

THE CONSULAR ELECTIONS FOR 216 B.C. AND THE *LEX MAENIA DE PATRUM AUCTORITATE*

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IF we believe the account of Livy or at any rate most of it, the *novus homo* C. Terentius Varro, a demagogic critic of Q. Fabius Maximus and other leaders of the Senate who supported the Cunctator's strategy of delay, turned the Roman consular elections for 216 B.C. into a virtual referendum on *cunctatio*. Varro advocated decisive battle with Hannibal. His electoral victory, despite vigorous and general senatorial opposition to his candidacy, somehow forced that policy on the Senate and, in the end, on Varro's unwilling colleague L. Aemilius Paullus (22. 33. 9–35. 4). Yet Polybius says nothing of this purportedly momentous electoral conflict. He reports only the result of the elections, and on his account the Senate under Paullus' leadership decided on the policy that led in time to the decision, again taken by the Senate, to offer Hannibal battle at Cannae (3. 106. 1–5, 107. 6–108. 1). But neither historian is fully convincing, and the course of the elections and the consequences of the results are, accordingly, much debated.

Few scholars have been willing to discount Livy's report altogether and depend more or less entirely on Polybius.¹ It is clear enough that Polybius ignores some dispute over strategy against Hannibal. The starting point of his account of the events leading to the disaster at Cannae is much the same as Livy's (Polyb. 3. 105. 8–11; Livy 22. 28–30). The *magister equitum* of 217, M. Minucius Rufus, had been given an imperium equal to that of the dictator Fabius Maximus by the Metilian plebiscite in order that he might seek a decisive battle with Hannibal, as Fabius would not.² After Fabius saved Minucius and his army from a trap set by Hannibal, however, the Romans in general repented of their impatience, and Fabius' influence in military affairs was for the time supreme. Yet Polybius would have us believe that within only a few months, directly after the entry of the consuls of 216 into office, the Senate under Paullus' leadership, and evidently without dissent worth mentioning, decided that *cunctatio* need only be a temporary expedient. With a larger main army and new troops seasoned by extended skirmishing, Rome could defeat Hannibal in a

1. G. De Sanctis, *Storia dei Romani*, vol. 3.2² (Florence, 1968), pp. 55–56 and esp. nn. 88–89, gives almost no weight to Livy's notice; M. Gelzer, *Kleine Schriften*, vol. 1 (Wiesbaden, 1962), pp. 208–9, scarcely more. But they are little followed.

2. Polyb. 3. 103. 4 in fact makes Minucius a second dictator, but Livy 22. 25. 10 reports the plebiscite correctly. See T. A. Dorey, "The Dictatorship of Minucius," *JRS* 45 (1955): 92–96.

full-scale battle (3. 106, 3–5; cf. 108, 3–109, 5). But it hardly seems likely that this sort of argument would have persuaded Fabius or other senators of like mind.

In all probability, then, there was conflict over strategy within and without the oligarchy. Popular opinion must have played some part in the contest, as it manifestly had in bringing about the Metilian plebiscite. The question is whether Livy's account of a sharp electoral struggle over just that issue in the consular elections for 216 is credible as it stands.³ This study will attempt to show that it is, to a quite surprising extent. It is hardly possible, however, to give a useful summary of the scholarly debate on that issue without first setting out in some detail what Livy has to say.

There is no good reason to doubt Livy's narrative of the bare events through the election of Varro and then Paullus as consuls,⁴ even though his account of the consequences of their election has long been widely recognized as a tendentious fabrication. Those events are in no way extraordinary; nor would the fabrication of them have served any apparent purpose. What is at issue is the interpretation Livy attaches to them in his own right and in a speech he attributes to Varro's partisan, the tribune Q. Baebius.

Late in the year, his account goes (22. 33. 9–35. 5), the Senate called on the consuls, Cn. Servilius Geminus and the suffect M. Atilius Regulus, to see to the election of their successors. But the consuls claimed that neither could safely leave his post against Hannibal and proposed that the consular elections be left to an *interrex*; that is, that their year of office simply be allowed to elapse without the election of new consuls.⁵ The Senate, however, judged the appointment of a dictator to hold the *comitia*, the usual expedient in such circumstances, more appropriate (*rectius*), and one of the consuls named L. Veturius Philo (cos. 220).⁶ But the augurs soon found Philo *vitiō creatus*, and he abdicated on the fourteenth day of his magistracy without having held the elections. An interregnum ensued. (Note that Philo had evidently abdicated either too close to the end of the consular year for the Senate to call upon the consuls to name a second dictator⁷ or after the consular year had actually elapsed.) The second *interrex*, P. Cornelius Scipio Asina (cos. 221), held the *comitia*. Thus the elections took place at the earliest opportunity allowed by custom. Varro alone of six candidates received a majority and, accordingly, had the task

3. E. S. Gruen, "The Consular Elections for 216 B.C. and the Veracity of Livy," *CSCA* 11 (1979): 61–74, has now raised the level of the debate by recalling our attention to this central question.

