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Gabriel Rosselló Calafell

► **To cite this version:**

Gabriel Rosselló Calafell. Jura conloqui. Mechanisms in Official Interviews with Punic Leaders in the Time of the Roman Republican Expansion. *Ktèma : Civilisations de l'Orient, de la Grèce et de Rome antiques*, 2021, *Varia*, 46, pp.309-322. <hal-03592233>

HAL Id: hal-03592233

<https://hal.science/hal-03592233v1>

Submitted on 1 Mar 2022

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Jura conloqui
Mechanisms in Official Interviews with Punic Leaders
in the Time of the Roman Republican Expansion

RÉSUMÉ-. Des contacts directs et officiels entre dirigeants ont eu lieu dans diverses circonstances politico-militaires au cours de la période d'expansion de la Rome républicaine. L'une de ces situations est celle des *conloquia*, ou entretiens en face à face entre chefs militaires. Cette pratique diplomatique, précédemment étudiée par des savants comme García Riaza, comporte une série de procédures communes, comme nous pouvons le déduire de la lecture des textes classiques. Ces mécanismes semblent avoir été observés et partagés par les commandants carthaginois et ceux d'autres communautés et États de l'Occident méditerranéen, ce qui nous placerait devant un cadre commun de pratique diplomatique.

MOTS-CLÉS-. *conloquia*, entretiens en face à face, chefs puniques, *ius belli*, diplomatie carthaginoise

ABSTRACT-. Direct, official contact between leaders took place in various politico-military circumstances during the period of the Roman Republican expansion. One of these situations is the *conloquia*, or face-to-face interviews between military chiefs. This diplomatic practice, previously studied by scholars such as García Riaza, has a series of common procedures, as we can deduce from reading the classic texts. These mechanisms seem to have been observed and shared by the Carthaginian commanders and those of other communities and states of the Mediterranean West, which would place us in front of a common framework of diplomatic practice.

KEYWORDS-. *conloquia*, face-to-face interviews, Punic leaders, *ius belli*, Carthaginian diplomacy

Literary sources in Latin use the word *conloquia* or *colloquia* when referring to personal interviews between military leaders.¹ These conferences between commanders took place in the context of a conflict, and consequently would have been integrated into the mechanisms of *ius in bello*, that is, into the code of military practice.² The Roman conception of it presumed respect for the customs of open warfare only if it had been justly declared, which is known as *bellum iustum*. However, the assumption by the combatants of the normativity included in the theoretical framework was always very fragile, as revealed by historical texts, so it is not uncommon to find certain unsystematic features.³

(1) This is a polysemic term used in other contexts as well. We will study its implications in the context of interviews between military leaders.

(2) Such practices of the law of war in the Ancient World were not established *de jure*. But *de facto*, they can be analyzed from the events narrated in classical sources. *Vid.* GARCÍA RIAZA 2011, p. 33. Cf. BEDERMAN 2001, p. 242.

(3) GARCÍA RIAZA 2011, p. 33-36.

The observation of the mechanisms of the just war, included in the general framework of the “law of nations” (*ius gentium*),⁴ does not seem to have been the exclusive patrimony of the Roman state, despite the claims of some classical authors.⁵ In fact, the *ius belli* itself seems to derive from the Greek conception of a πόλεμος δίκαιος, and consequently, its procedures must also have been known and respected by other Mediterranean peoples.⁶ The existence of a certain “international” consensus in codes of war—and diplomacy—and analysis of initiatives carried out by Carthaginian generals would reveal that, despite frequent anti-Punic propaganda in the sources,⁷ they also followed the praxis of just war and *ius in bello*.⁸ Therefore, it is necessary to ask whether the conditions of the *conloquia* described for the Roman Republican world present analogous characteristics to the *conloquia* carried out by Punic dignitaries. The main objective is to assess the existence of certain customs in the praxis of warfare that could be shared and executed by Carthage and Rome at the time of the Punic Wars. It is also intended to contribute to the reconstruction of this type of interview and, by extension, to the study of direct diplomacy in the context of conflict.

The hypothesis of a common consciousness of the rules of the *conloquium* seems to be corroborated in a statement by Caesar regarding the attitude of the Pompeian leaders in Ilerda (49).⁹ On that occasion the Roman general accused them of violating the laws of negotiations and truces: *eos neque colloqui neque indutiatarum iura servasse* (“they had not respected the laws of negotiations or truces”).¹⁰ The existence of some *iura colloqui* (“laws regarding interviews”), using the terminology of our source, or of a *ius colloquiorum* (“law of interviews”), is highlighted in an article by García Riaza.¹¹ This historian reveals the particular conventions of this type of meeting between leaders¹² based on the analysis of a series of cases selected from the literary evidence. As a consequence, the scholar identifies the essence of *conloquia*, defining them as official interviews between autonomous leaders (*in sua potestate*).¹³ These would have occurred in a climate of trust and the immunity of their protagonists—similar to that of truces and *deditiones*—sustained by the observation of mutual good faith (*in fidem*). Among its most salient characteristics, García Riaza also adds prior communication between the leaders through *nuntii* or heralds, who would negotiate the details of the meeting. The *conloquium* conditions at the time of its execution also reveal some common practices: the mutual approach of both unarmed leaders; presence of military escort; meeting in a protected space against possible traps or tricks; objective and subjective visibility; attendance of interpreters if necessary; ordered speaking turns; and farewell.

