

CHAPTER 5

Consulars, Political Office, and Leadership in the Middle and Late Republic

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Abstract

This chapter aims to define the opportunities for office-holding post-consulship and how it affected republican leadership more generally. In the pre-Sullan period, consulars, as a group, were systematically involved in the running of the *res publica* through responsibility for a wide range of specific tasks. In some cases, ambitious individuals used this as an opportunity to continue in their active leadership roles after the consulship. However, in practice the arithmetic of consulars and tasks meant that the on-going activity by consulars was a normal part of the operation of the *res publica* at the behest of Senate or People. In the post-Sullan period, changes to the *cursus honorum* made consulars a correspondingly even smaller element within the Senate than they had been before. Nevertheless, their leadership on behalf of the *res publica* in practice became more limited. This outcome was closely connected with the development of extraordinary *imperium*, which provided a new route to post-consular power but one available to just a few. For most consulars, their subordination to Senate and People changed to the subordination to another consular, with clear consequences for the location and display of political power at the end of the republican period.

Keywords

consulars – leadership – political experience – Senate – office – *cursus honorum*

1 Introduction

The small size of Rome's public administration in comparison to the size and complexity of its Empire is well-acknowledged. However, this modesty of scale did not extend to its elected office-holders, of which there were a significant number. In 200,¹ there were eighteen or twenty-two positions in the regular

¹ All dates are BCE.

cursus honorum and an additional ten tribunes of the *plebs*; this had risen to thirty-eight by the end of the Republic, with the number of tribunes remaining at ten.² Just as importantly, for the numbers of those with experience of public office, these were annual positions. Each year, over a staggered set of dates during the winter, every office was vacated and refilled. There were two consequences of this regular change in office-holders. First, a lot of men had direct experience of involvement in the running the *res publica* in some capacity.³ Secondly, for the vast majority at any particular moment, that experience was retrospective and possibly prospective, but not actual. Even a consul might have spent as little as three years in public office over the course of a career in public life that lasted three decades or more. The *res publica* was at most periods well-supplied with experienced *privati*. This was a different phenomenon from the mass exposure to political practice inherent in the Athenian democracy; those who ran the Roman *res publica* regarded themselves as a distinct group, even when that distinction had ceased to be underpinned exclusively by status derived from patrilineal descent, and however porous the boundaries of the political class were in practice they were nonetheless policed by wealth and by social norms which drew attention to the distinctiveness of newcomers.⁴

Inherent in the *cursus honorum* was a process of attrition. More started than finished, and the result was competition, albeit of varying intensity from year to year.⁵ Nonetheless, two men each year reached the summit, and two men joined the ranks of the consulars, a group which under normal circumstances

2 The uncertainty in 200 relates to the number of quaestors; see further Harris 1976; Santangelo 2006, 9, n. 7.

3 The exact number varied constantly and is not recoverable; an estimate can be made depending on the amount of overlap between office-holders and their likely life-expectancy. If we assume that every holder of the aedileship, praetorship, and consulship and half the tribunes of the *plebs* had held the quaestorship, that prior to 80 there were only eight quaestors and that life-expectancy at the end of the quaestorship and tribunate was on average a further thirty years, then at any moment an average of 390 men had held at least the quaestorship or tribunate (that is, $(8+10/2) \times 30$). That rises to 510 if we assume twelve quaestors prior to Sulla; and 750 after Sulla's modifications. Not all these men would be senators.

4 What expectations around property ownership underpinned the actions of the magistrate presiding over elections in accepting candidacies is not known, but it seems highly unlikely that there were none (though the position of the tribunate of the *plebs* is likely to have been different).

5 That at least is the impression given by Livy's narrative of the early part of the second century, which identifies particularly vigorous campaigns, one confirmed by the likelihood within small cohorts of death or incapacity striking unevenly.

might have included around 40 individuals.⁶ Consulars were invariably members of the Senate.⁷ As senators, they had the opportunity and indeed the obligation to participate in the deliberations of that body; and their seniority would guarantee their continued *adlectio* to the Senate for the rest of their lives.⁸ Membership of the Senate provided the basis for consulars' continuing role in public life.⁹ However, there were a number of other institutional mechanisms which could extend the formal career of a consular through specific positions. Holding the consulship was not necessarily the end of a politician's holding of office.