4. On G. V. Sumner's rejection of the whole sequence ("Elections at Rome in 217 B.C.," *Phoenix* 29 [1975]: 252–53) see Gruen, "Consular Elections," p. 71, n. 21; cf. J. Jahn, *Interregnum und Wahldiktatur* (Kallmünz, 1970), pp. 148–50, and below, n. 7.

5. There are no grounds for H. H. Scullard's supposition, *Roman Politics: 220–150 B.C.*² (Oxford, 1973), pp. 50–51, that the proposed *interrex* was to be appointed while the consuls were still in office.

6. The contention of Scullard (*Roman Politics*, pp. 50–51) that the consul in question welcomed the Senate's decision rests on no evidence, but is rather an elaboration on the speculations of F. Münzer, *Römische Adelsparteien und Adelsfamilien* (Stuttgart, 1920), pp. 124–26.

7. This reconstruction is overlooked by Sumner, "Elections at Rome," pp. 252–53, in arguing that Livy's report of an interregnum is not credible, partly on the dubious premise that dictators were obliged to abdicate at the end of the consular year.

of presiding over the election of his colleague. The other candidates (or at least the three patricians) withdrew, and Paullus, who only now stood for office, was elected.

The belated candidacy of Paullus might well excite skepticism since it dovetails with Livy's patently mendacious attempt to fix the blame for Cannae on Varro alone.⁸ The nobility, he would have it, prevailed on Paullus to stand and secured his election in the expectation that Paullus would be Varro's adversary rather than his colleague (22. 35. 3–4). But Varro by no means pursued his own military policy without the cooperation of the Senate or his colleague. Livy, in fact, records clear evidence of such cooperation: the increase ordered by the Senate in the size of the army deployed under the consuls in 216, compared to the practice of earlier years (22. 36. 1–5; cf. Polyb. 3. 107. 7–15).⁹

Yet Livy's gross misrepresentation of the situation after the elections does not necessarily discredit his account of the bare course of events up to that juncture. Only his assertion that the nobility expected Paullus to be Varro's adversary need be discounted. Once Varro had been elected, even his opponents might have agreed on a tried general such as Paullus,¹⁰ although they were well aware that Paullus did not favor Fabian strategy.¹¹ At the same time, Livy persuasively explains why Paullus had not been a candidate in the first place: "cum M. Livio consul fuerat [in 219] et damnatione collegae sui prope ambustus evaserat . . ." (22. 35. 3).

Livy's description of the general nature of the electoral conflict is, moreover, far from implausible. We hear that the Senate in general opposed Varro's candidacy because of his career as a demagogue (22. 34. 2).¹² Varro had, according to Livy, begun that career as a public critic of Fabian strategy and its proponents with open advocacy of the Metilian plebiscite in the preceding year (22. 25. 18–26. 4). Such demagoguery and (we should add) Varro's *novitas* might well have excited widespread senatorial opposition to his candidacy, not perhaps much exaggerated by Livy. The historian later represents the mainspring of that opposition as the firm adherence of the nobility to Fabian strategy, but he takes up that theme in his own right only after the election of Varro (22. 35. 3–5, 38. 6–40. 4). Before that we hear only the charges of the tribune Baebius (22. 34. 4–11), which Livy lets stand alone. In brief, Livy's misrepresentation of the consequences of the consular elections does not necessarily discredit his account of electoral conflict.

8. See above, n. 1, and E. S. Staveley, "The Conduct of Elections during an Interregnum," *Historia* 3 (1954): 205–7.

9. Cf. De Sanctis, *Storia*, p. 56, n. 89.

10. F. Cassola, *I gruppi politici romani nel III secolo a. c.* (Trieste, 1962), pp. 370–73, holds that Varro, since he presided, evidently supported Paullus; but the inference is unwarranted.

