

**Some Minor Magistrates of the Roman Republic**  
**A Political History of the Quaestorship and the Aedileship**

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### Abstract

Cet ouvrage traite de l'évolution des magistratures de questeur et d'édile dans la République Romaine (509 à 49 avant J.C.). Le traitement du sujet est axé surtout sur une analyse de l'importance de ces magistratures sur le plan politique et dans le contexte de la carrière politique de l'aristocrate romain individuel sur la piste du *cursus honorum*. En premier lieu, les origines et le développement de ces magistratures durant les premiers siècles de la République sont discutés. Ensuite, il est question du rôle politique des magistratures; le poste de questeur a permis à ceux qui l'ont occupé d'acquérir une importante expérience administrative et de tisser des liens avec les membres les plus importants de l'aristocratie Romaine. Le poste d'édile a permis à ceux qui l'ont occupé d'obtenir l'appui de l'électorat avec la tenue de jeux et spectacles, un avantage qui fut limité par le Sénat avec des effets inattendus et pervers. Les deux magistratures ont contribué significativement au développement administratif de la ville de Rome et de son Empire, mais surtout à la concurrence aristocratique qui l'a défini comme communauté politique avant de l'affaiblir.

This work deals with the evolution of the magistracies of quaestor and aedile in the Roman Republic (509-49 BC). The treatment of the subject is based primarily upon an analysis of the importance of these magistracies within the political realm and within the context of the political career of the individual aristocrat on the path of the *cursus honorum*. Firstly, the origins and the development of these magistracies during the first centuries of the Republic are discussed. Secondly, it turns to a discussion of the political role of the magistracies; the office of quaestor allowed its occupants to acquire important administrative experience and establish ties with the most important members of the Roman aristocracy. The post of aedile permitted its occupants to obtain the support of the electorate with the holding of games and spectacles, an advantage that was limited by the Senate with unexpected and perverse effects. Both magistracies contributed significantly to the administrative development of the city of Rome and its Empire, but most of all to the process of aristocratic competition which first defined it as a political community before weakening it critically.

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## Introduction

For much of the twentieth century the study of Roman Republican Politics focused mainly on the leading families of the Roman Aristocracy, and the ties which bound them to each other and allowed them to exercise control over the broader citizen body. The pioneering works of Matthias Gelzer (1912) and Ronald Syme (1939) set the tone by shifting attention away from the outward structures of the Republic onto the extra-constitutional power wielded by aristocratic families through blood relations with their fellow aristocrats and the networks of friendship and patronage which allowed them to dominate Roman society. Election results and political conflicts could thus be understood primarily as the result of the competition between familial factions, with prosopographical analysis providing insight into the actions and relationships of magistrates whose behavior would otherwise be difficult to explain, due to the paucity of source material. Over the ensuing decades this approach was taken to its logical conclusion. The works of H.H. Scullard (1951) Donald Earl (1963) and Lily Ross Taylor (1964), among others, sought to explain the political developments of the middle and late Roman Republic almost exclusively through the behaviour of identified factions whose presence could be detected through the recurrence of particular family names in the *Fasti*.

Since the 1980's, the factional approach has come under sustained assault, beginning with a series of articles written by Fergus Millar (1980-) which argued for some form of democracy in the Roman elections and voting assemblies. While few agreed with his radical interpretation, mainstream scholarship moved increasingly towards a greater focus on the role of the Roman *populus* in politics and particularly on

the conduct of the conduct of the consular and praetorian elections.<sup>1</sup> While the democratic interpretation was largely rejected, the factional view largely receded in favour of a greater emphasis upon the individual aristocrats competing for high office, and the strategies which they pursued to achieve social distinction and win the support of their peers and the very narrow electorate upon which their success depended. In parallel with this approach, the legal and political structures which provided the framework for competition have increasingly been studied, with the careers of known aristocrats being followed through the *cursus honorum* – the standard succession of offices which a Roman politician was expected to occupy during the course of a successful career.<sup>2</sup> The magistracies themselves have increasingly been studied, most recently in an exhaustive, two volume history of the Republican Praetorship by T. Corey Brennan (2001).

But while a wide array of scholarly works have dealt with the magistracies at the top of the *cursus honorum*, the praetorship and the consulate, no recent monograph, and very few articles have dealt specifically with the two lower magistracies which the *leges annales* of 180 and 81 regulated and defined as the main points of entry onto the *cursus*; the offices of quaestor and aedile.<sup>3</sup> The last in depth treatment of the aedileship was provided by Joseph Seidel, in a doctoral dissertation submitted to the University of Breslau in 1908. A small number of articles have been written on the quaestorship, most notably by L.A. Thompson (1962) and W.V. Harris (1976), but these have dealt mainly with sub-aspects of the office; the effect of the *sors religio* on the relationships between quaestors and their commanders, and the specific responsibilities of the quaestors assigned to Italy and the Gallic provinces. No attempt has been made to provide a

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<sup>1</sup> Cf. Jehne (1995), Mouritsen (2001), Yakobson (1999).

<sup>2</sup> Cf. Beck (2005).

<sup>3</sup> App. BC. 1.100-1.101.

structural history of the two magistracies within the context of the overall development of Roman political institutions. Nor has there been any systematic inquiry into the role of the quaestorship and the aedileship within the domain of republican political competition, and more specifically, the significance of both offices to the careers of individual Roman aristocrats seeking to ascend the *cursus honorum*.

This thesis paper will take a step in that direction, by first providing a brief history of the development of both the quaestorship and the aedileship from the murky context of the early republican narrative tradition up until the middle republican period. Thereafter, it will present a detailed, chronologically arranged analysis of further developments with a primary emphasis on the role played by the two lower magistracies in republican political competition and the *cursus honorum*. It will be impossible to deal exhaustively with all aspects of quaestorian and aedilician behaviour within the constraints of this work. Either magistracy would, in itself, merit a substantial scholarly monograph. Certain events and incidents not considered to be essential to the mainly political analysis presented here may therefore be passed over or dealt with briefly.

Despite the unfortunate lack of considerable secondary scholarship on the quaestorship and the aedileship, we nevertheless possess a substantial amount of evidence for quaestorian and aedilician activity within the ancient sources, categorized and made accessible by T.R.S. Broughton's seminal work, *Magistrates of the Roman Republic* and the aedilician fasti and prosopography compiled in the lesser known work of Joseph Seidel (1908).<sup>4</sup> We know of 195 of the individuals who held the quaestorship from the foundation of the Republic to the outbreak of the Second Civil War in 49. We know of

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<sup>4</sup> Seidel, J. *Fasti aedilici von der Einrichtung der plebejischen Ädilität bis zum Tod Caesars*. Diss. Universität Breslau, 1908.

180 of the individuals who held the curule and plebeian aedileships in the period prior to the passage of the *Lex Villia Annalis* alone. Their names are frequently preserved by Livy, most often during his standard, annalistic accounts of the magistrates elected in each year and their assignments. Both Livy, and later political writers, most notably Cicero, include a large number of anecdotes concerning the actions of particular quaestors or aediles and more substantive discussions of the nature of the office. Much insight into the conduct of these lower magistrates can also be gained from the biographical accounts of leading figures, like the brothers Gracchi, Lucius Cornelius Sulla and Gaius Julius Caesar who held the offices in the early stages of their careers.

Of course, neither office can be studied in isolation. This paper will thus seek to augment the discussion of the primary source evidence for the quaestorship and the aedileship by studying both magistracies within the broader context of the political and institutional evolution of the Roman Republic, seeking to ascertain both the extent to which developments in quaestorian and aedilician activity were the product of broader political trends, and the degree to which the nature and the constraints of the magistracies affected the development of republican politics and the *cursus honorum*. There is fertile ground for both approaches, and an argument to be made for the significance of the lesser known, minor magistrates of the Republic to the study of Roman Republican history.

The development of the quaestorship can be closely associated with the beginnings of the formal Roman state, and the financial and monetary system that evolved as the Republic came into contact with the world outside of south central Italy, and developed the structures of governance necessary to administer an Empire. As treasurers, tax collectors and financial managers for the Republic and its armies in the



field, the quaestors played an important role in that overall process. Moreover, the office of the quaestorship itself provided young aristocrats with the opportunity to carry out crucial administrative duties, interact with senior members of the aristocracy through a unique combination of administrative subordination and personal patronage, while gaining the experience and the political prestige necessary to pursue their long term careers.

The curule and plebeian aedileships, the second rung on the ladder of the *cursus honorum* were explicitly far more political in nature. Beginning as a minor urban magistracy with ill defined responsibilities the aedileship eventually became an important administrative post and, more importantly, a launching pad for senatorial aristocrats seeking to compete for the praetorship and the consulship. The responsibility of the aediles for the administration of the public games, and the embellishment of the major temples put the occupants of the office in an enviable position. Using public funds, they could be seen to confer substantial benefits on the *populus*, thus earning the gratitude of the electorate, and a formidable advantage in the quest for higher office. The ambitions and extravagant spending of the aediles who held office in the decades following the Second Punic War contributed to a significant intensification of political competition during the period. As we will see, the Senate was forced to intervene by imposing limits on spending and the electoral regulations of the *Lex Villia Annalis* in large part to combat the excesses of the aediles. Paradoxically, the effect of the legislation was primarily to shift the financial burdens of the aedileship onto individual aristocrats, thus creating a situation of greater inequality between the competitors for high office, and paving the

way for the excesses and the renewed intensification of competition and political corruption in the final decades of the Republic.

Both offices may therefore be seen as having significantly affected the political and institutional development of the Roman Republic, and are therefore crucial to our understanding of developments in the higher echelons of Roman politics.

## The Early Republican Quaestorship

The origins of the Roman quaestorship are ambiguous, as are the responsibilities initially associated with the office. Tacitus asserts that quaestors were appointed by the Kings in the years prior to the foundation of the Republic, and a number of references exist to the presence in the Early Republican tradition of the *quaestores parricidii*, magistrates charged with the investigation and prosecution of capital crimes. According to the jurist Pomponius, their role had been set out in the Twelve Tables.<sup>5</sup> Moreover, an alternative tradition identifies the quaestors as two annual magistrates responsible for the *Aerarium* who were appointed by the Kings, and elected in the earliest years of the Republic. Plutarch ascribes the annual election of two quaestors to the supposed reforms of the lawgiver Publicola.<sup>6</sup> Notably, the main narrative sources for the period, Livy and Dionysius of Halicarnassus, do not confirm either version of events and provide no explanation for the origins of the Republican quaestorship.

