scholarly tendency to read Polybius against the grain, and to come up with arguments for the existence of the Philinus treaty despite Polybius' emphatic denial.⁷ Moreover, dark views of the implications of the Philinus treaty and of Polybius' denial of it have lately been to the fore: as one recent study of the controversy concluded, Polybius in denying existence of the Philinus treaty was 'a tool of Roman imperialism.'⁸

It is the intention of this paper to argue against this position, and to argue that Polybius is correct that the Philinus treaty did not exist. The core of the paper concerns the probable development of Roman views on the Philinus treaty and the outbreak of the First Punic War before Polybius' researches in the archives at Rome in the 150s B.C. But other aspects of the Philinus problem will also need discussion.

The critics of Polybius base their position on three fundamental arguments. The first is that Roman tradition itself accepted the existence of the Philinus treaty. To be sure, this widespread tradition also asserted that the Carthaginians broke the treaty first, with the appearance of a Punic fleet off Tarentum while Rome was besieging the city in 272 B.C.; Orosius even has a naval battle in the

recently J. Serrati, 'Neptune's altars: the treaties between Rome and Carthage (509–226 B.C.)', *CQ* 56 (2006), 113–34 and C. Steinby, *The Roman Republican Navy: from the Sixth Century to 167 B.C.* (Helsinki, 2007), 78–84. Against the treaty, see e.g. G. de Sanctis, *Storia dei Romani* III.1 (Turin, 1916), 100; A. Heuss, 'Der Erste Punische Krieg und das Problem des römischen Imperialismus', *HZ* 169 (1949), 459–60; F.W. Walbank, *A Historical Commentary on Polybius* I (Oxford, 1957), 354; P. Pédech, *La méthode historique de Polybe* (Paris, 1964), 188–91; Badian (n. 2), 166–9; B.D. Hoyos, 'Treaties true and false: the error of Philinus of Agrigentum', *CQ* 35 (1985), 92–109, and *Unplanned Wars: The Origins of the First and Second Punic Wars* (Berlin, 1998), 9–16; A.M. Eckstein, *Senate and General: Individual Decision Making and Roman Foreign Relations, 264–194 B.C.* (Berkeley and Los Angeles, 1987), 77–8; S.P. Oakley, *A Commentary on Livy, Books VI–X*, vol. 2: *Books VII and VIII* (Oxford, 1998), 258–62.

⁴ See e.g. Cary (n. 2), 76–7; Thiel (n. 3) 14–15; Mitchell (n. 3), 655; Serrati (n. 3), 120, 123 and 134; Steinby (n. 3) 83–4.

⁵ See e.g. Thiel (n. 3), 14, 129–130; Serrati (n. 3), 121–2, 134; Steinby (n. 3), 83–4.

⁶ See e.g. F.W. Walbank, 'Polybius, Philinus and the First Punic War', *CQ* 39 (1945), 11–12 = *Selected Papers: Studies in Greek and Roman History and Historiography* (Cambridge, 1985), 90, cf. Walbank (n. 3), 65; K.S. Sacks, *Diodorus Siculus and the First Century* (Princeton, 1990), 129. Destruction of Agrigentum: Polyb. 1.17.7–19.5; Diod. Sic. 23.7–8 (based on Philinus: Walbank [n. 3], 70).

⁷ Scholarly majority favours Philinus: noted by Hoyos (n. 3, 1985), 95; cf. the list of scholars above (n. 3).

⁸ Serrati (n. 3), 134 (the quote), cf. 121; see also Steinby (n. 3), 83–4.

harbour between the Roman and Punic fleets.⁹ But, the pro-Philinus scholars say, we need not believe the part of the Roman tradition that makes the Carthaginians the villains (via the Tarentum incident); this is Roman propaganda, and even, perhaps, an indirect expression of guilty knowledge that it was Rome, in 264, that actually violated the treaty.¹⁰ Second, the pro-Philinus scholars argue that the treaty of Philinus is the Roman-Punic treaty recorded at Livy 9.43.26 (306 B.C.). This gives the Livian tradition three Roman-Punic treaties down to the end of the fourth century (*cum Carthaginiensibus ... foedus tertio renovatum*), whereas Polybius only has two (one in Polyb. 3.22–3, and one in 3.24). Livy thus has the missing treaty, the Philinus treaty, and it comes in 306 B.C., when (it is argued) the geopolitics fits well with the terms of the Philinus treaty as Polybius gives them.¹¹ The third argument concerns the third Roman-Carthaginian treaty found in the archives, an agreement dating to 279/8 B.C. regarding their mutual enemy King Pyrrhus of Epirus the invader of Italy (Polyb. 3.25). It contains terms that, allegedly, presuppose a prohibition excluding Carthage from Italy and Rome from Sicily; and if the rest of this agreement kept all the terms of the previous treaty (so Polyb. 3.25.2), but the previous treaty is the mid-fourth century treaty of Polybius 3.24, then this agreement would improbably ignore 70 years of expansion of Roman power. Something is missing.¹²

How, then, was Polybius fooled about the existence of the Philinus treaty, especially when he and his Roman friends conducted research in the Roman state archives?

One answer, from a few pro-Philinus scholars, is that the archives were themselves so disorganized that not every document in it was likely to be found; the failure to find the Philinus treaty was thus an accident. Such scholars cite e.g. Cicero's complaint about the disorganized state of collections of Roman laws even a century after Polybius (Cic. *Leg.* 3.36).¹³ A far more popular scholarly answer, however, is the one we will deal with first: that, on the contrary, it was *not* an accident that Polybius did not find the treaty; patriotic Romans – perhaps even Cato the Elder himself – aware of how the existence of the Philinus treaty constituted a condemnation of Roman behaviour in 264 B.C., intentionally removed the Philinus

⁹ See Livy *Per.* 14 (*Carthaginiensium classis auxilio Tarentinis venit, quo facto ab his foedus violatum est*) and Livy 21.10.8 (speech of Hanno, admitting that Carthage broke the treaty first); Ampel. 46.2; Dio Cass. fr. 43.1, cf. Zonar. 8.6; Oros. 4.3.1–2, cf. 4.5.2 (*turpissimam rupti foederis labem...*). Many scholars add as evidence of the Philinus treaty a passage from Servius' fourth-century A.D. commentary on Virgil, ad *Aen.* 4.628: see e.g. Cary (n. 2), 71–2; Mazzarino (n. 3), 59 and 72; Toynbee (n. 3), 550; Mitchell (n. 3), 635, cf. 641; Meister (n. 3), 136; Serrati (n. 3), 125. Serrati, 125–6, now adds Claud. Quad. fr. 31 Peter (= Serv. ad *Aen.* 1.108) as evidence. On both issues, see below.

¹⁰ So Thiel (n. 3), 14–15, 129–30; Serrati (n. 3), 125 and n. 47; Steinby (n. 3), 83. Bung (n. 2), 144 n. 1, believes that the Tarentum incident is totally invented. But the unusual appearance of a Punic fleet at Tarentum could well have left traces in the Roman record, since a consul was present to make a report; the raid of a Greek fleet on the coast of Latium in 349 also left a record, not of victory for Rome (Livy 7.25.4 and 12; 7.26.11 and 13): see B.D. Hoyos, 'The Roman-Punic pact of 279 B.C.: its problems and its purpose', *Historia* 33 (1984), 435.

¹¹ See e.g. Cary (n. 2), 75–6; Mazzarino (n. 3), 61–4; Thiel (n. 3), 16–20; Mitchell (n. 3), 636–44; Huss (n. 3), 167–8; Serrati (n. 3), 126–8; Steinby (n. 3), 81–2.

¹² See e.g. Cary (n. 2), 72–3; Mitchell (n. 3), 648–52; Meister (n. 3), 137; Serrati (n. 3), 128.

¹³ Cary (n. 2), 67–9; cf. Serrati (n. 3), 123–4 (tempted, but in the end rejecting). Detailed discussion below, pp. 417–9.

treaty from the archives so that no one would find it there. This position has been asserted in the two most recent studies of the problem.¹⁴ The idea is that Romans in Polybius’ time handled Philinus’ accusation against them by denying the existence of the treaty, and hence they made sure that Polybius (as he does in 3.26) would repeat their denial. But this assumes that the Roman tradition according to which the Philinus treaty existed but the Carthaginians broke it first at Tarentum was a post-Polybian development. The reason is simple: if the Roman tradition about the Punic ‘violation of treaty’ at Tarentum pre-existed Polybius, then obviously no Roman would have had any reason to hide the Philinus treaty, or remove it from the archives, or destroy it, since in the Roman view the Carthaginians had been the ones who broke the treaty first. Indeed, in such a situation the Romans would have every reason to display the treaty. But if so, then the failure of Polybius and his Roman friends to find the treaty in the archives takes on greater weight.