11. Given this last fact, the argument of J. Bleicken, *Das Volkstribunat der klassischen Republik*² (Munich, 1968), pp. 35–42, that Paullus was a leading opponent of Varro's candidacy, seems very improbable.

12. See Gruen, "Consular Elections," pp. 67 and 72, n. 41, on Livy's ambiguous (rather than anachronistic) use of *patres*, here and throughout, to mean both senators and patricians.

Livy's explanation of how Varro won election despite the powerful opposition arrayed against him is, however, both inadequate and puzzling. He asserts that Baebius won "favor" for his candidate by attacking not only the Senate but also the augurs, because the latter "had prevented the dictator from completing the elections" (22. 34. 3). The people were so aroused by Baebius' oratory, the historian continues (after giving what purports to be the gist of Baebius' harangue), that they elected only Varro "in order that he might preside over the election of his colleague" (22. 35. 1–2). We are left to surmise that this result was not mere coincidence. While it is possible that Varro's supporters could have arranged that outcome,¹³ it is hardly clear from Livy's account what end they could have had in sight.¹⁴ Baebius' attack on the augurs, or rather the speech Livy attributes to the tribune, presents a greater difficulty. It is not entirely clear what harm the augurs are supposed to have done Varro's candidacy, or for that matter whether the tribune's charges were at all credible.

Livy's Baebius, then, first contends that the entire nobility is involved in a pact to prolong the war needlessly. Only the election of a new man as consul will put an end to it (22. 34. 4–8). The tribune then discerns political machinations, evidently intended to prevent just that outcome of the elections by means of an interregnum (22. 34. 9–11):

Cui non apparere id actum et quaesitum esse ut interregnum iniretur, ut in patrum potestate comitia essent? Id consules ambos ad exercitum morando quaesisse; id postea, quia invitis iis dictator esset comitiorum causa, expugnatum esse ut vitiosus dictator per augures fieret. Habere igitur interregnum eos . . .¹⁵

But the people will use their liberty, Baebius concludes, to elect a consul who prefers to conquer rather than to command at length. Of what use, then, could the interregnum have been to Varro's opponents, if the people could defeat the alleged plot simply by voting for Varro?¹⁶

The lack of an adequate explanation of the political purpose of the interregnum which would make Baebius' charge of a plot, or for that matter Livy's whole story, intelligible has understandably led to much speculation. The preponderant role Polybius assigns to Aemilius Paullus, rather than Varro, in the formulation of the strategy that led to Cannae provides the basis for most of it. A number of scholars have found in Livy's account a hopelessly distorted version of what they suppose to have been a factional or party conflict within the oligarchy, misunderstood or

13. Cf. C. Nicolet, *The World of the Citizen in Republican Rome*, trans. P. S. Falla (Berkeley and Los Angeles, 1980), pp. 274–75. But it is not clear why Nicolet thinks that a deadlock was unlikely to have occurred unless a citizen voted for only one candidate at a time.

14. Gruen, "Consular Elections," pp. 68–69, acutely calls attention to the lack of distinction of the field of candidates and their large number. He suggests a maneuver to deadlock the elections on the part of Varro's opponents; but there are alternatives.

15. Baebius appears at this point to blame the consuls alone, but he has already denounced them as agents of the nobility in general.

16. On the hypothesis of U. Hall, "Voting Procedure in Roman Assemblies," *Historia* 13 (1964): 267–306, that citizens voted for only one candidate at a time, we might argue that Baebius was urging a vote for Varro alone; but Hall's suggestion is improbable.

whole for complicity, not as a considerable exaggeration, but as completely misleading; and, consequently, he too fails to find a persuasive explanation of the purpose of the interregnum.²⁵

A good deal of what Gruen says is hard to gainsay. The consuls' advice to the Senate to allow an interregnum, in order that they might stay at their posts, surely indicates ulterior motives. The usual and less awkward expedient of appointing a dictator would have served their avowed purpose just as well. Collusion in the consuls' scheme on the part of the augurs would, as Gruen cautiously puts it, "suit the picture," if the consuls' machinations were in fact directed against Varro and intended to secure the continuation of Fabian strategy. In that regard, it is quite pertinent that the consuls of 217 had indeed continued *cunctatio* after their resumption of command. Fabius, an influential member of the college of augurs, was not (it appears) above using religion for political purposes.²⁶

