

## NOTES ON LIVY\*

These notes discuss some passages where what Livy wrote may not be printed in standard editions. In some a new reading, or new punctuation, is proposed; in others the merits of neglected conjectures are canvassed.

The references to the following editions and commentaries will be abbreviated to the name of the editor(s) alone: J. Briscoe, commentary on books 31–3 and books 34–7 (Oxford, 1973 and 1981), editions of books 31–40 (2 vols, Stuttgart, 1991) and 41–5 (Stuttgart, 1986); R. S. Conway and C. F. Walters, edition of books 1–5 (Oxford, 1914); J. B. L. Crévier, edition of Livy with commentary (7 vols, Paris, 1735–42); T. A. Dorey, editions of books 21–2 and 23–5 (Leipzig, 1971 and 1976); A. Drakenborch, edition of Livy with commentary (7 vols, Leiden and Amsterdam, 1738–46); B. O. Foster, Loeb edition and translation of books 1–2 and 21–2 (Cambridge, MA, 1919 and 1929); H. W. Heerwagen, revision of E. W. Fabri's edition of books 21–2 with commentary (Leipzig, 1851); W. Heraeus, edition of books 41–5 (Leipzig, 1912); M. Hertz, edition of Livy (4 vols, Leipzig, 1857–63); P. Jal, editions and translations of book 26 (Paris, 1991), books 41–2 (Paris, 1971), and book 45 and fragments (Paris, 1979); F. G. Moore, Loeb edition and translation of books 23–5 (Cambridge, MA, 1940); M. Müller, edition of Livy, books 1–38 (7 vols, Leipzig, 1884–1901); R. M. Ogilvie, commentary on books 1–5 (Oxford, 1965), edition of books 1–5 (Oxford, 1974); G. A. Ruperti, edition of Livy with commentary (14 vols, London, 1825);<sup>1</sup> E. T. Sage, Loeb edition and translation of books 31–4 (Cambridge, MA, 1935); E. T. Sage and A. C. Schlesinger, Loeb edition and translation of books 41–2 (Cambridge, MA, 1938); G. Vallet, edition of book 22 with commentary (Paris, 1966); C. F. Walters and R. S. Conway, edition of books 21–5 (Oxford, 1929); P. G. Walsh, edition<sup>2</sup> of books 26–7 (Leipzig, 1989); and W. Weissenborn, edition of Livy with commentary (10 vols, Leipzig and Berlin [Weidmann], 1853–6).

Note also the following abbreviations: K-S = R. Kühner and C. Stegmann, *Ausführliche Grammatik der lateinischen Sprache*<sup>2</sup> (Hannover, 1912–14); Luchs = A. Luchs, *Emendationes Livianae* (4 vols, Erlangen, 1881–9); Madvig<sup>1</sup> = J. N. Madvig, *Emendationes Livianae*<sup>1</sup> (Copenhagen, 1860); Madvig<sup>2</sup> = J. N. Madvig, *Emendationes Livianae*<sup>2</sup> (Copenhagen, 1877);<sup>2</sup> OLD = *The Oxford Latin Dictionary* (Oxford, 1968–82); Packard = D. W. Packard, *A Concordance to Livy* (Harvard, 1968); TLL = *Thesaurus linguae Latinae* (Leipzig and Stuttgart, 1901– ); and W-M = the final edition of H. J. Müller's Berlin revision of Weissenborn's Weidmann commentary on the whole of Livy (books 1<sup>9</sup> [1908], book 3<sup>6</sup> [1900], book 22<sup>9</sup> [1905], book 23<sup>8</sup> [1907], books 24–5<sup>5</sup> [1895], book 26<sup>5</sup> [1911], books 31–4<sup>3</sup> [1883], books 39–42<sup>3</sup> [1909], books 43–4<sup>2</sup> [1880], book 45 and fragments<sup>2</sup> [1881]).<sup>3</sup>

\* I am most grateful to Dr J. Briscoe and Professor M. D. Reeve for effecting many improvements to earlier drafts of this article and for saving me from several unfortunate mistakes. For errors which remain, I alone am responsible.

<sup>1</sup> Based on an edition published at Göttingen between 1807 and 1809, to which I do not have access.

<sup>2</sup> I cite from the second edition, except when it is necessary to place Madvig's ideas in the context of conjectures published between 1860 and 1877.

<sup>3</sup> I have tried to cite the original place of publications of all conjectures made after the appearance of Crévier's edition; for earlier proposals I rely on Drakenborch.

**1.18.2–3.** Livy comments on the impossibility of Romans living in the time of Numa Pompilius knowing anything about Pythagoras, even if Pythagoras had been a contemporary of Numa (which Livy did not believe to have been the case).

auctorem doctrinae eius (sc. Numae), quia non exstat alius, falso Samium Pythagoram edunt, quem Servio Tullio regnante Romae centum amplius post annos in ultima Italiae ora circum Metapontum Heracleamque et Crotonem iuuenum aemulantium studia coetus habuisse constat. (3) ex quibus locis, etsi eiusdem aetatis fuisset, *quae fama in Sabinos* aut quo linguae commercio quemquam ad cupiditatem discendi exciuisset? quoue praesidio unus per tot gentes dissonas sermone moribusque peruenisset?

This is how the MSS present the passage, and many scholars have followed Wex in changing their offering only so as to insert a question mark after *Sabinos*.<sup>4</sup> Since, however, a sentence with a different main verb (*exciuisset*) intervenes, it is quite impossible to understand *peruenisset* from later in the passage,<sup>5</sup> and it is equally difficult to hold that any other verb of motion has been omitted in ellipse.<sup>6</sup> The text must therefore be corrupt. Ogilvie tried to remove the corruption by adopting Sigonius' *qua[e]*:<sup>7</sup> this allows *fama* to be coordinate with *commercio linguae*, and for the resulting disjunction he compared 1.1.7 *percontatum deinde qui mortales essent, unde aut quo casu profecti domo quidue quaerentes in agrum Laurentem exissent, postquam* ... Further change, however, is needed beyond what Ogilvie was prepared to accept: for *in Sabinos* remains problematic and has nothing on which it may plausibly be said to depend.<sup>8</sup> A certain solution to this difficulty is perhaps not to be found, but two approaches deserve discussion.

One is to follow Heumann<sup>9</sup> and transpose *in Sabinos*: *ex quibus locis, etsi eiusdem aetatis fuisset, qua[e] fama aut quo linguae commercio quemquam ad cupiditatem discendi exciuisset? quoue praesidio unus per tot gentes dissonas sermone moribusque in Sabinos peruenisset?*<sup>10</sup> Though bold, this has two merits: (i) it provides *in Sabinos* with

<sup>4</sup> See C. Wex, *Emendationum livianarum promulsis* (Aschersleben, 1832), pp. 2–3. Wex has been followed by e.g. W-M, Conway and Walters, and Foster.

<sup>5</sup> This remains true even if one adopts Wex's punctuation.