The first quaestors to receive significant mention in the narrative sources, Kaeso Fabius Vibulanus and Lucius Valerius Potitus, held office in 484, and prosecuted the consul of the previous year, Spurius Cassius Vecellinus, on charges of *perduellio*. Cassius was found guilty of treason and thrown from the Tarpeian rock, because he had divided public land with the Latin Allies on overly favourable terms and was believed to be aiming to establish a tyranny.<sup>7</sup> The prosecution, like much of the early narrative tradition is questionable, and the quaestors are shown to be performing functions normally reserved for the *duumviri perduellionis*, the magistrates responsible for cases of

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<sup>5</sup> Fest 247.19, Lydus *de mag* 1.25, Pomp. Dig. 1.2.2.22, Varr. *L.L.* 5.81, Tac. Ann. 11.22.4; Kierdorf, Wilhelm "Quaestor" *DNP*, Lintott 1999: 134.

<sup>6</sup> Plut. *Pupl.* 12.3,

<sup>7</sup> Dion. Hal. 8.77-80, Liv. 2.41, Dio fr.19, Diod. 11.37.

treason.<sup>8</sup> The attribution to the quaestors of the power to summon the assembly appears to be equally dubious, and suggests a possible confusion of the office with a higher magistracy.<sup>9</sup> In 459, Livy attributes the prosecution of the tribune Volscius Fictor for bearing false witness to the quaestors Aulus Cornelius and Quintus Servilius. The prosecution was carried on by the quaestors of 458, Titus Quintus Capitolinus Barbarus and Marcus Valerius Volusi, resulting in the conviction of Voluscius and his exile by the Comitia. The case is also suspect, as prosecutions of this nature were normally carried out by individuals, and the quaestors are notably unable to convene the assembly at will, as they supposedly had been in 484.<sup>10</sup> Notably, neither incident involved the prosecution of a capital crime or the management of state finances, the functions attributed to the office by some of the sources.

According to Tacitus, the decisive moment in the development of the quaestorship occurred in 447, when the previously appointed—first by the Kings and then by the consuls—magistracy was opened up to election by the Roman people, with L. Valerius Poplicola Potitus and Marcus Aemilius, being the first to be chosen.<sup>11</sup> Notably, the functions ascribed to these quaestors by Tacitus were purely military. Only “when public business increased” were two more appointed to deal with affairs within the city of Rome, and only when “to the contribution of Italy was added the contributions of the provinces” was the number doubled again. Livy does not specify a date for the initial election of quaestors, and unlike Tacitus he holds that the two quaestors elected annually in the years prior to 421 were charged with administrative duties within the city, until a

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<sup>8</sup> Liv. 1.26, Cic. *Rab perd.* 6, Eder, Walter “C. Vecellinus Sp.” *DNP*. Latte 1936: 26-27. Lintott 1999: 134.

<sup>9</sup> Dion. Hal. 8.77.1.

<sup>10</sup> Liv. 3.13, 3.24-25, 3.29. Latte 1936: 27.

<sup>11</sup> Tac. Ann. 11.22.4.

further two positions were added to assist the consuls in their military duties.<sup>12</sup> In 409, according to his narrative, the position became open to Plebeians after a long and acrimonious debate.<sup>13</sup> This debate must naturally be situated within the overall ideological framework of his already questionable account of the struggle of the orders. But the rhetorical presentation of the event nevertheless reveals a great deal about the perception of the quaestorship in the minds of the Republican Aristocracy;

The plebeians regarded this as a splendid victory; they valued the quaestorship not by what it was in itself, but as opening the path for men who had risen from the ranks to consulships and triumphs. The patricians on the other hand were indignant; they felt that they were not so much giving a share of the honours of the State as losing them altogether. "If," they said, "this is the state of things, children must no longer be reared, since they will only be banished from the station their ancestors filled, and whilst seeing others in possession of the dignity which is theirs by right, they will be left, deprived of all authority and power, to act as *Salii* or *Flamens*, with no other duty than that of offering sacrifices for the people.

Though unlikely to be representative of the realities of fifth century Rome, the passage nevertheless expresses the essential Roman Republican view of the quaestorship as an opportunity for aristocrats of little familial or personal repute to distinguish themselves, particularly in the military sphere, as well as a stepping stone to higher magistracies for both patricians and plebeians.

Little can be made of the confused accounts of the Early Republican Quaestorship. The traditions concerning the *quaestores parricidii* are dubious. The existence of quaestors chosen annual to serve as military adjutants to the consuls cannot be ruled out, and Tacitus' contention that city quaestors were eventually elected as a response to increased wealth and urban development appears likely in light of the known, future developments in the nature of the office. It may be more plausible to situate the

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<sup>12</sup> Liv. 4.43.

<sup>13</sup> Liv. 4.54.

creation of the urban quaestorship in the context of the development of the *aerarium* in the late fourth and early third centuries.

According to tradition the temple of Saturn was one of the oldest in Rome, built around 497 and used to house the state treasury, but the sources do not provide any indication of the moment at which it came to serve as the treasury of the Roman state.<sup>14</sup> Early payments to the *aerarium* were believed to have been made in cattle and sheep until the introduction of bronze measurements weighed to determine value, suggesting a relatively early date and a primitive level of economic development.<sup>15</sup> The temple of Juno Moneta, the eventual mint of the Roman state was only dedicated in 344, and only in the first decades of the third century do we observe the presence of coin hoards in Central Italy and, in the years following the Pyrrhic war, authentically Roman coinage.<sup>16</sup> The consolidation of Roman authority in southern Italy and the conquest of Magna Graecia can only have resulted in a significant influx of wealth, slaves and property into the hands of the state. Livy's description of the quantities of triumphal booty collected during the wars of the 290's may not be completely accurate, but is demonstrative of the overall pattern.<sup>17</sup>

It is against the background of these events that the development of the quaestorship can most easily be situated. The name of the magistracy might in itself represent a borrowing from the moneyed, Greek city states with which the Republic came into contact in the early third century. Several Doric communities employed magistrates known as the *mastroi*, a term derived from *maiomai*, "to search." Their functions

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<sup>14</sup> Dion Hal. 6.1.4, Liv. 2.21, Macrob. 1.8.1.

<sup>15</sup> Dion. Hal. 10.50, Gell. 11.1, Varr. L.L. 5.183, Latte 1936: 30, Richardson 1980: 55. Varro claims that the value of cattle was fixed to a particular weight in pounds of copper starting in 454.

<sup>16</sup> Liv. 7.28, Crawford 1985: 32ff., Meadows, Williams 2001: 29.

<sup>17</sup> Liv. 10.30, 10.46, Harris 1979: 59.

included the management of civic finances, the search for goods belonging to the state, and civil prosecutions involving theft of sacred goods. Kurt Latte first argued that this office was borrowed by the Romans from the Greek communities on mainland Italy, and formed the basis for the quaestorship, similarly derived from *quaerere*.<sup>18</sup> The association is credible, but there is reason to doubt, as Latte contends, that the establishment of the office in Rome must have occurred around the mid fifth century, when payments to the state began to be made in pounds of copper rather than in cattle.<sup>19</sup>

It strains credibility to assume that such a transition, if it was immediate, would have been immediately accompanied by the creation of a magistrate responsible for the state treasury, and to cite the contention of Tacitus that quaestors began to be elected in 447 as evidence for the development of the office is tenuous, given that he specifies that these quaestors were selected for explicitly military duties, with the appointment of urban quaestors occurring much later.<sup>20</sup> Moreover, it is notable that the Greek sources on the office of the *mastroi* which are cited by Latte can all be dated to a later period, raising some doubts as to when the borrowing may have occurred. The board of Rhodian *mastroi*, who may have initially functioned as a *boule*, can only have begun to operate after the *synoikismos* of 406 and the inscriptions detailing their activities were produced after that date.<sup>21</sup> Similarly, the inscriptions concerning the activities of the *mastroi* at Delphi, who managed sacred money and prosecuted individuals who stole from the treasury are dated to the second century B.C.<sup>22</sup> The brief mention of the office by

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<sup>18</sup> Latte 1936: 29-30; Rhodes, "Mastroi" *DNP*.

<sup>19</sup> *Ibid.* 32-33. Gell. 11.1, Fest. 237.13 M.

<sup>20</sup> Tac. *Ann.* 11.22.5.

<sup>21</sup> *I.G.* XII 1.697, 701, 821.,

<sup>22</sup> *Syll.* 671.3, 762.16, 51.

Harpocraton, quoting from Hypereides, refers to a late fourth century context.<sup>23</sup> Though one must be wary of an argument from silence, the absence of literary and epigraphic evidence for the office prior to the mid fifth century raises doubts as to whether it even existed, to say nothing of whether it was sufficiently developed and widespread among Doric communities to make its way into the cultural and political sphere of Central Italy.

Inasmuch as any conclusions can be reached as to the nature of the early quaestorship given the confused nature of the evidence, this discussion has led us to suppose that an urban quaestorship, concerned primarily with the management of the *aerarium*, is likely to have come into existence in the late fourth or early third centuries. A military quaestorship of the kind referenced by Tacitus may have existed at an earlier date, but here too we are on shaky ground, given the absence of references to quaestorian activities in the field prior to the third century. In the 290's, however, we find a reference to the quaestor Lucius Opimius Pansa, who was killed during a Samnite raid of a Roman encampment. The Samnites were able to identify the "quaestor's tent," and it's occupant but failed to capture the Praetorium after the Consul had summoned the nearest allied contingents, the *extraordinarii*, to its defense.<sup>24</sup> The source tradition concerning the campaigns of the 290's is suspect—by Livy's own admission—but if we accept the historicity of the incident it would indicate that by this period the presence of the quaestor on consular military campaigns was the normal practice.<sup>25</sup> In any case, the contours of the office become clearer and evidence for quaestorian activity more plentiful around the mid third century and the beginning of the First Punic War.