The aim of this chapter is to define the opportunities for office-holding post-consulship and then to consider the relationship between that kind of activity and leadership within the *res publica* more generally. The survey of offices is divided into the pre- and post-Sullan periods, and the chapter argues that there is substantial difference in the role of consulars between the two. In the pre-Sullan period, consulars, as a group, continued to be heavily involved in the running of the *res publica* through responsibility for specific tasks, even if this activity did not in itself define a cadre of consular leaders. Activity on the part of consulars was in part a matter of pragmatism, to ensure expertise was used; but it can also be seen as a mechanism to maintain the fiction of elite equality. In the post-Sullan period, changes to the *cursus* made the consulars a much smaller group within the Senate. However, they do not thereby appear to have acquired a more significant leadership role, and opportunities for office-holding after the consulship contract. I conclude by suggesting

6 One of the peculiarities of institutional development in the Republic is that that number remained static throughout despite growth overall in the number of office-holders and related growth in the Senate; the distinction involved in reaching this office relative to membership of the Senate increased over time.

7 There are some examples from the late Republic of *consuls* who were not senators when they entered office: Pompeius is the most famous. It also seems very unlikely that C. Marius (*cos.* 82) was enrolled in the Senate by the censors of 86, when he was in his early twenties. But Pompeius was enrolled in the Senate during his consulship, and Marius died in office.

8 Absent, that is, behavior of such a kind as to lead the censors to refuse to enroll.

9 The Senate was an arena for political activity for all its members, *privati* or not, and it is reasonable to assume that it remained the bedrock of a consular's continuing influence, or lack of it, subsequent to his consulship. To assess the interplay of senatorial debate and political influence—let alone the web of negotiation that took place among senators outside the Senate's meetings—is beyond the scope of this chapter, whose focus is on offices and tasks. Nonetheless, the Senate must be considered as part of the overall picture of consular activity; it is reasonable to assume a continued interplay between presence and contribution in the Senate and capacity to act in a variety of roles outside the Senate. On senatorial debate in the Republic, Bonnefond-Coudry 1989; Ryan 1998.

that their sidelining as a group cannot be understood separately from the development of extraordinary *imperium*. This provided a new route to post-consular power: but the number of men who benefitted was proportionally much smaller, with destabilizing consequences for the profile of the elite.

2 Consulars and Public Positions before Sulla

In the first place, whilst the consulship itself lasted only a year, the tasks associated with a particular tenure of that position could be made longer through the mechanism of prorogation. As with the praetorship, the tenure of *imperium* could be extended beyond the year of office.¹⁰ In such cases, the consul's *provincia* remained the same, though he could receive additional instructions from the Senate in relation to that *provincia*; but the principle underpinning the development of prorogation appears to have been a recognition that additional time was required in order to complete a particular activity. Prorogation did not expand the range of tasks that one individual would undertake, but did give him longer in command in order to accomplish it: this usually involved an additional campaigning season, and therefore extended the tenure of consular *imperium* from one to two years.

It is clear that prorogation was a response to the shortage of capacity which arose from the collision of three factors: the military and administrative demands of an expanding empire, a fixed number of positions enabled to undertake those demands, and a fixed period of time for which those positions could be held. It was not the only response: the Senate also twice increased the number of praetorships.¹¹ But increasing the number of consuls beyond two seems never to have been considered. That in turn meant that any increases in the number of the praetorship increased competition for the consulship. The destabilizing effects of changing the shape of the career pyramid seem to have prevented further development in the number of praetorships before Sulla.¹² Given the nature of office-holding, prorogation could be fitted in without much difficulty into existing practice, since a gap between elected offices appears to

¹⁰ Brennan 2000, 73–75, 187–190; Vervaeke 2014.

¹¹ From two to four in 228 and to six in 197.

