

774 f.	νή Δία, πλούσιός γ' [ἀνὴρ <καί> δίκαιος <καί> γεωργὸς ἄμαχος.
902 f.	τὸ δ' ἔβλον ἔστιν ἡμῖν ἄνθρωπος ἡμερωτέος
ημερωτερος Pap.	
932	γυναῖκα μισεῖς
γυναικας Pap.	
Würzburg	Rudolf Kassel

THE ELECTIONS OF 216 B. C.

Dr. H. H. Scullard's interpretation of the circumstances surrounding the elections of 216 B. C.¹⁾ have been attacked by M. Gelzer²⁾ on the grounds that Fabius would be prevented by his own religious scruples from making improper use of his powers as augur and that he would not have indulged in party politics at such a time of grave national emergency. Scullard's reply³⁾ to the first point is conclusive; he points out that on two occasions during the next few years it was Fabius himself who benefited from a religious objection that he himself had raised. Scullard's answer to the second point, however, that the conflict between the parties represented a genuine conflict in strategy, though convincing, does not go far enough. The year 217 had ended none too gloriously for Fabius. He had suffered an ignominious set-back in allowing Hannibal to escape from Campania, while it is likely that the account of Minucius's apology and self-abasement, drawn no doubt from Fabius Pictor, was grossly exaggerated. Polybius continues to refer to them both as 'dictators', while Livy implies that their forces were still under their separate commands⁴⁾. It is possible that all that happened was that Minucius agreed to let his forces form a

1) Scullard, 'Roman Politics', pp. 49—52, 275.

2) Gelzer, *Historia* 1—4, 1950. pp. 634—642.

3) Scullard, *Bulletin of the Institute of Classical Studies* (London) 1955, pp. 15—21.

4) Polybius III. 106. 2. Livy XXII. 32. 1.

single unit with those of Fabius; this would involve some compromise on the part of Fabius, too. It seems, then, that Fabius was in some need to rehabilitate himself, and consequently would make strong efforts either to secure one of the consulships for one of his supporters, or, at any rate, to avoid having both consulships held by men who were openly hostile to him.

As regards the appointment of the 'interrex' and the subsequent holding of the elections, E. S. Staveley⁵⁾ has argued that the 'interrex' did not conduct an election in the normal way but used to nominate one person for each vacancy, who would either be accepted or rejected by the 'comitia'. Staveley's arguments are persuasive, but not wholly convincing. His initial point, that there was a generic difference between the status of an 'interrex' and that of a 'magistratus', seems irrefutable; however, while this difference in status may be admitted, it seems highly probable that, by the third century B. C., any difference in function between an 'interrex' and a 'dictator comitiorum habendorum causa' that may once have existed had completely disappeared. Staveley's theory necessitates abandoning two pieces of positive evidence, the statement in Livy that the election of the patrician consul in 216 B. C. took place on a day subsequent to Varro's election⁶⁾ and the well-attested story of how Domitius Ahenobarbus persisted in his candidature against Crassus and Pompey in 55 B. C.⁷⁾ Finally, the argument that Staveley draws from the speech of Herennius Baebius in Livy XXII. 34 is not conclusive. The reason why Fabius wanted an 'interrex' appointed was not because, under an 'interrex', the 'comitia' would have a more restricted choice; rather, his reason was that in the appointment of an 'interrex' the Scipionic group would be at a disadvantage, as a large proportion of their supporters were plebian Senators, who would be excluded from taking part in the nomination. Thus it was mathematically probable that the 'interrex' first appointed would either be a supporter of the Fabian group, or, as in fact it turned out, one of the Claudian faction. However, unfortunately for Fabius, Claudius Cento decided to use his influence in favour of the Scipionic group and nominated Cornelius Asina as his successor. So, with the

5) Staveley, "Conduct of Elections during an Interregnum", *Historia* 1954/5, pp. 193—207.

6) Livy XXII. 35. 3—4.

