A TECHNICAL MEANING OF *DUCERE* IN ROMAN ELECTIONS?

Livy's account of the elections of the consuls for 189 B.C.[1])

Fulvius consul unus creatur cum ceteri centurias non explessent, isque postero die Cn. Manlium Lepido deiecto – nam Messalla iacuit – collegam duxit (Livy 37.47.7).

The mss. reading *duxit* has generally been emended to *dixit*[2]). As a result, the procedures employed at the consular elections for 189 have been in dispute. There is, however, some evidence to suggest that the verb *ducere* was used in the context of elections in the technical sense of bringing or leading forward a candidate or a newly elected colleague. It is used by Livy (35.10.9) of a candidate at the elections for 192. The verb *trahere* is used by Livy (39.32.12) in a comparable sense in the context of the elections for 184. Horace (Epist. 1.20.28) used the phrase *collegam ducere* in the context of the election of the second consul for 21[3]).

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1) All dates are B.C.

2) J. Briscoe, A Commentary on Livy Books XXXIV–XXXVII (1981) 365, notes, "The MSS. in fact read *duxit collegam* (sic), but this cannot possibly mean 'he took as his colleague' and the normal emendation to *dixit* must be right." Earlier (pp. 15–6) he notes that he does not intend to anticipate the forthcoming Oxford text of books 36 to 40, and that he will use the terminology MSS. to indicate "the reading standing in Bχ with no indication of an alternative reading in Mg.". On the manuscript tradition in Livy's fourth decade, see also L. D. Reynolds, Texts and Transmission (1983) 211–3. A. Drakenborch (1825) noted the mss. *duxit* but emended it to *dixit* citing the support of Livy 22.35.2–4 and 7.24.11 (see below nn. 3–9). A. Zingerle (1842–3) read *dixit*, while noting that B and later mss. read *duxit*. J. Madvig, Emendationes Livianae (1877) ad loc. apparently accepted *collegam dixit*, but he emended the earlier reading *tacuit* to *iacuit*; on this see below n. 8. Weissenborn-Müller (1883) accepted without question both *iacuit* and *collegam dixit*. Sage (1935), the Loeb editor, and Engels (1983), the Budé editor, accept *dixit* and simply note the mss. *duxit*.

3) The use of *ducere* in an electoral context does not appear among the thirty categories listed under *ducere* in the Oxford Latin Dictionary (1982). Horace Epist. 1.20.28 is listed under 1b as meaning "to take in one's company". The OLD does not cite Livy 35.10.9, nor 37.47.7; neither does it cite the occurrence of *trahere* at 39.32.12. The TLL does not include an electoral context of *ducere*; however, it does list (5.2. 2139.84 ff.) examples of *ducere* with *adversarius, assertor, magistratus, iudex, lictor, carnifex, et al.* as the subject, and with *reum, damnatum* and *addictum*

Before the case for the retention of the mss. *duxit* is considered, the problems with the emendation *dixit* should be briefly outlined. The sole support for the emendation *dixit* is Livy 7.24.11 in the context of the year 350: *creatus consul* (*sc.* L. Furius Camillus) *collegam Ap. Claudium Crassum dixit*. This occurs after Camillus, having been appointed (*dictus*) dictator, had handed back the consulate to the *patres* and had himself been elected (*creatus*) consul[4]). However, the end of the sentence is somewhat ambiguous. The question is, did Camillus appoint his fellow consul in the same way as a consul named a dictator, that is, without an election? Given the precision and accuracy of Livy's terminology for the appointment of Camillus as dictator (*dictus*) and as consul (*creatus*), such would seem to be the case[5]). If so, this would be the only instance in Livy of *dicere* being used of the appointment without an election of a magistrate by a consul, except for the emendation at 37.47.7[6]). If, however, one assumes that a second election was held, one must also assume that Livy has

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as the object. The use of *ducere* in the sense of bringing forward or promoting a candidate would seem to be analogous to this usage. TLL 5.2.2148. 5 notes Horace Epist 1.20.28, but follows the Scholiast and takes it to mean *sortitus est* i. e., *sorte duxit*; on this however, see below nn. 31 and 33.

4) 7.24.11: *dictator L. Furius Camillus dictus ... reddidit patribus possessionem pristinam consulatus. ipse ... creatus consul collegam Ap. Claudium Crassum dixit*. This passage is cited by Drakenborch as support for the emendation at 37.47.7, together with 22.35.2–4 (on which see below n. 6 with text). Briscoe, Comm. 365, after he has concluded that Nobilior "announced Manlius as the winner", simply refers to 7.24.11, but he does not quote or examine the passage.