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<sup>23</sup> Harp. s.v. "*maesteres*." *DNP*

<sup>24</sup> Liv. 10.32-33.

<sup>25</sup> Cf. Liv. 10.37 and Forsythe 2005: 237, for doubts about the source tradition.



In 267, according to Lydus, twelve quaestors were appointed in order to raise funds for a war against the Greek city states that had been allied with Pyrrhus in the previous conflict. They are identified as the quaestors *klassikoi*. The *Periochae* of Livy confirm that there was an increase in the number of quaestors in 267, but does not state how many were added.<sup>26</sup> The elevated number is dubious, and less plausible than the eight quaestors suggested by Tacitus for the period prior to the Dictatorship of Sulla. W.V. Harris' hypothesis of an increase in the number of quaestors to six in 267, and eight at some point prior to the Second Punic War, is a plausible solution to the problem if we accept Tacitus' suggestion that the number of quaestors only increased in response to the addition of new provinces to Roman territory.<sup>27</sup>

However, we should not discount the possibility that a large group of quaestors had been appointed on a temporary basis to deal with the costs of a particular conflict, while the number of regular quaestorships increased more gradually over the course of the century. The situation in 267 could easily have lent itself to such measures. The wars against Pyrrhus and his allies in Southern Italy had been particularly difficult and costly. The cost of the wars along with the opportunity to compensate for the losses with newly plundered wealth was cited by Polybius as the principal reason for which the Roman people had voted for the occupation of Messene and war with the Carthaginians.<sup>28</sup> While no narrative account exists for most of the period between 290 and the outbreak of the First Punic War, there are indications of a significantly increased and more complex financial burden for the Roman state. For the first time, Roman Armies were operating

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<sup>26</sup> Lydus. *De Magistratibus* 1.27; Liv. Per. 15; Chandler 1978: 333.

<sup>27</sup> Harris 1976: 94-95.

<sup>28</sup> Pol. 1.11.2.

far from Central Italy, with the expenditures on food, wages and supplies being likely to increase as a result.<sup>29</sup>

During the course of the Pyrrhic war, the Romans were forced to raise substantial amounts of money, place permanent garrisons in communities expected to defect to Pyrrhus and put their principal army into winter quarters at Saepinum instead of returning to Rome. The conflict also made it necessary to create a large fleet to gain control of the Tarentine Gulf.<sup>30</sup> The increased costs—particularly of naval building—combined with the requirements of operating, for the first time, in a region that made extensive use of silver coinage, to force the Romans to raise substantial amounts of wealth and begin minting their own coins on a large scale, all within a relatively short period of time. According to Pliny, the Romans did not even make use of silver coins until the Pyrrhic war, and only began to mint their own in 269, five years before the First Punic War.<sup>31</sup> The archaeological record largely confirms this. Coin hoards first appear in Central Italy in the first half of the third century, and distinctly Roman coinage only makes its appearance around that time. Among the first coin types to be issued were *didrachmae* displaying the god Apollo on the obverse, perhaps seeking to use the deity associated by the Greeks with the defeat of the Gauls in 279 to reconcile them to a new ruling power who some considered to be equally barbarous.<sup>32</sup> A second issue, evidently directed at a Roman audience, includes an image of Hercules and the she-wolf who suckled Romulus, both traditional Roman figures, but also the familial symbols of the Fabii and Olgunii, the

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<sup>29</sup> Zon. 8.3-4; from the outset of the war, the objective of the Consul Laevinius was to conduct operations as far as possible from Roman territory.

<sup>30</sup> Dion Hal. 19.9-12, Front. Strat. 4.1.24, Liv. Per. 12-13, Plut. Pyrrh. 16-18, Zon. 8.3-4.

<sup>31</sup> Plin. Nat. 33.43-44.

<sup>32</sup> Crawford 1985: 29-33, RRC no. 15.

two noble families who had produced the consuls of the year 269 and may have been intending to promote themselves to a large audience.<sup>33</sup>

These efforts would have required a significant, if temporary expansion of the Roman state and treasury. The mere collection of large quantities of silver in an economy previously based on bronze coinage is likely to have posed difficulties and the expulsion of the consular Publius Cornelius Rufinus from the Senate in 275 for possessing ten pounds of unworked silver may have been more a penalty for hoarding much needed bullion than an indictment of a luxurious lifestyle.<sup>34</sup> The wars of 270's and the 260's would also have required a larger, more extensive collection of the *tributum* than had previously been the norm.

The *tributum* has been demonstrated, convincingly, to have been a temporary, progressive tax levied on members of the citizen body during wartime according to the financial category to which they belonged in the census. Typically, the anticipated costs of the year's military campaigns were calculated beforehand, after which the responsible magistrates would determine how much each citizen would pay based on his property assessment. If the proceeds of the campaign were considerable enough, they could be used by the treasury to fully or partly repay the amounts contributed by the *assidui*.<sup>35</sup> The source tradition holds that the practice originated in 406, during the legendary, ten year conflict with Veii. Livy links the decision to begin paying the army to the need to collect a special levy which was first paid by the nobles, and then by the plebs each according to his wealth.<sup>36</sup>

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<sup>33</sup> Mattingly 1945: 68-70.

<sup>34</sup> Dion. Hal. 20.13, Liv. Per. 14.

<sup>35</sup> Cf. Nicolet 1976: 153-164,

<sup>36</sup> Liv. 4.59-60.

While the incident may be an invention, the mechanism described for raising funds was genuine, and likely existed at the beginning of the third century when the need to raise fleets and to pay and supply an army stationed far from Rome made it necessary to raise considerably larger sums. In 282, the consul Fabricius Luscinus is held to have returned the proceeds from his campaigns against the Samnites to the treasury in order to reimburse the citizens for the property taxes paid out for the war.<sup>37</sup> Manius Curius Dentatus, the consul who defeated Pyrrhus in 275, appears to have repaid the bulk of his triumphal booty to the treasury and the citizen body, while reserving a certain portion for the construction of the Old Anio Aqueduct.<sup>38</sup> And in the closing years of the First Punic War a similar, temporary tax was paid to the treasury to build a new Roman fleet.<sup>39</sup> In all likelihood, similar large scale collections of the *tributum* were required in the war against Pyrrhus, and the subsequent operations carried out against his Greek allies in the 260's. The responsibility for assessing and supervising the collection of the *tributum* would have fallen squarely on the shoulders of the quaestors, who were already responsible for the management of the *aerarium*, and could both determine the rates paid by particular property classes and compel payment from recalcitrant citizens.<sup>40</sup>

In the light of the increased financial burden on the state, the transition to a more widespread use of silver coinage and the difficulties of collecting and repaying a much more considerable *tributum*, it is entirely likely that the Senate would have experimented, in 267, with the appointment of a large, temporary body of quaestors to deal with the situation. The strong association of the title quaestors *klassikoi* with naval affairs points

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<sup>37</sup> Dion. Hal. 19.16.3.

<sup>38</sup> Val. Max. 4.3.5, Front. Aq. 1.6.

<sup>39</sup> Pol. 1.59.6-7.

<sup>40</sup> Liv. 33.42; Nicolet 1976: 161.

to a possible need to raise funds for a new Roman fleet to operate in the Tarentine Gulf. Naval command and the responsibility for raising fleets had previously rested with the *duumviri navales*, and it was a duumvir who had been attacked and defeated by the Tarentines in 282.<sup>41</sup> Over a decade later, the Senate may have recognized that two magistrates would be insufficient to the task, and particularly to the requirement to raise additional funds. Having collected the sum necessary to build and man the fleet, the 12 quaestors may have been expected to serve as officers and paymasters for the duration of the campaign.<sup>42</sup>

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<sup>41</sup> Liv. 9.30; App. Samn. 7.1., Dio. 39.4.

<sup>42</sup> Chandler 1978: 329.

## The Quaestorship in the Middle and Late Republic

The scope of quaestorian activity continued to expand significantly during the middle Republican period, particularly in the military sphere. It was during the crises of the First and Second Punic Wars that the role of the quaestor as adjutant and treasurer for the commander in the field became firmly entrenched. Polybius, the earliest source for the period viewed the quaestors as being primarily responsible for spending state funds on campaign at the direction of the consuls.<sup>43</sup> In many cases, however, they were given additional responsibility to command troops, engage in diplomacy, and govern captured territories. We thus see quaestors in a variety of military roles during the Punic Wars. In 249, the Consul Lucius Iunius Pullus divided his fleet when campaigning off the coast of Sicily, placing nearly half of his forces under the command of quaestors with orders to bring supplies to the Roman army besieging Lilybaeum.<sup>44</sup> Given the plural mention of the quaestors, despite the presence of only one consul in the field, it must be supposed that an expansion in the number of quaestors had occurred by that time or, just as likely, that another temporary appointment of *quaestores classici* had been made.

In the consular armies of the Second Punic War, quaestors frequently came to operate as seconds in command to the senior magistrates. When the consul Tiberius Sempronius Gracchus was ambushed and killed in 215, it was his quaestor, Cnaeus Cornelius Lentulus who received the remains, carried out the funeral ceremonies, took command of the consular army, and led it into the field against the Carthaginians shortly thereafter.<sup>45</sup> In 209, the quaestor Gaius Flaminius was made responsible for the vast

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<sup>43</sup> Pol. 6.12.

<sup>44</sup> Pol. 1.52-55. The fleet was grounded to avoid a confrontation with a large Carthaginian fleet, and subsequently wrecked by storms.