7) Dio 39. 31. 1. Appian B. C. 2. 17. Plutarch, Crassus 15, Pompey 51, Cato Minor 41.

election of Varro, it seemed that Fabius's hopes were completely shattered.

At this point Aemilius Paulus appears on the scene, and the problem is to determine the true nature of the part he played in this electoral intrigue. The suggestion of M. L. Patterson⁸⁾, that Paulus was chosen because the nobles realised that an experienced general was needed to make up for Varro's inexperience, has been rightly rejected by Scullard⁹⁾, but Scullard's own suggestion, that Aemilius was put forward by the Aemilian-Scipionic group to prevent the Fabian candidate, Manlius Vulso, being elected on a split vote, is not very convincing. If this were so, one may well ask why either Lepidus or Merenda, whichever had polled the lesser number of votes, did not simply withdraw. The situation seems to have been rather more complicated than that, and it seems that the vital factor (one which has never been properly appreciated) was the serious possibility of Fabius using his powers as *augur* to have the election annulled.

At this point it is important to consider carefully the political position of Aemilius, and, in particular, his political affiliations. It is not sufficient merely to say that he was one of the leading members of the Aemilian-Scipionic group. It is a mistake to regard these family groups as rigid, water-tight, political entities. The various component families in a group would often have different relationships with other families outside their particular group. For example, there seems to have been some connection between the Sempronii Longi and the Scipiones¹⁰⁾ and between the Servilii and the Claudii¹¹⁾. Now it is probable that a fairly strong animosity existed between Aemilius Paulus and the Claudii, who had been behind his prosecution; and it is also possible that, again as a result of this prosecution, Aemilius was ill-disposed towards the 'popular' wing of the Aemilian-Scipionic group. In that case there may well have been a comparatively friendly relationship between Aemilius and Fabius. This is supported not only by the conversation between Fabius and Aemilius before the consuls left Rome, and

8) M. L. Patterson, *Transactions of the American Philological Society*, 1942, 323—4.

9) Scullard, 'Roman Politics' p. 275.

10) Sempronius Longus was consul with P. Scipio in 218 B. C. and their sons were colleagues in 194 B. C.

11) The Servilii and the Claudii seem to have formed the core of the coalition against Scipio in 203—201 B. C.

Aemilius's dying message to Fabius, stories which need not be totally rejected as apocryphal¹²⁾, but also by the family connection with the Fabii established by his son.

If this is so, the election of Aemilius Paulus will represent a compromise between the Scipionic group and the Fabii, under which Fabius withdrew his threat to invalidate the elections in return for the election of one consul who, though a leading member of the Scipionic group, was personally acceptable to him.

Birmingham

T. A. Dorey

THE AUTHOR OF THE GREEK ORIGINAL OF THE POENULUS

Adequate analysis of all the theories that have, like barnacles, attached themselves to that rather poor Plautine play, the *Poenulus*, would require a volume of gargantuan size. The aim of this essay is modest: to track down finally the author of the Greek original used by Plautus as his main source; consequently the larger questions, dealing with the methods of Plautus in adapting his Greek originals, will here be considered only insofar as they become relevant to my main thesis. This is, that Alexis' 'Karchedonios' lies behind Plautus' play; the theory has previously been propounded by Bergk¹⁾ and others, and it is on the foundation of their positive if uncertain arguments that I desire to build here. It is hoped that the resulting edifice will then be able to stand firm and stormproof.

Dietze first rested this theory on a firm foundation when he pointed out in a dissertation²⁾ that the one remaining fragment of Alexis' 'Karchedonios' (Kock, CAF II 331, 100): βάρη-λος εἰ appears to be translated at *Poenulus* 1318: *Nam te*

12) The story of the death of Aemilius in Livy XXII. 49. 6—12 probably goes back to a contemporary source.

1) Griechische Literaturgeschichte, IV (1887), 154 n. 116.

2) C. A. Dietze, *De Philemone comico* (*Diss. Acad. Georg. Aug.*, (1901)), p. 82.