Based on these premises, the examination of the documentation in the Punic field reveals a significant number of references, which we systematize in the following table:

(4) BOURDIN 2014. Cf. KASER 1993, p. 23-39; MASIELLO 2007, p. 3345-3363; FIORI 2016: 109-129.

(5) This is the hypothesis proposed by BEDERMAN (2001), among others.

(6) GARCÍA RIAZA 2011, p. 35.

(7) We have an extensive bibliography on the matter, ironically called *Punica fides*. Among other works, the following can be consulted: DUBUISSON 1983; PRAG 2006; ERSKINE 2013; KHRUSTALOV 2015; MODROW 2017, p. 161-167.

(8) GARCÍA RIAZA 2011, p. 35.

(9) All dates that appear in this work are BC.

(10) Caes. *BCiv.* 1.85.3. Cf. MAUGET 2012, p. 81.

(11) GARCÍA RIAZA (forthcoming).

(12) Similar to the better known *indutiae*. Caesar himself relates them, as we have seen. Cf. CAMPBELL 2001; MAUGET 2012.

(13) Which would imply some independence from its state institutions. On the other hand, we write the term as it appears in García Riaza’s work, excluding the implications that it may have in Roman civil law.

Year	Leaders	Sources
260	Gnaeus Cornelius Asina and Boodes, member of the Carthaginian Senate	Polyb. 1.21.4-7; Val. Max. 6.6.2, 6.9.11; Flor. <i>Epit</i> 1.1.9-11; Val. Max. 6.6.2, 6.9.11; Oros.4.7.7-9
239	Hamilcar Barca and Naravas	Polyb. 1.78.1-10
215	Hanno, an officer in Hannibal's army, and some senators from Nola	Livy 23.41-43
215	A cohort of Brutians, representing Hannibal, and the <i>principes</i> of Locri	Livy 24.1.5-7
211	Hasdrubal Barca and Claudius Nero	Livy 26.17.4-16
206	Syphax and Hasdrubal Gisco	Livy 28.17-18; App. <i>Hisp.</i> 29-30
206	Mago and the sophets of Gadir	Livy 28.37.1-2
202	Scipio and Hannibal	Polyb. 15.5-9; Nep. <i>Vir. Hann.</i> 23.6; Livy 30.29-31; Flor. <i>Epit.</i> 1.6.59-60; App. <i>Pun.</i> 39; Oros. 4.19.2
148	Scipio Aemilianus and Himilco Phameas	App. <i>Pun.</i> 107-108
148	Gulussa and Hasdrubal the Boetarch	Polyb. 38.7-8; Diod. Sic. 32.22-23

AUTONOMY OF THE ORGANIZERS

Both Roman and Carthaginian military leaders had a certain margin for autonomy throughout the progress of a war, regardless of their respective states' instruments of control. Our sources clearly attest to a wide capacity for Roman commanders to adapt and improvise in the exercise of their *imperium*, though their decisions on the ground did not always please the Senate.¹⁴ With regard to Punic military chiefs, a higher level of autonomy has been suggested than that of consuls and praetors, whose magistracies were annual.¹⁵ This may not be an entirely accurate perception, however. It is true that Punic generals were appointed with the aim of leading entire campaigns, assuming more experience and perhaps professionalism than their Roman counterparts.¹⁶ However, the Adirim or Council of Elders was actually the institution that officially administered the war from beginning to end. As a consequence, the longer terms served by its military leaders did not exempt them from being accountable to the state in the event of making major errors.¹⁷ For this, Carthage had a system of judicial intervention to avoid abuses of power, manifest corruption, and especially military disasters that could lead to capitulation in a war.¹⁸ In all these cases the Punic military leaders could be sentenced to death by the Council of 104. The decisions of this court were not always resolved in the same way,¹⁹ as senatorial political majorities were possibly involved.²⁰ Likewise, some passages in the literary evidence suggest a close supervision of the progress of wars by representatives of the Punic Senate.²¹ This institution should have been

(14) DÍAZ FERNÁNDEZ 2015, p. 147. Cf. ECKSTEIN 1987, p. 319-324; AULIARD 2006, cap. 12; DROGULA 2015.

(15) GSELL 1920, p. 421; QUESADA SANZ 2009, p. 148.

(16) LAZENBY 1996, p. 21; GOLDSWORTHY 2000, p. 35; QUESADA SANZ 2009, p. 148. Cf. NICOLET 1988: p. 43-46.

(17) About Carthaginian political institutions, Cf. HUSS 1992, p. 252-256; AMELING 1993, p. 83-85 and 101-107; JAHN 2004, p. 182-195.

(18) QUESADA SANZ 2009, p. 154-157.

(19) Thus, while some generals were sentenced to death for being defeated in important battles, others were exonerated in similar circumstances, as was the case for Hannibal after Zama. *Vid.* HOYOS 2010, p. 36; HOYOS 2011.

(20) Cf. Hoyos, 1994; Barceló Batiste, 2011.