J.H. Thiel is the pro-Philinus scholar most explicit that if the ‘Polybius was fooled by patriotic Romans’ thesis is to work, then the Tarentum tradition must be post-Polybius.¹⁵ Most scholars who support the Philinus treaty are not as clear on this as Thiel.¹⁶ But the assumption is in fact fundamental to their case. As Thiel says, ‘Why attempt to deny the existence of the treaty, if Carthage had been the first to break it?’¹⁷

Why indeed. It therefore becomes central to our discussion to see if one can establish whether the Tarentum tradition antedates Polybius. Badian took it as obvious that it did, but his argument, though not without force, was very brief, and he has not been followed.¹⁸ There is no direct evidence on the matter. But we do find some indirect evidence in the surviving fragments of Cato the Elder (which in turn point back to Fabius Pictor), and above all we have an important statement from Polybius himself on knowledge at Rome of Roman–Punic treaties, including the (alleged) treaty of Philinus, before he did research in the archives.

First, to Polybius. The Achaean historian is explicit that in his time, Romans had no knowledge of the treaties from before the First Punic War which he had found, and that among the Romans lacking knowledge about these treaties were even ‘the oldest men and those most familiar with public affairs’ (3.26.2).¹⁹ He goes on to say – and this is crucial – that because of this lack of knowledge

¹⁴ Serrati (n. 3), 123–4; Steinby (n. 3), 82–4.

¹⁵ Thiel (n. 3), 130, cf. 13–14; he therefore suggests that the Tarentum tradition must derive from the annalists of the late second and first century B.C. Cf. also Bung (n. 2), 144 n. 1 (*‘Spätannalistik’*).

¹⁶ For recent reconstructions based on the assertion (without discussion) that the Romans up to Polybius’ time denied the existence of the treaty, and hence that the Tarentum story is post-Polybian, see Serrati (n. 3), 123, who believes that denial of the treaty was Fabius Pictor’s version of events (adopted by Polybius), and Steinby (n. 3), 82–4 (similar, and pointing to Fabius Pictor as the original denier of the treaty). See also Cary (n. 2), 69–70, who suggests that Cato the Elder, or some other patriotic Roman, removed the Philinus treaty from the archives in order to cover up Roman war guilt: followed by Mitchell (n. 3), 635 and n. 11; Bung (n. 2), 144 n. 1 (Fabius the original denier of the Philinus treaty; Polybius then misled in the archives by unnamed Roman *nobiles*); Toynbee (n. 3), 551–4 (a trick played on Polybius by ‘Roman security officers’); Meister (n. 3), 139 (treaty expunged by unnamed Romans, to cover obvious Roman war guilt).

¹⁷ Thiel (n. 3), 130.

¹⁸ Badian (n. 2), 169; see below, pp. 415–6.

¹⁹ καθ’ ἡμᾶς ἔτι καὶ Ῥωμαίων καὶ Καρχηδονίων οἱ πρεσβύτατοι καὶ μάλιστα δοκοῦντες περὶ τὰ κοινὰ σπουδάζειν ἡγνόνουν.

of what was actually in the archives, 'many people, relying on Philinus' work, have failed to grasp the truth concerning these things', i.e. Roman-Punic relations before the First Punic War (3.26.5).²⁰ Polybius includes contemporary Romans and contemporary Carthaginians in this statement about a prevailing ignorance of the diplomatic facts and dependence instead upon Philinus (3.26.2), but for our purposes the main point is that he includes contemporary Romans. That is, Polybius at 3.26.2 and 3.26.5 is saying that no one at Rome knew the number of Roman-Punic treaties that existed in the archives, nor their detailed terms, and that people at Rome depended instead upon what Philinus had written; and therefore they were seriously misled. This is why, he says in his introduction to his long discussion of these treaties (3.21.9-10), a full survey of the Roman-Punic treaties needs to be made available (the implication being that none ever has been): thus scholars will not get the historical facts on this matter wrong, and statesmen in Rome will not stray from the truth in crucial debates.²¹

We have no way to verify independently Polybius' statements (3.26.2 and 26.5, cf. 21.9-10) concerning the lack of knowledge at Rome about Roman-Punic treaties when he was doing his research, and the dependence instead upon Philinus.²² But we should stress that Polybius was making these assertions to a contemporary audience, including Romans who would know the situation; it would be imprudent, in a society much given to ridicule, for him to lie; and no evidence exists that any ancient writer accused him of doing so. We will therefore proceed on the assumption that Polybius is telling the truth at 3.26.5 (cf. 26.2 and 21.9-10) about the defective state of knowledge at Rome c. 150 B.C. concerning Roman-Punic treaty relations before the First Punic War, and telling the truth as well about the reliance upon Philinus in contemporary Rome for the basic history of Roman-Punic treaties.

The implication of Polybius' statements is clear: at Rome in Polybius' time the existence of the Philinus treaty was non-controversial. Romans in Polybius' time believed the treaty of Philinus had existed, and this included 'the oldest men and those most familiar with public affairs' (3.26.2). There are two obvious candidates at Rome who might have used Philinus for the basic history of Roman-Punic treaties – who, from Polybius' statements, accepted the existence of a Philinus treaty, but who also, from what we know of their historical work, cannot have accepted Philinus' accusations of Roman perfidy. On the contrary, while accepting that the treaty of Philinus existed (Polyb. 3.26.5, cf. 26.2), they must have sought in some way to undermine Philinus' accusations against Rome.²³ The two writers antedated Polybius: Fabius Pictor and Cato the Elder. How, while accepting the existence of the treaty, would they have undermined Philinus' accusations?

²⁰ διὰ τὸ καὶ πλείους διεψεῦσθαι τῆς ἀληθείας ἐν τούτοις, πιστεύσαντας ἐν τῇ Φιλίνου γραφῇ.

²¹ ἵνα μὴθ' οἷς καθήκει καὶ διαφέρει τὸ σαφῶς εἰδέναι τὴν ἐν τούτοις ἀκρίβειαν, παραπαίωσι τῆς ἀληθείας ἐν τοῖς ἀναγκαιοτάτοις διαβουλίαις, μὴθ' οἱ φιλομαθοῦντες περὶ τούτων ἀστοχῶσι ... The ignorance of the Carthaginians (Polyb. 3.26.2) is worth noting, because many leading Carthaginians had hospitable contacts with important Romans, and had they known of the treaties they might have transmitted the fact; but Polybius says that they, too, depended on Philinus (ibid.).

²² Serrati (n.3), 125 n. 47 indicates doubt that Philinus was widely read in Rome; he offers no evidence in support, and does not refer to Polybius' statement at 3.26.5.

²³ This same dichotomy would hold as well, of course, for Romans in general.

A little information on the development of the Roman response to Philinus in the period before Polybius was writing can be gleaned from Book 4, fr. 9 of Cato's *Origines* (= Cato fr. 84 Peter). The fragment reads: *Deinde duoetvicesimo anno post dimissum bellum, quod quattuor et viginti annos fuit, Carthaginienses sextum de foedere decessere*: 'And so, 22 years after the end of the war that had lasted 24 years, the Carthaginians violated a treaty for the sixth time.' A fundamental fact immediately emerges: Cato in his historical work, written somewhat before Polybius, underlined *Punic* treaty-breaking as a major theme.²⁴

Polybius knew the Censor personally, and the Greek historian's statement about 'those who are the oldest men and the most familiar with public affairs' fits Cato perfectly; 'l'allusion à Caton semble transparente'.²⁵ Yet Polybius says that even these men were unaware of the contents of the actual Roman-Punic treaties in the archives, and depended for basic information instead on Philinus (3.26.2 and 26.5).²⁶ Thus we now have good evidence that on the one hand Cato accepted the treaty of Philinus as historical; but we also know, on the other hand, that in the *Origines* Cato emphasized inveterate Carthaginian treaty-breaking as an important theme. Cato read Greek with facility;²⁷ and Polybius says that the accusation of treaty-breaking against Rome occurred in Book 2 of Philinus' work (3.26.5: ἐν τῇ δευτέρᾳ ... βύβλῳ), a specificity that suggests that Philinus' *Histories* were available in Rome in the mid second century.²⁸ Moreover, if Cato is so exercised over the topic of Carthaginian treaty violations, it seems reasonable to infer that this is at least in part because he had read Philinus' accusations. On this basis alone, we confront the possibility that Cato dealt with the treaty of Philinus by accusing the Carthaginians of breaking the treaty of Philinus first.

We may go a little farther than that. Cato in the *Origines* could not have included in his list of alleged Carthaginian violations of treaties with Rome any violations of the treaties of 509 or 348 B.C., because he was unaware of these treaties.²⁹ The Censor, then, is talking specifically about Punic violations of treaties in the third century B.C., down to 219 (the sixth treaty violation according to him, i.e. Hannibal's attack on Saguntum).³⁰

Other than Saguntum, we do not know what were the six incidents of Punic treaty-breaking adumbrated by Cato in *Origines* Book 4, and any list must be

²⁴ For interpretation of this Cato fragment, see B.D. Hoyos, 'Cato's Punic perfidies', *AHB* 1 (1987), 112–21, and 'Cato's "Duovicesimo Anno" and Punic treaty-breaches in the 230s B.C.', *AHB* 3 (1990), 31–6. The *Origines* were probably published sometime in the 160s B.C.: A.E. Astin, *Cato the Censor* (Oxford, 1977), 212.