This is not necessarily to claim that Fabius or his peers would have falsified the auspices. It was surely easy enough to discover a *vitium* in any complicated religious proceeding, when there was a motive to search for it. Fabius, if we suppose him pious, would not be the first or last priest, or politician, who believed that the gods favored his cause.²⁷

Thus far Gruen is persuasive. His explanation of the purpose of these political machinations is not. He argues that the consuls merely hoped for a protracted interregnum, in order to prolong their own tenure of supreme command—the Senate, of course, would then have had no choice but prorogation—and that Fabius (evidently) and a majority of the augurs joined in this scheme.²⁸ The futility of such a plan seems obvious. The longest interregnum on record involved only fourteen *interreges*, or a period of no more than seventy days.²⁹ As P. S. Derow has lately shown, the Roman calendar in 216 may very well have been ahead of the seasonal date, and in all probability was not behind it.³⁰ Thus, it would have taken an extraordinarily prolonged interregnum to have left Varro too little time to provoke a full-scale battle with the willing Hannibal. Further, if Varro's candidacy excited great popular support, as Livy assumes throughout his account, then it is exceedingly difficult to see how the consuls of 217 and their allies could have hoped for the cooperation of a long string of *interreges* in the face of growing popular outrage at the delay.

Gruen exacerbates this difficulty by taking at face value Livy's report that the Senate rejected the consuls' initial proposal of an interregnum

25. "Consular Elections," pp. 63–68.

26. Gruen, "Consular Elections," p. 72, n. 40.

27. Thus, I. Mueller-Seidel's discussion of Fabius' religiosity, "Q. Fabius Maximus Cunctator und die Konsulnahlen der Jahre 215 und 214 v. Chr.," *RhM* 96 (1953): 241–81, sheds less light than he supposes on the use of augury in politics.

28. "Consular Elections," pp. 63–65.

29. *Ibid.*; Livy 8. 23, 15–17 (326 B.C.).

30. "The Roman Calendar, 218–191 B.C.," *Phoenix* 30 (1976): 265–81; cf., on the regularity of intercalation in the third century, M. G. Morgan, "Calendars and Chronology in the First Punic War," *Chiron* 7 (1977): 89–117.

(22. 33. 9–11). “Senatorial sentiment,” Gruen thinks, was throughout against the scheme to delay the elections. On his interpretation the due dispatch with which the second *interrex*, Scipio Asina, held the *comitia* (Livy 22. 34. 1) is clear evidence that senatorial opposition to the scheme to obstruct Varro’s election by protracted delay held firm throughout.³¹ But if that had been the case, what was already an impractical plan would have been quite obviously futile. And it seems incredible that a politician as astute as the Cunctator would have persisted in machinations which had virtually no chance of success.

As an alternative to this last conclusion, it would seem preferable to suppose that Livy has misinterpreted some petty intrigue that Polybius suppressed. The interregnum guaranteed the prorogation of the commands of the consuls of 217.³² Perhaps they had reason to fear a different result if the Senate were left a free hand.³³ Atilius Regulus was, in fact, soon relieved of command by the consuls of 216.³⁴ Servilius Geminus’ military performance had been far from impressive.³⁵ Polybius might well have passed over in silence machinations by these consuls merely intended to ensure their continuation in command.

Nevertheless, this vindication of Polybius’ silence (so to speak) is for one simple reason unpersuasive. It presupposes either the acquiescence or the political impotence of Fabius Maximus, whose influence, according to both Polybius and Livy, had been but lately predominant.

Gruen’s reconstruction could, however, be amended. We need not agree that senatorial opinion was throughout firmly against any scheme to obstruct Varro’s election, whether by delay, as Gruen thinks, or otherwise.³⁶ Varro’s great popularity might have intimidated the *interrex* Scipio Asina into holding the elections with due dispatch, even if he had in fact planned delay. The Senate may earlier have been closely divided on the issue of an interregnum. Indeed, if Baebius’ indictment of the whole nobility has some basis in fact, the tribune may have regarded the Senate’s initial rejection of the interregnum as a mere maneuver—as perhaps it was.

Yet even a version of Gruen’s reconstruction amended along these lines, so that the scheme of Varro’s opponents need not be judged hopeless from the start, still leaves that scheme exceedingly impractical. Failing some better explanation of the purpose of the interregnum, it would seem more probable that Polybius ignored, and Livy misinterpreted, a petty intrigue by the consuls of 217 to secure prorogation.