5) The verb *dicere* is regularly used of the appointment of a dictator by a consul (TLL 5.1.1002.7 ff.) and of a *magister equitum* by a dictator (TLL 5.1.982.22). It is also used of the centuries naming a candidate (TLL 5.1. 982.25–6 and 4. 566.12). The regular verb in the context of an election is *creare*, which is used of a presiding magistrate's conduct of an election (TLL 4. 1164.59 ff.), and of the election of the magistrates (TLL 4. 1161.75 ff.).

6) There is some confusion and even circular argument concerning 7.24.11 and 37.47.7 among various editors. Drakenborch interprets 7.24.11 to mean that Camillus, when he saw that his election was imminent, recommended Claudius and so influenced the Comitia to elect Claudius as his colleague. However, in commenting on 37.47.7, where in support of the reading *dixit* he cites 22.35.2–4 together with 7.24.11, he considers that the phrase *collegam dixit* should imply an appointment without an election – *quemadmodum consules dictatorem dicunt*. But he finds this an improbable solution. Weissenborn-Müller in commenting on 7.24.11 cite 22.35.2–3 and 37.47.7 (i. e. the emendation *dixit*) as support for the hypothesis that there was a second election in 350! On the question of the validity of 22.35.2–4 as supporting evidence, see below nn. 10 and 11. F. Luterbacher (1889), comparing 37.47.7, suggests that Camillus wanted Ap. Claudius as his colleague, and that the latter was elected and then was appointed by Camillus. The Loeb translates, "announced the election of Ap. Claudius as his colleague".

loosely used *dixit* in the sense of *renuntiavit*, which is the regular technical term for the declaration of an election result by the presiding officer[7]).

Furthermore, a question of historical method is posed by reliance on a passage which is *per se* ambiguous, which occurs in the political context of the Struggle of the Orders, and which relates an event more than 150 years earlier than the election for which it is cited as a precedent. The matter becomes even more questionable when *dixit* at 37.47.7 is cited as support for the interpretation of *dixit* at 7.24.11[8]).

The context of L.37.47.7 raises comparable problems for the emendation *dixit*. Was Cn. Manlius Vulso elected at a second election, or was his appointment merely announced? The emended phrase *collegam dixit* would suggest the latter, but this requires the support of the dubious precedent of 350; whereas the phrases denoting Lepidus' defeat and Messalla's dropping out (*Lepido deiecto* and *nam Messalla iacuit*) strongly suggest a second election[9]). Herein lies the dilemma.

Some scholars have proposed that Cn. Manlius Vulso was elected under the presidency of M. Fulvius Nobilior, who had been elected on the previous day. But this involves two problems. The first is the highly irregular use of *dicere*, which we have noted above in connection with the election in 350. Secondly, such an interpretation entails a constitutional irregularity, since a consul designate did not normally preside over the election, unless he had been elected during an *interregnum*[10]).

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7) OLD s. v. *renuntio* 4. Weissenborn-Müller, who assume a second election citing the emended *dixit* at 37.47.7 (see above n. 6), note that *renuntiare* is the more regular usage.

8) As, for example, Weissenborn-Müller and Luterbacher; see above n. 6.

9) On the question of a second election and the meaning of *iacere* and *deicere*, see below nn. 24–25 with text. Drakenborch read *tacuit*, but he noted that *tacuit* and *iacuit* are frequently confused in mss. Madvig, Emendationes, emended *tacuit* to *iacuit*, and this is the reading that is adopted by most subsequent editors, frequently without any note on *tacuit*. Briscoe takes no note of *tacuit*.

10) See above nn. 5 and 7 on the use of *dicere* and *renuntiare*. The inference that a consul designate could preside after an *interregnum* is based on Livy's account of the elections for the consuls of 216, which were held under an *interrex* (22.33.12–34.1). When only one consul was elected, it fell to the consul designate to elect his colleague: *C. Terentius consul unus creatur, ut in manu eius essent comitia rogando collegae* (22.35.2). A second election was held on the next comitial day (22.35.4). The inference also receives some support from Plut. Marc. 6.1, where it is reported that M. Claudius Marcellus (cos. 222) was appointed by the "so-called *interreges*" and that, after taking up office, he appointed Cn. Cornelius Scipio Calvus as his colleague. Plutarch uses ἀποδεικνύναι for each appointment, and so

Because of this, it has been suggested that the election of M. Fulvius Nobilior was conducted by an *interrex*, since it happens that Livy does not specify who presided at his election[11]). Another hypothesis which would remove the anomaly of a consul designate presiding at a second election is that the first election took place on the last day of the consular year[12]). This, however, raises problems with the question of comitial days, since Livy states that the second election was held *postero die*, whereas in the late Republic, and maybe also at this time, neither 14 nor 15 March were comitial days[13]). Moreover, the problem of the irregular use of *dicere* rather than *renuntiare* still remains.