(21) For example, a representative of the Adirim would have been present during the signing of the treaty between Philip V of Macedonia and Hannibal in 215 (Polyb. 7.9), while another was captured in 209 BC after the capture of Carthago Nova by Scipio's troops (Polyb. 10.18.1-2; Livy 26.47.3). Both cases reveal that the Adirim had direct information on the great geographical spaces in which Hannibal's War was taking place.

informed at all times of the strategy of its commanders, obliged to justify their requests for supplies and military reinforcements.²²

The fact that the overall strategy of the war was supervised by the Adirim, however, does not mean that in some specific decisions its military commanders did not enjoy a certain freedom. Formal agreements between two states,²³ for which direct communication with the Adirim was essential, were not the same as other diplomatic practices of less political significance, which could occur on the battlefield itself. Truces, surrenders, and interviews between generals would be included in this area. The analysis of the *conloquia* carried out by Carthaginian leaders seems to confirm this hypothesis. For example, during the Truceless War (241-238), before the attempt by the Numidian leader Naravas to meet with Hamilcar Barca, the Carthaginian sent a horseman (καὶ προπέμψαντός τινα τῶν ἵππέων)²⁴ to facilitate the encounter. Barca's personal involvement is evident in the later decision to hand over one of his daughters in marriage to Naravas in exchange for his loyalty in the conflict against the mercenaries.²⁵ This initiative does not seem to have been imposed by the Adirim, but was rather a considered decision to establish kinship ties with the Numidian aristocracy.²⁶

The autonomy of the Punic leader in the theatre of war is also observed in the meeting between Hasdrubal Barca and Claudius Nero in 211. According to Livy, the Carthaginian, trapped in a gorge, decided to send an emissary (*caduceatorem misit*) and request an interview (*conloquio petivit*) to the Roman commander, in order to agree the withdrawal of Punic troops from a territory that the historian from Patavium located in Ausetania.²⁷ In another episode Mago seems to have taken the decision himself to force the highest authorities of Gadir (206) to a meeting with him (*ad conloquium sufetes eorum qui summus poenis est magistratus cum quaestore elicit*),²⁸ to end up crucifying them in retaliation for not having admitted him within its walls.²⁹ Appian likewise claims that Scipio Aemilianus met Himilco Phameas during the Third Punic War to gain his allegiance by stealth from the Carthaginian Senate.³⁰

In two other cases, of debatable historicity,³¹ the participation of Carthaginian institutions is not observed either. In both the interview between Hannibal and Scipio before the battle of Zama (202), as well as in the one carried out by Hasdrubal the Boetarch and Gulussa around 148, however, the pro-Roman sources could be committing the fallacy of attributing to Punic generals

(22) Possibly the most striking example is that of Mago, sent by Hannibal to the Senate of Carthage after the victory at Cannas (216 BC). The youngest of the Barcids was forced to deposit in the hall of the curia a considerable pile of gold rings snatched from the slain Romans to demonstrate the successful course of the campaign and thus obtain new contingents (Livy 23.12-13).

(23) Like those signed with Syracuse and Macedonia in 215. *Vid.* Polyb. 7.2-4, 7.9; Livy 24.6.

(24) Polyb. 1.78.4: “[Hamilcar] sent a horseman to see”.

(25) Polyb. 1.78.8-10.

(26) This is a clear example of kinship diplomacy. Cf. GARCÍA RIAZA (forthcoming). Family relationships between the Punic elites and the Numidian aristocracy were reinforced by this episode. Some have, in fact, speculated that Naravas was actually a member of the Numidian royal family, of the Massylian group, and consequently Massinissa's uncle. *Vid.* Hoyos 2007, p. 148; Hoyos 2011, p. 209; Ameling 2011, p. 48; Hoyos 2015, p. 169.

(27) Livy 26.17.4-7.

(28) Livy 28.37.4: “He thereupon enticed their sufetes—the highest magistrates among the Phoenicians—together with the treasurer to a conference”.

(29) Livy 28.37.1-4.

(30) App. *Pun.* 107.

(31) Especially the *conloquium* between Hannibal and Scipio Africanus, which Hoyos describes as “Polybian fiction”, and on the dialogue of which Goldsworthy casts doubt. *Vid.* Sancho Royo 1980, p. 269, n.13; Goldsworthy 2000, p. 301; Hoyos 2015, p. 208.

unlimited prerogative.³² First, although the literary evidence in general highlights that it was the Barcid who arranged the meeting with the Roman *imperator* on his own initiative (κρίνας δὲ τοῦτο διεπέμψατο κήρυκα, φάσκων βούλεσθαι κοινολογηθῆναι πρὸς αὐτὸν ὑπὲρ τῶν ὄλων/ *nuntium ad Scipionem misit, ut conloquendi secum potestatem faceret/ conloquium Scipionis petiit*),³³ it seems more reasonable—as Livy³⁴ surmises—that, had it happened, the initiative would have come from the Adirim itself. In fact, it had been this institution that had forced Hannibal to return to Italy against his will,³⁵ and which had also managed the previous peace talks in Castra Cornelia.³⁶ As for Hasdrubal the Boetarch, caricatured to the point of indignity by Polybius, who accuses him of behaving like a tyrant (ὁ δὲ πάλιν ἐξεπορεύετο μετὰ μεγάλης ἀξίας ἐν τῇ πορφυρίδι καὶ τῇ πανοπλίᾳ βάδην, ὥστε τοὺς ἐν ταῖς τραγωδίαις τυράννους πολὺ τι προσοφείλειν),³⁷ we can judge that, although his troops provided the city's main defence, it is unlikely that he made his decisions alone in the manner of a king. In any case, our other source, Diodorus Siculus, is forceful in stating that it was the Carthaginian commander who requested an interview with the Numidian king: Καρχηδονίων Ἀσδρούβας διαπρεσβευσάμενος πρὸς Γολόσσην προεκαλείτο ἔλθειν εἰς σύλλογον.³⁸