31. Gruen, “Consular Elections,” pp. 63, 67–68.

32. Livy 22. 32. 12–33. 1; Gruen, “Consular Elections,” p. 65.

33. Cf. at Livy 35. 6. 1–7. 1 the recommendation of an interregnum by the consul L. Cornelius Merula in 193, where this explanation seems obvious. See further 35. 8. 1–6.

34. Livy 22. 40. 6; T. R. S. Broughton, *The Magistrates of the Roman Republic*, vol. 1 (New York, 1951–60), pp. 242, 245. Gruen, “Consular Elections,” p. 74, n. 60, rightly doubts Livy’s explanation: “aetatem excusantem.”

35. Sources in Broughton, *MRR* I: 242, 245 (on C. Centenius).

36. Gruen, “Consular Elections,” p. 66, seems to suppose that earlier “widespread and general” opposition to *cunctatio* (Polyb. 3. 103. 1–4) was not much affected by the events of Minucius’ dictatorship, despite Polybius’ explicit testimony to the contrary (3. 105. 8–9).

But a better explanation can be found. The clue to that explanation is contained in Baebius' purported contention that Varro's opponents had acted as they had "... ut interregnum iniretur, ut in patrum potestate comitia essent" (22. 34. 9). On the usual interpretation this is a redundant statement of the obvious. Since there was an interregnum the patrician senators would name the *interreges*. In *patrum potestate* could, however, carry a different implication.

Before the adoption of the *Lex Maenia de patrum auctoritate* at a disputed date, but long before the consular elections for 216, the Senate (or perhaps only the patrician senators) gave the *patrum auctoritas* after the consular *comitia* and thus could invalidate the results. Before the *Lex Maenia* the *comitia* were indeed in *patrum potestate*. It is usually assumed that the law applied to any and all elections. But if the *Lex Maenia* was without effect during an interregnum, then Baebius' complaint that the *comitia* would be in *patrum potestate* becomes intelligible and most significant.

The only relevant direct evidence, a single reference to the law and to an interregnum by Cicero, at first glance may seem to prove the contrary (*Brut.* 55):

Possumus . . . suspicari disertum . . . M'. Curium quod is tribunus plebis, interrege Appio [Claudio] Caeco diserto homine comitia contra leges habente, cum de plebe consulem non accipiebat, patres ante auctores fieri coegerit; quod fuit permagnum nondum lege Maenia lata.³⁷

The principals in this conflict were evidently two famous rivals: M'. Curius Dentatus (cos. 290, 275) and App. Claudius Caecus (cens. 312, cos. 307, 296). The date must be a few years before 290.³⁸ On the usual interpretation Dentatus compelled the *patres* to do what they would later be required to do by law: grant their *auctoritas* before the elections. In that case, Cicero obviously believed that the *Lex Maenia* held during an interregnum. But Cicero's opinion, if that interpretation were correct, would hardly be decisive. And interpretation of his testimony is, in fact, not so simple a matter.

The *Lex Maenia* was probably carried some forty-odd years before the tribunate of Dentatus, not some time afterward as Cicero thought. C. Maenius, consul in 338, is the only Maenius securely attested as a magistrate or tribune before 219 and after 367 (the earliest conceivable date for the law).³⁹ In 339 the dictator Q. Publilius Philo reportedly carried a bill requiring that the *patrum auctoritas* be given before a vote on legislation in the Centuriate Assembly. It is inherently probable that in the next year the consul Maenius would have extended the same procedure to elections.⁴⁰ Further, the law would have been an appropriate

37. Cic. *Planc.* 8 is of no help; *Vir. ill.* 33 adds nothing. For the most recent full discussion, see G. Forni, "Manio Curio Dentato uomo democratico," *Athenaeum* 31 (1953): 187-93.

38. Forni, "Manio Curio Dentato," pp. 187-93; Broughton, *MRR* 1: 174-75.

39. Staveley, "Conduct of Elections," p. 201 and n. 3 with references to earlier discussions; cf. *MRR* 1: 193, n. 2.

40. See P. Willems, *Le Senat de la république romaine*, vol. 2 (Paris, 1883), pp. 69-71; Livy 8. 12. 12-17.

response to patrician resistance to the spirit, if not the letter, of the *Lex Licinia Sextia*, resistance which had produced seven purely patrician consular colleges during the years 355–343.⁴¹

If the *Lex Maenia* should in fact be dated to 338, then Dentatus' triumph over Claudius Caecus in the 290s would become clear evidence that this law cannot have bound the *patres* during an interregnum.⁴² Such interpretation presupposes that Cicero was ignorant of the precise date of the *Lex Maenia*, but that is hardly unlikely. Indeed, if Cicero mistakenly believed that the law applied in the case of an interregnum, then he would naturally have taken the result of the dispute between Caecus and Dentatus as proof that the law had not yet been carried.