<sup>6</sup> Further passages where it is claimed that a verb of motion has been omitted in ellipse are discussed below in the note on 41.3.4–6. It is difficult to formulate general rules as to when this phenomenon is permissible, and when it should be eliminated by conjecture; but it may be noted that most of the instances assembled at K-S ii.552 come from familiar rather than elevated prose, and thus cannot serve as parallels for alleged instances in Livy; in the words of K-S 'Die Verben des Gehens und Kommens werden besonders in der familiären Rede nicht selten weggelassen'. One potentially relevant passage which they do cite is Tac. ann. 4.57.1 *inter quae diu meditato prolatoque saepius consilio tandem Caesar in Campaniam, specie dedicandi templa apud Capuam Ioui, apud Nola Augusto, sed certus procul urbe degere*, but here Otto suggested *Campaniam* <*concessit*>, and I am in full agreement with what R. H. Martin and A. J. Woodman write *ad loc.* in their commentary (Cambridge, 1989, p. 223): 'the omission of a verb of motion seems out of place in elevated historical narrative, and it would be strange if T. avoided explicit mention of one of the cardinal events of the reign. We cannot know what verb has dropped out, but *concessit* is more likely than most'.

<sup>7</sup> Sigonius stated that he found this reading in a MS.

<sup>8</sup> J. F. Gronovius suggested *qua fama [in] Sabinos* and *qua fama tum Sabinos*, but neither proposal expedites the difficulties of the passage.

<sup>9</sup> Heumann's conjecture (listed by Drakenborch) is recorded by Ogilvie in his apparatus, but not discussed in his commentary.

<sup>10</sup> Gronovius had earlier considered but rejected a more violent transposition: *qua fama in Sabinos quoue praesidio unus per tot gentes dissonas sermone moribusque peruenisset? aut quo linguae commercio quemquam ad cupiditatem discendi exciuisset?*

a proper construction; and (ii) it removes what might be felt to be an unsatisfying vagueness from the paradosis, since Latin writers usually make a destination explicit when they employ *peruenire*.<sup>11</sup> On the other hand, with this transposition the *unus* travelling through the *tot gentes dissonae* must be Pythagoras; and yet the implication of §2, that Pythagoras gathered a circle of youths around him in Magna Graecia, makes it very much more probable that Livy envisaged Numa as having done the travelling.<sup>12</sup>

The other approach involves supplying a perfect passive participle in agreement with *fama*. Ruperti suggested *qua[e] fama in Sabinos <lata>*; but *qua[e] fama <perlata> in Sabinos* is perhaps even better; cf. especially 3.61.11 *huius pugnae fama perlata non in urbem modo sed in Sabinos*; but also e.g. 1.34.11 *in regiam quoque de eo fama perlata est*, 4.40.1 *iam eo fama pugnae aduersae...perlata erat*, 5.28.12, 6.25.11, 10.26.11, 22.30.7, 28.13.1, 42.16.9, and 45.10.5.<sup>13</sup> This may well be what Livy wrote.<sup>14</sup>

**3.10.8.** Livy notes the regularity with which the Hernici, Rome's allies in the Sacco valley, announce each year that the Volsci and Aequi were preparing for war.

*ecce, ut idem in singulos annos orbis uolueretur, Hernici nuntiant Volscos et Aequos, etsi abscisae res sint, reficere exercitus.*

In *OLD s.u. abscido* our passage is cited under the rubric 2(b) 'to cut off, destroy (supplies, resources, etc.)', where 41.11.4 *ea res barbaricos miraculo terruit abscisae aquae* (of a diverted stream), Sen. *Phoen.* 193–4 *qui fata proculcauit ac uitae bona/proiecit atque abscidit*, and Tac. *hist.* 3.78.2 (Vitellius)...*abscisis omnibus praesidiis cessurus imperio uidebatur* are also cited. If Livy really had written *abscisae* here, then perhaps we could just acquiesce in our passage taking its place in this strange assortment; but none of the other nineteen passages in which he uses *abscidere* is parallel, and the notion of 'cutting off' is hardly apposite. In fact the text is corrupt, and a cure has long been at hand, for all that inspection of Ogilvie's text, apparatus, and commentary would not make one aware of either fact. *accisae* ('cut down' or 'slaughtered') was proposed in the Ascensian edition of 1513, and this conjecture is supported by decisive parallels: 6.5.2 *accisas a Camillo Volscorum res*, 12.6 *ingens...quamquam nuper Camilli ductu atque auspicio accisae res erant, Volscorum exercitus fuit*, 8.11.12 *adeo enim accisae res sunt ut consuli...dederent se omnes Latini*, 8.29.12 (*consul*)...*proelio uno accidit Vestinorum res*, and Cic. *prou. cons.* 34 *impolitae uero res et acerbae si erunt relictiae, quamquam sunt accisae, tamen efferent se aliquando et ad renouandum bellum reuirescent*. For *accidere* with other objects, cf. e.g. 7.29.7 *robore iuuentutis suae acciso* and 8.11.8 *Latinorum etsi pariter accisae copiae sint, tamen...*<sup>15</sup>

<sup>11</sup> On the other hand one may argue that here the destination in question is easily deduced from the previous sentence, and that a passage like 5.47.1–2 is comparable: ...*interim arx Romae Capitoliumque in ingenti periculo fuit. namque Galli, seu uestigio notato humano qua nuntius a Veis peruenerat seu...* (where the previous sentence allows one to deduce that the Capitol was the destination of the messenger from Veii).

<sup>12</sup> Thus, rightly, e.g. Ruperti.

<sup>13</sup> *perlata* could also be placed after *in Sabinos*, but the corruption would then be less easy to explain.

<sup>14</sup> I had thought *perlata* my own improvement on Ruperti, but then found that Ruperti, though actually proposing *lata*, glossed *qua fama in Sabinos* with 'sc. *perlata*, quae in Sabinos penetrasset'.

<sup>15</sup> The merits of *accisae* were strongly argued by Rhenanus (see Drakenborch's note for the views of sixteenth century editors on this passage), and thereafter it was generally accepted by editors until Conway and Walters; they deemed it *uix necessario*, and returned to the reading of the MSS. Hey rightly includes our passage in his entry for *accido* in *TLL* 1.299.26–7.

In the following passages from books 22–6 the only MS. with authority is P, the fifth century *codex Puteaneus* (Paris Bibl. Nat. Lat. 5730).

**22.3.1.** Hannibal finds out that the Romans are encamped before the walls of Arezzo. P here offers

per praemissos exploratores habuit exercitum Romanum *in* circa Arreti moenia esse.

The corruption has conventionally been healed by deletion of *in*. This proposal goes back at least as far as a correction in C (Paris Bibl. Nat. Lat. 5731) and it gives good sense; it is accepted by e.g. Walters and Conway and Dorey (who mention no other conjectures), and the scribal error may easily be explained as a dittography after *-m*.

Nevertheless, another approach to the problem is possible: I had thought of reading *in* <*Etruria*> (for which 26.28.4 and 27.35.11 provide distant analogies), but then found that Luchs had conjectured *in* <*statiuis*>,<sup>16</sup> which is far superior.<sup>17</sup> It need hardly be stated that the Puteanean tradition is notoriously prone to omission, and editors should at least record Luchs's conjecture in their apparatus.