A fourth hypothesis is that Vulso was merely "named" by Nobilior, perhaps after a second election[14]). However, this is an

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the problem is similar to that posed by *dictus* and *dixit* in Livy 7.24.7, although Plutarch's terminology is unlikely to be as accurate as that of Livy.

11) Mommsen, St. R. 1.3.217 n. 4, and R. Rilinger, Der Einfluß des Wahlleiters bei den römischen Konsulnwahlen von 366 bis 50 v. Chr. (1976) 18, advocate an *interregnum*. This hypothesis is based mainly on the similarity of this election with that of 217/6, but consideration of Livy's descriptions of these elections indicates that, although initially there are some apparent similarities, there is one sole factor that they had in common – that is, in each instance only one consul was elected at first. Hence, comparison with 22.35.2–4 does not carry any further implications for the appointment of Vulso. H. H. Scullard, Roman Politics 220–150 B.C. (1973) 134 n. 4, and Briscoe, Comm. 365, specifically reject the idea of an *interregnum*, thus we may infer that they believe that Laelius (cos. 190) presided. On the question of who presided at the first and second elections, see below nn. 16–18 with text.

12) As Briscoe, Comm. 365, suggests. A possible parallel for such a procedure would be the elections of the consuls for 215. L. Postumius Albinus was elected with Ti. Sempronius Gracchus, but he was killed while still *consul designatus* (Livy 23.24.6–13, 29.9, 31.12). A *consul suffectus* was elected under the presidency of Gracchus, but Livy's testimony leaves no doubt that this second election was held after the new consular year had begun (23.30.17, 31.12), whereas the elections for 189 are recorded sub anno 190.

13) The last full comitial day of the consular year was 12 March and the first of the new year was 18 March; see A. K. Michels, The Calendar of the Roman Republic (1967) table 3.

14) Thus, H. H. Scullard, Roman Politics 135: "On the following day, he (sc. Nobilior) named Manlius as his colleague, presumably either on the strength of the previous day's voting, or after conducting another election". However, he does note (135 n. 4) the difficulty of *collegam dixit*, since he points out that *renuntiare* is the usual word for the declaration an election result by a presiding magistrate. The interpretation that Nobilior merely named his colleague was followed by D. C. Earl, Tiberius Gracchus. A Study in Politics (1963) 13, who does not address the question of a second election or its president. U. Hall, Athenaeum n.s. 50 (1972) 11 n. 18, apparently believes that there were two elections, but she does not question *collegam dixit* or its meaning. Briscoe, Comm. 365, concludes a discussion of various possibilities with the suggestion that *dixit* "merely means that Fulvius

unsatisfactory compromise, since it hedges on the question of second election which is so clearly implied by the phrases *Lepido deiecto* and *Messalla iacuit*. It also posits the use of *dicere* for *renuntiare* and fails to account for a consul designate rather than a presiding magistrate making the announcement of the appointment of Vulso.

All of these hypotheses depend on the unproven, and often unmentioned, assumption that one or both of the consular elections were not conducted by one of the consuls of 190. Livy does not specify who presided at either election, and we have already seen how some scholars have suggested that an *interrex* presided over the election of M. Fulvius Nobilior, whereas others have assumed that it was the consul Laelius[15]).

The normal practice at this time was for the consul nearer Rome to return there and conduct the elections of the successors before the end of the current consular year[16]). In this instance, Livy records the return of the consul Laelius to Rome, *cum iam consularium comitiorum appeteret tempus* (37.47.1). This notice is followed by brief reports of Laelius' activities in Rome (37.47.2–5). In his ensuing report of the elections, Livy twice employs the passive voice: *inde consularia comitia magna contentione habita ... Fulvius consul unus creatur* (37.47.6–7). Then, within the same sentence, he makes an abrupt transition to the active voice, with *duxit* or the emended *dixit*. After his first use of the passive (*habita*), Livy gives the names of four candidates, including some detail on M. Aemilius Lepidus. He then returns to the passive probably in order to focus attention on the successful candidate Nobilior rather than on the presiding officer[17]).

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announced Manlius as the winner". He accepts a second election, but does not discuss who presided. He rejects co-optation, but seems to consider that this is what Scullard and Earl suggest. Co-optation is rejected by Mommsen, St.R. 1.3.217 n. 4, since he advocated an *interregnum*. However, as we have seen (n. 5 above with text), co-optation is what *dixit* should imply.