¹² That is, the strange compromise of the *lex Baebia*, to alternate between four and six praetorships, and the failure to increase the number of praetorships to eight in 146—the point at which the number of *provinciae* which required the oversight of an *imperium*-holder outstripped the number of *imperium*-holders, and thus embedded prorogation as a regular feature of political practice (Brennan 2000, 239–240).

have been the norm. In that respect, therefore, prorogation as a mechanism was facilitated by the amount of time as *privati* that politicians normally spent during their careers.

Slightly more than one in five consuls—allowing for some fatalities among consulars during and in the years immediately following tenure of the consulship—would hold the censorship. This office marked the only regular and predictable stage in the *cursus* beyond the consulship, and brought with it a further period in office and perhaps the most significant collection of patronage opportunities that the *res publica* gave any of its officers.¹³ The censorship was an elected position and the elections were on occasion exceptionally fiercely fought.¹⁴ Success in securing election reflected the accumulated influence and reputation of a consular, and in turn provided a considerable boost to the holders' soft power, through *adlectio* to the Senate, census enrolment, and such direction as the censors could bring to the placing of public contracts.

The censorship extended an individual's period in office, and by its scarcity it marked out a distinctive group within the consulars as a whole. But it remained a time-limited office, and its holders would once again be *privati* when their tenure of the position came to an end.

The members of the four colleges of religious offices also formed a prestigious subset among the political class.¹⁵ But in a number of respects the priests were a different kind of presence within the *res publica* from ex-censors, and one whose significance is arguably more difficult to grasp. The men who held these positions were not necessarily consulars. Indeed, it is striking how young some holders were when they acquired the position; some even did so before they had started on the *cursus*. Nor was holding an elected office, or even standing for one, a necessary criterion for holding a priesthood.¹⁶ Insofar as there was an overlap between membership of a priestly college and the tenure of high elected office, the connection arguably ran from priesthood to consulship and not the reverse. That is, holders of priesthoods were marked out early in

13 On the censorship, Suolahti 1963; Pieri 1968; Clemente 2016. A second consulship was also a possibility, though rare; its occurrences are not easy to explain (cf. Syme 2016, 47–49).

14 On censorial elections, see particularly Livy 37.57.9–58.2. Its distinct prestige is perhaps evident in the relatively slow pace of plebeian progress in capturing the office (the first two plebeian censors were elected in 131), over forty years after the first pair of plebeian consuls. But the relatively small numbers impose some caution.

15 The number of positions in the priestly colleges underwent some inflation during the Republic, from around 30 in 200 to nearly 50 at its end, with the most significant expansion due to Sulla; even so, membership of the priestly colleges as a proportion of the size of the Senate shrank after 80.

16 Indeed, the *flamines* had significant difficulty in holding high office.

their careers as those who would rise up the *cursus*: this did not guarantee any subsequent electoral success, but might contribute to it as an existing mark of distinction.¹⁷ These positions were also held for life: death, not a fixed time-limit, created vacancies. Priesthoods were thus the only kind of public office at Rome which gave the holder a role which did not have an end date.

However, it is less clear how individuals used this ongoing public position, with the exception of the *pontifex maximus*. All holders of that position, who seem always to have been drawn from among the existing pontiffs, between the end of the third century and Caesar, reached the consulship, though a substantial minority did so only after they had become *pontifex maximus*.¹⁸ This overlap suggests that the position of *pontifex maximus* was considered to involve political skills which meant that only those who had reached the consulship or whose careers up to that point indicated that they would be regarded by the electorate as suitable candidates.¹⁹ The individual activities of the other pontiffs and members of the pontifical college within the deliberations of the college are, however, not easily traceable.²⁰ Identifying the contribution of individuals is even more challenging within the other three colleges, which lacked the internal differentiation and hierarchies of the pontiffs. It might seem reasonable to assume that within each college length of tenure was a significant factor in determining how far an individual priest might contribute to debate and decision, but even if this were the case, exceptions occurred.²¹ Holding a priesthood was an ongoing position in public life; but what the holder might do with that position varied, and it is difficult to establish in general terms the significance of the priesthood in relation to a priest's other marks of status and resources for their ongoing public role.

17 This dynamic was shifted by the *lex Domitia* in 104, which introduced popular election for priesthoods.

18 The gap was one year in the case of Pius, three for Scipio Nasica, four for Caesar and seven each for Crassus Dives and Ahenobarbus. Between 212 (when Crassus became *pontifex maximus*) and Caesar's death, therefore, the *pontifex maximus* was not consul or a consular a little more than one year in eight.