<sup>45</sup> Liv. 25.17, 19.

quantities of booty taken from New Carthage, being required to account for them fully and return the proceeds to the Senate.<sup>46</sup> The incident suggests that by the time of the conflict the role of the quaestor as the treasurer on military campaigns had been firmly entrenched. During the expedition to Africa in 204, Scipio placed his quaestor, Marcus Porcius Cato, in command of the left wing of the invasion fleet.<sup>47</sup> But the most powerful of the quaestors during the conflict may have been Titus Quinctius Flaminius. Flaminius who, if we accept Badian's reconstruction of his heritage and early career, served as quaestor under the command of the Praetor Q. Claudius Flamen, possibly a relative, who was then responsible for the Roman garrison at Tarentum. Upon the death or departure of Claudius in 205, Flaminius was appointed as his successor and granted pro-praetorian imperium to govern the Tarentines, which he did until the end of the war.<sup>48</sup>

The close proximity of the quaestors to their consular commanders led them to share in the severe losses of the first half of the Second Punic War, and it is a measure of their importance within the political order that Livy chose to record the names of many of the quaestors killed in action. The quaestors of 218, Gaius Fulvius and Lucius Lucretius were captured by the Carthaginians in the aftermath of the battle of Trebia and handed over as hostages to the Boii.<sup>49</sup> Tiberius Sempronius Blaesus, Quaestor in 217, was killed in an unsuccessful raid on Carthaginian territory in Africa.<sup>50</sup> Lucius Atilius and Lucius Furius Bibaculus, quaestors in 216, were killed during the battle of Cannae.<sup>51</sup>

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<sup>46</sup> Liv. 26.47.6, Pol. 10.19.1.

<sup>47</sup> Liv. 29.25; Front. Strat. 4.7.12.

<sup>48</sup> Liv. 39.13; Badian 1971, 108-109.

<sup>49</sup> Liv. 21.59.

<sup>50</sup> Liv. 22.31.

<sup>51</sup> Liv. 22.49.

The increased role of the quaestors in military operations was matched by a similar expansion of the activities of the urban quaestors charged with managing the *aerarium*. It is during the middle period of the conflict, when resources were particularly scarce, that quaestors firmly appear in the narrative sources as the magistrates responsible for determining the level of taxation and seeking out new sources of revenue for the treasury. The initial battles with Hannibal had come close to decimating an entire generation of Roman aristocrats, and the number of wealthy Romans from whom the *tributum* could be collected had dwindled accordingly. More importantly, the chaotic situation in the provinces of Sicily and Sardinia had made it difficult to raise new revenues in those areas.<sup>52</sup>

As an interim measure, it was determined to delay repayment to contractors performing services for the state or the various armies in the field. At the same time, citizens were encouraged to deposit their savings in the *Aerarium*. In a relatively sophisticated financial scheme, the treasury quaestors would use the funds deposited to pay for the war effort, while issuing promissory notes to cover the expenditures that depositors might make in the short term.<sup>53</sup> The need to manage the debts of the Roman state and repay its creditors can be expected to have significantly and permanently increased the powers and purview of the quaestors. In 196, two decades after Cannae, the treasury quaestors were still engaged in the process of paying off the debts incurred during the war, and were able to successfully demand large payments from the augurs and the pontiffs, who had been exempt from the *tributum* during wartime.<sup>54</sup> The men who held the major priesthoods in the Roman Republic were typically the oldest, highest

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<sup>52</sup> Liv. 23.22, 23.48, Nicolet 1976: 159-165.

<sup>53</sup> Liv. 24.19.

<sup>54</sup> Liv. 33.42.



ranking members of the Senate and came from the most august families. It is a testament to the increased power of the quaestorship that its occupants, mostly young men in their twenties, typically plebeian in rank and with no other experience in office, could interact with and make demands of the most senior and accomplished members of the Senate.<sup>55</sup>

In the field, the relationship between the quaestors and their commanders in the field was also beginning to evolve, with the quaestorship taking on a unique character within the Roman political order. Though hierarchical in nature, the structures and magistracies of the Republic emphasized collegiality between magistrates and assigned specific functions to each. Virtually all offices within the city were shared by at least two men possessing equal power. In the field, praetorian *imperium* could be overridden by that of the consuls—who themselves possessed the power to confer limited pro-praetorian *imperium* on their subordinates.<sup>56</sup> Consuls in turn could see their decisions overturned by a Dictator. In practice, however, such situations rarely arose, due to the practice of awarding each magistrate his own *provincia*, within which he was expected to operate more or less autonomously, receiving instructions from the Senate alone.<sup>57</sup> On the rare occasions in which magistrates operated in concert the division of powers tended to be uncertain and the results often disastrous.<sup>58</sup> And any attempt to endow one magistrate with a mandate to command other magistrates *cum imperio* was likely to encounter

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<sup>55</sup> Notably, the three attested quaestors for that year all went on to occupy both the Praetorship and the Consulship (MRR 1.336).

<sup>56</sup> Cf. Corey Brennan 2000, 36-37, 586, 598-599.

<sup>57</sup> Cf. Lintott 1999, 100-101.

<sup>58</sup> Liv. 22.38-43, Pol. 3.106-112; the alternation of command at Cannae. Dio 27.91, Sall *Iug* 114, Liv Per. 67; the fatal lack of coordination at the battle of Aurasio in 105. In both cases a poorly defined command structure was primarily to blame for the defeat.

significant opposition, as the near unanimous senatorial opposition to the *imperium maius* granted to Pompeius in 67 demonstrates.<sup>59</sup>

With the military tribunate and the quaestorship, however, the situation was different. The men who occupied these offices were clearly expected to serve as direct subordinates to the magistrates or pro-magistrates in command of the armies in the field. The wide variety of tasks which they were expected to perform, beyond the quaestorian control over the war chest, were largely similar to those performed by *legati* and other members of the staff in a particular army, who had typically been appointed because they were friends or dependents of the magistrate in command.<sup>60</sup> However, as elected magistrates, who frequently belonged Rome's most distinguished aristocratic families they could scarcely be treated in the same manner as the friends and dependents of a given commander. And their role as subordinates was unique within a political order that emphasized collegiality and collective decision making among its elected officials.

For the military tribunes, a relationship of subordination was more easily explicable. At the beginning of the second century, twenty four military tribunes were being elected annually, in conjunction with the recruitment of new legions. Typically, six served in each of the four legions normally recruited, with additional tribunes being added if it was decided to raise a larger number, as occurred in 169.<sup>61</sup> The unequal, hierarchical relationship between the magistrate *cum imperio* and the elected military tribune was thus mitigated by the fact that the election and service of the latter was more directly tied to the legion in which he served as an officer.

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<sup>59</sup> Plut. Pomp. 25.1-5., Cic. Prov. Cons. 19

<sup>60</sup> Suolahti 1955, 36-37, 198-199; On some occasions, military tribunes were selected by the consuls of the year, usually from among their clients and dependents.

<sup>61</sup> Liv 43.12. Pol. 6.19.8, Suolahti 1955, 40-41.

Quaestors, on the other hand, were typically assigned by lot to particular *provinciae* at the same time as the consuls or praetors who would command them. They served as direct subordinates and assistants to these magistrates, being expected to spend the funds set aside for military campaigns and perform a wide variety of additional functions at the discretion of their commanders.<sup>62</sup> The power relationship between the quaestor and his commander was thus a unique one within the Roman political order, and needed to be situated within different social parameters than those which governed the dealings between other elected magistrates.

Within the Roman cultural template, the two most generally acceptable relationships of social subordination were those between patron and client, and the *paterfamilias* and his family unit. A relationship based on patronage could not be readily applied to those in the quaestorship, since the men who held the office often came from the most prominent aristocratic *gens*, and could in some cases aspire to a higher degree of success than their commanders. A formalized, quasi-filial relationship may thus have been more appropriate. According to Cicero, the appropriate relationship was traditionally expected to take the form of a kind of filial bond between the quaestor and his commander—“*praetorem quaestori suo parentis loco esse*”—with the senior magistrate acting as a father figure to his subordinate, and the experience of a shared assignment to a particular province creating a permanent bond of loyalty between them that would endure, to some extent, for the remainder of their respective careers.<sup>63</sup>

It is unlikely, as Cicero implied that the close relationship between the quaestor and his commander was due to the conferral, through the assignment of magistrates of a

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<sup>62</sup> Pol. 6.12-15. see above.

<sup>63</sup> Cic. In Caec. 61.,

mandate from the gods, *deorum iudicium*, and that failure of the quaestor to uphold that relationship could be considered an act of *impietas*.<sup>64</sup> Given that Cicero made use of the argument during a speech advocating for his appointment prosecute Gaius Verres in the place of Verres' former quaestor, some exaggeration is likely to have taken place. The extent to which religious considerations affected the use of the *sors* has been shown to be limited, with the primary concern being to insure fairness in the assignment of *provinciae*. In cases where magistrates disagreed with their assignment, they could trade provinces with their colleagues by mutual consent or convince the Senate to assign provinces by decree.<sup>65</sup>

The practice of assigning *provinciae* despite the verdict of the lot was already acceptable during the Second Punic War, when the Consul Marcus Claudius Marcellus exchanged his province of Sicily after receiving complaints from the Syracusans, and Publius Cornelius Scipio obtained Sicily as his province with authorization to invade Africa by decree of the Senate.<sup>66</sup> It is entirely likely that the assignment of quaestors by lot would have been altered just as frequently, if those elected wished to exchange their *provinciae* or if a commander wished to have a blood relative or dependent appointed.

The necessities of office and the general nature of Roman social and political relations dictated the behaviour of quaestors towards their commanders, with religious factors playing little or no part. Given the likely differences in age and experience between most quaestors and the senior curule magistrates to whom they were assigned, a formalized, quasi-filial relationship was most appropriate. During his tenure in office, the quaestor was expected to play the part of a dutiful son upon whom his commander could

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<sup>64</sup> Thompson 1962, 343-349.

<sup>65</sup> Rosenstein 1995, 51-57.

<sup>66</sup> Liv. 26.26, 27.16, Plut. *Marc.* 3; Liv. 28.40-45; MRR 210

rely. The nature of the relationship naturally lent itself, inasmuch as choice was possible to the selection by particular magistrates of quaestors that were already tied to them by friendship or familial bonds.