15) See above nn. 10 and 11 with text.

16) For supporting evidence, see Mommsen, St. R. 1.3. 41 ff., and L. R. Taylor and T. R. S. Broughton, Historia 17 (1968) 167.

17) The following are the other examples of Livy's use of the passive in the reporting of election results in books 31 to 45: 32.7.12 (199/8); 33.24.1 (197/6); 35.10.10 (193/2), although he has earlier (35.6.7) indicated that the consul L. Cornelius Lentulus would preside; 36.45.9 (191/0), although the consul Nasica had earlier (36.40.11) been said to be in Rome; 40.43.4 (180/79) and 41.28.4 (174/3). Therefore, there are three instances in which (I) the passive voice is used to record the results of consular elections and (II) the identity of the presiding officer can be inferred from an earlier reference.

There should, therefore, be little doubt that Laelius conducted the election of Nobilior, since Livy has clearly indicated the consul's presence in Rome and he gives no reason to suppose that Laelius did not preside.

Thus, the first part of the sentence at 37.47.7 would mean that, at an election conducted by Laelius, Fulvius was the only consul elected because the other candidates did not win the necessary number of centuries. As above noted, the second part of the sentence with its references to Lepidus' defeat and the dropping out of Messalla indicates a second election[18]). Moreover, there is nothing to suggest that Laelius did not conduct this election too.

This is a period for which Livy's accounts of the elections from 218 to 167 do give a fair amount of evidence concerning electoral procedures and, although the accounts are often clearly abridged, they seem to focus on the most important features of each election. In none of the elections from 200 is there any indication of unusual or irregular procedure in the conduct of the elections themselves. The only possible exception is a reference to discussion of the possibility of instituting an *interregnum* in 193, should neither of the consuls be able or willing to come to Rome to conduct the elections[19]). Therefore, it does not seem reasonable to posit irregularities in constitutional procedure or distortions of technical vocabulary for the elections of 190/89, if an alternative explanation can be found.

The emendation *dixit*, however, demands precisely such hypothetical irregularities. The first hypothesis that Vulso was elected under the presidency of Nobilior implies a procedure which would be without recorded precedent at this time. The second and third hypotheses necessitate some reading between the lines in order to postulate an *interregnum* or an election date at the very end of the year. The fourth, as we have seen, fails on several counts. In short, none of these hypotheses is satisfactory. The acceptance of the emendation *dixit* seems to create more problems than it solves. Thus, the case for the retention of the mss. *duxit*

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18) See above text at n. 9. The only other known examples of "split" elections in the period 218 to 167 are the consular elections for 216 and the praetorian elections for 178 – Livy 22.35.4: *proximo comitiali die*, and 40.59.5: *praetorum inde tribus creatis comitia tempestas diremit.* On the interpretation of the latter instance see Hall, Athenaeum n.s. 50 (1972) 11 n. 18.

19) Livy 35.6.6. In the event, one of the consuls did agree to return (35.6.7). There is only one other reference in Livy books 21 to 45 to an *interregnum*, i. e., the one that was actually instituted in 217 (22.33.10–34.1).

should be considered and possible meanings of *ducere* should be explored in an attempt to give an interpretation of this election which does not present any such anomalies.

In his account of the elections for 192 and 184, Livy uses the verbs *ducere* and *trahere* of a man working to promote the candidacy of another. In neither of these instances is the subject a person who was acting in an official capacity. Livy describes the rivalry between L. Quinctius Flamininus and P. Cornelius Scipio Nasica for the consulship of 192, and the support that each had, the former from his brother Titus, the latter from his cousin Africanus[20]). At the conclusion of his summary of Titus' advocacy on behalf of his brother, Livy states, *his obtinuit ut praeferretur* (sc. *L. Flamininus*) *candidato* (sc. *Nasicae*) *quem Africanus frater ducebat* (35.10.9).

The verb *ducebat* clearly denotes Africanus' activity in promoting Nasica's candidacy. The sentence continues, *quem Cornelia gens Cornelio consule comitia habente, quem tantum praeiudicium senatus, virum e civitate optimum iudicatum* ... Thus, apparently, the verb *ducebat* is to be understood with two further subjects, *Cornelia gens* and *praeiudicium senatus*, which would mean that the Cornelian *gens* supported Nasica and that the predisposition of the Senate was also in his favor. In this passage, *ducere* has both the general sense of to "support" or "favor" a candidate and the more specific sense of to "promote" or "recommend to public favor". Africanus' activity, as it is described in this context, could imply the actual leading or escorting and presentation of a candidate to the voters, as part of the process of *ambitio*[21]). Thus, *ducebat* would be used literally of Africanus and maybe also of the Cornelian *gens* but figuratively of the *praeiudicium* of the Senate[22]).