**22.3.7–10.** C. Flaminius rejects cautious counsel before the battle of Lake Trasimene and sarcastically implies that Arezzo was hardly the fatherland. P here offers

Flaminius ... (§9) iratus<sup>18</sup> se ex consilio proripuit signumque simul itineris pugnaeque cum <...> (§10) 'immo Arreti ante moenia sedeamus' inquit, 'hic enim patria et penates sunt'.

In different ways the editions of Walters and Conway and of Dorey both err in filling the lacuna. The Oxford editors printed Walters's supplement *iussisset pronuntiari* before *immo*; but, though *pronuntiari* is found often in Livy of a general's orders and is used in the context of a march at e.g. 2.59.6, 30.10.2, and 34.13.10, the expression *signum/-a pronuntiari* is never found in his work. *signum pugnae proponere*, however, is an expression used by Livy on thirteen occasions, and it is hard to doubt that what is required here is Heerwagen's *proposuisset*, itself a modification of a humanist conjecture (see n. 19). In this Dorey made no mistake; but he also followed Vallet in supplying *quin* before *immo*,<sup>19</sup> and thus produced a combination not found on the other twenty-five occasions when Livy used *immo*, and apparently not attested in Latin before Plin. *nat.* 14.34.<sup>20</sup> In fact *immo* is a very appropriate opening for this sarcastic utterance: 'No. Let us remain encamped before the walls of Arezzo ...'.<sup>21</sup>

<sup>16</sup> See his 1888 Berlin Weidmann edition of books 21–5. There he deletes *in* in the text, but comments in the apparatus '*in* <*statiuis*> circa conicias'.

<sup>17</sup> The collocation *in statiuis* is found also at 6.14.1 and 22.23.9. Another possibility is *in* <*castris*>.

<sup>18</sup> P actually reads *ratus*, but <*i*>*ratus* (found e.g. as a correction in M [Flor. Laur. lxiii. 20] and L [Paris Lat. 5690]) is certain.

<sup>19</sup> *quin* was first introduced into the text as a replacement for *cum* by the humanists: the lost MS. known as Θ read *pugnaeque* <*proposuisset*> 'quin *immo* ...' (this reading is not reported by editors, but Professor Reeve has kindly checked Florence Laur. Conv. Soppr. 263, and Venice Marc. Lat. Z 364, two of the MSS from whose readings Θ may be reconstructed, and the same reading is found as a correction—in Petrarch's hand—in A (London B.L. Harl. 2493). On the relationship of A<sup>2</sup> and Θ (whose readings show that many of the conjectures which Petrarch wrote in A are probably not his own), see M. D. Reeve, *RFIC* 115 (1987), 424–30.

<sup>20</sup> See *TLL* 7.1.479.40–63.

<sup>21</sup> Madvig<sup>2</sup>, p. 285 n. 1 argued that we have to deal with a lacuna of more than one word, since Flaminius could never have begun a speech to troops who had not been present in the *consilium* with *immo* ...; but this applies over-rigid logic.

**22.18.8–9.** Fabius Maximus gives advice to Minucius Rufus before returning to Rome:

dictator... Romam reuocatus, non imperio modo sed consilio etiam ac prope precibus agens cum magistro equitum, (9) ut plus consilio quam fortunae confidat et se potius ducem quam Sempronium Flaminiūque imitetur: ne nihil actum censeret extracta prope aestate per ludificationem hostis; medicos quoque plus interdum quiete quam mouendo atque agendo proficere; haud paruam rem esse ab totiēns uictore hoste uinci desisse...

This is the standard punctuation of this passage (adopted by e.g. W-M, Walters and Conway, Foster, and Dorey<sup>22</sup>), and with it *ne...hostis* is regarded as an indirect command. It is far preferable, however, to replace the semi-colon after *hostis* with a comma, and to make *ne...hostis* a final clause dependent upon a verb of saying omitted in ellipse, a verb which also governs *medicos...proficere*. This interpretation is confirmed by a striking parallel at 9.1.3 *ne nihil actum...hac legatione censeatis, expiatum est quidquid ex foedere rupto irarum in nos caelestium fuit*. Also very similar is Cic. *Phil.* 2.97 *at huius uenditione decreti—ne nihil actum putetis—prouinciam Cretam perdidistis*, only there *ne...putetis* is incorporated parenthetically in the middle of the sentence.<sup>23</sup> For analogous ellipses in Livy, cf. e.g. 1.28.5 *ne uos falsa opinio teneat, iniussu meo Albani subiere ad montes*, 9.17.6, 17.14, and 37.54.26 *ne alios populos enumerem, Carthago libera cum suis legibus est*.<sup>24</sup>

**22.25.12.** Fabius Maximus, discussing Rome's defeats, refers to

clades per temeritatem atque <in>scientiam ducum acceptas.

Thus Walters and Conway and Dorey, printing a supplement found first in the descendants of P. But though *inscientiam* makes sense, there is no doubt—as various scholars have seen<sup>25</sup>—that *inscitiam*, an old conjecture, should be preferred. For, whereas *inscientia* is not otherwise attested in Livy, *inscitiam* is supported by decisive parallels: 6.30.6 *ab ducibus utrobique proditae temeritate atque inscitia res*, 8.33.17 *qui temeritate atque inscitia exercitus amissent*, 22.9.7 *temeritate atque inscitia peccatum a C. Flaminiū consule esse*, 26.2.7 *multos imperatores temeritate atque inscitia exercitum in locum praecipitem perdixisse dictitans*, 42.49.5 *quae inscitia et temeritate ducum clades saepe acciderint*, and Tac. *ann.* 13.20.3 *omnia...temeritati atque inscitiae propiora*. Nor should it be imagined that *inscientiam* is diplomatically easier: for *scientiam* is virtually an anagrammatic corruption of *inscitiam*.<sup>26</sup> The decision of Walters and Conway and of Dorey was thus a surprising and retrograde step.

**23.4.2–3.** As a result of the political manoeuvring of Pacuvius Calavius, the senators of Capua increasingly court the favour of the plebs and the popular party.

hinc senatores omnia dignitatis libertatisque memoria plebem adulari, salutare, benigne inuitare, apparatis accipere epulis, (3) eas causas suscipere, ei semper parti adesse, *secundum eam litem iudices dare* quae magis popularis aptiorque in uolus fauori conciliando esset; iam uero nihil in senatu agi aliter quam si plebis ibi esset concilium.

<sup>22</sup> But M. Müller punctuated with a colon after *hostis*, and this implies a somewhat better understanding of Livy's pattern of thought.

<sup>23</sup> Note also *ne mediocrem rem actam arbitremini* at *Phil.* iv. 1.

<sup>24</sup> For further instances of the idiom, see e.g. J. Lebreton, *Études sur la langue et la grammaire de Cicéron* (Paris, 1901), pp. 302–3 and K-S ii.233–4.

<sup>25</sup> Including W-M, Luchs, i. pp. 5–6, M. Müller, and Foster.

<sup>26</sup> Our passage was noted by A. E. Housman, *M. Manilii Astronomicon Liber Primus*<sup>2</sup> (Cambridge, 1937), p. lviii, in his list of corruptions of this kind.