It is difficult to ascertain the period during which the principle of a formalized, filial relationship came into existence, due in large part to the scarcity of the evidence for the quaestorship in the third and second centuries. The tendency may have been established well before the Second Punic War. In 212, Cnaeus Cornelius Lentulus presided over the funeral and burial of his commander, Tiberius Sempronius Gracchus, who had been killed in the field.<sup>67</sup> Though the ceremony was carried out in haste—Hannibal’s army remained in close proximity—it is notable that the quaestor would assume the role normally reserved for the son of a deceased aristocrat in conducting the funeral and perhaps even delivering the *laudatio*.<sup>68</sup> It is likely because of blood ties that Titus Quinctius Flaminius was appointed to serve as quaestor for his uncle, the Praetor Quintus Claudius Flamen, who was then assigned to Tarentum. The close relationship between the two may have made Flaminius the logical successor when Flamen died or departed from his command and the Senate had to select a replacement.<sup>69</sup> The selection of Publius Cornelius Scipio as commander of the Roman armies in Spain in the place of his deceased kinsmen had already demonstrated the willingness of the Senate and people to appoint generals whose relations had an established presence within a particular field, irrespective of age and experience.<sup>70</sup>

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<sup>67</sup> Liv. 25.17.

<sup>68</sup> Pol. 6.53; cf. Flower 1996, 130.

<sup>69</sup> Liv. 29.13.6, Plut *Flam* 1, Badian *op cit*.

<sup>70</sup> Liv. 26.18-20.

The quaestorship of Marcus Porcius Cato in 204 was particularly controversial. Assigned as quaestor to the army of Publius Cornelius Scipio during his invasion of the Carthaginian territory in Africa, Cato appears to have served with distinction, commanding the left wing of the Scipionic fleet during the crossing to Africa, and insuring the defeat of the Carthaginians during a naval engagement by having his men wear the uniforms and insignia captured from other Punic forces in order to deceive them.<sup>71</sup> However, Cato grew increasingly critical of Scipio, condemning both his excessive expenditure and the supposedly luxurious, morally corrupt lifestyle he permitted his soldiers to indulge in. According to Plutarch and Cornelius Nepos, he eventually left the army to return to Rome and publicly join Fabius Maximus to denounce his commander before the Senate.<sup>72</sup>

The notion of an early conflict between Cato and Scipio Africanus has been challenged as a potential distortion in the source tradition, introduced in light of the later rivalry between the two men.<sup>73</sup> Notably, Livy makes no mention of Cato's departure or of his role in the campaign to remove Scipio from his command. The testimony of Plutarch and Nepos has also been called into question. Plutarch suggests that Cato departed from Sicily to attack Scipio before the Senate. Tribunes were dispatched by the *patres conscripti* to inquire into his behaviour, but they were ultimately convinced of his effectiveness as a commander, and allowed him to depart for Africa.<sup>74</sup> This directly contradicts Livy's account, which places Cato in a subordinate command post during the

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<sup>71</sup> Liv. 29.25, Auct. Vir. Ill. 47.1, Front. Strat. 4.7.12.

<sup>72</sup> Plut. Cat. Mai. 3.5-7, Nep. 1.3. cf. Scullard 1951, 112.

<sup>73</sup> Ruebel 1977, 63.

<sup>74</sup> Plut. Cat. Mai. 3.5.8.

crossing to Africa.<sup>75</sup> Less seriously, Nepos refers to Scipio as consul at the time that Cato served as his quaestor. Cato only held the quaestorship in 204, by which time Scipio's consulship had already come to an end. It should be noted also that Nepos does not explicitly posit a conflict during his quaestorship, but states that Cato did not deal with Scipio in accordance with the bond, *necessitudo*, of their office, for the two were at odds for their whole lives.<sup>76</sup> This would appear to suggest that the political rivalry between the two men later in their respective careers in itself constituted a breach of the traditional filial bond expected between quaestors and their commanders. It could, however, be argued that the case of Cato and Scipio was a unique one, given the similar age of both and the irregularity of Africanus' ascent to the consulship.

Both the chronology presented by the two authors and the association of his opposition with that of Fabius Maximus are dubious, but it does not give us reason to reject the tradition that Cato had quarreled with Scipio and denounced his actions publicly.<sup>77</sup> For in 202 Scipio requested and obtained the appointment by Senatorial decree of Gaius Laelius to serve as his quaestor.<sup>78</sup> Of a previously unknown Plebeian family, Laelius was closely associated with Scipio—though he was certainly older—under whom he had served as a staff officer in Spain and prefect of the fleet during the African expedition, a position which must have led him to work particularly closely with Cato.<sup>79</sup>

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<sup>75</sup> Liv. 29.25.

<sup>76</sup> Nep. 1.3. "Quaestor obtigit P. Africano consuli; cum quo non pro sortis necessitudine vixit: namque ab eo perpetua dissensit vita." the specific dating of the quaestorship comes from Cicero (Brutus 60).

<sup>77</sup> Liv. 29.19; Astin 1978, 13-16.

<sup>78</sup> Liv. 30.33.

<sup>79</sup> Pol. 10.9.2, Vell. 2.127, Liv. 29.25; cf. Elvers, K.L. "Laelius C. cos. 190" *DNP*.

The appointment must be treated as particularly significant, since it marks the only known, specific assignment of a quaestor by senatorial decree in the entire history of the Republic.<sup>80</sup> The replacement of a quaestor at the height of a particularly difficult military campaign was a rare occurrence. The normal practice required him to remain at his post until the commanding magistrate had been replaced or returned to Rome. On only two occasions in the history of the Republic do we find incidents in which a quaestor served briefly and departed before the end of a given military campaign.<sup>81</sup> In the 120's, the Senate appears to have specifically prorogued the command of the Consul Lucius Aurelius Orestes for two successive years in order to keep his quaestor, Caius Sempronius Gracchus, from returning to Rome to present his candidacy for the tribunate of the plebs. When Gracchus returned anyway, he was denounced by the Senate for abandoning his post.<sup>82</sup>

Cato does not appear to have returned to Rome in 203-202 to seek a higher office, as he did not become plebeian aedile until 199, but he likely was present to deliver a speech condemning the election of the Aediles of 202 for their election *vitio creati*.<sup>83</sup> If the standard dating of the speech is accepted, Cato is likely to have been in Rome during the better part of the African campaign not, as Ruebel has posited, serving as a military tribune under Africanus at Zama—an unlikely argument in itself, given the unlikelihood of a decision to seek a decree from the Senate to assign a replacement quaestor while the current occupant remained in the field, at a lesser post.<sup>84</sup> It must therefore be asked why an apparently capable quaestor, with the mentality of a traditionalist would either depart

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<sup>80</sup> Thompson 1962, 146.

<sup>81</sup> Gruen 1966, 106-107; Sall. Iug 104.3; MRR II.60.

<sup>82</sup> Plut. *CG*. 2.4.

<sup>83</sup> ORF(3) fr. 217, 218; Astin 1978, 18.

<sup>84</sup> Ruebel 1977, 164.



from office, or be replaced at the instigation of his commander, in the absence of some unusual aberration or conflict in the relations between the two. The silence of Livy is notable, but cannot be taken as an argument against the veracity of an early dispute between Cato and Africanus. Though he neglects to mention the departure of Cato, he only notes the special appointment of Laelius as quaestor in passing, when discussing the Roman order of battle at Zama.<sup>85</sup> This suggests that Livy either did not view the changes in staff within Scipio's command tent as being significant to warrant much attention, or else that he chose to omit reference to the dispute between Cato and Scipio, because it reflected poorly upon the conduct of a particularly decisive military campaign, and served as a blemish on the career of Cato, whom he regarded with tremendous admiration.<sup>86</sup>

In any case, the presentation of Cato's record in office by the ancient authors clearly demonstrates the expectation, within the political context of the Middle Republic, that quaestors would maintain strict loyalty and a quasi-familial bond with the magistrates who commanded them. As the office of quaestor assumed greater significance, political associations between the quaestors and their commanders for mutual benefit would continue, with occasional disputes occurring as aberrations in the normal order. The office could not have helped but to be affected by the tremendous increase in political competition in the period immediately following the conclusion of the Second Punic War. If conflict had significantly increased the scope of the Roman state and its magistracies, it had also radically altered the nature of political competition. The losses sustained in the defeats at Trebia, Trasimene and Cannae decimated the

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<sup>85</sup> Liv. 30.33.

<sup>86</sup> Liv. 39.40-41.

Roman Senate, and led to the enrollment of 170 new senators to fill the gap.<sup>87</sup> Included on the new Senate rolls were, according to Livy those individuals who had served as quaestors, aediles and tribunes of the plebs without being admitted to the Senate.<sup>88</sup> This occasion may have marked the beginning of the use of the quaestorship as a gateway office through which one could enter the Senate, in a process which would be formalized by the legislation of Sulla.<sup>89</sup> It also marked the beginning of an intense clamour for office, as new families and *novi homines* broke with previous tradition sought to distinguish themselves, and eliminate their opponents through legal and political warfare. The individuals who held the quaestorship during the war against Hannibal and survived until the end of the conflict appear to have been generally successful. Cnaeus Cornelius Lentulus, who had served as quaestor in 212 and taken command of the army in Lucania after the death of the proconsul Tiberius Sempronius Gracchus, went on to hold the curule aedileship in 205, in conjunction with his brother, Lucius Cornelius Lentulus, who had been serving as proconsul in Spain since the departure of Scipio in 206.<sup>90</sup> In irregular fashion, Lucius Cornelius Lentulus remained in Iberia for the duration of his magistracy, only returning to Rome in 200.<sup>91</sup>

While never accorded the same attention as the Fabii, the Cornelii Scipiones and the Quincti Flamini, the Cornelii Lentuli appear to have been particularly prominent in the period of the Second Punic War, and just as prone to constitutional irregularity. The irregular aedileship held by Lucius Cornelius Lentulus has been remarked upon, and in

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<sup>87</sup> Liv. 23.22, Scullard 1951, 56.

<sup>88</sup> Liv 23.23.

<sup>89</sup> Wiseman 1971, 154.

<sup>90</sup> Liv. 29.11.12.

<sup>91</sup> Liv. 31.14.2.

one case even ascribed to an error on the part of Livy.<sup>92</sup> What generally fails to be noted is that he held the office in conjunction with his brother, who had already distinguished himself as quaestor and the temporary commander of a large army. The irregularity must therefore be seen more as a sole aedileship for Cnaeus than an absentee aedileship for Lucius.