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20) Livy here uses *frater* to mean cousin; see TLL 6.1.1254. 83 ff., OLD s. v. *frater* 2 and Briscoe, Comm. 159.

21) The word *ambitio* only occurs twice in Livy: at 35.10.1 in the introductory sentence to Livy's account of this contest between Nasica and L. Flamininus, and at 35.24.4 in the context of the elections of 192/1.

22) Cf. Briscoe, Comm. 159, who notes that *ducebat* is used literally of Africanus, but metaphorically of *praeiudicium*. However, he does not discuss a possible translation, nor does he mention the use of *Cornelia gens*, which is problematical. It could be figurative, but it is not difficult to envisage the Cornelian *gens* escorting the candidate in his *ambitio*. The Loeb translates as follows: "(L. Flamininus) was preferred to the candidate whom his brother, Africanus, favored, whom the Cornelian gens supported, ... and who was honoured with so powerful a preliminary recommendation from the senate...".

The verb *trahere* is used in a figurative and more colloquial sense in Livy's account of the elections for 184. Ap. Claudius Pulcher, who though consul was not the presiding officer, canvassed vigorously on behalf of his brother and succeeded in getting him elected, *pervicit Appius ut deiecto Fabio fratrem traheret* (39.32.12). The use of *trahere* would imply a greater effort than that of *ducere*, i. e., not a simple "leading" but almost a "dragging" or "hauling" to victory[23]).

The phrases *deiecto Fabio* and *Lepido deiecto* at 37.47.7 suggest that in these two passages we are encountering the technical jargon of election procedures. When a candidate lost, he was "cast down" (*deiectus*)[24]). In 190/89 Messalla did not even "stand" on the second day of voting; "he was laid out" (*iacuit*) – that is, he was "dead", a metaphor which may derive from *iacet* of funerary inscriptions[25]). Thus, *ducere* and the more colloquial *trahere* are probably also part of the technical vocabulary of the candidacy process[26]).

A passage from Horace seems to support the use of *ducere* noted in Livy 35.10.9. Horace writes of a pleasing phrase, a line or two which *ducit* and sells (*vendit*) a whole poem[27]). The precise

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23) Livy 39.32.9 states that P. Claudius was the only man who had not been a candidate before and that the man he defeated, Q. Fabius Labeo, had been the favorite. The Loeb merely translates: "Appius succeeded in bringing in his brother, Fabius being defeated".

24) Other occurrences of *deicere* are at L.3.35.9, 4.44.5, 38.35.1, 39.41.1, 40.46.14; Cic. Verr. 1.23; Mur. 76. It is noteworthy that 38.35.1 occurs in the context of Nobilior securing the defeat of Lepidus in the following year, *cum M. Aemilium Lepidum inimicum eo quoque anno petentem deiecisset* (sc. *Nobilior*).

25) E. Dutoit, Hommages Herrmann (1960) 335, discusses these uses of *deicere* and *iacere* and describes them in equally metaphorical language: "Après la culbute, quand le candidat est sur le carreau, on le gratifie tout bonnement du *iacet* des inscriptions funéraires".

26) The action implied by *ducere* and *trahere* is not to be confused with *professio*, which is often used rather loosely by modern writers to refer to the declaration by a candidate that he was seeking office, even though the term is not used by ancient writers in the context of the early second century. If used with reference to this period, *professio* refers to the informal declaration of candidacy by the candidate himself, apparently at any time before the voting. In the first century, however, it is used of a formal declaration by a candidate to the presiding magistrate, at a specified time before the election: see Earl, Historia 14 (1965) 330–1, E. S. Staveley, Greek and Roman Voting and Elections (1972) 146–7 and Hall, Athenaeum n.s. 50 (1972) 16.

27) Hor. Epist. 2.1.73–5: *inter quae verbum emicuit si forte decorum, / si versus paulo concinnior unus et alter, / iniuste totum ducit venditque poema.*

meaning of *ducit* has baffled editors[28]). The sense, however, seems to be "promote" and, when considered in conjunction with the clearly metaphorical *vendit*, "recommend to public favor" – meanings which were discerned in the examination of Livy 35.10.9.