²⁵ Pédech (n. 3), 191. Cato would have been over 70 when Polybius began writing. On Polybius' extensive interactions with Cato in Rome, see A.M. Eckstein, 'Physis and Nomos: Polybius, the Romans, and Cato the Elder', in P. Cartledge, P. Garnsey and E.S. Gruen (edd.), *Hellenistic Construct: Essays in Culture, History, and Historiography* (Berkeley and Los Angeles, 1997), 192–8.

²⁶ The slightly smug assertion of Polybius' own superiority in research is as clear as his allusion to Cato: see Pédech (n. 3), 191.

²⁷ See Astin (n. 24), 158–65; E.S. Gruen, *Culture and National Identity in Republican Rome* (Ithaca, 1992), 56–9.

²⁸ Cf. Walbank (n. 3), 65. Steinby (n. 3), 78, inexplicably has the Philinus treaty appearing in Philinus Book 1.

²⁹ *Contra* Serrati (n. 3), 126, who assumes that the treaties of 509 and 348 were included in Cato's list; if one believes Polyb. 3.26.2, this is not possible.

³⁰ On the chronological focus of Cato's attack, see Astin (n. 24), 214; Hoyos (n. 24, 1987), 114–16.

speculative. But one incident was certainly the Sardinia crisis of 238/7, allegedly violating the peace treaty of 241.³¹ Another was perhaps the Punic attack on Messina in 264, since to judge from the Roman tradition, the Mamertines were viewed as under the protection of Rome from the time the Senate accepted the Mamertine *deditio* (cf. Polyb. 1.10.1–2), and later Messina was even transformed into a *civitas foederata* possessing a formal treaty of alliance with Rome when it was attacked.³² A fourth Punic *decessio foederis* in Cato is likely to have been the Punic seizure of Roman and Italian merchants who were trading in North Africa in 240 with mercenaries who were in revolt against the Carthaginians; according to Polybius, this incident was still in his time being employed as an accusation against Carthage at Rome (3.28.2–3), though – in another example of Polybius’ independent stance – he denies the historical validity of the accusation (ibid., cf. 1.83.6–9).³³ That leaves two Punic *decessioniones foederis*. Possibly Cato retailed a Punic conspiracy in the mid 230s to help indigenous resistance on Sardinia, though this is uncertain.³⁴ The candidate for the remaining Punic *decessio foederis* is obvious. Since one of Cato’s great themes in Book 4 was inveterate Punic violations of treaties with Rome, it is very unlikely that he did not deal in some fashion with Philinus’ accusation that Rome had violated the treaty he reported; and Cato did not do it by denying the treaty, since until Polybius’ work in the archives the existence of the treaty was non-controversial at Rome (Polyb. 3.26.5 cf. 26.2). How, then, did Cato deal with it?

Here we may note both the later widespread Roman accusations against Carthage for ‘violation of treaty’ at Tarentum in 272, and the fact that Cato had a personal tie to Tarentum: he served there under Q. Fabius Maximus the Delayer during the great siege of the city in 209 B.C.³⁵ Mommsen, Mazzarino and Hoyos have in fact all suggested that the Tarentum incident of 272, when a Punic fleet allegedly sought to aid the Tarentines when the city was under siege by the Romans, was the first of Cato’s Punic *decessioniones foederis*.³⁶

None of the scholars who suggest that Tarentum was likely the first of Cato’s six Punic *decessioniones foederis* actually connects this hypothesis to the question of the Philinus treaty; they are concerned simply with the explication of the Cato fragment. But connecting it to the Philinus question is what we can now proceed to do. While nothing is certain, a good case exists that the first of Cato’s Punic *decessioniones foederis* was an alleged violation of the Philinus treaty by Carthage. The most likely candidate for the alleged violation, given the widespread character of the tradition about Tarentum, is the appearance of a Punic fleet at Tarentum in 272; indeed, it would not be surprising if Cato himself was the ultimate inspiration for the many later versions of this event in Roman historiography.

³¹ For Roman traditions on the Sardinia crisis, see Walbank (n. 3), 150.

³² Messina became a *civitas foederata* at some point during the First Punic War, perhaps as early as 263, though we do not know exactly when: see Cic. 2 *Verr.* 5.50, cf. 4.21 and 5.43, with Schmitt (n. 3), 135–6 (no. 478); cf. Hoyos (n. 24, 1987), 116–17.

³³ See Walbank (n. 3), 356.

³⁴ There was later a dubious Roman tradition on Roman–Punic diplomatic incidents in the later 230s: Hoyos (n. 24, 1987), 118–19.

³⁵ Cic. *Sen.* 11, 39 and 41; Plut. *Cat. Mai.* 2.3. There is no reason to doubt this tradition: see Astin (n. 24), 7 and n. 14.

³⁶ T. Mommsen, *Die römische Chronologie bis auf Caesar* (2nd ed., Berlin, 1859), 332 n. 8; Mazzarino (n. 3), 92–4; Hoyos (n. 24, 1987), 116.

If, then, there is a likelihood that Cato in Book 4 of the *Origines* had the Tarentum incident as the first of his six Punic *decessionibus foederis*, we can then in turn ask where Cato got his information. He did not get it from an examination of the *foedera* that were in the archives; Polybius’ statement about the lack of knowledge at Rome of these treaties *c.* 150 makes that clear.³⁷ Cato may simply have responded to what he read in Philinus’ work, which was available at Rome (see above). But it is also clear that Cato employed Q. Fabius Pictor, the first Roman historical writer, as a source of material for the *Origines*. Fabius wrote in Greek *c.* 200 B.C., and his theme, like that of Cato in the *Origines*, was in good part to explicate and defend the policies of Rome. Polybius is explicit about this: Fabius sought to depict the Romans not merely as militarily successful but as highly moral; and, Polybius indicates, he sought to depict the Carthaginians as immoral (1.14.3).³⁸

That Cato employed Fabius’ history in the *Origines* is demonstrated by his account of the foundation of Rome, which closely resembles that of Fabius as reflected in Dionysius of Halicarnassus.³⁹ The structures of the two works were similar as well, for Cato, like Fabius, had information on the founding of the city, but then did not spend much time on the Early Republic, and then expanded coverage dramatically as he approached his own time.⁴⁰ Cato, like Fabius again, saw Rome as having been on the defensive for centuries against the Celts of northern Italy, whom he depicted, as Fabius did, as aggressors against central Italy (see fr. 36 and 85 Peter).⁴¹ And Cato’s accusation of Punic treaty violation at Saguntum (fr. 84 Peter, discussed above) is similar to Fabius’ accusation at Polyb. 3.8.1, where the Carthaginians are accused of committing an ἀδίκημα (the attack on Saguntum) that began the Second Punic War.⁴²

What Fabius said about the treaty of Philinus would have had importance, then, for Cato. Now, Fabius covered the First Punic War in detail (Polyb. 1.14), but despite the assertions of many modern scholars, Fabius was not the originator of the idea that no treaty of Philinus existed.⁴³ That was Polybius’ own claim, and the situation Polybius describes at Rome, where in his time the existence of the Philinus treaty was non-controversial (3.26.5, cf. 26.2), could not have arisen if Fabius had denied the existence of the treaty. Yet Polybius also says that just as Philinus had the Carthaginians acting morally and the Romans consistently immorally (i.e. contrary to καλῶς), so Fabius had the Romans acting morally and the Carthaginians immorally (i.e. contrary to καλῶς: 1.14.3).

³⁷ Indeed, in fr. 77 Peter (again from Book 4 of the *Origines*) Cato expresses disdain for the type of dry material likely to be found in archives such as the *annales maximi* of the *pontifices*: see Astin (n. 3), 215. But Cato clearly employed some archival information, especially for (at the least) chronology: see the comments of H. Beck and U. Walter, *Die frühen römischen Historiker I: von Fabius Pictor bis Cn. Gellius* (Darmstadt, 2001), 204–5.

³⁸ διὰ γὰρ τὴν αἴρεσιν καὶ τὴν ὅλην εὐνοίαν Φιλίνῳ μὲν πάντα δοκοῦσιν οἱ Καρχηδόνιοι πεπραχῆναι φρονίμως, καλῶς, ἀνδρωδῶς. οἱ δὲ Ῥωμαῖοι τάναντια, Φαβίῳ δὲ τοῦμπαλιν τούτων. Fabius’ ideological purpose: M. Gelzer, ‘Römische Politik bei Fabius Pictor’, *Hermes* 68 (1933), esp. 129–32 and 150; Walbank (n. 3), 64–5; E. Badian, ‘The early historians’, in T.A. Dorey (ed.), *The Latin Historians* (London, 1966), 4–5.

³⁹ See Astin (n. 24), 223–4, cf. 219.

⁴⁰ Ibid. 215.

⁴¹ Discussion in J.H.C. Williams, *Beyond the Rubicon: Romans and Gauls in Republican Italy* (Oxford, 2001), 77–80.

⁴² On Fabius and Saguntum, see Bung (n. 2), 29–32.

⁴³ Pace Cary, Mitchell, Toynbee and – recently – Serrati, and Steinby (see n. 16 above).