CONDITIONS OF TRUST

The requirement to respect *fides* appears as one of the common characteristics in meetings between leaders.³⁹ In the case of the Punic generals, however, this condition is used by the sources to fuel claims of their treachery. In fact, this is the common thread that some authors cling to in the episode referring to the capture of the consul of 260, Gnaeus Cornelius Asina, near Lipara. It is an inaccuracy derived from a passage from Polybius,⁴⁰ which is limited to pointing out that the Roman general was the victim of a military strategy concocted by the στρατηγός Hannibal and carried out by Boodes, a member of the Carthaginian senate (τῆς γερουσίας). The senator cornered him on the coast, leaving him no choice but to surrender (αὐτὸν τοῖς πολεμίοις). Thus, while the Megalopolitan does not refer at any time a meeting,⁴¹ we can see that later tradition reduces Hannibal's tactical

(32) An exaggeration spread, among others, by Polybius (3.8.2-4), who had already said that Hasdrubal the Fair tried to become king and ruled in Iberia regardless of the Carthaginian senate, a tendency that Hannibal was supposed to emulate.

(33) Polyb. 15.5.9: “with this purpose he sent a herald to say that he was desirous of a parley to discuss the matters at issue”; Livy 30.29.5: “accordingly, he sent a request to Scipio to grant him an interview”; Oros. 4.19.2: “requested an interview with Scipio”.

(34) The historian from Patavium, in fact, declares himself incapable of solving the question: *id utrum sua sponte fecerit an publico consilio, neutrum cur adfirmem habeo* (Livy 30.29.6: “I have no evidence to clarify whether he did it on his own initiative or by decision of his government”). However, he also assures us, following Valerius Antias, that Hannibal arrived at Scipio's camp with ten other parliamentarians: *legatum cum aliis decem legatis tradit in castra ad Scipionem venisse* (Livy 30.29.7: “He came personally with ten other ambassadors to Scipio in his camp”). This, from our point of view, gives the Adirim the initiative of the *conloquium*.

(35) Livy 30.20.1: *frendens gemensque ac vix lacrimis temperans dicitur legatorum verba audisse* (“gnashing his teeth and groaning-so they say-and scarcely keeping back the tears he listened to the words of the emissaries”).

(36) Cf. Polyb. 15.1.6-7; Livy 30.16.3-10; App. *Pun.* 31.

(37) Polyb. 38.8.6: “and Hasdrúbal went out again with grand ostentation, walking slowly, dressed in purple and in full armor, so the tyrants who appear in tragedies there would have made a fool of themselves”. The historian even compares him to a fattening bull (Polyb. 38.8.7).

(38) Diod. Sic. 22.1.

(39) The same code as we find in the context of *deditiones*, the invocation of which would result in the safeguarding of the physical integrity of the petitioner. *Vid.* AULIARD 2005, p. 255; GARCÍA RIAZA, SANZ 2019, p. 15.

(40) Polyb. 1.21.4-7.

(41) Cf. LAZENBY 1996, p. 5.

success to despicable machinations outside the standards of *ius in bello*. According to Florus,⁴² the consul was captured by the enemy after being lured into a fake parley (*qui simulato conloqui evocatus*). Orosius goes further and adds that he was executed by the Carthaginians (*Punica fraude captus atque in vinculis necatus est*),⁴³ giving greater visibility to this mistaken historical tradition. Other sources claim that Cornelius Asina not only did not die in a Carthaginian prison, but also assumed the consulate for the second time in 254, obtaining victory the following year thanks to the taking of Palermus.⁴⁴

We understand, therefore, that the post-Polybian historical tradition regarding the capture of the *imperator* is a construct designed to minimize the Roman defeat. This adulterated view was probably not shared by the protagonist's contemporaries, as can be inferred from the literal meaning of his *cognomen*.⁴⁵ We are, therefore, faced with one of the constant allusions to *Punica fides* or *Punica perfidia* that fill the literary evidence, and that also serve to magnify Roman virtues. This is what Valerius Maximus⁴⁶ does, who takes advantage of this episode and through contrast underlines Roman loyalty. The Roman author writes about Hamilcar Barca, who was unable to appear in the enemy camp to discuss peace at the end of the First Punic War for fear of taking the same risk as Asina. In his place, the Carthaginian sent, according to our source, a lieutenant named Hanno, who was reassured by his Roman interlocutor with some revealing words: "*Hanno, fides civitate nostrae liberat*".

The *topos* of treachery is repeated in other episodes concerning *conloquia* carried out by Carthaginian leaders. Livy,⁴⁷ for example, argues that in 211 Hasdrubal Barca, trapped in a gorge during the Second Punic War in Hispania, was forced to demand a personal meeting (*conloquio petivit*) with Claudius Nero to agree to an orderly withdrawal of his army. The Punic leader, however, after receiving the Roman's approval for the departure of his troops, deliberately delayed other negotiations, alleging false religious motivations (*illum diem religiosum Carthaginiensibus ad agendum quicquam rei seriae esse*),⁴⁸ while his men slipped away along secret narrow paths. The author from Patavium affirms, in short, that when Nero realized the Carthaginian deception (*tum demum Claudius Punicam fraudem adgnosces*)⁴⁹ the enemy army had already been evacuated.⁵⁰