The popularity and reputation of both brothers must have been such that the Senate and people were prepared to allow the former to hold office alone while conferring the honour of the magistracy upon the later, who was serving with success in Spain—he put down a serious revolt and was re-confirmed as proconsul by the *populus* in 204—but was otherwise unable to pursue a political career in Rome.<sup>93</sup> Both continued to be successful in the ensuing years, with Cnaeus attaining the consulship in 201—without first having been Praetor—and Lucius being elected consul in 199, without having held any elected magistracy other than that of aedile.<sup>94</sup> As the war came to an end, and traditional procedure reasserted itself, the Lentuli suffered minor setbacks. The Senate denied Lucius' request to celebrate a triumph upon his return from Spain in 200, on the grounds that there was no precedent for the honour to be given to an individual who had had not been a senior magistrate, requiring to celebrate an *ovatio* instead.<sup>95</sup> Cnaeus' was unsuccessful in his attempts to be appointed by the Senate as a replacement for Scipio in Africa prior to the surrender of the Carthaginians.<sup>96</sup> His consulship was otherwise uneventful and upon its completion he campaigned unsuccessfully for the censorship,

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<sup>92</sup> Corey Brennan 2000, 160-161. Sumner 1973, 142-144.

<sup>93</sup> Liv. 29.11.

<sup>94</sup> Liv. 30.40; 31.49.12.

<sup>95</sup> Liv. 31.20.1-7; Corey Brennan 2000, 161.

<sup>96</sup> Liv. 30.40.1-7.

losing to Scipio Africanus, and served with his brother on the commission of ten dispatched to Greece in the aftermath of the Second Macedonian War.<sup>97</sup>

Of all the quaestors who served during the Second Punic War, Titus Quinctius Flamininus enjoyed the most rapid and unprecedented rise, attaining the consulship in 198 without having held any of the intervening magistracies. His military record, and experience as governor of the Greek city of Tarentum in the final years of the war had, however, provided him with significantly greater military and administrative credentials than many former praetors. Perhaps more importantly, he had practical experience in dealing with Greek communities, which he might be expected to put to good use in his diplomatic dealings on Mainland Greece.<sup>98</sup> It should be noted that, in assessing the patterns of office holding during the early period of Roman transmarine expansion, historians both ancient and modern often tend to mistakenly impose the standards of the Late Republican *cursus honorum*. The requirements for office holding were evidently more limited in an environment in which the offices available and the powers associated with them remained in flux. In a period of intense conflict, accompanied by the decimation of much of the traditional aristocracy in battle, significant military experience (which in the case of Flamininus and the Lentuli exceeded that of many duly elected curule magistrates) may have been considered equivalent to a record of previous offices held in the mind of the electorate.

The less well known quaestors who served during the second Punic War appear also to have continued their careers with some degree of success. Cnaeus Tremellius Flacco and Lucius Furius Bibaculus were dispatched on the embassy to Pergamum which

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<sup>97</sup> Scullard 1951, 96, 107.

<sup>98</sup> Liv. 32.7-8.; Plut. Flam. 3; Scullard 1951, 97.

brought the Magna Mater to Rome and served as praetors in 202 and 201 respectively.<sup>99</sup> Caius Flaminius and Gaius Laelius, both of whom had launched their careers as quaestors under Scipio Africanus, went on to hold the praetorship and the consulship, with Flaminius returning to Spain, where he had already acquired considerable experience.<sup>100</sup>

The office of quaestor had come into its own in the third century, as the powers and responsibilities associated with the quaestorship expanded considerably. This evolutionary process can be attributed in large part to the inherent pressures of continuous, large scale warfare, experienced by the Romans during the conflicts with Pyrrhus and the Carthaginians. The necessity of deploying large armies far from the heartland of Central Italy for prolonged periods of time made it necessary to adopt a more sophisticated command structure in the field, in which the military quaestors played an important part. At the same time, the increased costs of war, particularly in the field of naval building, pushed the Republic towards a more sophisticated financial structure, based on the use of metal currency, significantly increased taxation, and the more complex financial mechanisms needed to manage expenditures and debt.

The second century saw the trend continue as the revenues of the Roman state increased, and new *provinciae*, both territorial and administrative were created. It is likely that by 197, when the number of praetorships was increased from four to six, the number of quaestors had already been increased to eight, as Tacitus had suggested. In all likelihood, this would have included the existing urban quaestors responsible for the *aerarium* and the two military quaestors assigned to serve as adjutants to the consuls. To

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<sup>99</sup> Liv. 29.11; MRR 1.299.

<sup>100</sup> Liv. 33.26, 35.2, 37.2, 38.42.

that number two further quaestors were added to serve in the Sicilian Province, one quaestor to serve in Sardinia, and one quaestor to manage naval affairs at Ostia.<sup>101</sup>

The quaestors of the early second century appear to have been involved in the judicial proceedings undertaken against senior magistrates accused of *ambitus*, electoral bribery, and *peculatio*, the embezzlement by commanders in the field of booty intended for the treasury. As the magistrate responsible for the consular war chest in a given campaign, the quaestor was also responsible for accounting for the booty collected and ensuring that the necessary sums were handed over to the *aerarium*.<sup>102</sup> The quaestor of 188, Quintus Fabius Buteo, was even required to remain in Iberia to collect and arrange for the transport of over a third of the booty accumulated during the course of the previous year's campaign while his commander returned to Rome to celebrate an ovation.<sup>103</sup> When the consul Lucius Cornelius Scipio Asiaticus was prosecuted by the tribunes of 187 for embezzlement of a portion of the sum paid out by Antiochus at the Peace of Apamea, both the members of his staff and his quaestor, Caius Furius Aculeo were indicted. Aculeo was convicted, along with his commander and the legate Aulus Hostilius Cato. According to Livy, quoting Valerius Antias, Aculeo was also found to have taken a portion of the funds obtained from Antiochus for himself. While Scipio was imprisoned, and eventually released with a fine, the quaestor was released on bail. The ultimate penalty imposed upon him is unknown, and he does not appear to have held any further office.<sup>104</sup>

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<sup>101</sup> Liv. 32.27.6, Tac. Ann. 11.22. Harris 1976: 104-105.

<sup>102</sup> Liv. 26.47.

<sup>103</sup> Liv. 39.29.

<sup>104</sup> Liv. 38.58.

The details of Furius Aculeo's conviction must be considered suspect, in large part due to the confused narrative surrounding the trials of the Scipios, and the unreliable account of Valerius Antias, which even Livy questions.<sup>105</sup> Nor is the case necessarily representative of the overall political trend; the attempted trial of Manius Acilius Glabrio for *peculatio* does not appear to have involved his quaestor, with the witnesses presented against and in favour of his conduct coming exclusively from among his staff and the military tribunes.<sup>106</sup> Moreover, if we accept the core narrative of the incident—that a quaestor was prosecuted and convicted for *peculatio*, considered to have been carried out with and under instructions from his commander—the case takes on considerable importance. The trial and conviction of Furius Aculeo indicates that quaestors could, by the early second century, be held partly responsible for any misappropriations of funds carried out by the magistrates to whom they were assigned.

Whenever such situations arose, the strain placed on the relationship between the quaestor and his commander must have been considerable, and there may have been a strong temptation for individual quaestors to disobey orders or defy convention by taking the side of the prosecution in order to salvage one's political career. Some quaestors may also have felt a degree of obligation towards the public purse. We know of a few cases in which quaestors either prosecuted or otherwise turned against their commanders. That of Cato the Elder is perhaps the most well known and, as we have seen, the case involved a dispute over expenditure.<sup>107</sup> Similarly, the quaestor Quintus Caecilius Niger sought to prosecute his former commander, Gaius Verres, for extorting funds from the local

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<sup>105</sup> Scullard 1951, 290-293, Shatzman 1972, 194-195.

<sup>106</sup> Liv. 37.57.

<sup>107</sup> Plut. *Cat. Mai.* 3.5-8.

population while serving as governor of Sicily.<sup>108</sup> Both Scipio and Verres faced serious opposition, and their quaestors may have calculated that it was essential to their own political survival to publicly turn on their commanders, even at the risk of appearing to breach the customary quasi-paternal relationship, in order to avoid sharing the blame and risking prosecution for their own actions.<sup>109</sup>

If the accounts of the trials of the Scipios shed light upon the activities and prerogatives of the military quaestorship in the middle Republic, they also provide valuable information as the powers exercised by the treasury quaestors. In 187, Scipio Africanus was accused before the Senate of removing for his personal use a large portion of the plunder exacted from Antiochus at the peace settlement of Apamea. When he attempted to have the Syrian gold brought out from the aerarium to demonstrate his innocence, the treasury quaestors refused, and ultimately barred him from entering the building.<sup>110</sup> When Lucius Cornelius Scipio “Asiaticus” was convicted for peculation along with members of his staff, he was forced to pay bail to the treasury quaestors in order to secure temporary release. The quaestors were subsequently delegated to assist in the investigation carried out by the Praetor Peregrinus, Quintus Terentius Culleo.<sup>111</sup> When none of the wealth considered to have been taken from the Syrians was uncovered, public opinion turned against the Praetor and his associates. Culleo appears to have held no further offices, despite more than attempt to attain the consulship.<sup>112</sup> The fate of the quaestors of 187 is unknown.<sup>113</sup> The conduct of the quaestors involved in the Scipionic

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<sup>108</sup> Cic. *In. Caec.* 60-65.

<sup>109</sup> Thompson 1962, 352-354.

<sup>110</sup> Liv. 38.55.

<sup>111</sup> Liv. 38.60.

<sup>112</sup> Liv. 39.32; the last known attempt was made in 184, and no one appears to have considered him as the likely victor.

<sup>113</sup> MRR. 1.368.



trials indicates that the office continued to be significant after the conclusion of the Second Punic War, providing its occupants with opportunities to interact and work closely with senior magistrates. However, both the military quaestors assigned to foreign *provinciae* and the urban quaestors managing the *aerarium* could expect to be held partly responsible for the actions of their superiors, with equally damaging results for their careers.