In his discussion of *ducit*, Brink refers to Vahlen's suggestion that it is the equivalent of *producit*, and he notes that Lambinus had given the paraphrase *quasi in pompa producit*. Brink rejects these suggestions partly because the grammatical subject is not a personal one. However, there is a similar feature in the use of *praeiudicium* as one of the subjects of *ducebat* in Livy 35.10.9[29]). Moreover, Brink apparently has no problem in accepting the same impersonal subject with *vendit*, which is also used in a metaphorical sense. Indeed, Lambinus' paraphrase suggests a possible origin of the metaphor which could derive from the bringing forward or escorting of a candidate.

Another passage of Horace in which he refers to the election of the second consul for 21 is of particular relevance to the consideration of a technical meaning of *ducere*. Horace uses *collegam ducere* in the context of an election: *collegam Lepidum quo duxit Lollius anno* (*Epist.* 1.20.28)[30]). The older manuscripts read *duxit*, but *dixit* occurs in the *recentiores*, probably as the result of a conjecture[31]). However, some commentators have preferred the reading *dixit*, and in support they cite Livy 7.24.11, together with

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28) C. O. Brink, Horace on Poetry, Epistles Book II (Cambridge 1982) 124, notes: "a problem still unresolved, *ducit* should mean 'carries along, brings after it'; so the general sense suggests, as Wilkins rightly pointed out. His note shows however that usage, as far as it is known, does not seem to bear this out. Doubts must therefore remain, although evidence may be lost." The passage is listed by the OLD together with Epist. 1.20.28 under 1b as "to take in one's company" in a figurative sense; see above n. 3. D. Bo, Lexicon Horatianum (Hildesheim 1965), lists this occurrence s.v. *ducere* 17 and gives as synonyms *produco* and *ostento*.

29) See above n. 22.

30) This passage occurs at the end of the Epistle, where Horace is giving his age at the time of writing: *forte meum si quis te percontabitur aevum / me quater undenos sciat implevisse Decembris / collegam Lepidum quo duxit Lollius anno* (26–28). Bo, Lexicon Horatianum s. v. *ducere* 14, gives *deduco*, *accipio* and *traho* as synonyms.

31) See the apparatus criticus in Keller-Holder (Jena 1925), Klingner (Leipzig ^{4}1982), and Shackleton-Bailey (Stuttgart 1985). Shackleton-Bailey, in noting that the deteriores give *dixit*, makes the comparison with Livy 37.47.7. Cf. Porphyrio, ad loc.: *figurate pro eo quod est: quem annum Lollius ducit cum collega Lepido. et duxit 'sortitus est' accipiamus, quia sortem duci dicimus. etenim tam diu quis collegam dicit, quam diu ipse collega est, propter quod hoc nomen ad aliquid dicitur.*

37.47.7[32]). Some of those who retain *duxit* do so with reservations. They also have difficulty in translating the term, since they do not consider the possibility of a technical meaning of *ducere* in an electoral context[33]).

Dio (54.6) gives the background to the elections of 21. Originally Augustus and M. Lollius had been elected as consuls, but the former declined to accept the office. There was bitter protracted rivalry between two candidates, Q. Aemilius Lepidus and L. Plautius Silvanus. Augustus even ordered that they were to be absent from the actual voting. Lollius was the sole consul for several months until eventually Lepidus was elected. Dio's testimony leaves no doubt that there was a second election – a point which excludes the possibility of lot, co-optation or nomination[34]). Thus, if the reading *dixit* is accepted, we are again faced with the assumption that it is the equivalent of the more regular technical term *renuntiavit*.

But if we accept the mss. *duxit*, the sense could be either literal – "Lollius led/escorted Lepidus as his colleague", or figurative – "he supported/favored the election of Lepidus as his colleague". The latter seems unlikely when considered in the context of both the Horatian passage and Dio's account of the election. The interpretation that Fulvius led or escorted Lollius *before* the actual

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32) The chief advocate of *dixit* is A. S. Wilkins (1885). O. Keller, as cited by E. C. Wickham (1891), considered *duxit* to be an early error for *dixit*. Citing Livy 7.24.11 and 37.47.7, Keller considered *dixit* the technical term for a sole consul nominating a colleague. So too, L. Müller (1893). Such is the unquestioned acceptance of *dixit* at 37.47.7 by this time.