In their interactions with other peoples, the Carthaginians are usually portrayed in literary sources as a disloyal people, which in turn makes them distrustful. This feature is observed in several passages in Polybius relating to personal interviews. For example, the precautions of Hamilcar Barca in his meeting with the Numidian chief Naravas during the Truceless War are striking.⁵¹ The Megalopolitan presents a very suspicious Barcid (*διαπορούντος δ' ἀκμήν και διαπιστούντος τοῦ τῶν Καρχηδονίων ἡγεμόνος*)⁵², who only accepted the entry of the Numidian into the camp because he appeared there on foot and unarmed (*παραδούς ὁ Ναραβάς τὸν ἵππον και τὰς λόγχας τοῖς μεθ' αὐτοῦ παρῆν ἄνοπλος εὐθαρσῶς εἰς τὴν παρεμβολήν*).⁵³ No less distrustful appears his

(42) Flor. *Epit.* 1.1.11.

(43) Oros. 4.7.9: "He was captured by Carthaginian perfidy and executed in prison".

(44) Cf. Val. Max. 6.6.2, 6.9.11; HINOJO ANDRÉS, MORENO FERRERO 2000, p. 147, n.167; LÓPEZ MOREDA, HARTO TRUJILLO, VILLALBA ÁLBAREZ 2003, p. 455, n.90.

(45) Asina means "female donkey". *Vid.* GOLDSWORTHY 2000, p. 106; HOYOS 2015, p. 45.

(46) Val. Max. 6.6.2.

(47) Livy 26.17.4.

(48) Livy 26.17.12: "that day for reasons religious the Carthaginians could not deal with any important matter".

(49) Livy 26.17.15: "at last then he realized Claudius of Carthaginian deception".

(50) Cf. GOLDSWORTHY 2000, p. 229.

(51) Polyb. 1.78.1-10.

(52) Polyb. 1.78.5: "the chief of the Carthaginians did not know at all what to do and was suspicious".

(53) Polyb. 1.78.5: "then Naravas delivered to his men his horse and his spears and he presented himself, unarmed and confident, in the camp".

son Hannibal in 202.⁵⁴ The Polybian *Histories* indicate that he arrived at his interview with Scipio accompanied by an escort of a few horsemen (μετ' ὀλίγων ἰππέων). For Polybius, however, the most distrustful of all was Hasdrubal the Boetarch.⁵⁵ During the Third Punic War, the Carthaginian commander appeared for his *conloquium* with Gulussa escorted by ten soldiers armed with swords (μετὰ μαχαιροφόρων δέκα) and, protected by the moat and palisade (τάφρον καὶ χάρακα), signalled the king to come closer. Our source considers this gesture totally unacceptable, as the Numidian was unarmed and without an escort.

PRIOR COMMUNICATION

Another characteristic that we usually observe in written sources' descriptions of *conloquia* is the exchange of emissaries between the conveners in order to agree on the conditions of the meeting. Literary evidence generally defines these heralds with the terms κήρυξ and *nuntius*.⁵⁶ This initiative is clearly seen in the prior communication between Hannibal and Scipio, when the Barcid sent a representative to the Roman proposing the possibility of an interview.⁵⁷

In other cases, however, we find different terminology in reference to the heralds. For example, the Megalopolitan points out that to probe the intentions of Naravas, Hamilcar sent a horseman (καὶ προπέμψαντός τινα τῶν ἰππέων).⁵⁸ Livy,⁵⁹ on the other hand, mentions the dispatch of a *caduceator* before the *conloquium* between Hasdrubal Barca and Claudius Nero. This should not surprise us, considering that we are in the context of a partial surrender. The Patavian also qualifies as *legati* the Locrians who in 215 requested a meeting with Hannibal,⁶⁰ as well as Mago's men who in 206 went to Gadir, where they found the gates firmly closed.⁶¹

These kinds of statements lead us to suppose that the terminology is not always adapted to the specific functions of this type of herald that, endowed with the sole power to transmit orders and specific information, finds greater concomitance with the words κήρυξ and *nuntius*. We understand, for example, that the emissary (κήρυξ/ *nuntius*) who, according to Polybius, went to Scipio's camp to resolve the whole situation (φάσκων βούλεσθαι κοινολογηθῆναι πρὸς αὐτὸν ὑπὲρ τῶν ὅλων),⁶² would have been no more than a mere transmitter of Hannibal's orders (with no negotiating powers). In contrast, the term *legatus* fits better in other official contexts, such as bilateral diplomatic missions. The official ambassadors (*legati*) did have some –albeit limited– negotiating capacity on the ground.⁶³

(54) Polyb. 15.6.

(55) Polyb. 38.7.

(56) Cf. GARCÍA RIAZA (forthcoming).

(57) Polyb. 15.5.9: κρίνας δὲ τοῦτο διεπέμψατο κήρυκα (“Determined to this, he sent a herald”). Livy 30.29.5: *nuntium ad Scipionem misit, ut conloquendi secum potestatem faceret* (“He sent a messenger to Scipio to grant him the possibility to have an interview”).

(58) Polyb. 1.78.4.

(59) Livy 26.17.4: *Hasdrubal, cum in arto res esset, caduceatorem misit* (“Hasdrubal, in fear of being caught, sent an emissary”).

(60) Livy 23.42.1: *itaque extemplo legati ad Hannibalem missi simul ex utraque gente ita Poenum adlocuti sunt* (“that is why both peoples simultaneously sent immediate ambassadors to Hannibal, who spoke in this way to the Carthaginian”).