Regrettably, little is known of the quaestors who served in the decades immediately following the Second Punic War, and patterns of political behaviour are difficult to distinguish.<sup>114</sup> However, the office of quaestor cannot have helped but to be affected by the significant increase in the degree of political competition that occurred in the 180's and the 190's. At the higher end of the *cursus honorum*, elections were particularly hard fought. The Punic and Macedonian Wars had elevated a new generation of aristocrats into the Senate and provided a much wider group of men with the wealth, experience and military reputations necessary to become strong contenders for the senior magistracies.<sup>115</sup>

As many as seven serious candidates contested the consular elections of 193 and 185 respectively, and in the later case, all of the serious candidates had already suffered electoral defeat in previous campaigns for the consulship.<sup>116</sup> There were no less than nine known candidates for the censorship in 189 and six in the election of 184. Notably, a considerable number of the candidates were seeking the office for the second time.

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<sup>114</sup> Two quaestors are known for the year 188, Q; Fabius Buteo, who served as quaestor in Spain and Q. Petilius Spurinus, who may have held one of the urban or Italian quaestorships. Both reached the praetorship in 181 (MRR 1.366). No quaestors are identified by name for the years 187-169,

<sup>115</sup> Liv. 23.22-23.

<sup>116</sup> Liv. 35.10.1; 39.32; cf. Evans & Kleijwegt 1992, 186 for detailed statistics on consular and censorial elections 194-173.

Allegations of bribery were made against one of the candidates for the censorship of 189, Manius Acilius Glabrio, who was forced out of the race after being prosecuted for withholding plunder taken during his campaign in Greece from the *Aerarium*.<sup>117</sup> Nor was competition, apparently, limited to the higher magistracies. Marcus Aemilius Paullus faced 12 competitors in his bid for the curule aedileship in 193. All of them, supposedly, eventually reached the consulship.<sup>118</sup> Although we have no comparative evidence for quaestorian elections in the middle republican period, a similar increase in competition could have occurred particularly if, as was the case in the late Republic, certain candidates for the quaestorship chose to run as the favourites of one of the consuls elected in a given year.<sup>119</sup>

It is difficult to determine the immediate effects on the quaestorship of the attempts made to regulate competition in the 180's. The provisions of the *Lex Baebia de Ambitu* would have been applicable to cases of electoral bribery in quaestorian elections.<sup>120</sup> The *Lex Villia Annalis* of 180 fixed minimum ages at which the magistracies could be held and set a compulsory interval between which one could hold the major offices.<sup>121</sup> The age requirements did not directly affect the quaestorship, since a *de facto* restriction already existed. It was necessary to have served in ten campaigns before being eligible for public office, making it difficult to reach the quaestorship before the age of 27 or older.<sup>122</sup> Some individuals, like Titus Quinctius Flaminius, may have done so, but the case of Flaminius was particularly rare. The requirements of constant warfare during the

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<sup>117</sup> Liv. 37.57, 39.32; Scullard 1951, 149-151.

<sup>118</sup> Plut. Aem. 3.1.

<sup>119</sup> Cf. Cic. Vat. 11-12; Val. Max. 8.15.4.

<sup>120</sup> Liv. 40.19.11; Elster 2003, 339-340.

<sup>121</sup> Liv. 40.44; Scullard 1951: 172-173, Astin 1958: 14, Elster 2003: 344-347.

<sup>122</sup> Pol. 6.19.4; Astin 1958: 6.

Hannibalic war may have required him to undertake his military service at an earlier date and made it possible to participate in the pre-requisite ten campaigns in well under a decade.<sup>123</sup>

There is no conclusive evidence for the existence of a formally mandated biennium between the quaestorship and the offices of aedile or praetor. While Astin appears to suggest such an interval it is notable that we see no change in the average period between quaestorships and election to the higher offices in the fasti. None of the known quaestors elected between 218 and 180 sought the aedileship or the praetorship within less than two years after leaving office, and the tendency remained the same until the final years of the Republic.<sup>124</sup> Flamininus is the sole possible exception to the rule, based on Broughton's interpolations, but it is notable that Livy refers to him only as having sought the consulship *ex quaestura*, which in context only indicates that the quaestorship was the highest office he had held prior to his consular candidacy.<sup>125</sup>

We may therefore reserve judgment as to whether the *Lex Villia Annalis* directly regulated competition for the quaestorship. Whether or not this was the case, the law may nevertheless have had a considerable indirect effect on competition in that it marked the beginning of a formalized *cursus honorum* in Roman politics, which would remain in place until the end of the republican period. Prior to 180, patterns in office holding had tended to be erratic, with some individuals, like Flamininus proceeding immediately to the senior magistracies, while most tended to seek to hold them on a consecutive basis.<sup>126</sup> The decimation of much of the senatorial aristocracy during the Second Punic War and

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<sup>123</sup> Badian 1971: 104.

<sup>124</sup> Astin 1958, 8-12; my estimate is based upon the evidence presented in Broughton, MRR I.

<sup>125</sup> Liv. 32.7.

<sup>126</sup> Astin 1958, 14-19.

the significant influx of wealth into the city of Rome in the early second century had allowed several new families to rise to political prominence.

Their presence combined with the deficiencies of the existing political order to create an ongoing deadlock in the competition for high office, with large fields of candidates, a tendency for many candidates to fail on the first attempt, and considerable advantages for the individuals—particularly those who held the aedileship—who could use the prerogatives of office or their private resources to purchase the favour of the electorate.<sup>127</sup> The situation was such that only one of the seven candidates for the consulship in 184 had not sought the office previously, while both the candidates and the electorate viewed previous, unsuccessful attempts as a competitive advantage—presumably the *populus* could be expected to confer the office upon them because it was seen to be their turn.<sup>128</sup>

The *Lex Annalis* represented an attempt to break the deadlock by mandating minimum ages and intervals between offices, thus reducing the number of eligible candidates in each contest, and reduced the potential for some candidates to use their incumbency in a lower office as an electoral advantage. In the process, however, it established a standard career path for senatorial aristocrats, upon which the quaestorship represented the first step.<sup>129</sup> As a result, what had previously been a somewhat informal, ill defined magistracy, established to manage the finances of the early Republic and expanded with the creation of new provinces or the needs of specific military campaigns, was now firmly regularized. The overall effect allowed for an expansion in the scope of

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<sup>127</sup> See above.

<sup>128</sup> Liv. 39.32. P. Claudius Pulcher, the lone candidate not to have been elected previously was victorious, but this was seen as being the result of the influence of his brother, the incumbent Consul Appius Claudius, who conducted the election despite campaigning on his brother's behalf.

<sup>129</sup> Cf. Develin 1979: 81.

quaestorian activity and its involvement in the high level political competition of the middle and late Republican periods. Regrettably, we know nothing of the vast majority of the quaestors who held office during the mid second century, in large part due to the absence of Livy's narrative.<sup>130</sup> So far as we can determine, the scope of quaestorian activity continued to expand as the office itself came to play an integral role in the *cursus honorum*.

The quaestors in the provinces may have enjoyed the most significant opportunities for advancement and distinction. Rather than simply managing the consular or praetorian war chest, they continued to serve in a number of different capacities. Lucius Cornelius Sulla remains perhaps the best example. Unknown in the period prior to his quaestorship, he was put in charge of the camp in the army of Gaius Marius, and tasked with the sensitive negotiations that resulted in the capture of the Numidian King Jugurtha. The electorate apparently gave him a substantial degree of credit for the achievement in his future campaigns for office.<sup>131</sup> Urban quaestors, though denied the opportunity and the prestige of a subordinate command in the field may nevertheless have acquired a considerable amount of diplomatic experience, being delegated by the Senate to take charge of foreign heads of state during their visits to mainland Italy. In 168, L. Manlius Acidinus, was chosen by the Senate to meet and entertain Masgaba, the son of the Numidian king Massinissa, receiving a generous allowance of 1,000 silver talents to pay for gifts to the prince. When a ship bearing Misagenes, another son of the Numidian ruler was forced to land at Brudusium, the other known urban quaestor, Lucius Stertinius was sent to meet with him, and instructed to spend an equivalent amount on

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<sup>130</sup> There is a gap in the fasti between 188 and 168, and again between 167 and 154.

<sup>131</sup> Plut. Sull. 3-5.

gifts or entertainment.<sup>132</sup> In the next year, the urban quaestor Lucius Cornelius Scipio was dispatched by the Senate to greet King Prusias of Bithynia upon his arrival in Italy, and later charged with showing him around the city while he waited for an audience with the *patres conscripti*.<sup>133</sup>

As we have already seen, the assignment of quaestors by lot, the *sors religio*, was not seen to confer divine approval—the “will of heaven” in the words of Lily Ross Taylor—on the relationships between quaestors and their commanders.<sup>134</sup> As Rosenstein has argued, convincingly, the use of the lot was intended to introduce a measure of fairness into the method of voting in the assemblies and to provide individual magistrates with an equal chance of obtaining the most desirable *provinciae*, without the intervention of the Senate or the popular assemblies in their favour.<sup>135</sup>

The assignment of quaestors by lot to various *provinciae* appears to have been the standard procedure in the middle and late Republican periods.<sup>136</sup> In some cases, the results of the *sors* were greeted with disappointment by the *populus* and the quaestors themselves. Publius Vatinius, elected last among the quaestors of 64/63 was allotted the important post of *quaestor ostiensis* despite a public outcry against his selection.<sup>137</sup> Marcus Pupius Piso Calpurnianus, the quaestor allotted serve under the Consul Lucius Scipio Asiagenes in 83, refused the post and did not join the consular army because the assignment went against his republican convictions.<sup>138</sup> In most cases, however, the

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<sup>132</sup> 45.14.

<sup>133</sup> Liv. 45.44.17.

<sup>134</sup> Taylor 1966: 73-74.

<sup>135</sup> Rosenstein 1995, 51-57.

<sup>136</sup> Thompson 1962, 41-43. Liv. 30.33.2.

<sup>137</sup> Cic. *In Vat.* 11-12.