W-M suggested two interpretations of *secundum eam*<sup>27</sup> *litem iudices dare*. One involves taking *litem* and *iudices* as accusatives governed by *dare*; but, though *litem dare* (= 'to give a judgement') and *iudices dare* (= 'to provide arbitrators' [or 'jurors']) are both recognised expressions,<sup>28</sup> the asyndeton between *litem* and *iudices* would be intolerable, and *iudices dare* does not make good sense in this context. In their other (and preferred) interpretation *iudices* is to be taken in apposition to *senatores*, and this is reflected in Moore's translation: 'Thereafter the senators...invariably undertook cases, appeared as counsel, or as jurors gave a verdict, only for that side which was the more popular and better suited to win favour with the populace.' This interpretation may be correct, but the separation of *iudices* from *dare* does make the Latin rather unnatural and cumbersome.<sup>29</sup>

Perhaps, then, future editors should consider a third approach, even though it involves emendation. All the difficulties of construction posed by this sentence centre on *iudices*, and they may be eliminated by deletion of this word as an explanatory gloss on *litem dare*. Since *litem dare* is not a common expression, it is easy to believe that a scribe might have glossed it, to point out that the senators were acting as *iudices* when they were giving their judgement; and it is likewise easy to see how a copyist may have mistakenly incorporated it into the text.

### 23.49.12. The Carthaginians gather reinforcements in Spain.

Iliturgi obsidione liberato ad Indibili oppugnandum Punici exercitus traducti suppletis copiis ex prouincia, ut quae maxime omnium belli auida, modo praeda aut merces esset, et tum iuuentute abundante.

This is the punctuation adopted by Walters and Conway and Dorey, but an idiom is thereby obscured. Rather we should omit the comma after *prouincia*:<sup>30</sup> *auida* is ablative, and *ut quae maxime omnium* is an elliptically shortened comparative clause, whose sense may be completed by supplying *belli auida est*. Cf. 5.25.9 *grata ea res, ut quae maxime, senatui fuit*, 7.33.5 *proelium, ut quod maxime unquam, pari spe utrimque... commissum est*, Cic. *fam.* 13.62 *te enim semper sic colam et tuebor ut quem diligentissime*, and Tac. *Germ.* 10. 1 *aspicia sortesque ut qui maxime obseruant*.<sup>31</sup>

<sup>27</sup> To be taken as referring to the preceding *parti*, and not as agreeing with *litem*. M. H. Crawford, *ap. U. Laffi in M. Cébeillac-Gervasoni (ed.), Les 'bourgeoisies' municipales italiennes aux ii<sup>e</sup> et i<sup>er</sup> siècles av. J.-C.* (Paris and Naples, 1983), p. 62 n. 13, suggested that the preceding *eas* and *ei* make it likely that *eam* should be taken with *litem*; but (i) *secundum litem iudices dare* postulates a sense of *lis* unknown to any Latin author, (ii) the parallels for *litem dare* cited in the next note show that it is regularly followed by *secundum* and an accusative. Though I cannot assent to Professor Crawford's interpretation, I am grateful to him for drawing my attention to this passage.

<sup>28</sup> *iudicem* or *iudices dare* is extremely common; see e.g. Cic. *Verr.* II. 2. 30 *si... praetor... det quem uelit iudicem*, 38 *aduersarii postulant ut in eam rem iudices ex lege Rupilia dentur*, 39, 40, *Tull.* 41, and the passages cited at *TLL* vii.2.598.72–5. *litem dare* is rather more rare, but see Cic. *Rosc. com.* 3 *nunc tuas (sc. tabulas), C. Fanni Chaerea, solius flagitamus et quo minus secundum eas lis detur non recusemus*, Val. Max. ii.8.2 *itaque, Lutati, ... secundum te litem do*, Luc. 8.333–4 *secundum/Emathiam lis tanta datur*, and Gell. v. 10. 10 *nam si contra te lis data erit, merces mihi ex sententia debebitur, quia ego uicero; sin uero secundum te iudicatum erit, merces mihi ex pacto debebitur, quia tu uiceris* (all cited at *TLL* vii.2.1497, 4–9).

<sup>29</sup> Furthermore, as Professor Reeve has pointed out to me, it is somewhat surprising to find the appositional *iudices* with *litem dare*, when Livy has not employed *patronos* or *aduocatos* with *eas causas suscipere* and *ei semper parti adesse*.

<sup>30</sup> Alternatively, one may place a comma after *omnium*; but this would make a more difficult readjustment for the reader at *belli auida*.

<sup>31</sup> My examples all come from K-S ii.479–80, where a fuller discussion of the idiom may be found; a similar kind of ellipse is discussed by Fordyce on Catullus 45.5.

**24.33.6.** The Romans state their attitude to the regime at Syracuse:

itaque, si eis, qui ad se perfugerint, tutus in patriam reditus pateat (*Crévier*: pateret *P*), caedis auctores dedantur et libertas *legesque* Syracusanis restituantur, nihil armis opus est.

The paradosis is intelligible and has been accepted by, for example, Dorey; but Luchs's *legesque* <*suae*> gives far superior sense and seems almost certain.<sup>32</sup> Luchs adduced several passages which show that *leges suae* is regular in Livy for 'one's own constitution'; and of these 25.28.3, 27.21.8, 29.21.7, and 33.30.2 *ut omnes Graecorum cituitates ... libertatem ac suas haberent leges* are most notable in that they couple *libertas* and *leges suae*. We may add especially 34.32.4 *Lacedaemon quoque uindicanda in antiquam libertatem erat atque in leges suas* and 38.44.4 *senatus consultum factum est, ut Ambraciensibus suae res omnes redderentur; in libertate essent ac legibus suis uterentur ...*<sup>33</sup> By contrast, the unadorned *leges* is colourless and far less pointed.<sup>34</sup>

**26.32.8.** The Syracusan legates beg Marcellus both to pardon their criticism of him in the senate and to receive Syracuse into his *clientela*.

legati ... ad genua se Marcelli consulis proiecerunt, obsecrantes ut quae deplorandae ac leuandae calamitatis causa dixissent ueniam eis daret, et in fidem *et clientelamque* se urbemque Syracusas acciperet.

*P* remains our sole authority for this passage, and its first hand wrote the corrupt *et clientelamque*. Most scholars, including Jal in the latest edition,<sup>35</sup> have chosen to heal the corruption by adopting *et in fidem [et] clientelamque* from *P*<sup>c</sup>;<sup>36</sup> but Walsh in his now standard edition, preferred *et clientelam[que]*, which is found first in *D* (Cantab. Trin. R 4.4.214). The matter is very finely balanced indeed. *D* is supported by 37.54.17 *receptae in fidem et clientelam uestram uniuersae gentis* (adduced by Walsh, p. xv, and—perhaps significantly—the only other Livian passage which combines *clientela* and *fides*), *Ter. Eun.* 1039–40 *Thais patri se commendauit, in clientelam et fidem/nobis dedit se* (where note the variation in word-order), *Cic. Sex. Rosc.* 93 *quaere in cuius fide sint et clientela*, 106 *se in Chrysogoni fidem et clientelam contulerunt*, and *Flor.* i.36.3...*populumque Romanum, quorum in fide et clientela regnum erat*. On the other hand, Livy often varies his connections, and the coupling *fides clientelaque* is found in several imperial inscriptions (*CIL* 2.1343, 6.1684, 8.68, 10.7845). The decisive consideration, however, is surely that *et* has appeared only a few words previously in the sentence: the likelihood of its intrusion from perseveration therefore outweighs the admittedly strong support for *et clientelam* provided by 37.54.17 and the other four literary passages. Thus Walsh was probably wrong to depart from the vulgate text.