19 Being *pontifex maximus* may well have contributed to electoral success. On the political significance of the position, Bollan 2013.

20 In *de Domo Sua*, the most detailed surviving evidence from the Republic relating to a particular instance of pontifical deliberation, Cicero treats the college as a unified whole in terms of its decision-making, though he is careful to acknowledge the identities of its individual members. See further Stroh 2004.

21 Cf. the career of Ahenobarbus.

Consulars could also be tasked by the Senate or People with a specific job. There were special commissions, created by statute, to undertake various one-off tasks which did not fall under the scope or within the capacity of annually-elected magistrates. In the first third of the second century, a number of *IIrviri coloniis deducendis* were established to oversee colony foundations.²² That model was revived later in the century to oversee land distributions under the Gracchan and subsequent legislation, and the model was also used occasionally for other tasks.²³ Membership of colony foundation commissions was by no means drawn only from a pool of consulars.²⁴ The pattern of their involvement either individually or collectively is not easy to read; but it is at least clear that this particular task was regarded as appropriate to one of consular status, even if consular status was by no means required for all its holders.

The tasks just described necessitated the involvement of the People in approving legislation which set up a particular colony and its founders. Other kinds of activity on behalf of the *res publica* were not authorized by legislation and did not involve the tenure of an office, in distinction to the commissions I have just discussed; these jobs, usually diplomatic, were entrusted by the Senate to senators acting as its *legati*. As in the case of *IIrviri*, consulars were among those sent as *legati*, though not all *legati* were consulars; indeed, at points of intense diplomacy, the supply of *legati* far outstripped the available number of consulars.

These *legati* had instructions from the Senate, but, operating at a distance, they also had a high degree of independence. Seniority and experience is evident in *legati* of this kind, but the composition of embassies was, however, quite varied.²⁵ The year 172 can act as a case study of this variation; it was a period of considerable diplomatic activity in the run up to war between Rome and Perseus, and as it is contained within the surviving parts of Livy's

²² On this phase of colonization, Salmon 1970; Scheidel 2004, 10–11.

²³ Temple foundations in 194, 192, 191, 181, and 175; a commission of ten for land distribution in 173. Too little is known about the position of *duumviri navales* to assess if this position too falls into the category of irregularly occurring positions authorized by statute (see Dart 2012), but as no consular is known in the position in the second century the issue can be set aside here. The apparent tailing off of special commissions after 167 is an accident of the source material.

²⁴ *IIrviri coloniis deducendis* could involve no consulars (that was the case for all the five sent in 194 and for those in 193, 186, 184, one of the three sent in 183 (though that included one of the consuls), 180, 169); one consular (200, 197, 190, 189, one of the three sent in 183, 181, 177); or two (199, one of the three sent in 183). Details on the composition of each in Broughton 1951. That is, out of these sixty positions, eleven were held by consulars.

²⁵ Canali de Rossi 2000.

narrative, prosopographical detail concerning the composition of the embassies is preserved.

There were at least five embassies sent out during this year:

- i. To Asia (Livy 42.45.1–7; Polyb. 27.3.1–5): T. Claudius Nero (cos. 202); Sp. Postumius Albinus (cos. 174); M. Iunius Brutus (cos. 178).
- ii. To Apulia and Calabria, to purchase grain (Livy 42.27.8): Sex. Digitius (pr. 194); T. Iuventius (pr. 194); M. Caecilius.
- iii. To Greece (Livy 42.37.1–9): Q. Marcius Philippus (cos. 178); A. Atilius Seranus (pr. 192, 173); P. Cornelius Lentulus; Ser. Cornelius Lentulus; L. Decimius.
- iv. To Perseus (Livy 42.25.1–13): Cn. Servilius Caepio (pr. 174); App. Claudius Centho (pr. 175); T. Annius Luscus.
- v. To Gentius (Livy 42.26.6–7): A. Terentius Varro (pr. 184); C. Plaetorius; C. Cicereius (pr. 173).