And there is even evidence of a direct clash between Fabius and Philinus specifically over the morality of Roman action at the outbreak of the war. Polybius' depiction of the Senate in 264 as reluctant to aid the Mamertines because of the immorality of helping an 'outlaw' state, although the *patres* were equally anxious about the threat posed to Italy by ruthless Punic expansionism (1.10), is likely to have originated in a response by Fabius Pictor to an accusation from Philinus that Rome in 264 intervened in Sicily on behalf of an outlaw state that was undeserving of help from any civilized polity. This accusation appears in Diodorus, who is explicit that he used Philinus in his account of the war; it is expressed in bitter remarks on Roman hypocrisy and ruthlessness, set in 264 and given to Hiero II of Syracuse (then an ally of Carthage): Roman talk of 'good faith' (*πίστις*) is hypocrisy, given their help to the brutal outlaw Mamertines.⁴⁴ By contrast, Fabius' work stressed Roman *fides* (good faith) towards other polities; this is reflected not only in the Senate's concern about morality in Polyb. 1.10, but also in Polybius' account in 1.8 of how the Campanian soldiers under Roman command who treacherously seized Rhegium c. 280 were punished severely by Rome.⁴⁵

Moreover, to judge from Livy 23.11 – the account of Fabius' journey to Delphi after the Roman disaster at Cannae in 216 – Fabius was a man of intense traditional piety, and an important theme in his work was that Roman victory was prophesied and sanctioned by the gods.⁴⁶ In other words, Fabius was an exponent of the traditional Roman ideology of *bellum iustum* – in which Rome's wars had divine approval because they were entered into not only in a ritually correct manner but because they were also in an important sense morally righteous.⁴⁷ It is inconceivable that a man such as this would not have responded in some strong way to Philinus' accusation that Rome by helping the Mamertines had violated oaths sworn to the gods in a treaty the Romans had with Carthage (Polyb. 3.26.7, cf. 4). But Fabius did not do this by denying the existence of the treaty (see above). We may then ask how he did do it.

Of course, we do not know. But Cassius Dio asserts that the Roman accusation against Carthage over the Tarentum incident was very old, and went back to the period of the First Punic War itself.⁴⁸ It is therefore possible – one cannot go beyond a suggestion – that Cato already found in Fabius both the treaty that we call the treaty of Philinus and a Roman riposte to Philinus' accusation that Rome had broken it: namely, the Tarentum incident. That is, perhaps Fabius responded to the Greek writer's accusation of Roman treaty-breaking by simply following

⁴⁴ Fabius Pictor as the origin of Polybius' depiction of the Senate in 1.10: Gelzer (n. 3), 134–6; Walbank (n. 3), 58; Badian (n. 37), 4–5. Diodorus' use of Philinus: see 23.8.1, 23.17 and 24.11.2; Hiero's bitter accusation against Roman *fides*: see Diod. Sic. 23.1.4. Based on Philinus material: Walbank (n. 3) 65; Meister (n. 3), 139; Sacks (n. 6), 128 and n. 40.

⁴⁵ See Badian (n. 37), 6. Some scholars suspect that Fabius' account of the Rhegium incident left out material that might be discreditable to Rome: Bung (n. 2), 130–4; cf. Walbank (n. 3), 52.

⁴⁶ On Fabius' traditional religiosity, see J. Dillery, 'Quintus Fabius Pictor and Greco-Roman historiography at Rome', in J.F. Miller, C. Damon and K.S. Meyers (edd.), *Versus in unum: Studies in Honor of Edward Courtney* (Munich, 2002), 3–5. Cf. also A. Momigliano, *The Classical Foundations of Modern Historiography* (Berkeley and Los Angeles, 1990), 90.

⁴⁷ On *bellum iustum*, see the masterly discussion of S. Ager, 'Roman perspectives on Greek diplomacy', in C. Eilers (ed.), *Diplomats and Diplomacy in the Roman World* (Leiden, 2009), 17–24.

⁴⁸ Dio Cass. fr. 43.1, cf. Zon. 8.8 – an assertion accepted by Cary (n. 2), 73.

Philinus on the treaty but adducing a *tu quoque* (based on family information?).⁴⁹ My point, though, is that Fabius Pictor must have responded to Philinus in *some* way – but without denying the existence of the treaty.

We can now return to what appeared obvious to Ernst Badian 30 years ago, but which we can now propose on a somewhat more secure basis: the traditional Roman response to Philinus was not to deny the existence of the Philinus treaty, but to accept the existence of the treaty (Polyb. 3.26.5, cf. 26.2), and to argue that Carthage broke it first. This was a tradition well established before Polybius. We cannot be certain exactly how the Roman argument went, though we can be certain that it emphasized Punic treaty-breaking (as we see in Cato). The hypothesis that the tradition about the Carthaginians' intervention at Tarentum in 272, later so widespread, was already being employed for this purpose in the third century is attractive. It is against this Roman tradition which accepted the existence of the treaty of Philinus that Polybius protests in Book 3.⁵⁰

Max Cary thought that Polybius' exposition that the treaty did not exist in the first place extinguished the reputation of the Philinus treaty once and for all.⁵¹ But this is not the case. We know that the Tarentum tradition was the standard Roman response to Philinus after Polybius' period, and remained so, via Livy, as late as Orosius in the fifth century A.D. – and we must stress that this standard Roman response by means of the Tarentum tradition was of course based on the idea that the Philinus treaty existed. Thus Polybius was unsuccessful in his protest. In part, this was because Polybius – though he intended his historical work for Roman readers as well as (primarily) for Greeks – was not really taken up by Romans until the time of Cicero. And as a historical source he was then exploited, as far as we can tell, only by Livy (especially for eastern events in the decades after 219). Yet not even Livy is interested, for instance, in the *ipsissima verba* of Philip V's treaty of 215 with Hannibal, which is carefully given by Polybius in 7.9.1–17; Livy prefers the propaganda version of this treaty which is given by the annalists.⁵² This suggests that Polybius' protest against the Philinus treaty failed in good part because the Roman tradition had already found an established excellent way to employ Philinus for its own propagandistic purposes. Despite some scholars, the persistence of the Tarentum tradition has nothing to do with Roman 'guilty knowledge' that somehow could not be wiped away.⁵³ Just the opposite: revers-

⁴⁹ One thinks perhaps of N. Fabius Pictor, cos. 266. For a parallel, note that although Fabius had much material on hand at Rome regarding the founding of the city, Plutarch says (*Rom.* 3) that Fabius' account was mostly based on that of the Greek writer Diocles of Peparethus – a statement proven by the presence of classic motifs from the Greek tragic stage in the Romulus and Remus story; see Dillery (n. 46), 18–21. As we have noted above, Cato's own account of the founding in turn followed Fabius.

⁵⁰ As Badian (n. 2), 169 says, it is difficult to conceive of Roman writers inventing such a defence of Rome *after* Polybius made it unnecessary by his findings in the archives.

⁵¹ Cary (n. 2), 72 and 74.

⁵² That the Tarentum tradition is based on the idea that the Philinus treaty existed is emphasized by Thiel (n. 3), 14–15, 130; cf. Hoyos (n. 3, 1985), 99. For the evidence that Polybius intended his historical work for Roman readers as well as Greeks, see F.W. Walbank, *Polybius* (Berkeley and Los Angeles, 1972), 3–4. Livy's annalistic propaganda version of the treaty of Philip V and Hannibal: see 23.33.10–34.1, with N. Mantel, 'Der Bündnisvertrag Hannibals mit Philipp V. von Makedonien: Anmerkungen zur Verknüpfung des zw. Makedonischen Krieges mit dem zw. Punischen Krieg bei Livius', in C. Schubert, K. Brodersen and U. Hüttner (edd.), *Rom und der griechischen Osten: Festschrift für H.H. Schmitt* (Stuttgart, 1995), 175–80.

⁵³ Scholars who take that position: above (n. 11).

ing Philinus' accusation on to Carthage took the propaganda offensive, and made Carthage the guilty party – an attractive idea, whether the Philinus treaty existed or not. Polybius' findings in the archives could not stand against these propaganda advantages.⁵⁴

And precisely because of these enormous advantages that accrued to Rome in this line of propaganda, it cannot be employed as independent evidence that the Philinus treaty ever actually existed.⁵⁵ Is there any other independent evidence that might support the existence of the treaty?