33) E. P. Morris (1909) retains *duxit* and gives the translation "brought in", though he considers it a "peculiar word". Bennett and Rolfe (1934) also retain *duxit* but translate it as "took"; they note, "the technical term is *dixit*, but the manuscripts are unanimous for *duxit*, which Porphyrio also has ... There is little to say in favor of *duxit*, but it is perhaps best to follow the manuscripts". Cf. Briscoe, Comm. 365, who rejected *duxit* at Livy 37.47.7 because it could "not possibly mean 'took as his colleague'"; see above n. 2. Wickham has a good summary of the positions of various scholars on the question of *duxit* or *dixit*. He himself retains the mss. *duxit* but, comparing the usage he translates the passage as "it was his good fortune to have Lepidus as his colleague". Citing the evidence of the election described in Dio 54.6, he rejects the Scholiast's interpretation of *sortitus est* and *sorte duxit*. Cf. the Loeb translator, who retains *duxit*, and incorrectly renders it: "Lollius drew Lepidus for colleague". O. A. W. Dilke (1954) suggests that *duxit, "which is not paralleled* (my italics), must be a poetic way of referring to the disparity of these two consuls entering office", and he suggests two translations: "brought in as his colleague" or "preceded his colleague".

34) Dio 54.6 uses two terms of the election: τὴν ψῆφον δοθῆναι, αἱρεθῆναι.

voting, as Africanus apparently did with the candidate Nasica in 193/2, is unlikely, since Dio's testimony implies that the candidates were not present at the voting. Moreover, Horace's reference to Lepidus as Lollius' colleague, if strictly interpreted, should refer to the period *after* the voting. Thus, Lollius probably escorted or presented Lepidus as his colleague after the election.

The occurrences of *ducere* in Livy and Horace in the context of the elections for 192 and 21, and that in a Horatian literary context suggest that *ducere* has both the meaning of to "bring forward/escort/present" and "support/promote/recommend to public favor". The colloquial use of *trahere* by Livy in the context of the elections for 184 adds support to this proposed technical meaning of *ducere*. However, it is important to distinguish the use by Livy of *ducere* and *trahere*, which occur in the context of the time *before* the elections for 192 and 184, from that by Horace, which is probably to be related to the time *after* the election of Lollius.

We seem, therefore, to have a technical use of *ducere* in an electoral context with, as the direct object, a candidate. The time referred to can be either before or after the voting. In the case of the latter, the name of the individual is given, and *collegam* is used in apposition. The mss. reading *duxit* and the use with *collegam* in this Epistle of Horace would seem to provide not only striking support but also a direct parellelism for the reading and interpretation of *collegam duxit* at Livy 37.47.7. It is indeed somewhat surprising that the coincidence of *collegam ducere* in Livy and Horace has so far gone unnoticed, but it is probably due to the fact that the emendation *dixit* at Livy 37.47.7 has long been accepted virtually without question.

It remains to examine in its own context the mss. reading *duxit* at 37.47.7. The syntax of the sentence quoted at the beginning of this paper is awkward and disjointed. We have already noted the retention of Nobilior as the subject of the sentence and the resulting abrupt transition from the passive *creatur* to the active *duxit* or *dixit*[35]). There is a further problem which is also a result of the disjointed syntax: the question of the chronological sequence of the three actions which are said to have happened on the following day (*postero die*) at the implied second election: the defeat of Lepidus, the dropping out of Messalla, and the action by Fulvius (*collegam duxit*).

35) See above n. 17 with text.

The dropping out of Messalla must surely have preceded the second election[36]). A greater problem lies in the sequence of Fulvius' action and the defeat of Lepidus. Livy's change from the present tense of *creatur* to the perfect of *duxit* suggests that the latter is probably an aoristic usage, which contrasts with the imperfect *ducebat* at 35.10.9. If *duxit* is taken in the general sense of "supported/favored", which was used at 35.10.9 of the Senate and maybe also of the Cornelian *gens*, this would imply that Fulvius made a single demonstration of support for Vulso, whereas Nasica had probably had the support of Africanus, the Cornelian *gens* and the Senate for some considerable time before the election day.

The crucial question is whether Fulvius' action was before or after the voting at the second election. The interpretation that, on the day after his own election but before the voting, Fulvius' action resulted in the defeat of Lepidus would only be possible if it could be shown that consideration of chronological sequence has been sacrificed to that of emphasis or style. Although the awkward syntax of the entire sentence was been noted, such an interpretation is too strained[37]).

The order of Livy's phrases, the perfect participle (*deiecto*) with its implication of a second election, and the aoristic *duxit* all suggest that Fulvius gave his support *after* the second election. If one accepts the chronological sequence indicated by the perfect participle *deiecto*, *duxit* would be used in a literal sense. The meaning would be that, on the following day, Messalla dropped out, Lepidus was defeated and Fulvius escorted or led forward Vulso as his colleague, probably in the same way as Lollius may later have presented Lepidus as his colleague.

Thus, the reading *duxit* does not entail positing the kind of

36) Briscoe, Comm. 366, considers that *iacuit* means that Messalla did not compete in the second election: see also above n. 25 with text.