These embassies had differing compositions, though each contained at least two individuals who had held *imperium*. (In some cases, though, a long time previously: Sex. Digitius and T. Iuventius had held the praetorships over twenty years earlier.) It is possible to hypothesize some rationale for these variations. The embassies to Asia and to Greece were to assure the ongoing support of Rome's allies in those regions in the war which the Senate expected imminently to break out with Perseus.²⁶ The negotiations that the *legati* on those missions were likely to have to undertake were complex and the outcome both uncertain and important: these were embassies in which skill and understanding mattered. The organization of the corn supply, by contrast, might require a different set of skills.²⁷

However, it is also worth considering the amount of choice the Senate had at its disposal when sending these embassies. The pool of potential appointees was reduced by a number of concurrent activities. A commission of ten had been established the previous year to assign land in Liguria and Cisalpine Gaul; its membership included two consulars, and it seems still to have been at work. Three consulars had been among those dispatched on embassies to the eastern Mediterranean the previous year; none of them is used again in 172, and in one case, the legate's return to Rome is noted during 172. It is certainly possible that neither of the other two was available. If that is the case, then ten consulars

²⁶ Burton 2017, 56–77, 197–201.

²⁷ The coincidence of the date of Digitius' and Thalna's praetorships might be suggestive, but it is difficult to see exactly how: Thalna was peregrine praetor in 194, which might have given him some useful connections in Apulia and Calabria, but Digitius was (not very successfully) in command in Hispania Citerior.

were engaged in specific tasks for the *res publica* during 172.²⁸ This number cannot by any means have exhausted the total number of consulars. But when it is combined with a number of other factors whose existence can be hypothesized, even though not proved, including health, competence and experience, it is possible to see how in practice the Senate's capacity to choose specific individuals for the range of tasks that faced was constrained by a number of practical issues. Moreover, it remains unclear how far volition was required on the part of *legati*.²⁹ What negotiations preceded the announcement of the dispatch of *legati*? Was there an expectation that those approached should agree? Given the range of uncertainties about both personnel and attitudes, it is not possible to be sure whether the Senate struggled to fill its vacancies. But even if this was an environment in which the supply of potential commissioners and *legati* exceeded the demand, it is still evident that the consulship was not inevitably the end of a public career. Some consulars, at least, and particularly at times of heightened international tension, were called upon to undertake a specific job on behalf of the Senate or People.

One more phenomenon should be included in this survey, that of consular legates to *imperium*-holders. Normally, *legati* serving in Rome's armies were relatively junior individuals, often with a personal connection to the *imperium*-holder. Nonetheless, there are some examples of consulars who served in the armies of others in the pre-Sullan period. Perhaps the most significant example is Scipio Africanus, who was a legate with the army of his brother Lucius (cos. 190), later—as a result of military successes ascribed in large part to Publius' abilities—to be known as Asiagenes. Indeed, Scipio's willingness to undertake this role apparently played a part in the Senate's deliberations about how it should conduct the war against Antiochus.³⁰ This kind of appointment was not, however, entirely new. There had been a number of comparable appointments in the years immediately before. Flamininus had two consular legates in Greece in 197 (P. Sulpicius Galba Maximus and P. Villius Tappulus).³¹ M. Mar-

28 That is, two were on the land commission in northern Italy (M. Aemilius Lepidus, cos. 187, 175; P. Cornelius Cethegus, cos. 181); three were still involved in or returning from embassies sent the previous year (App. Claudius Pulcher, cos. 185; M. Claudius Marcellus, cos. 183; C. Valerius, cos. suff. 176); four were distributed among the embassies sent out in 172 (see above); and the *imperium* of one of the consuls of 173, M. Popillius Laenas, was prorogued into 172.