Several scholars adduce a passage from Servius' fourth century A.D. commentary on Virgil's *Aeneid*, at *Aen.* 4.628. Here we are told that *in foedere cautum fuit ut neque Romani ad litora Carthaginiensium accederent neque Carthaginienses ad litora Romanorum*, 'there was a treaty according to which neither should the Romans approach the Carthaginian shores nor the Carthaginians approach the Roman shores'. In addition, Corsica is to be neutral between the two states.⁵⁶ There are two problems with the Servius passage, however. (1) It describes a treaty much larger in scope than Philinus, but in terms of Sicily much narrower. Philinus claimed a treaty that prohibited Rome from all of Sicily (*Σικελίας ἀπάσης*: Polyb. 3.26.3), but Servius has a treaty that forbids Rome from the *litora Carthaginiensium*; this means all of North Africa, Spain and Sardinia as well as Punic Sicily. Yet it does not mean all of Sicily, since Carthage only controlled western Sicily, and Mamertine Messana, where the trouble occurred, was located in the far north-east. In addition, Servius' treaty includes a clause about Corsica being neutral which is unlikely, elsewhere unknown, and not congruent with Punic control of Corsica in 264.⁵⁷ (2) If, on the other hand, Servius instead of referring to some otherwise unknown and wildly ahistorical tradition, is actually referring (very inaccurately) to the tradition about the Philinus treaty as it existed at Rome, that is, the treaty which the Carthaginians (allegedly) broke at Tarentum in 272, then we are back at the same Roman propaganda line.⁵⁸

Serrati has recently brought forward another passage of Servius, at *Aen.* 1.108. Here Servius, evidently based on Claudius Quadrigarius (fr. 34 Peter), describes a treaty struck between Carthage and Rome at a series of rocks called 'Neptune's Altars', located between Africa, Sicily, Sardinia and Italy: *haec autem inter Africam, Siciliam, et Sardiniam et Italiam sunt, quae saxa ob hoc aras vocant, quod ibi Afri et Romani foedus inierunt*, 'These rocks between Africa, Sicily, Sardinia and Italy are called "the Altars", because the Africans and Romans entered into a treaty there.'⁵⁹ I see no reason to assume that this passage, if it actually is referring to anything historical, refers to the Philinus treaty. Philinus is of course not mentioned, nor are the terms of the alleged *foedus* mentioned. The rocks in this passage were in the sea off the north-western coast of Sicily – an odd place to negotiate a treaty. But given the location of the rocks, if the passage refers to an

⁵⁴ See Walbank (n. 3), 354; Badian (n. 2), 169; Eckstein (n. 3), 78.

⁵⁵ Walbank (n. 3), 354; Badian (n. 2), 169; Eckstein (n.3), 78.

⁵⁶ This passage is taken as good independent evidence for the Philinus treaty by e.g. Cary (n. 2), 71–2; Mazzarino (n. 3), 59 and 72; Bung (n. 2), 144 n. 1; Thiel (n. 3), 13; Toynbee (n. 3), 550; Schmitt (n. 3), 54 (no. 438) and 104 (no. 466); Mitchell (n. 3), 635, cf. 641; Serrati (n. 3), 125.

⁵⁷ See Hoyos (n. 3), 98–9.

⁵⁸ Admitted by Meister (n. 3), 136; cf. Hoyos (n. 3, 1985), 98–9, and Oakley (n. 3), 259–60.

⁵⁹ Serrati (n. 3). 125–6.

actual historical event (which is hardly certain), a better candidate than Philinus has to do with the Roman naval victory of the Aegates Islands, which was fought off western Sicily in 241 B.C., and which did lead (via preliminary negotiations) to a treaty – namely, the peace treaty between Rome and Carthage in 241. The Servius passage based on Claudius Quadrigarius is, in short, worth nothing as independent evidence for the treaty of Philinus.

Neither of the Servius passages thus constitutes evidence independent of the Roman propaganda tradition that employed Philinus' claim to blame the Carthaginians. This Roman propaganda response to Philinus' accusation of Roman treaty-breaking, accusing the Carthaginians of being treaty-breakers first and emphasizing the Roman view of *Punica fides*, appears to have been established well before Polybius began looking into the archives. But if so, then there would have been no reason for any Roman to hide the Philinus treaty, to suppress it or surreptitiously remove it, or destroy it. On the contrary, there would have been every reason (in Roman thinking) to bring the treaty forward. This is precisely why Thiel had to push the origin of the Tarentum tradition down well after Polybius was writing.⁶⁰ But that no longer seems at all likely.

We have now dealt with the hypothesis that Polybius was fooled by clever Romans anxious to hide the treaty of Philinus from the Greek historian because of the guilty secret they thought it contained; this is a modern fiction. But could it be that Polybius failed to find the Philinus treaty simply because the archives were disorganized – or because he was looking in the wrong archives to begin with?⁶¹

Polybius and his friends found several treaties – but not the Philinus treaty – in the 'Treasury of the Aediles' (ἐν τῷ τῶν ἀγορανόμων ταμείῳ) next to the Capitol (3.26.1). There is scholarly controversy over what building this was, what its name actually was, and where it was located.⁶² There is also scholarly controversy over whether Polybius personally participated in the search. Polybius' statements on this point are not as clear as one would like; but given his description of the bronze tablets on which the treaties were inscribed, and his comments on the archaic lettering of the oldest treaty, which made it very hard to read (3.22.3 and 26.1), the likelihood is that he personally saw these documents.⁶³ It is also clear that these documents were not affixed to the wall of the building, visible to the public, for then they probably would have been well known – which they were not. Rather, they were stored inside it (ἐν τῷ ... ταμείῳ); indeed, one of the definitions of ταμείον is storehouse.⁶⁴

Moreover, whatever building held the archive of treaties that Polybius examined, and whatever the treasury was called, this cannot diminish the fact that Polybius

⁶⁰ Thiel (n. 3), 130 (see above, p. 6).

⁶¹ Hypotheses proposed by e.g. Cary (n. 2), 67–8; Palmer (n. 3), 20; cf. Serrati (n. 3), 122–3.

⁶² Discussion in Palmer (n. 3), 16–22.

⁶³ Walbank (n. 3), 341, is uncertain; but see Pédech (n. 3), 190–1 (convincing). The alternative is that Polybius' Roman friends dictated the detailed and sometimes obscure texts of the treaties they found to servants who then brought them to Polybius – which is certainly not the natural reading of what Polybius says in 3.21–7, and seems a very cumbersome procedure. There was no reason to think that Polybius would not have been allowed into the building: see Pédech (n. 3), 191. Cf. also briefly Oakley (n. 3), 261.

⁶⁴ Good discussion in Serrati (n. 3), 122–3, who in the end accepts that Polybius is neither lying nor mistaken about the building.

and his Roman friends found six Roman–Carthaginian treaties on bronze tablets in that treasury. We need to be clear about this. Polybius is explicit that the three Roman–Carthaginian treaties dating from before the First Punic War were inscribed on bronze tablets (ἔτι νῦν ἐν χαλκώμασι: 3.26.1) and were in the Treasury: a treaty from the earliest days of the Republic (3.22–3), a treaty from some time later (3.24: evidently mid-fourth century), and the agreement about Pyrrhus of Epirus (3.25). What of the others? The fourth Roman–Carthaginian treaty was the Peace of 241, which ended the First Punic War (3.27.1–7). This crucially important document must have been inscribed and preserved on a bronze tablet as well; but if so, there is no reason to assume that it was not to be found with the others, in the ταμεῖον.⁶⁵ The fifth document was the peace treaty of 238/7 B.C., separate but an addendum to the Peace of 241, toughening the original peace terms against Carthage (3.27.7); it was added after the crisis between Rome and Carthage over Sardinia (ibid.). Since it was an addition to the original treaty (ἐπισυνθήκαι: ibid.), it, too, must have been inscribed onto the bronze tablet containing the terms of the peace of 241. The sixth document, Polybius says, was a copy of the Ebro Treaty of c. 226 B.C. (27.9) – and why should it have been different from any of the others? Nor can it be argued that the earliest of these treaties dealt only with commercial matters – which might explain the absence from the archive of the Philinus treaty, which dealt with geopolitics.⁶⁶ On the contrary: even the earliest two treaties were not restricted to trade issues alone, but also contained important provisions concerning geopolitics and war (3.22.11–13 and 24.4–6), and the third document was primarily an agreement with Carthage concerning the threat from King Pyrrhus of Epirus (3.25). If one adds the other three documents (as one probably should), then we have in addition two peace treaties with Carthage, and a special geopolitical treaty concerning Spain.⁶⁷

The finding of these six treaties between Rome and Carthage on bronze tablets in the ταμεῖον (whichever building this is) indicates *prima facie* that the archive which Polybius and his Roman helpers were examining was not all that disorganized. And – though this is not often recognized – it also indicates *prima facie* that Polybius and his helpers were looking in the right place for treaties concerned with Roman–Punic relations.

Pro-Philinus scholars are right to point out that Polybius' failure to find the treaty of Philinus in the archives is not in itself conclusive proof that it never existed.⁶⁸ But we have now established that the circumstances surrounding the investigation in the Treasury of the Aediles make the failure to find Philinus' treaty there a stronger argument than before. It is not *simply* that the Philinus treaty was not there: first, we can now understand that it is impossible that the treaty was intentionally removed from the treasury by Romans for political reasons, which has been the usual way that pro-Philinus scholars have dealt with the problem (see above); and second, given the large archive that Polybius did find, it is difficult

⁶⁵ Polybius does not indicate it was anywhere else.

⁶⁶ Pace Palmer (n. 3), 20.