**29.22.10.** It was argued in 'Livy and Clodius Licinus', *CQ* 42 (1992), 547–52 that editors should accept Luchs's deletion of this section (which comprises the two

<sup>32</sup> Luchs, i. p. 11.

<sup>33</sup> Note also e.g. 9.45.7, 23.7.2, 24.1.13, 25.16.7, and 23.4.

<sup>34</sup> In its support one might adduce 31.31.7 *urbem agrosque suaue omnia cum libertate legibusque Reginis reddidimus*, but Livy doubtless thought the repetition *sua ... suis* would have been unnecessary or inappropriate.

<sup>35</sup> Though Jal returns to what *L.* seems most likely to have written, there is need for a thorough discussion of this *crux* in which the full evidence is cited.

<sup>36</sup> That the corrector of *P* was not the original scribe and thus has no independent authority is shown by the appearance of *P*'s corruption in its descendants, several of which are similarly 'corrected'.

sentences *hunc Pleminium...senatus consulto*). The argument may be reinforced by two considerations.

(a) There is a good parallel for a substantial insertion which is transmitted in only one part of the Livian MS. tradition: 34.16.1–2 was found in the lost *codex Moguntinus*, but is not in Bamberg Staatsbibl. Class. 35a or the  $\chi$ -group (for which see pp. xxii–iii of Briscoe's edition). For powerful arguments against its authenticity, see H. Tränkle, *Gnomon* 39 (1967), 374–5, and Briscoe's note *ad loc.* in his commentary.<sup>37</sup>

(b) A close parallel to the interpolation postulated at 29.22.10 is provided by [Frontin.] *strat.* iv. 5.14. 'hunc quidam non C. Caelium, sed Laelium fuisse et Laelios, non Caelios perisse credunt', which was deleted by G. Gundermann.<sup>38</sup> Here, as in our passage, we find a variant attached to the end of a story and introduced by *hunc*. The correctness of Gundermann's deletion may be demonstrated as follows: (i) parallel sources (e.g. Val. Max. 5.6.4, Plin. *nat.* 10.41) show that Pseudo-Frontinus must have been writing about the patriotism of an Aelius (perhaps a C. Aelius); (ii) in the main body of the anecdote his name is found corrupted to Caelius in most MSS; and (iii) the final sentence (quoted above) depends upon this corruption, and hence cannot have been written by Pseudo-Frontinus.

### 33.42.11. Livy records routine annual business carried out in 195 B.C.

*ludi plebei per biduum instaurati, et epulum fuit ludorum causa.*<sup>39</sup>

This gives good sense: 'The plebian games were repeated for two days, and there was a banquet on the occasion of the games'; and such comment is regular in the annalistic sections of Livy's work. Cf. 25.2.10 *ludi plebei per biduum instaurati et Iouis epulum fuit ludorum causa*, 27.36.9 *et plebeiis ludis biduum instauratum a C. Mamilio et M. Caecilio Metello aedilibus plebis; et tria signa ad Cereris iidem dederunt; et Iouis epulum fuit ludorum causa*, 29.38.8...*et ludi Romani biduum instaurati; item per biduum plebei ab aedilibus P. Aelio P. Villio; et Iouis epulum fuit ludorum causa*, 31.4.7 *et plebei ludi ter toti instaurati ab aedilibus plebi L. Apustio Fullone et Q. Minucio Rufo, qui ex aedilitate praetor creatus erat. et Iouis epulum fuit ludorum causa*, and 32.7.13 *ab iis ludi plebei instaurati; et epulum Iouis fuit ludorum causa*. We should note also 30.39.8 *aediles...cum ludos ludorumque causa epulum Ioui fecissent*. Elsewhere Livy refers to the banquet of Jupiter but once: 5.52.6 *in Iouis epulo num alibi quam in Capitolio puluinar suscipi potest?*

But inspection of these parallels leads inevitably to the desire to supplement *Iouis* in our passage, and it is surprising that no such supplement is mentioned by W-M, Sage, McDonald, or Briscoe in his commentary. In fact Hertz long ago conjectured *epulum* <*Iouis*>. This is plausible enough; but it would have been more cogent to have proposed <*Iouis*> *epulum*, since this is the order found in four of the parallel passages, whereas *epulum Iouis* is supported only by 32.7.13 and perhaps by 30.39.8.<sup>40</sup> Briscoe does now record both these conjectures in his apparatus, but, despite the hazards which may attend over zealous standardising, it is hard to escape the conclusion that the text itself should be changed.

<sup>37</sup> For interpolations in the first decade, see below on 41.14.1.

<sup>38</sup> See his Teubner edition of 1888 and *Jahrbücher für classische Philologie* Suppl. 16 (1888), 343–4.

<sup>39</sup> This note provides the reasons for a conjecture which I communicated to Dr Briscoe before the publication of his edition, and which he records in his *apparatus*.

<sup>40</sup> Dr Briscoe drew my attention to Hertz's conjecture when I communicated my proposal to him.



Our text of books 41–5 depends solely upon V (Vienna, Bibl. Nat. Lat. 15), a MS. which dates from the fifth century.

**41.3.4–6.** The Histrians have stormed the camp of the second legion; the Romans have fled in confusion to the coast; and an urgent message is sent to the third legion. Since Grynaeus produced the *editio princeps* at Basel in 1531, a quaternion of V has gone missing, and Grynaeus' edition now provides our sole evidence for what Livy wrote in this passage. Here is the text of Briscoe, the most recent editor, who follows Grynaeus except in the place noted:

uix mille ducenti ex tanta multitudoine qui arma haberent, perpauci equites qui equos secum eduxissent inuenti sunt; cetera deformis turba uelut lixarum calonumque, praeda uero<sup>41</sup> futura, si belli hostes meminissent. (5) tunc demum nuntius ad tertiam legionem reuocandam et Gallorum praesidium; et simul ex omnibus locis ad castra recipienda demendamque ignominiam rediri coeptum est. (6) tribuni militum tertiae legionis pabula lignaque proicere iubent, centurionibus imperant ut grauiore aetate milites binos in ea iumenta ex quibus onera deiecta erant imponant; equites ut singulos e iuuenibus pedites secum in equos tollant.