29 Cicero's experience of seeking a *liber legatio*, or a role with Caesar, is probably not a good comparison.

30 Livy 37.1.9–10.

31 Livy 32.28.12.

cellus (cos. 196) was a legate in Merula's army in Liguria in 193.³² Glabrio in Greece in 191 had three consular legates with his army (L. Valerius Flaccus, cos. 195; Ti. Sempronius Longus, cos. 194; and L. Quinctius Flaminius, cos. 192).³³ Nor was Scipio alone in his role; Cn. Domitius Ahenobarbus (cos. 192) was also with Scipio Asiagenes' army at Magnesia. Perhaps most striking is the case of M. Porcius Cato. He was another consular legate, in his case in 194, the year after his consulship.³⁴ But he also, it seems, stood successfully for election as a military tribune in 191.³⁵ Just as significantly, Plutarch presents these two actions as evidence that Cato chose not to relax after his consulship.³⁶ This observation surely comes ultimately from Cato's own biographical reflections, and that in turn suggests that Cato was self-consciously exploring new ways of shaping a public career post-consulship. In so doing, he followed recent frequent use of consular legates in the campaigns of the 190s, but developed the range of possibilities for consular military service even further, by experimenting with turning the military tribunate into a position which a consular might hold.

The consular military tribunate was not, however, repeated or emulated, and consular legates became notably less frequent after the defeat of Antiochus.³⁷ Cato himself found other means to maintain a dominance in domestic affairs, and his attempt to shape it into a manifestation of individual virtue does not seem to have been influential. Nonetheless, the model of consular legates continued to exist as a possibility. It was deployed for the most part during periods of military challenge, and can perhaps in general best be understood as an example of flexibility in drawing on available expertise rather than an outlet for individual ambition. The prominence of Cato and Scipio Africanus as well as the additional information preserved alongside their appointments does suggest that they saw the personal advantages in this position; but it is important to note that they were two out of nine consular legates attested during the 190s.

32 Livy 35.5–8. Livy also describes Ti. Sempronius Longus (cos. 194) as *consularis legatus*, but he is probably mistaken, as later in this passage he notes that Longus had *imperium*, in contrast to Marcellus.

33 Tatum 2001, 392.

34 Plut. *Cat. Mai.* 12.1. Plutarch refers to the consul only as Tiberius Sempronius; chronology points decisively towards Longus (cos. 194), both that of the phenomenon of consular legates, and the internal chronology of Plutarch's narrative, in which his second military tribunate follows. Plutarch's identification of where Cato operated in this capacity as Thrace and near the Ister is a mistake; the consul of 194 campaigned in northern Italy.

35 Broughton 1951, 354.

36 Plut. *Cat. Mai.* 11.2.

37 Badian 1993, 205–206, with n. 6, identifies a further nine consular legates between 189 and the Social War; cf. Dyson 1976, 357.

It is less clear that the presence of the other seven as consular legates is entirely to be explained by individual ambition: it seems more reasonable to see in their appointments an interplay between prior experience and achievements, particularly military; current capacity; volition; and the personal relationship between the *imperium*-holder and his legate or legates.

This interplay between different factors is a more general obstacle to assessing the significance of public position to a consular's capacity to exert leadership. The range of activities which could be undertaken by consulars involved different degrees of individual choice, whether through the formal mechanism of seeking office through election, or less formal mechanisms to ascertain willingness to serve. There is likely to have been some correlation between seeking office and that position's capacity to provide a framework within which to lead; Cato seems to have drawn on that connection when he presented his return to (subordinate) military service as a distinctive aspect of his commitment to public service, in contrast to his peers who were content to sink into idleness after the consulship. But it is not easy to push the line of argument very far. The censors of the second century, for example, overlap with some of the more prominent individual politicians, but are by no means a matching set. Nor did the censorship, though an elected and often highly sought-after position, necessarily provide clear leadership opportunities. The nature of its functions, which were for the most part standardized, gave holders unparalleled patronage opportunities without demanding or requiring innovation in policy. Additionally, the causal relationship between position and leadership should not be assumed to flow from position to leadership. Ongoing positions for consulars are at least as much indications of an individual's prestige as causes of it, quite apart from the possibility that at times the number of men available in comparison to tasks reduced the operation of choice in determining who would undertake a particular activity.