⁶⁷ While the Carthaginians may have viewed the Hasdrubal treaty as non-binding since it had never been ratified at Carthage (see Polyb. 3.21.1–2), the Romans clearly viewed it as binding (ibid.); so it is not surprising to find the treaty kept in the archive of the aediles, where Polybius later found it: cf. Badian (n. 2), 162.

⁶⁸ Cary (n. 2), 67–70; Mazzarino (n. 3), 82; Thiel (n. 3), 1–14; Meister (n. 3), 138; Serrati (n. 3), 123–4.

to believe that the treasury was the wrong place or that by a fantastic coincidence the Philinus treaty was the sole treaty he failed to discover. Not even Serrati, one of the recent strong supporters of Philinus, finds the latter hypothesis a convincing one.⁶⁹

Moreover, Polybius’ argument against Philinus was not restricted merely to the failure to find the Philinus treaty in the archives when he and his friends found six others. Polybius also underlined that, in the treaties he did find, provisions were consistently made for Roman activity in Sicily and for Carthaginian activity in Italy. This is why he has brought this evidence forward in detail – because in his view it refuted Philinus.⁷⁰ Thus, in discussing the earliest treaty he discovered, Polybius underlines those sections of the treaty that forbade Roman warships to come to Punic Africa and imposed restrictions of various kinds on Roman merchants operating there and in Sardinia, while eastern Sicily (not under Punic control) goes completely unmentioned, and Romans can come to trade in Punic western Sicily with the same rights as Carthaginians or anyone else (3.22.5–10). He then comments that the phrasing of the treaty shows that while the Carthaginians claim Africa and Sardinia as their own, they think differently about Sicily (3.23.5). He notes also that in this early treaty the Romans impose limits on Punic military activity in Latium, but the rest of Italy goes unmentioned (3.22.11–13, with commentary at 3.23.6). Similarly with the second treaty: the restrictions placed on Roman commercial activity in North Africa and Sardinia are now more severe (and of course no military activity is allowed), but once again eastern Sicily goes completely unmentioned, and Romans in Punic western Sicily can trade with the same rights as Carthaginians or anyone else (3.24.3–13). Polybius again comments that in the second treaty the Carthaginians claim North Africa and Sardinia as fully theirs, but the situation in Sicily is different (3.24.14–15); meanwhile, on the Roman side, Punic military activity is forbidden on the coast of Latium, but the rest of Italy goes unmentioned (24.16). That is, neither Sicily nor Italy is a closed territorial preserve for either side.

The striking of a new treaty with terms such as Philinus claimed existed would thus have meant a fundamental change in this situation – a major limitation in explicit pre-existing Roman rights in Sicily and Punic rights in Italy, along with the acceptance by Rome that Carthage could speak for all of Sicily (including Greek eastern Sicily) and the acceptance by Carthage that Rome could speak for all of Italy (including both Etruria and Greek southern Italy). Such a fundamental change ought to have appeared in the text of the third treaty which Polybius found in the archives, the agreement about Pyrrhus that dates from 279/8 B.C. But Polybius underlines that in the third treaty, the agreement having to do with Pyrrhus, no provisions had changed from the text of the second treaty, except that there is an additional agreement on how the two powers would deal with Pyrrhus (3.25).

One must understand how important this is. Polybius saw the text of the third treaty in full. He emphatically declares that in this treaty ‘they retain all the provisions made in the previous agreement’ (τὰ μὲν ἄλλα τηροῦσι πάντα κατὰ τὰς ὑπαρχούσας ὁμολογίας – 25.2); the treaty itself must have laid out its stipulations in detail, which Polybius summarizes in this phrase, and this is why he is emphatic

⁶⁹ Serrati (n. 3), 124; hence Serrati is forced to return to the thesis that the Philinus treaty was intentionally destroyed, or removed from the archive, by Romans who understood that Rome had violated it (*sic*): *ibid.* 123–4.

⁷⁰ This has long been recognized: Cary (n. 2), 68; cf. Badian (n. 2), 166.

about it. That is: Polybius has examined the 279/8 treaty text (he goes on to quote from it), and has found no new provisions about the Roman presence in Sicily or the Punic presence in Italy.⁷¹ Hence in Polybius' view the text of the third treaty excludes the possibility of the treaty of Philinus.

Badian thirty years ago stressed with his usual vigour this aspect of Polybius' statements about the nature of the Roman-Punic treaty concerning Pyrrhus.⁷² Yet pro-Philinus scholars continue to base one of their most important arguments on the terms of the agreement of 279/8. They argue (1) that the terms of Polybius' mid-fourth century second treaty, with its reference to Punic military activities in 'the part of Latium not controlled by the Romans' (ἐν τῇ Λατίνῃ ... – 3.24.5, cf. 24.16), cannot have been retained in his third treaty (279/8), because this would ignore seventy years of spectacular Roman growth in power; something must intervene. (2) They then point to the treaty mentioned briefly in Livy 9.43.26, a treaty of 306 B.C. Livy thus has three Roman-Punic treaties concluded before 279/8, not Polybius' two, and they argue that the geopolitical situation in 306 would fit far better for renewal in 279/8 than the situation of the mid fourth century. Hence Polybius' reference at 3.25.2 to the renewal of all old terms in the treaty of 279/8 must refer to the terms of the treaty of 306 – which is in reality the Philinus treaty, with its mutual prohibitions of involvement in Sicily and Italy.⁷³ The pro-Philinus scholars also argue (3) that the terms of 279/8 which Polybius quotes as 'additions' to the old treaty themselves presuppose the existence of a general prohibition of Roman involvement in Sicily and Carthaginian involvement in Italy. This is because at 3.25.3 any appearance of Carthaginian troops in Roman territory or Roman troops in Carthaginian territory requires the explicit approval of the other government: ποιεῖσθωσαν ἀμφοτέροι, ἵνα ἐξῇ βοηθεῖν ἀλλήλοις ἐν τῇ τῶν πολεμουμένων χώρᾳ. Polybius has evidently missed the profound implications of this stipulation of the treaty of 279/8 – for it proves that the Philinus treaty existed.

In fact, only one of these arguments has significant weight.

First, Livy's treaty of 306. If this treaty is the major transformation in Punic-Roman relations as claimed in Philinus' treaty, with the creation of Sicily and Italy as spheres of interest closed to the other side, it is odd that Livy gives the diplomatic interaction so little detail or emphasis; we are told simply *cum Carthaginensibus eodem anno foedus tertio renovatum*, and that the Punic ambassadors were treated well (9.23.46). Pro-Philinus scholars have certainly put forth various arguments according to which 306 B.C. would be a fitting geopolitical moment for the striking of such a treaty as Philinus asserts.⁷⁴ Nevertheless, the fundamental geopolitical position of both Rome and Carthage in 306 is not congruent with the terms of the treaty of Philinus; neither was strong enough to make the claims in Italy or Sicily which the Philinus treaty has them make. To be sure, Roman power had grown significantly since the 340s. But as late as 310 Rome had faced a serious Etruscan offensive to seize Sutrium, 'the gateway to Rome' just thirty miles north of the city, and in 306 the first Roman expeditions

⁷¹ Emphasized by Badian (n. 2), 166–7.

⁷² Badian (n. 2), 166–7.

⁷³ See e.g. Cary (n. 2), 72–3; Mitchell (n. 3), 648–52; Meister (n. 3), 137; Serrati (n. 3), 128.

⁷⁴ See e.g. Cary, (n. 2), 75–6; Thiel (n. 3), 15–17 and 22–3; Mitchell (n. 3), 636–44; Toynbee (n. 3), 545; Meister (n. 3), 137; Serrati (n. 3), 124–5 and 127–8; Steinby (n. 3), 78–80.

into central Etruria had just occurred. Those successful expeditions of 309 and 308 had led to long-term truces with major Etruscan polities, but fighting was to continue in Etruria until 304 and break out again soon thereafter; it cannot be said that in 306 Roman domination of Etruria had begun. Simultaneously, Rome was involved in heavy fighting with the Samnites to the south-east, who had inflicted severe defeats on Roman forces not merely at the Caudine Forks in 321 but at Lautulae in 315 – after which Samnite forces had devastated southern Latium to within a day's march of Rome itself. In 306 the Romans had just made peace with the Hernici, allies of the Samnites in the Apennine hills only thirty miles from the city, and a temporary peace with the Samnites was still two years away. And Roman contacts with southern and south-eastern Greek Italy were still in the beginning stages.⁷⁵ Meanwhile, in Sicily, the war between Carthage and Agathocles of Syracuse ended in 306: Agathocles returned to Carthage his conquests in western Sicily and received for that concession a monetary payment from the Carthaginian government (Diod. Sic. 20.79.5); Heraclea Minoa and the Halycus River returned to being the frontier between Greek and Punic regions of the island. But this left three-quarters of Sicily in the hands of Greek states, led by Syracuse – a polity which after 306 was powerful enough to engage in large-scale military expeditions into southern Italy.⁷⁶

These facts on the ground both in Italy and Sicily thus make it improbable that the Carthaginians in 306 were claiming at Rome the right to exclude Romans from all of Sicily, and that the Romans were in turn claiming the right to exclude Carthaginians from all of Italy.⁷⁷ It is particularly difficult to imagine Carthage giving up rights to intervene on the Italian coast, where its naval forces had long been active (as one sees in the provisions about Punic conduct in Polybius' first two treaties), and where commercial relations with the Etruscan city states remained intense in the third century (and hence might need protection), in exchange for a Roman promise not to engage in an intervention in Sicily which could only be far off in the future (and which in 306 was in fact forty years in the future).⁷⁸

The actual state of geopolitics *c.* 306 is demonstrated, rather, by another treaty – the treaty struck between Rome and Tarentum *c.* 303/2, which forbade Romans to sail beyond the Lacinian Promontory into the Gulf of Tarentum (App. *Sam.* 7).⁷⁹ The terms of the treaty with Tarentum directly contradict the idea that Rome in this

⁷⁵ On the course of the Roman struggle with the Etruscan states in the late fourth century, and the Second Samnite War, see conveniently A.M. Eckstein, *Mediterranean Anarchy, Interstate War, and the Rise of Rome* (Berkeley and Los Angeles, 2006), 127–9 and 144–6. On peace with the Hernici, see Schmitt (n. 3), 55–6 (no. 439).