37) There is no instance of a similar disregard for chronological sequence in his accounts of the other elections from 218 to 167, although, apparently in the interests of style and structure, he does split the accounts of the elections of the censors and those of the annual magistrates, which were probably held at the same time at the end of 189 (Livy 37.57.9–58.2 and 38.35.1). For stylistic considerations, compare Livy's accounts of the elections for 216, 205 and 191, where the identity of the colleague elected is emphasised, but there is no apparent disregard for chronology: 22.35.4: *is* (sc. L. Aemilius Paullus) ... *par magis in adversando quam collega datur consuli*; 28.38.6: *comitia inde creandis consulibus habuit L. Veturius Philo, centuriaeque omnes ingenti favore P. Scipionem consulem dixerunt; collega additur ei P. Licinius Crassus pontifex maximus*; 35.24.5: *additur ei* (sc. Scipioni Nasicae) *de plebe collega M'. Acilius Glabrio.*

anomalies that are necessitated by the emendation *dixit*. It indicates unequivocally that there were two elections, and that these were held on successive days. There is nothing to suggest that Nobilior presided at the election of his colleague[38]). The action implied by *duxit* would exclude any official procedure such as those allotted to the presiding officer. The person who escorted the newly-elected consul simply happened to be his colleague, the consul designate.

A further tentative suggestion follows. If the mss. *duxit* is to be retained at 37.47.7, one could also emend *dixit* at 7.24.11 to *duxit*. That would resolve the apparent inconsistency in the different senses of *dictus* and *dixit* in the latter passage, since the emended passage would say quite simply that Camillus led forward or escorted the newly-elected Ap. Claudius[39]). In all fairness, however, it should be noted that there is no indication of a variant mss. reading at 7.24.11.

Even if the above suggestion is rejected, the retention of the mss. *duxit* at 37.47.7 yields a perfectly simple and plausible account of the consular elections for 189 which were unusual only because the vote for the second consul was split and a second election had to be held. Since Livy gives very little information about the candidacy process, it should not be surprising that the evidence to support the proposed technical meaning of *ducere* is somewhat meagre.

The problems presented by Livy's syntax and the proposed literal sense of *duxit* as "escort a man as a newly-elected colleague" at 37.47.7 are considerably less than those posed by the emendation *dixit*. This interpretation does not involve the assumption of an *interregnum* nor of any constitutional irregularity such as the conduct of the election of Vulso by Nobilior as consul designate nor the use of *dixit* in place of *renuntiavit*. Neither does it necessitate reliance on some dubious precedent from 350 in an attempt to explain the highly unusual usage *collegam dixit*. In short, it involves no distortion of technical vocabulary nor any irregular constitutional procedure.

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38) As has been shown, neither Africanus nor Ap. Claudius Pulcher, who exercised influence in the elections for 192 and 184 respectively, was the presiding magistrate. Although Lollius probably presided at the election of Lepidus, he did so as consul, since the election of the second consul for 21 was held in 21 itself, whereas there is no reason to suppose that the elections for 189 were not held in (consular) 190.

39) Cf. above nn. 4–6 with text, for the various interpretations of *dixit*.

The difficulties in understanding this election have been partly the result of Livy's use of the passive, which conceals the identity of the presiding officer, and of his terse reporting with an abrupt change of voice in mid-sentence. The main problems, however, have been created by the emendation of *duxit* to *dixit*.

I am most grateful to the editor for his constructive suggestions and to Professor Ernst Badian for his generous advice and encouragement. Any remaining shortcomings are, of course, my own responsibility.

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LUCINA NIXUSQUE PARES
Die Geburtsgottheiten in Ovids Met. IX 294
Variationen eines mythologischen Motivs

V. Pöschl octogenario

I. Lucina

Ovid gehört ohne Zweifel zu den nach antikem Originalitätsbegriff originellsten Schriftstellern, weil er seine literarischen Vorbilder nicht nur rezipiert, sondern sie in spielerischer Weise transformiert und seinen poetischen Interessen unterordnet. Diese seine meisterhafte Virtuosität zeigt sich auch in seinem Spiel mit der Tradition hinsichtlich der Gottheiten, die bei der Geburt des Herakles wirksam sind.

Met. 9,281 ff. schildert Alkmene ihrer Schwiegertochter, die vor der Niederkunft steht, die Schwierigkeiten, die ihr selbst die eifersüchtige Juno bereitet hatte, um die Geburt des Herakles zu verhindern: Als ihr Kind zur Welt kommen sollte, rief die menschliche Gattin des Jupiter die Geburtsgöttin Lucina sowie weitere Gottheiten der Entbindung an (292 ff.):