(61) Livy 28.37.1-2: *mittendis legatis querendoque, quod portae sibi socio atque amico clausae forent* (“sending some representatives to complain that the doors had been closed to him, an ally and friend.”).

(62) Polyb. 15.5.9: “determined to do this, he sent a herald to tell him that he wanted to negotiate the whole situation with him”.

(63) We follow the opinion of GARCÍA RIAZA (forthcoming) who, when describing the essence of the *legatus*, states the following: “true agents of diplomacy, individuals endowed with elevated status but with limited capacity for negotiation on

ACCOMPANIMENT OF A MILITARY ESCORT

The conditions of trust agreed between the two parties of the *conloquium* were reinforced by the accompaniment of military detachments to the meeting place. Taking Livy's account of the interview between Scipio and Hannibal as an example, we consider that these small escort units would have been posted nearby during their commanders' dialogue. The historian highlights this fact by stating that both generals left their armed men at equal distances and each approached alone with the interpreter.⁶⁴ The actual physical space between the military leaders and their escorts can be approximated from a version of Polybius regarding the meeting between Gulussa and Hasdrubal the Boetarch, who took twenty steps (εἴκοσι πόδας ἀπέστη) away from his men to be able to parley with the king.⁶⁵ We deduce from these types of statements that there was a precaution against possible deceptions or tricks by the enemy, which would allow an effective evacuation of the leader in case of need.

Although some narratives ignore them, the abundance of references to the escort suggests that this was an indispensable element among the commander's diplomatic staff. In fact, their number must also sometimes have been negotiated previously, in the same way as other aspects of the interview, as Polybius and Livy suggest in the dialogue between Scipio and Hannibal.⁶⁶ In other cases, the number of bodyguards may have fluctuated depending on *ad hoc* considerations, or even the suspicion of one of the commanders. In this respect, the sources portray a certain diversity of situations, such as in the case of the cavalry battalion of one hundred Numidians (Νομάδας εἰς ἑκατόν) with which Naravas appeared at the gates of Hamilcar's camp, which undoubtedly represents a disparity of forces.⁶⁷ This asymmetry appears, to a lesser extent, in Appian's⁶⁸ account, which points out that when Scipio Aemilianus attended the interview with Himilco Phameas to induce him to defect, he appeared with three companions (προῖων κατεσκέπτετο σὺν τρισὶ φίλοις) for only one of the Carthaginian's (ἐξίππευσε μεθ' ἑνὸς καὶ ὄδε φίλου). Polybius, on the other hand, claims that in the *conloquium* between Hasdrubal the Boetarch and King Gulusa, the Carthaginian –whose timid and pompous attitude is constantly criticized by the Megalopolitan– wore armour (πρώτον μὲν γὰρ παρήν ἐν πανοπλίᾳ) and was escorted by ten soldiers armed with swords (μαχαιροφόρων δέκα). The Numidian, by contrast, approached him unaccompanied (καὶ προσεγγίσας ἤρετο τίνα φοβούμενος τὴν πανοπλίαν ἔχων ἦκε),⁶⁹ and asked the Carthaginian the reason for his fear.⁷⁰

the ground".

(64) Livy 30.30.1: *summotis pari spatio armatis cum singulis interpretibus congressi sunt* ("they left the armed men at an equal distance and each approached with an interpreter").

(65) Polyb. 38.7.3.

(66) Polyb. 15.6.2-4; Livy 30.29.8-10.

(67) Polyb. 1.78.2.

(68) App. *Pun.* 107.

(69) Polyb. 18.7.4: "Gulusa, however, dressed very simply, in the Numidian mode, he approached him without an escort".

(70) Polyb. 38.7.2-4. A question to which the Punic commander responded: "I am afraid of the Romans". In his later books, the Megalopolitan's work takes on a more favourable attitude to the actions of the Romans and, consequently, is more scathing towards their enemies. Cf., among others, PÉDECH 1964, cap. IX; WALBANK 1979, p. 322-360.

IMPORTANCE OF THE CHOSEN PLACE

In face-to-face dialogues between leaders, the selection of the negotiating space played a fundamental role. The chosen place had enormous symbolic value and could signify the position of relative advantage or disadvantage of its interlocutors. For example, negotiations carried out inside camps and defensive redoubts often denoted a position of pre-eminence in favour of the host.⁷¹ On other occasions, the choice of neutral spaces can be understood according to the code of a more or less equitable correspondence of powers between the leaders.⁷² This is what would have happened in the *conloquium* between Scipio and Hannibal, in which, according to Livy, the generals chose a place at medium distance and well visible from all sides in order to avoid an ambush: *ibi in medio locus conspectus undique, ne quid insidiarum esset, delectus*.⁷³ Needless to say, even more so in an episode whose historicity has been debated, that we could find ourselves before a *topos*. In any case, the reference gives us, at least, information about the essence of *conloquia* perceived by the Patavian.⁷⁴