The omission of a verb of motion from the sentence *tunc demum nuntius ad tertiam legionem reuocandam et Gallorum praesidium* is very difficult.<sup>42</sup> In its defence Briscoe cites three passages, but none convinces: at 44.24.1 *eodem tempore et ad Eumenem et ad Antiochum communia mandata, quae subicere condicio rerum poterat* it is easy to conjecture *mandata* <*data*> or <*sunt data*> with Weissenborn;<sup>43</sup> at Cic. *Phil.* 6.3 *ad quem enim legatos?* the fact that the sentence is a question and that *legatos* picks up another instance of *legatos* only fourteen words previously makes the ellipse very much easier; and at Plin. *epist.* 1.5.9 *nuntius a Spurrinna: 'uenio ad te.'* 'immo ego ad te.' the truncated epistolary manner is very different from the style of Livy.<sup>44</sup> Emendation is thus required. Madvig's *praesidium* <*missus*> and *praesidium* <*arcessendum missus*> give good sense,<sup>45</sup> but they are diplomatically less probable than Weissenborn's earlier proposal *nuntius* <*missus*>,<sup>46</sup> which I would adopt.<sup>47</sup>

Nor do the difficulties of the paradosis end here. Sage and Schlesinger translated §6 *tribuni militum tertiae legionis pabula lignaque proicere iubent* by 'The military tribunes of the third legion ordered foraging parties to abandon the forage and wood they had collected', and in a foot-note they referred back to the *pabulatores* and *lignatores* of 1.7. The absence, however, of a noun which is object for *iubent* and contrasts with *centurionibus* is intolerable, and once again emendation is needed. *Militum* is the obvious word to attack, and for it Madvig proposed *milites*.<sup>48</sup> This is attractive and may be correct, but it is worrying that Livy very much prefers the full phrase *tribuni militum* to the plain *tribuni*; that Madvig's conjecture disrupts the

<sup>41</sup> This is Briscoe's conjecture for *uere*; other proposals are listed in his *apparatus*.

<sup>42</sup> In general on such ellipses, see n. 6 above.

<sup>43</sup> Drakenborch's <*data sunt*> is diplomatically much less probable. Dr Briscoe, who tells me that he is much less willing than I am to emend away instances of ellipse, has asked me to adduce a parallel for the assonance *mandata data*. Though I cannot yet meet the challenge, I do not find the assonance difficult, and observe that its effect is diminished by the second *a* of *mandata* being long, but the first *a* of *data* being short.

<sup>44</sup> Briscoe actually cited Plin. *epist.* 1.15.9, but this is a misprint.

<sup>45</sup> *ad loc.* in J. N. Madvig and J. L. Ussing, edition of Livy *pars* IV.1 (Copenhagen, 1864).

<sup>46</sup> See W. Weissenborn, *Lectionum livianarum particulae* (Eisenach, 2 vols), i.17–18.

<sup>47</sup> *Sigonius' nuntius <opprimendum uenit>* is impossible; the variation by which later editors just supplied *uenit* has less to commend it than the conjecture of Weissenborn.

<sup>48</sup> Madvig<sup>1</sup>, p. 495 = <sup>2</sup>, p. 604. Hertz later suggested *militem*, but the collective singular seems less appropriate.

characteristically Livian pattern *tribunus militum x legionis*,<sup>49</sup> and that at 1.7 the soldiers of the third legion are not foraging themselves but only escorting foragers.<sup>50</sup> Perhaps then one should consider reading *tribuni militum tertiae legionis pabula* <tores pabula> *lignaque procire iubent*.

**41.14.1.** At 13.6–14.2 Livy records the triumph of C. Claudius Nero over the Ligurians and the subsequent reaction of the allegedly beaten people. Briscoe prints the passage thus:

C. Claudius consul ad urbem uenit; cui, cum in senatu de rebus in Histria Liguribusque prospere gestis <disseruisset>, postulanti triumphus est decretus. (7) triumphauit in magistratu de duabus simul gentibus. tulit in eo triumpho denarium trecenta septem milia et uictoriatum octoginta quinque milia septingentos duos. militibus in singulos quini deni denarii dati, duplex centurioni, triplex equiti. (8) sociis dimidio minus quam ciuibus datum. itaque taciti, ut iratos esse sentirent, secuti sunt currum (*Grynaeus*: *currus* V).

(14. 1) †triumphus de Liguribus agebatur†. Ligures postquam senserunt non consularem tantum exercitum Romam abductum, sed legionem ab Ti. Claudio Pisis dimissam, (2) soluti metu, clam exercitu indicto, per transuersos limites superatis montibus in campos degressi, agrum Mutinensem populati, repentino impetu coloniam ipsam ceperunt.

In his *apparatus* Briscoe lists six attempts which have been made to emend the obelised passage. The most popular approach has been to insert a conjunction before *triumphus* and a comma after *agebatur*: thus Grynaeus suggested <*dum is*> *triumphus*, Drakenborch <*cum is*> *triumphus*, and H. J. Müller <*cum*> *triumphus*.<sup>51</sup> A variant of this approach is to postulate that the missing conjunction has been corrupted into *currus*: thus Gitlbauer suggested that we write...*secuti sunt, cum is triumphus de Liguribus agebatur. Ligures...*,<sup>52</sup> and Harant, adopting better punctuation, proposed...*secuti sunt. cum is triumphus de Liguribus agebatur, Ligures...*<sup>53</sup>

This variant approach, however, may be dismissed at once: since Livy uses the expression *currum sequi* in the context of triumphs also at 3.29.5, 7.13.10, 33.23. 6, 34.52.10, 36.40.13, 37.46.6, and 39.7.3, it is singularly improbable that V's *currus* arose in any other way than through corruption of *currum*. Most editors have accepted Drakenborch's supplement, and it may be noted that two of the thirty instances of *agebatur* and *agebantur* in Livy provide a parallel: 36.5.1 *cum haec Romae agebantur, Chalcide Antiochus...* and 15.1 *cum haec agebantur, Chalcide erat Antiochus...* Nevertheless, the repetition *Liguribus... Ligures* is astonishingly uncouth even for an author as tolerant of iteration as ours, and it is hard to believe that Livy wrote it.

Thus one might conclude that Briscoe was correct to obelise the passage. Yet there lurks in his *apparatus* a sixth proposal, whose merits have been undervalued for too long: Hartel's deletion of *triumphus de Liguribus agebatur*.<sup>54</sup> With this excision Livy moves most effectively straight from the triumph of Claudius to the contemptuous reaction of the Ligurians. The resulting pattern of a sentence beginning with a proper name and then a *postquam*-clause is very characteristic of Livy; cf. e.g. 2.20.4, 21.18.3, 24.30.2, 25.33.1, 27.16.16, 34.8.4, 35.30.1, 38.13, 43.7, 37.26.1, 38.29.11, and 39.51.7. Deletion of these four words may seem a rather violent method of restoring

<sup>49</sup> See e.g. 36.3.13, 44.37.5, and many further examples at Packard iii. p. 65.

<sup>50</sup> These two last objections to Madvig's conjecture were put to me by Dr Briscoe.

<sup>51</sup> Briscoe, however, is probably correct to suspect that this last is a misprint in W-M and not a new proposal by H. J. Müller.

<sup>52</sup> M. Gitlbauer, *De codice liviano vetustissimo vindobonensi* (Vienna, 1876), pp. 97–101.

<sup>53</sup> A. Harant, *Emendationes et adnotationes ad Titum Livium* (Paris, 1880), p. 223. Harant seems to have been unaware of the proposal of Gitlbauer.