In any event, Cicero's notice of the victory of Dentatus contains further, and perhaps more certain, evidence that the *Lex Maenia* cannot have applied to an interregnum. The tribune, it appears, forced the *interrex* Claudius Caecus to proceed to the election of a legal consular college by persuading the *patres* to grant their *auctoritas*. Evidently, then, until Dentatus succeeded in this counter-stroke Claudius could not be compelled to obey the law that had opened the consulship to plebeians, or rather could disregard it with impunity. But the decision of the *patres* compelled him to obey the law. This course of events seems inexplicable unless laws regulating electoral procedure—including the *Lex Maenia*, whatever its date—were without effect during an interregnum so long as the *patrum auctoritas* had not been given. General considerations support this inference: for the original conception of an interregnum, when “res ad patres rediit,” would seem to preclude any limitation on the power of the *patres* by law, or rather by anything other than their customary obligation to proceed to the election of new magistrates with *imperium* and *auspicium*.⁴³

It seems probable, then, that the *Lex Maenia* did not apply in the case of an interregnum. That conclusion allows us to explain the machinations of Varro's opponents in 216 recounted by Livy or alleged by Baebius, and thus vindicate in large part Livy's account of political conflict and intrigue. This convergence of argument, in turn, sustains our conclusion on the applicability of the law.

The senatorial opponents of Varro sought an interregnum in 216 because it offered some reasonable hope of preventing his election to the consulship. Whether the consuls of 217 fell in with the scheme out of devotion to *cunctatio* as Baebius charged, or principally because an interregnum would ensure the prorogation of their own commands, must remain a moot question. But a majority of the augurs were persuaded (or, for the more cynical, pretended) that what seemed politically best, the vitiation of the appointment of the dictator before he could hold the elections, was also the will of the gods. Both Livy in his own right and Livy's Baebius no doubt exaggerate the strength of senatorial opposition

41. Münzer, *Adelsparteien*, pp. 30–36; Staveley, “Conduct of Elections,” pp. 208–10.

42. Staveley, “Conduct of Elections,” p. 201 and n. 3, argues instead that Cicero or his source misattributes a dispute from before 338 to these two famous rivals.

43. Livy I. 32. 1; Cic. *Ad Brut.* I. 5. 4. Cf. Staveley, “Conduct of Elections,” pp. 194–97.

to Varro and support for Fabian strategy, but that strength must have been sufficient to offer Varro's opponents some prospects of success. What they planned to do, if the foregoing arguments are correct, was take advantage of a peculiar characteristic of an already peculiar institution. The *Lex Maenia* could not bind the *patres* during an interregnum; rather, they were free to reserve the granting of the *patrum auctoritas* until after the elections. Thus, Varro's opponents (we can surmise) intended to withhold the *patrum auctoritas* and so invalidate the choice of the *comitia*. Presumably, they would have waited for a few days to allow the ardent supporters of Varro to disperse.

The election of Varro alone at the first meeting of the Centuriate Assembly, whether fortuitous or not, would have defeated just this scheme, as Livy in fact implies it did. Varro had the right to conduct the election of his colleague, and the hand of his opponents would have been forced. The *patres*, on our reconstruction, had then to confirm or disallow his election at once. The strength of Varro's popular support undermined the influence of his opponents and, further, ensured that the aggressive military policy he advocated would win the endorsement of the Senate.⁴⁴

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44. A much earlier version of some of the propositions of this paper will be found in the author's M.A. thesis, "The Lutatii Catuli: 242–122 B.C." (Chicago, 1965), pp. 74–81. My teacher, the late Stewart Irvin Oost, offered helpful criticism then, and again much later as editor of this journal, and on both occasions much improved the argument. I am also indebted to an anonymous reader for acute queries and comments which also contributed to the improvement of this study. Finally, the present editor suggested numerous improvements in style, many of which I have gratefully adopted. Remaining flaws are, of course, my responsibility alone.