⁷⁶ Discussion in Schmitt (n. 3), 52–3 (no. 437).

⁷⁷ See Hoyos (n. 3), 96–8, citing earlier scholarship. Pro-Philinus scholars argue that the Punic government *c.* 306 feared (however irrationally) a Roman intervention in Sicily: so Cary (n. 2), 75–6; Thiel (n. 3), 15–17 and 22–3. But Rome had only a tiny fleet of warships, and all its energies were focussed in 306 on its difficult struggles with powerful neighbours in central Italy: see esp. Pédech (n. 3), 189. Some eighteen Etruscan warships fought for Agathocles of Syracuse in 307, and he employed Etruscan mercenaries in his earlier attack on North Africa – but despite Steinby (n. 3), 80, there is no reason to imagine that these incidents directed the attention of the Carthaginian government towards Rome (and hence to the conclusion of a treaty along the lines of Philinus).

⁷⁸ See the comments of Pédech (n. 3), 190, with scholarship on Punic–Etruscan commercial relations; cf. Hoyos (n. 3, 1985), 97 (with earlier scholarship). As Thiel (n. 3), 16 admits, 'the advantage obtained by Carthage from such an agreement is not so obvious'.

⁷⁹ On the date and terms, see Schmitt (n. 3), 60–1 (no. 444).

period could claim or was claiming all of Italy as its sphere of influence, for Rome here conceded all of south-eastern Italy as a Tarentine sphere of influence.⁸⁰

As for the explicit permission given in the 279/8 treaty for future use of forces in each other's territory, this stipulation proves little. A fundamental problem here is that modern scholars are unsure whether the 279/8 agreement concerns a Roman-Punic alliance against Pyrrhus, or is instead a safeguard agreement should one or both of the contracting parties make an alliance *with* Pyrrhus. The Greek of Polyb. 3.26.3 strongly supports the latter hypothesis, since the phrase *συμμαχία πρὸς* [*sc. Πύρρον*] in Greek generally and in Polybian usage in particular means 'an alliance with' someone, and nowhere does it mean 'an alliance against' someone.⁸¹ If so, then Walbank's translation of 3.26.3 is correct: 'If they make an alliance with Pyrrhus, let them make it, each or both, with such provision that they may be allowed to assist each other in the territory of the party who is the victim of aggression.' That is, Rome and Carthage are stipulating that if they enter into peace and alliance with Pyrrhus, it will not preclude either aiding the other should it suffer attack (from Pyrrhus, for example).⁸² But if so, then Polyb. 3.26.3 is not proof of the general prohibitions alleged in the Philinus treaty: it is merely a guarantee that Rome and Carthage can provide aid to each other even if they enter an alliance with Pyrrhus, the third party that threatens them both.

Moreover, in the unlikely event that Polybius at 3.26.5 actually means a Roman-Punic alliance *against* Pyrrhus, which some scholars do assert,⁸³ the provision regarding permission for the use of troops still does not constitute proof of the existence of the general prohibitions alleged in the Philinus treaty. This is because under the anarchic conditions of the Hellenistic Mediterranean, it would be perfectly reasonable for governments to want in an alliance treaty to create a requirement of special permission for foreign troops (even friendly ones) to enter their territory, with specifications on the particular conditions under which this would occur (in this case, an invasion of that territory by an enemy). As Walbank says, such stipulations were a normal proviso in ancient treaties of alliance. A direct parallel is at Thuc. 5.47.3, where the Athenians, Argives, Eleans and Mantineans agree by treaty in 418 B.C. to send aid to each other if attacked in their own territories by an invader, *and* if that allied aid is explicitly requested by the victim of the attack.⁸⁴ Indeed, the stipulation in Polyb. 3.26.3 (*if* it means an alliance against Pyrrhus) finds something of a parallel in a treaty later quoted by Polybius himself: in the treaty of alliance between Carthage and Philip V of Macedon in 215, it is stipulated that military aid will be sent from Philip to the Carthaginians only if and when the

⁸⁰ Thiel (n. 3), 20–3, is painfully aware of the problem posed for him by the Roman-Tarentine treaty of 303/2.

⁸¹ See Walbank (n. 3), 350; and, in detail, Hoyos (n. 10), 420–5. There are eleven Polybian cases where *συμμαχία πρὸς τινα* means 'alliance with [someone]': 2.6.9; 4.6.11, 15.10, 16.5, 34.7, 34.8, 34.10 and 36.2; 7.9.6; 9.30.6; and 22.3.5. There are no Polybian examples where the phrase means 'an alliance against [someone]' (the normal preposition in that case is *κατά*). In fact, *συμμαχία πρὸς τινα* does not appear as 'alliance *against* [someone]' anywhere in LSJ s.v. *συμμαχία*. See esp. Hoyos (n. 10), 420 and n. 74.

⁸² Walbank (n. 3), 350. Walbank's translation is accepted even by Serrati (n. 3), 129–30; nevertheless, Serrati takes it as obvious that Polyb. 3.26.3 proves (*sic*) the existence of Philinus' general prohibition (128).

⁸³ See e.g. Mitchell (n. 3), 646–52 (who admits, 651, the weakness inherent in translating *συμμαχία πρὸς* as 'alliance against [someone]').

⁸⁴ See Walbank (n. 3), 351 (and next note); cf. Hoyos (n. 3, 1985), 106–7.

latter explicitly agree: *βοηθήσετε δὲ ἡμῖν, ὥς ἂν ... συμφωνήσωμεν* (7.9.11).⁸⁵ This kind of reasonable caution in an alliance, as found at Polyb. 3.26.3, thus tells us nothing about the possible existence of a general prohibition in Philinus’ terms.⁸⁶

The pro-Philinus scholars do have one significant argument on their side, however. A stipulation of the second Polybian treaty, from the mid-fourth century, reads: ‘if the Carthaginians capture any city in Latium not subject to the Romans, they shall keep the goods and the men, but hand over the city’ (3.24.4).⁸⁷ Yet according to Polybius, in the third treaty all the provisions of the second treaty were maintained (3.26.3). But as Toynbee says, ‘It is impossible to believe that in 278 B.C. Rome herself will have conceded gratuitously, in a new treaty with Carthage, that her sphere in Italy was, in fact, Latium only, and not even the whole of that’.⁸⁸ The pro-Polybius scholars answer that the objection here is really to the single phrase *ἐν τῇ Λατίνῃ*; this is a detail, and Polybius was looking in the text for a major shift in the Punic–Roman relationship which Philinus’ treaty would have created. So perhaps Polybius was a bit too broad when he wrote *τὰ μὲν ἄλλα τηροῦσι πάντα κατὰ τὰς ὑπαρχούσας ὁμολογίας* (3.25.2). That is, while this statement is generally correct, perhaps Polybius did not notice that *Λατίνῃ* had been changed in the new text to something else – say, *ἐν τῇ Ἰταλίᾳ* or *ἐν τῇ Τυρρανίᾳ*; or perhaps *ἐν τῇ Λατίνῃ* had simply been dropped altogether, and Polybius did not think it was necessary to mention it.⁸⁹ Alternatively, perhaps the Romans themselves unintentionally created the ambiguity because, in the emergency after Pyrrhus’ second victory over Rome, at Asculum in 279, they focussed their attention not on the old stipulations with Carthage but solely on the new stipulations that would help safeguard the city one way or another.⁹⁰

None of these scholarly responses to the problem of *ἐν τῇ Λατίνῃ* is very satisfactory. All are speculative, and improbable to a greater or lesser degree, though they are possible. The main point, however, is that the phrase *ἐν τῇ Λατίνῃ* at Polyb. 3.24.4, though it is a weakness in the case against Philinus, is indeed only a detail within a much longer document, and so it should not be seen as the secret key to any mystery. This is especially so because we have now removed any argument that the ‘permissions’ clause in the 279/8 treaty (Polyb. 3.26.3) is itself evidence for Philinus’ general prohibition. Thus the bothersome problem with *ἐν τῇ Λατίνῃ* stands alone.