The space designated for the conference of 202 seems to have been a small hill between both fortifications, as we can deduce from the descriptions of Polybius and Livy.⁷⁵ Other times, military leaders preferred to carry out their negotiations in spaces delimited or isolated more significantly by natural geographical features. Water, for instance, played an important role in some episodes. River islands, piers or even the banks of rivers or streams appear as meeting points in the literary evidence.⁷⁶ An example in our case study is given by Appian,⁷⁷ who claims that Scipio Aemilianus and Himilco Phameas found themselves on the opposite banks of a stream, where they could not harm each other: ἐν δέ τινι χειμασίᾳ Σκιπίων καὶ Φαμέας ἀντιπαρώδευον ἀλλήλοις, μέσῃν ἔχοντες ἄβατον χαράδραν, καὶ οὐδὲν ἐς ἀλλήλους δυνάμενοι (“on a certain winter day, Scipio and Fameas met on opposite margins of an impassable torrent where they couldn’t hurt each other”). Most of the models studied in connection with interviews involving Punic leaders, however, suggest a disparity of power between the conveners based on the chosen place. This circumstance is clearly evidenced in the *conloquium* between Naravas and Hamilcar which took place, according to Polybius, in the Carthaginian camp (παραδοῦς ὁ Ναραύας τὸν ἵππον καὶ τὰς λόγχας τοῖς μεθ’ αὐτοῦ παρῆν ἄνοπλος εὐθαρσῶς εἰς τὴν παρεμβολήν),⁷⁸ where the Barcid obviously enjoyed a dominant position. According to the Megalopolitan, a moat and palisade likewise (τάφρον καὶ χάρακα) protected a timorous Hasdrubal the Boetarch during his negotiations with Gulussa.⁷⁹ In other narratives in which the Carthaginians are strategically inferior, their politicians are forced to approach the walls of others. It was Hanno who thus in 215 went to the fortifications of Nola (*cum ad murum successisset*) to try to convince Herennius Bassus and Herius Pettius to embrace Hannibal’s cause. They conferred with the Carthaginian after obtaining permission from Marcellus

(71) GARCÍA RIAZA 2020, p. 293.

(72) GARCÍA RIAZA 2020, p. 293-294.

(73) Livy 30.29.10: “halfway between the two, a site that was clearly visible from all sides was chosen to that there was no place for an ambush”.

(74) GARCÍA RIAZA 2020, p. 298.

(75) Polyb. 15.6.2; Livy 30.29.10.

(76) This is attested by GARCÍA RIAZA (2020, p. 294-296) with successive examples referring to the triumviral period.

(77) App. *Pun.* 107.

(78) Polyb. 1.78.5: “then Naravas delivered to his men his horse and his spears and he presented himself, unarmed and confident, in the camp”.

(79) Polyb. 38.7.3.

(*ad conloquium evocatos permissuque Marcelli*),⁸⁰ who had taken the city.⁸¹ Similarly, a cohort of Bruttians sent personally by the Barcid to Locri invited the leaders of the city to parley under the protection of the city walls: *Bruttiorum cohortem adire muros atque evocare principes Locrensiū ad conloquium*.⁸² Finally, another episode relegated the Punic leader to visitor status: in the Cirta *conloquium* between Hasdrubal Gisco and Syphax in 206, the Carthaginian met in the king's palace a Scipio who already had in mind a future campaign in Africa. From Livy's narration it is possible to deduce that the Massaesylian had met both leaders separately,⁸³ after seeing their intentions to bring them together in the same encounter frustrated (*contrahere ad conloquium dirimendarum simultatium causa est conatus*).⁸⁴ Despite this, if we give credit to Livy's passage, the generals came to chat informally under the monarch's protection, sharing a couch at a banquet.⁸⁵

IMMUNITY, INTERPRETERS, AND SPEAKING TURNS

Both the presence of an escort at a safe distance, and the earlier choice of a neutral space, are factors that contributed to ensuring the physical integrity of the politicians. Ancient historians also sometimes emphasize that the protagonists approached alone and unarmed, however. This is, for example, the case of Naravas, who in 239 surrendered his mount and spears (τὸν ἵππον καὶ τὰς λόγχας) to his bodyguards and appeared unarmed before Hamilcar.⁸⁶ Polybius⁸⁷ describes Gulussa dressed very simply in the Numidian way (ἀφελῶς ἔχων Νομαδικῶ), going to meet Hasdrubal the Boetarch, who, by contrast, a victim of his cowardice and pride, wore full armour and a purple dyed cloak (παρῆν ἐν πανοπλίᾳ, πορφυρίδα θαλαττίαν ἐπιτεπορημένος).⁸⁸

In addition to the generals themselves, possibly only a single other character had the prerogative to witness the progress of the *conloquium* first-hand. This was the interpreter, a figure cited on several occasions by the sources consulted.⁸⁹ For example, Hanno addressed the senators of Nola in 215 through this subordinate (*per interpretem adloquitur*),⁹⁰ one of whom also appears in the interview prior to the Battle of Zama between Hannibal and Scipio,⁹¹ although it is to be assumed that both characters spoke Greek. By the same reasoning, logic suggests that the only companion (φίλος)⁹² of Himilco Phameas in his interview with Aemilianus was this ἑρμηνεύς-*interpres*.

(80) Livy 23.43.9: "(...) to hold an interview, and when, with permission from Marcellus, they left".

(81) Livy 23.43.9. Cf. GOLDSWORTHY 2000, p. 229.

(82) Livy 24.1.5. Cf. GOLDSWORTHY 2000, p. 229.

(83) Again, as in the example of Naravas and Hamilcar Barca, we observe the kinship ties between the Numidian aristocracy and the political elites of Carthage. Gisco's daughter's promise of marriage to Syphax would end up guaranteeing the king's unconditional support for the Punic cause. Cf. GOLDSWORTHY 2000, p. 293; HOYOS 2015, p. 202.