3 Consulars in the Post-Sullan Period

The position of consul became even more of a distinction after Sulla's dictatorship: the number of consuls remained at two, but the Senate itself increased in size by somewhere in the region of 100%.³⁸ The consulars as a group became a correspondingly smaller element within this enlarged Senate. Aspects of their role, too, changed. The consulship itself became in the post-Sullan period a civil

³⁸ Santangelo 2006 discusses the range of possible figures in detail.

office: consuls stayed in Rome.³⁹ This was a change of practice, not a change in the law: consular *imperium* remained unchanged, but they departed for their province only towards the end of their year in office, if not into the following year.⁴⁰ That alone would have had implications for the nature of military activity by consuls and consulars. But it is accompanied by a shift away from military activity entirely on the part of a substantial minority of consuls.⁴¹ Consuls not going to a province was not in any way unusual in the post-Sullan period.⁴² It was possible, as Cicero's career before 51 demonstrated, for a man to progress through the *cursus honorum* and never command a Roman army.

The colleges of priests continued to provide a platform for public visibility, and the censorship remained, though in practice its cycle never settled down in the post-Sullan period.⁴³ In principle, too, the opportunity remained for consulars to be dispatched by the Senate as *legati*. In practice, however, only two such diplomatic missions are attested between 79 and 50. One was the commission of ten sent by the Senate to assist Lucullus in organizing his conquests in the early 60s.⁴⁴ It included at least one consular, M. Terentius Varro Lucullus (to Cicero's disapprobation, given the relationship between him and Lucullus), and perhaps more, since only two of the ten are known; in the end it was sent back to Rome by Pompeius, its task not completed. The other is the embassy of three men, one of them a consular (Metellus Creticus) which was sent in 60 to negotiate with Gallic communities to ensure their continued resistance to the Helvetii.⁴⁵ There was also the commission established by Caesar's agrarian law in 59, which contained at least three consulars.⁴⁶ Formally, this commission

39 Pina Polo 2011, 223–334. The shift of elections to July also made the position of *consul designatus* more significant; cf. Pina Polo 2013.

40 Giovannini 1983.

41 The analysis of Balsdon 1939, 63 indicates that as many as half of the available consuls in the post-Sullan period may not have gone to a province.

42 A similar development can be observed in the praetorship: Brennan 2000, 400–402.

43 Astin 1985.

44 Cic. *Att.* 13.6a.1.

45 Cic. *Att.* 1.19.2. Cicero's description of this embassy seems to suggest that its composition by rank of participants was established in principle before the actual participants were chosen by lot: "At this point I cannot omit the observation that, when my lot came out first from the consulars, a full Senate unanimously decreed that I should be kept in the city; and when the same thing happened after me to Pompeius, it was agreed that we both should be kept like pledges for the *res publica*" (*atque hoc loco illud non queo praeterire, quod, cum de consularibus mea prima sors exisset, una voce senatus frequens retinendum me in urbe censuit. hoc idem post me Pompeio accidit, ut nos duo quasi pignora rei publicae retineri videremur*).

46 Pompeius, Crassus, and Messalla Niger (cos. 61). See Broughton 1952, 191–192.

was analogous to the commissions for colony foundation and other tasks found earlier. The highly contentious and politicized nature of this particular legislation, however, made its membership politically charged in a way that is unlikely to have applied to earlier commissions. Indeed, its employment of consulars perhaps has closer parallels with the prominence of consular legates from the establishment of Pompeius' extraordinary *imperium* by the *lex Gabinia* in 67. That law gave him the right to appoint a considerable number of legates with praetorian *imperium*; of the fifteen known in 67, two were consulars.⁴⁷ Despite the difference in formal position between an appointment by an *imperium*-holder and one under a law, both cases involved the subordination of consulars to an individual's political or military program in a way that was publicly visible and understood as such. Both Pompeius' legates and Caesar's commissioners were exactly that: men who were working *for* Pompeius or Caesar.