<sup>54</sup> W. von Hartel, *ZöG* 17 (1866), 1.

sense to our passage; but they add nothing to the context, and it is easy to argue that they were originally a marginal summary which was later copied into the text. As a parallel one may cite 45.41.1, where the self-evidently interpolated *L. Paulo oratio ad populum Romanum* is found in V;<sup>55</sup> and numerous interpolations of this kind are found in the important *codex Mediceus* of the first decade (Flor. Laur. lxiii. 19),<sup>56</sup> of which the most interesting for our purposes are *insignis et opulentus Sulpicii dicat de Gallis triumphus aurum in capitolio saxo quadrato saeptum* at 7.15.8 and *triumphus de Tiburtibus* at 7.19.2.<sup>57</sup>

**41.24.7.** Archo tries to persuade the assembly of the Achaeans to adopt a more conciliatory attitude towards Macedon:

cur quidem nos inexpliabilis omnium soli bellum aduersus regnum Macedonum geramus, non uideo.

Grynaeus (followed by many editors, including e.g. W-M, Heraeus, and Jal<sup>58</sup>) proposed *inexpliabile* for V's *inexpliabilis*; but Briscoe retains the *paradosis*, citing Cic. Pis. 81 *si mihi numquam amicus C. Caesar fuisset, si semper iratus, si semper aspernaretur amicitiam meam seque mihi implacabilem inexpliabilemque praeberet, tamen...* as a parallel for a person being said to be *inexpliabilis*; and this does indeed establish that the text of V is possible.

That it is not probable is shown by two considerations, which greatly enhance the attractions of the proposal of Grynaeus: firstly, this use of *inexpliabilis* is very rare, and to the Ciceronian passage I have been able to add only the not very substantial support of Schol. Hor. *serm.* 1.7.9 *capitalis inimici et inexpliabilis* (cited at *TLL* 7.1.1325.8–82); secondly, *inexpliabilis* is coupled with *bellum* at 4.35.8, 33.12.8, and 33.47.9,<sup>59</sup> that is in three of the five other certain instances of the adjective in Livy.<sup>60</sup>

Which then is the easier assumption: that Livy used *inexpliabilis* in an unusual and surprising way? Or that a slight change should be made to a notoriously corrupt manuscript in order to restore a regular Livian expression? When the question is put thus, it is hard not to side with Grynaeus.

<sup>55</sup> This was adduced by Hartel (but with a faulty reference). It has to be admitted that further parallels from books 41–5 are not easily produced; but at 41.8.2 *sed ea propter belli magnitudinem prouincia consularis facta; Gracchus eam sortitur, Histriam Claudius Drakenborch* must have been correct to delete *Gracchus... Claudius* (cf. 9.1 and 9.8), and Briscoe's excision of the whole passage is attractive; and at 44.19.6. *sacrificio rite perfecto*, which is interpolated before *primi*, looks like a marginal summary which reproduces a phrase found in §4.

<sup>56</sup> Most are listed on pp. vii–viii of the 1919 Oxford Classical Text of C. F. Walters.

<sup>57</sup> Note also that the  $\pi$ -group of MSS interpolate *numerus caesorum apud uolsinios* at 10.37. 2, the  $\lambda$ -group *quemadmodum Satricum capiatur a Camillo* at 6.8.9 (for other small interpolations in  $\lambda$ , see R. M. Ogilvie, *CQ* 7 [1957], 69). See in general Drakenborch's note on 7.40.4.

Further parallels may be adduced from the text of Velleius Paterculus. W. S. Watt, *Vellei Paterculi Historiarum Libri Duo* (Leipzig, 1988), p. 9, provides a useful list of passages where interpolation is probable or possible; and of these 1.8.6 *hic centum homines electos appellatosque patres instat habuit consilii publici; hanc originem nomen patriciorum habet. [raptus uirginum Sabinarum]* is closest to the corruption postulated in our passage (though whatever Velleius said about the rape of the Sabine women has been lost in a lacuna after *Sabinarum*). See also above on 29.22.10.

<sup>58</sup> Jal does not even bother to record the reading of V.  
<sup>59</sup> In Latin as a whole this coupling is extremely common, and Cic. *har. resp.* 4, *Phil.* 13.2, 14.8, Pomp. Trog. *ap. Iust.* 38.6.6, Quint. *inst.* 2.16.2, Flor. 2.15.1, Arn. *nat.* 1.65, and Iust. 40.1.1 are cited in *TLL*.

<sup>60</sup> On the other two occasions (2.17.2, 39.51.4) it is coupled with *odium*; a further instance would be given by Alscheffski's attractive supplement at 26.13.9 *odii <inexpliabilis> execrabilisque*.

**42.5.5–6.** Livy tries to explain why many Greek states preferred to side with Perseus rather than Eumenes.

intestinis externisque praeterea multis caedibus infamem, nec ullo commendabilem merito, praeferebant uulgo ciuitates tam pio erga propinquos, tam iusto in ciues, tam munifico erga omnes homines regi, (6) seu fama et maiestate Macedonum regum praeoccupati ad spernendam originem noui regni, seu mutationis rerum cupidi, seu quia *non obiecta esse Romanis uolebant*.

Everyone agrees that what V offers in the italicised passage is corrupt, but it is perhaps easier to show that the readings generally adopted are problematic than to find a certain solution to the corruption. The following conjectural emendations are known to me:<sup>61</sup>

*eum obiectum esse Romanis uolebant* (Grynaeus)  
*non subiecti esse Romanis uolebant* (Weissenborn)<sup>62</sup>  
*non abiecti esse Romanis uolebant* (Madvig)<sup>63</sup>  
*eum suspectum esse Romanis uolebant* (Seyffert)<sup>64</sup>  
*non obiecta <praeda> esse Romanis uolebant* (Vahlen)<sup>65</sup>  
*non obiecta <esca> esse Romanis uolebant* (Hertz)  
*non obiecti esse Romanis uolebant* (Weissenborn)  
*non <omnia> obiecta esse Romanis uolebant* (Müller)<sup>66</sup>  
*omnia obiecta esse Romanis uolebant* (Madvig)<sup>67</sup>  
*<sua> non obiecta esse Romanis uolebant* (Novák)<sup>68</sup>  
*obnoxii esse Romanis uolebant* (Roobol)<sup>69</sup>  
*non obiectos sese esse Romanis uolebant* (Damsté)<sup>70</sup>

Briscoe prints Weissenborn's second proposal; but one may wonder what precisely *obiecti* means. If we are to allow it one of the normal senses of *obicere*, then we must translate 'or because they did not wish to be exposed to (or 'put in the way of' or 'thrust against') the Romans'; but this is not very probable, since by siding with Perseus these Greek states were certainly exposing themselves to Rome's wrath, and perhaps to the dangers of a Roman attack. Rather the Greeks must have sided with Perseus because they saw in him a champion who would stand up against Roman domination of the eastern Mediterranean, whereas Eumenes was a long-standing ally of Rome.<sup>71</sup> Thus, if we are to supply a nominative participle agreeing with the Greeks, the sense required is something like 'or because they did not wish to be subject to the Romans'. One therefore has to ask whether any of the less common senses of *obicere* can yield such a meaning. Now *OLD s.u.* 5 does list Varr. *rust.* 3.7.10, Tac. *hist.* 1. 58.2, and Apul. *met.* 3.16 under the rubric 'to hand over (to the care or charge of)'; but these passages all relate to the physical handing over of individuals, and offer no

<sup>61</sup> All are listed by Briscoe.