⁸⁵ See F.W. Walbank, *A Historical Commentary on Polybius* II (Oxford, 1967), 55 on Polyb. 7.9.11, pointing out again that this was quite normal in alliance provisions (cf. Polyb. 28.13.5, where Achaean military aid offered to the consul Q. Marcius Philippus in 169 B.C. is politely refused; but for a more hostile interaction, see Thuc. 5.61.1). In the end, Hannibal for his own good reasons never requested Philip’s aid.

⁸⁶ Cf. Hoyos (n. 10), 423 n. 81a.

⁸⁷ The crucial phrase is *ἐάν δὲ Καρχηδόνιοι λάβωσιν ἐν τῇ Λατίνῃ πόλιν τινὰ μὴ οὖσαν ὑπήκοον Ῥωμαίοις* ...

⁸⁸ Toynbee (n. 3), 544–5; cf. with great emphasis e.g. Cary (n. 3), 73; Mitchell (n. 3), 648; Meister (n. 3), 138; Serrati (n. 3), 113, 128, 129.

⁸⁹ So Badian (n. 2), 167–8, cf. Hoyos (n. 3, 1985), 104–5 (the first suggestion); Hoyos, 105 (the second suggestion). Oakley (n. 3), 262, suggests that Polybius was looking in the treaty for any changes regarding Sicily, did not find any and perhaps missed any ‘limited redrafting’ about Italy.

⁹⁰ So Walbank (n. 3), 349–50; earlier: J.L. Strachan-Davidson, *Selections from Polybius* (Oxford, 1888), 62.

And this brings us to an additional powerful argument against the treaty of 306 being 'the treaty of Philinus'. Philinus appears to have been a typical Hellenistic dramatic and moralizing historian; he did not depend much upon archival research.⁹¹ Hence Polybius indicates that Philinus did not know about any of the early Roman–Punic treaties (Polyb. 3.21.9, 26.2 and 26.5); he knew of only one Roman–Punic treaty, whose terms he construed as enacting a mutual territorial ban. It is interesting that this treaty did not make an appearance until Book 2 of his work (Polyb. 3.26.5), that is, rather late in his story of the origins of the First Punic War.⁹² Polybius also says that Philinus, although biased in favour of Carthage and against Rome, was an honest writer (1.14.3). Given all of the above, Hoyos thus suggests that Philinus (mis)interpreted the 'permission' clause of the treaty of 279/8 that mandated approval from Rome concerning the employment of Punic troops in Roman territory or of Carthage concerning Roman troops in Punic territory so as to mean that behind this clause stood a general prohibition excluding the Romans from Sicily and the Carthaginians from Italy.⁹³

There is an important way in which Hoyos's hypothesis can be confirmed. It should be (though it has not often been) stressed that in the Roman tradition it is the treaty of 279/8 – and *not* the treaty of 306 – which the Carthaginians were accused of violating by going to Tarentum in 272. This is perfectly clear from the *Periochae* of Livy. Thus in Livy *Per.* 13 we have the statement: *cum Carthaginiensibus quarto foedus renovatum est*; since this *quartum foedus* occurs in the context of the Pyrrhic War and after the battle of Asculum (*ibid.*), it can only be a reference to Polybius' Roman–Carthaginian treaty concerning Pyrrhus (the treaty of 279/8 B.C.). Indeed, all modern scholars accept it as such. But then in Livy *Per.* 14 comes a condemnation of the Carthaginians for violating that treaty: *Carthaginiensium classis auxilio Tarentinis venit, quo facto ab his foedus violatum est*. The epitomator can only have meant the *quartum foedus* of *Periochae* 13 when he triumphantly played his trump card about the Carthaginians at Tarentum in *Periochae* 14. But this means that in the Roman tradition it was the treaty of 279/8 (not 306) that the Romans claimed was violated by Carthage.

And if Roman tradition asserted that it was the treaty of 279/8 that was violated by Carthage, this in turn strongly suggests that Philinus' treaty was in fact a distorted version of the treaty of 279/8 (not 306) – for the Roman accusation about Tarentum as the violation of the *quartum foedus* (279/8) is the Roman response to Philinus' accusation. But thanks to Polybius' research in the archives at Rome, we actually have the text of the treaty of 279/8 before us. Polybius quotes the relevant stipulation, and we do not have to guess (as perhaps Philinus did) about what the treaty exactly said.⁹⁴ As we have seen above, that clause of the treaty of 279/8, while mandating the quite normal gaining of permission from an ally in order to enter that ally's territory, does not indicate the existence of a special mutual ban on Sicily and Italy. And here exactly is 'the error of Philinus of Agrigentum' which

⁹¹ Walbank (n. 6) presents the arguments.

⁹² This fact causes some discomfort for Serrati (n. 3), 124–5, a recent important advocate of Livy's treaty of 306 as Philinus' treaty.

⁹³ Hoyos (n. 3, 1985), 108–9, and Hoyos (n. 3, 1998), 10–11; cf. (hesitantly) Oakley (n. 3), 261.

⁹⁴ We do not know whether Philinus had the actual text of 279/8; it is possible, but perhaps he only knew what his Carthaginian informants (themselves biased against the Romans) told him about the treaty.

Hoyos proposed in 1985: Philinus mistook the 'permissions' clause in 279/8 as a clause which in general excluded Rome from Sicily and Carthage from Italy. This enabled him to claim that Rome in 264 had flagrantly violated the treaty.⁹⁵ No doubt, given Philinus' hostility to the Romans, he was happy enough to do this; but he may have come to this position honestly enough, for a series of modern scholars (knowing Philinus' accusation) have made exactly the same mistake – that is, they have attempted to interpret the 'permissions' clause of 279/8 to show that 'the treaty of Philinus' actually existed.⁹⁶

One final argument against Philinus needs to be made. The traditions on diplomatic-military events in the early third century preserve a series of Punic involvements in Italy and Roman interactions in Sicily all of which would have been a violation of the Philinus treaty if it had existed. On the Punic side, there is the appearance of the large fleet of Mago off Ostia in 279/8 (after which the agreement with Rome concerning Pyrrhus was negotiated); shortly thereafter a Punic attack on the Rhegium region, employing troops carried over from Sicily (Diod. Sic. 22.7.5) – evidently an attempt to block Pyrrhus from using the region to cross to Sicily; and then the appearance in 272 of the Carthaginian fleet at Tarentum.⁹⁷ On the Roman side there is Rome's alleged establishment of friendly relations with King Hiero II of Syracuse, c. 270, and this was followed by Hiero's providing Rome with significant Syracusan military aid against the Campanians who had seized Rhegium (Dio Cass. fr. 43.1; Zonar. 8.6); this interaction eventually found its way into the debate over who first broke 'the Philinus treaty' (ibid.: explicit). Similarly, we are told of an alleged agreement (*δμολογία*) concluded between Rome and Messana in this period, securing Mamertine neutrality during the Roman operations against Rhegium (Zonar. 8.6).⁹⁸

All these events would have been violations of the Philinus treaty if it had existed; two of these incidents were indeed later used by Romans and Carthaginians in the controversy over war guilt, but evidently presented no problem at the time; all of these incidents occurred as if the Philinus treaty did not exist.⁹⁹ Those scholars who support the existence of the Philinus treaty therefore need to explain how, since the Philinus treaty prohibited such interactions, this series of events could have occurred without serious diplomatic repercussions. I would suggest that there is an obvious enough reason why these incidents occurred as if the Philinus treaty did not exist, and without serious diplomatic repercussions. It is because Polybius was in fact correct; 'the Philinus treaty' did not exist. The controversy over 'the

⁹⁵ Hoyos (n. 3, 1985), 108–9; a similar solution was proposed long ago by de Sanctis (n. 3), 100.

⁹⁶ See e.g. Cary (n. 2), 73; Schmitt (n. 3), 54 (no. 438) and 104 (no. 466); Mitchell (n. 3), 652; Meister (n. 3), 136.

⁹⁷ Mago's fleet at Ostia: Justin 18.2; Val. Max. 3.7.10. The Punic attack on the Rhegium region (aimed perhaps at Locri?) was made with Carthaginian troops coming from Sicily: for discussion, see Hoyos (n. 24, 1987), 432–4.

⁹⁸ Historicity of the Roman interactions with Hiero: see Walbank (n. 3), 53; H. Berve, *König Hiero II* (Munich, 1959), 13–14. Historicity of the neutrality agreement between Rome and Messana (distinct from the false tradition of a *foedus sociale*, and explaining, where Polybius does not, the Mamertine failure to come to the aid of their friends the Campanians at Rhegium): see Eckstein (n. 3), 78 and n. 20.

⁹⁹ Eckstein (n. 3), 78. Note that the two incidents that became accusations of violation of 'the Philinus treaty' are the Punic fleet at Tarentum in 272 and the Roman diplomatic connection with Syracuse in 270 – and both of these are events occurring *after* the treaty of 279/8.

Philinus treaty' is thus in the end an example of Polybius' reliability and, indeed, his historiographical conscientiousness.¹⁰⁰

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