The collective result of these shifts was that consulars had in practice fewer opportunities to continue their careers through specific tasks and offices after their consulship than had been the case prior to Sulla. It could be argued that such a result reflected the underlying principles of the Sullan *res publica*, insofar as it created a framework of laws which had, in theory, little need for the anomalous or exceptional.⁴⁸ From that perspective, the tasks the *res publica* required could and should be carried out by elected magistrates, the supply of which Sulla had significantly increased. Nonetheless, as I have discussed, the shifts in the post-Sullan period which reduced the employment of consulars appear to have been matters of practice, not the results of any prohibitions within Sulla's framework. The sidelining of consulars, *qua* consulars, is better understood in the context of the development of extraordinary commands in the period. Pompeius, whose career prior to his consulship had not been normal, eschewed the mechanisms of the pre-Sullan period to develop his career after his consulship. Instead, just as his career pre-consulship had eschewed the *cursus honorum*, so, after it, he restarted his public activity with the command against the pirates. For Pompeius, and for his emulators, *imperium* created by statute independent of elected office was the method by which leadership as a consular could be exercised. It provided opportunities for distinction impossible within the framework of activities that had operated in the pre-Sullan period. The result was a competitive scramble for exceptional distinction, and power.

47 Gellius and Clodianus, the consuls of 72 (and censors of 70). Perhaps as significant, Pompeius' *legati* in 67 included four men who would go on to hold the consulship: Broughton 1952, 148–149.

48 Flower 2009, 129.

4 Conclusions

Consulars in the pre-Sullan *res publica* can be understood as a distinct resource, whose experience and expertise could supplement that of elected magistrates on a flexible basis as need arose. In some cases, certainly, ambitious individuals saw in this range of activity an opportunity to develop their individual position beyond the consulship; so, for example, Scipio Africanus' position as a legate in his brother's consular army, or Cato's exploration of ways to continue to be a soldier after his consulship in deliberate contrast to the idleness of his peers. But, overall, on-going activity by consulars cannot satisfactorily be explained by personal ambition: the number involved was too large. This was a normal part of the operation of the *res publica*, and in practice the arithmetic of consulars and tasks may have reduced practical choice, by Senate or People, to a minimum.⁴⁹ The corollary of a fiercely competitive oligarchy whose members achieved success through election was deep suspicion of mechanisms to promote individual distinction.⁵⁰ Consular activity was service to the *res publica*, at the behest of Senate or People.

In this respect, as in so many others, the post-Sullan *res publica* was a different world. Consulars were an identifiable group within the Senate, and in that context, their opinions mattered.⁵¹ But their activity on behalf of the *res*

49 Two vignettes may underline the point. The first is Cato's cruel remark on the composition of an embassy sent to Nicomedes in 149 (which, perhaps revealing, appears to have contained no one more senior than praetorian, though see Broughton 1951, 460), alluding to its members' disabilities, that "it contained neither feet nor head nor heart" (Polyb. 36.14.5; cf. Livy *Per.* 50; Plut. *Cat. Mai.* 91; App. *Mith.* 6.20). The second is a quotation from the 80s' British television show *Yes Minister*, Sir Humphrey speaking: "The argument that we must do everything a Minister demands because he has been 'democratically chosen' does not stand up to close inspection. MPs are not chosen by 'the people'—they are chosen by their local constituency parties: thirty-five men in grubby raincoats or thirty-five women in silly hats. The further 'selection' process is equally a nonsense: there are only 630 MPs and a party with just over 300 MPs forms a government and of these 300, 100 are too old and too silly to be ministers and 100 too young and too callow. Therefore there are about 100 MPs to fill 100 government posts. Effectively no choice at all" ("The Economy Drive").

50 Cf. the argument of Tan 2017 that Rome accepted lower revenues from the provinces so as to avoid a system which either depended on high level of administrative competence from governors, or made governors reliant on their administrative staff.

51 Two episodes, for both of which our witness is Cicero, point to this conclusion. First, the debate on the execution of the Catilinarian conspirators: when Cicero summarized the debate, the attitude of the consulars in the debate was key and he seems to have listed them comprehensively (*Att.* 12.21.1; *Phil.* 2.12). Second, when explaining to Spinther how the senatorial debates on the Egyptian command were unfolding, the opinion of the consulars is prominent in his summary (*Fam.* 1.1.3).

publica, though formally comparable to the pre-Sullan period, was limited, and some of it was in roles serving not the *res publica* alone, but the *res publica* through the extraordinary positions that Pompeius and Caesar created for themselves. In that respect, close attention to what consulars were doing, and not doing, in the last years of the Republic offers revealing evidence to shifts in the location and display of political power.

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