<sup>62</sup> See Weissenborn, op. cit. (n. 46), ii. p. 9.

<sup>63</sup> See Madvig<sup>1</sup>, p. 510 = <sup>2</sup>p. 620.

<sup>64</sup> See M. Seyffert, *NJPhP* 7 (1861), 835.

<sup>65</sup> See J. Vahlen, *ZöG* 12 (1861), 250–1 = *Gesammelte philologische Schriften* (Leipzig and Berlin, 1911–23), i. pp. 592–3.

<sup>66</sup> See M. Müller, *NJPhP* 15 (1869), 349. A. Goldbacher, *Kritische Beiträge zum XLI., XLII. u. XLIII. Buche des T. Livius* (Vienna, 1919), pp. 40–1 proposed the same conjecture, apparently unaware that he had been anticipated by Müller.

<sup>67</sup> See Madvig<sup>2</sup>, p. 620 n. 1.

<sup>68</sup> Reported by H. J. Müller, *JPhV* 9 (1883), 340.

<sup>69</sup> See J. Roobol, *Exercitationes criticae in T. Livi Libros XLI–XLV* (Diss. Utrecht, 1916), p. 17.

<sup>70</sup> See P. H. Damsté, *Mnem.* 50 (1922), 46.

<sup>71</sup> A possible objection to this argument (as Dr Briscoe has pointed out to me) is that the Greeks may not have thought so rationally; but I do not think that it is strong enough to protect Weissenborn's conjecture.

support to Weissenborn's conjecture. It must therefore be dismissed, and with it must go the conjectures of M. Müller, Novák, and Damsté, where similarly impossible senses of *obicere* are postulated.<sup>72</sup>

Four further conjectures may swiftly be dismissed: Grynaeus and Seyffert make the Greeks seem implausibly Macchiavellian; Madvig's *abiectioni* (which he meant as the equivalent of *contempti* or *uiles*) imports a usage not employed by Livy; and Hertz's *esca* is most politely described as grotesque.

We are thus left with four conjectures, between which decision is not easy. Vahlen's *non obiecta <praeda> esse Romanis uolebant* is economical and provides the correct general sense; but one may wonder whether *praeda* is the right word in this context. Weissenborn's earlier *non subiecti esse Romanis uolebant* gives similar sense by a very easy change; and we may probably ignore Madvig's objection that in such a context the Latin for 'subject' was *obnoxius*, since Livy's use of language was not always precise (see e.g. 7.30.2 *subiecti atque obnoxii* and 37.53.4 *uerbo socios, re uera subiectos imperio et obnoxios*). Likewise Roobol's *obnoxii esse Romanis nolebant* is attractive, but it also involves more changes to the paradosis. Madvig's *omnia obiecta esse Romanis uolebant* (= 'they desired everything to be put in the Romans' way') is rather different, but it too provides excellent sense and is very economical.

One further consideration, however, may help us towards a decision: Livy nowhere replaces the imperfect of *nolle* with *non* and forms of *uelle*,<sup>73</sup> and he is therefore unlikely to have written *non...uolebant* in our passage. We thus have an additional reason for dispensing with most of the conjectures considered in the earlier paragraphs of this note;<sup>74</sup> and to their number we must now add the first proposal of Weissenborn and that of Vahlen. This leaves us with the second conjecture of Madvig and the conjecture of Roobol, and of these two good suggestions that of Madvig is probably the easier. But amidst such uncertainties it would be prudent to obelise.

#### 45.12.9–10. The consul summons his legions.

consulium eius anni sicut alterius clarus consulatus insigni uictoria, ita alterius obscura fama, quia materiam res gerendi non habuit. (10) iam primum *cum legionibus ad conueniendum <diem> dixit*, non auspicato templum int<rauit>.

The supplement in the italicized passage is that proposed by Grynaeus, and he has been followed by many editors, including e.g. Heraeus and Briscoe. The conjecture makes good sense, and the pattern *ad conueniendum diem (e)dicare* is supported by 23.31.3, 35.5, and 31.11.1; note also 23.31.5 *ad exercitum cui ad conueniendum Cales edicta dies erat M. Claudius Marcellus missus*. Yet one may also suggest an alternative position for the supplement: *cum legionibus <diem> ad conueniendum (e)dixit*. This is supported by 22.11.3, 12.1, 23.32.14, and 28.5.2; note also §12 below *dies exercitui ad conueniendum dicta erat*, 36.8.2 *Aetolis Amyndandroque dies ad conueniendum exercitui Pheras est dictus* (where, however, the text is corrupt),<sup>75</sup> and 41.10. 12... *brevisque dies*

<sup>72</sup> As parallels for *obiecta* Müller cited several passages, including 6.1.12, 22.34.6, 42.6, and 34.9.4, but none much helps his case. Schlesinger translates the proposal of Müller and Goldbacher (which he misreports) 'or because they did not wish all things to become completely subject to the Romans': but *obiecta esse* cannot mean 'to become completely subject'. Jal also follows Müller and Goldbacher and translates 'ou parcequ'ils ne voulaient pas que <tout> fût à la merci des Romains'; but this is equally improbable.

<sup>73</sup> He does use the imperfect of *uelle* after *nec*, but that is rather different; imperfect forms of *nolle* are found six times in his work.

<sup>74</sup> Not, however, those of Grynaeus and Seyffert; but we have seen that there are other reasons for impugning these.

<sup>75</sup> See Briscoe's apparatus and note.

*ad conueniendum edicta est.* Thus Livian usage suggests that this supplement is at least as probable as that of Grynaeus, although it has to be admitted that it is harder to give a diplomatic reason for the omission of *diem*.<sup>76</sup> (At 41.17.8. *eodem Pisas et Q. Petillius consul ad conueniendum exercitu<i die>m edixerat*, where the supplement is again due to Grynaeus, we might also consider <*diem*> *ad conueniendum*, but there the presence of *exercitum* in V does seem to point more clearly to the solution of Grynaeus.)

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<sup>76</sup> F. Luterbacher, *ap.* H. J. Müller, *JPhV* 8 (1882), 298 proposed <*edixit* for *dixit*, and he has been followed by e.g. Heraeus and Jal, but not by Briscoe. This conjecture may be correct: *edicere* is found in all the passages cited above, except §12 and 36.8.2, and also at 35.3.2 *Minucius consul Arretium die quam edixerat ad conueniendum militibus uenit*; and further support comes from passages like 40.26.6 ...*militibus...diem edicerent quo Pisas conuenirent*. Nevertheless, §12 and 42.48.4 *P. Licinio consuli...mandatum ut exercitui diem primam quamque diceret ad conueniendum* support the paradox; and, rather than introduce *edicere* in all three passages, it is probably easier to accept that Livy occasionally used *dicere* in this context. (Apart from the passages discussed in this note *ad conueniendum* is found in his work elsewhere only at 33.41.2, which is rather different.)