(84) Livy 28.18.2: "ordered a cohort of Bruttians who would approach the walls and invite the main Locrians to come out to an interview".

(85) Livy 28.18.5: *cenatumque simul apud regem est, et eodem etiam lecto Scipio atque Hasdrubal, quia ita cordi erat regi, accubuerunt* ("and they had dinner together with the king; even, to please him, Scipio and Hasdrubal occupied the same couch").

(86) Polyb. 1.78.5.

(87) Polyb. 38.7.2-5.

(88) Polyb. 38.7.2: "(...) was dressed in a full armor, over which he wore a cape marine purple in color".

(89) Cf. WIOTTE-FRANZ 2001.

(90) Livy 23.43.9.

(91) Polyb. 15.6.3: *κᾶπειτα χωρισθέντες ἀπὸ τούτων αὐτοὶ συνῆλθον εἰς τὸ μέσον ἔχοντες ἑρμηνεία μεθ' αὐτῶν* ("they separated from these and reached the center, accompanied only by their interpreters"); Livy 30.30.1: *cum singulis interpretibus congressi sunt* ("they each approached with an interpreter").

(92) App. *Pun.* 107.

The scene described by the ancient writers represents, therefore, a space of neutrality violated on very rare occasions, with such violations condemned by these same sources.⁹³ Examples include the account of the capture of Asina, discredited above, and also the cruel murder of the two sophets and a quaestor (*laceratosque verberibus cruci adfigi iussit*)⁹⁴ perpetrated by an enraged Mago Barca in 206, when he found the doors of Gadir closed despite his status as ally and friend. In all the other *conloquia* involving Carthaginian leaders, the sources describe respectful and restrained dialogues in which the Romans are given greater capacity for reply, which confirms their status as *a posteriori* literary constructions. In this sense, *Romana fides* is described by classical sources as an unshakable virtue. Examples of this are found in the camp of the consul Lutatius in 241, mentioned previously, or even in the scene of the interview in 202, where despite exchanging threats with his enemy (*διαπειλησάμενοί τε ἀλλήλοις ἀνεζεύγνον ἑκάτερος ἐς τὸ αὐτοῦ στρατόπεδον*),⁹⁵ the Roman continued to respect the truce.⁹⁶

CONCLUSIONS

The analysis of the face-to-face interviews in which representatives of the Carthaginian state participated supports the existence of common guidelines (*iura colloqui*) regarding this diplomatic practice in the sphere of *ius in bello*. We thus note the existence of a specific custom regarding face-to-face interviews between generals which, although on certain occasions seems to have had *topoi* added by literary sources, must also have had a historical background. Beyond the debated historicity of some of the *conloquia*, such as the famous one between Scipio and Hannibal in 202, the thread of events narrated in relation to their convocation and progress undoubtedly places us in a frame of reference in which both Polybius and Livy seem comfortable. The reader will not be able to find great controversy between the two stories, which could be illustrative of the knowledge on the part of these writers of the common rules pertaining to this type of interview. The omission or alteration of some of the characteristics of the *conloquium* in certain passages seems to owe more to literary construction than to the heterogeneity of this diplomatic exercise.

This comparative study of various passages ultimately reinforces the direct relationship of the Carthaginian world with the diplomatic practices developed by the Romans, based on mechanisms from the Greek world related to the conception of πόλεμος δίκαιος. In this sense, the patterns identified in the Carthaginian generals' preparation and progression of the interviews do not differ from those observed in their Roman counterparts'. These are: autonomy of the military leaders, who attended the meeting *in sua potestate*, and establishment of conditions of trust based on *fides*, previously specified through reporting emissaries (*nuntii*). The integrity of the leaders was also guaranteed by a personal escort, which would be stationed vigilantly at a certain distance—probably one that would have allowed a quick and effective escape from possible betrayals if necessary. All these were details that were negotiated, in the same way that the location for the *conloquium* was previously established. In fact, the meeting place had enormous symbolism in the interpretation of the relative power of the politicians. Finally, we cannot forget the figure of the interpreter as one of the essential characters among the subordinate personnel, charged with the responsibility

(93) BEDERMAN 2001, p. 249-255.

(94) Livy 28.37.2 "after whipping them he had them crucified".

(95) App. *Pun.* 39: "After mutual threats were exchanged, they withdrew each to his camp".

(96) As he had previously done with a Carthaginian embassy that had accidentally arrived in his camp. *Vid.* App. *Pun.* 35.

of directly transmitting the messages between the generals, which required the ability to avoid expressions and double meanings that could be misinterpreted by the adversary.⁹⁷

Gabriel ROSSELLÓ CALAFELL
The University of the Balearic Islands*
gabriel.rossello@uib.cat

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(97) Cf. PERETZ 2006.

(*) Work carried out within the scope of the Subprojects PGC2018-096415-B-C21 «La expresión diplomática en el Mediterráneo occidental bajo la expansión romana: el regalo en su contexto ideológico y cultural (siglos III-I a.C.)» and PGC2018-096415-B-C22 «La expresión diplomática en el Mediterráneo central y oriental bajo la expansión romana: el regalo en su contexto político e institucional», both subsidized by the Agencia Estatal de Investigación, Ministerio de Ciencia, Innovación y Universidades, Gobierno de España.

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