<sup>138</sup> Cic. *Verr.* 1.37.

selection of quaestors by lot was accepted with equanimity by senior magistrates who did not necessarily have any previous relationship with them.<sup>139</sup>

Moreover, while the lot was the default method of assigning magistrates, it was by no means rigidly imposed. The Senate could intervene to assign a magistrate *extra sortem ex senatus consulto*, as it did when Scipio Africanus was assigned the *provinciae* of Sicily in 205, and Gaius Laelius was assigned as his quaestor in 202.<sup>140</sup> In unusual circumstances outside of wartime, senatorial decree could also be employed; when Gaius Valerius Flaccus, the flamen dialis, was elected as Praetor in 183, the Senate intervened to insure that he would be assigned the duties of Praetor Peregrinus and thus be able to remain in Rome.<sup>141</sup> Magistrates could also agree, by mutual consent, to exchange *provinciae*, as Marcus Claudius Marcellus did in 210, when the Syracusans objected to his assignment to Sicily.<sup>142</sup> On some occasions, as at the beginning of the Third Macedonian War in 171, the Senate itself could decide to allow the Consuls to choose their *provinciae* by mutual consent, resorting to the *sors* only if they could not arrive at a mutually acceptable agreement.<sup>143</sup>

In all likelihood, senior magistrates enjoyed similar opportunities to forgo the lot when selecting the men who would serve under them as quaestors. The occasional privilege of selection would have allowed them to ensure, not only the assignment of individuals with whom they could expect to work well, but the promotion of friends and kinsmen whose careers they wished to advance. While the appointment of Laelius as quaestor in 202 remains the only known case of assignment to the quaestorship by

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<sup>139</sup> Cic. *Ad. Fam.* 2.19.

<sup>140</sup> Liv. 28.38.12; Liv. 30.33.2.

<sup>141</sup> 39.45.4.

<sup>142</sup> Liv. 26.26, 27.16, Plut. *Marc.* 3

<sup>143</sup> Liv. 42.31; cf. Rosenstein 1995: 52 for further examples.

Senatorial decree, we have reason to believe that there were many similar cases, particularly in the late Republic. When seeking election to the Consulship in 134, Scipio Aemilianus campaigned vigorously in the quaestorian elections to secure the victory of his nephew, Quintus Fabius Maximus. Fabius was elected easily, and assigned to serve his uncle as quaestor in the campaign against the Numantines.<sup>144</sup> In 132, Quintus Fabius Maximus Eburnus was assigned as quaestor to his father in law Publius Rupilius, but was sent back to Rome after suffering a humiliating military defeat.<sup>145</sup> Lucius Cornelius Sulla appears to have had no military experience when he was elected quaestor in 108, and was assigned to the army of Gaius Marius in Numidia. It is likely that he owed his electoral success and assignment to Marius, to whom he had familial ties through his first wife Julia.<sup>146</sup> Sulla may later have campaigned for the election to the quaestorship of Lucius Licinius Lucullus, a military tribune to whom he had attached himself in the Social War, and requested that he be assigned to the army being prepared for the war against Mithridates.<sup>147</sup>

If quaestors could be assigned because of familial ties or bonds of friendship to their commanding magistrates they may also have been assigned, without recourse to the lot, to *provinciae* with which they or their families had a particularly strong familiarity. The brothers Gracchi are among the few quaestors for whom we have a substantial amount of information. Both were assigned to *provinciae* in which their families had particular experience and reputation. Tiberius Gracchus was sent to Spain, where his

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<sup>144</sup> Val. Max. 8.15.4; App. *Ib.* 84; MRR. 1.491.

<sup>145</sup> Val. Max. 2.7.3; MRR 498

<sup>146</sup> Sall. *Iug.* 95-96; cf. Keaveney 1982: 8-11.

<sup>147</sup> Keaveney 1992: 17.



father had served as Praetor in 180.<sup>148</sup> It was on account of their previous relationship with the elder Gracchus that the Numantines agreed to negotiate with Tiberius to allow the escape of Gaius Hostilius Mancinus' defeated army.<sup>149</sup> Similarly, Gaius Gracchus was assigned to Sardinia, a province his father had governed twice as consul, during his quaestorship in 126.<sup>150</sup>

In the last years of the Republic, factional allegiances became a more open consideration in quaestorian elections and the assignment of quaestors without recourse to the lot was more openly practiced. Publius Vatinius, quaestor in 63, was accused of owing his election entirely to support from Caesar.<sup>151</sup> Titus Ligarius, quaestor in 54 similarly owed his position the Caesarians.<sup>152</sup> Publius and Marcus Licinius Crassus served as quaestors in the years 55 and 54 respectively. The former was elected in the same year as his father, the elder Marcus Licinius Crassus, captured the consulship in an atmosphere ripe with intimidation and bribery of the electorate. The latter was elected in 55 and assigned to the army of Caesar in Gaul, perhaps to further cement the alliance between the triumvirs.<sup>153</sup> In 53, Caesar appears to have secured the election of Marcus Junius Brutus and his assignment to the army in Gaul, but Brutus refused the assignment and was able to instead arrange to be sent to Cilicia as quaestor for his father in law, Appius Claudius Pulcher.<sup>154</sup> In 52, two quaestors were assigned without recourse to the lot; Marcus Antonius was selected for the army of Caesar in Gaul, while Quintus Cassius

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<sup>148</sup> Liv. 40.35.10.

<sup>149</sup> Plut. TG. 5.2-4.

<sup>150</sup> Liv. 48.1.3-5; MRR 1.440; Plut. CG. 1.4-2.3.

<sup>151</sup> Cic. In Vat. 11-12.

<sup>152</sup> Cic. Lig. 35-36.

<sup>153</sup> Plut. Pomp. 52-53; Caes. BG. 5.24.3; MRR 1.217, 1.223.

<sup>154</sup> Auct. Vir. Ill. 82.3-4.

Longinus was chosen to serve with the Pompeian legions in Spain.<sup>155</sup> The brother Gaius and Lucius Antonius were elected in 51 and 50 respectively, with a similar degree of political support from Caesar.<sup>156</sup>

We thus find a number of instances, in the middle and late Republican periods, in which senior magistrates campaigned for the election of younger relatives, friends or dependents to the quaestorship and insured that the newly elected quaestors would be assigned to them personally. The arrangement was beneficial for all parties involved, as it allowed senior aristocrats to promote the careers of their younger kinsmen and allies while benefiting from the service of subordinates who were likely to be more loyal to their commanders than those chosen by lot. And while the practice of assigning quaestors without recourse to the *sors* may not have been the standard practice, it would not have been unacceptable. If anything, it would have been accepted in a political context dominated by aristocratic patronage and appropriate to an office which required the political subordination of the younger quaestor to his more senior commander in a manner intended to be similar to the relationship of social subordination between a young aristocrat and an older, male relative.

For the majority of quaestors, selected by the lot and assigned to commanders with whom they might not have had any previous connection, lasting political relationships could also be formed. Notably, it appears to have been customary for quaestors assigned by lot to magistrates with whom they had no pre-existing relationship to be introduced to their new commanders through letters of recommendation from other aristocrats known to the senior magistrate. Quintus Coelius Caldus, the quaestor assigned

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<sup>155</sup> Cic. *Att.* 6.6.4, *Ad Fam.* 2.15.5.

<sup>156</sup> Cic. *Ad Fam.* 2.18. 2-3; MRR 1.241, 1.249.

to Cicero in 51, had letters sent to Cicero on his arrival from his cousin Curius and Gaius Vergilius, another relative who was an intimate friend of Cicero and had served as aedile and praetor in conjunction with his brother Quintus.<sup>157</sup> In similar fashion, the quaestor Caninius Sallustius wrote to ask Cicero to recommend him to his new commander, Marcus Calpurnius Bibulus. Cicero demurred, because he knew that Bibulus disliked him intensely and would likely have a worse opinion of his subordinate if any such gesture were to be made.<sup>158</sup> That such gestures would be made to senior magistrates by quaestors who had been elected and assigned to them by lot—being thus less dependent upon the goodwill of their commanders than legates or military tribunes—is demonstrative of the importance placed upon the political relationship.

In the late Republican period, it was still common for senior magistrates to cultivate their quaestors and recommend them to colleagues while defending them when in difficulty. Marcus Antonius “Orator,” Praetor in 102, defended his former quaestor, Gaius Norbanus, against a criminal prosecution, apologizing to the jury for doing so, but citing the obligations created by the office.<sup>159</sup> Similarly, Cicero felt an obligation to actively cultivate and assist in the career ambitions of his quaestor, Coelius Caldus, expressing a desire to enlist him as a personal friend and prevent him from becoming a political enemy.<sup>160</sup> The most well known relationship between a quaestor and his commanding officer was the bond between Lucius Licinius Lucullus and the Dictator Sulla. Lucullus had served under Sulla as a military tribune during the Social War, and was likely assigned without the lot to serve as his quaestor in 87. Lucullus was the only

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<sup>157</sup> Cic. *Ad Fam.* 2.19.4.

<sup>158</sup> Cic. *Ad Fam.* 2.17.6.

<sup>159</sup> Cic. *De Or.* 2.198-199.

<sup>160</sup> Cic. *Ad Fam.* 2.15.4,

member of Sulla's staff to remain loyal during the march on Rome. He was rewarded with the implicit trust of his commander, who made him responsible for the Roman fleet in the Mithridatic War and made efforts to advance his career upon the return of the Sullan armies to Rome. Sulla dedicated his memoirs to his former quaestor, and named Lucullus as the executor of his will.<sup>161</sup>

The final decades of the Republic saw a significant change in the nature of the *cursus honorum* and the role of the quaestorship within it. Upon his return to Rome and assumption of the dictatorship in 81, Sulla imposed a new *Lex Annalis*. It required all candidates for the praetorship to have first served as quaestors, and established a minimum age of thirty for the holding of the quaestorship. Perhaps more importantly, Sulla increased the number of quaestors to twenty—with most being assigned to the provinces—and made the quaestorship a requirement for entry into the Senate.<sup>162</sup> The Sullan reforms represented an effort to restore and strengthen the traditional *cursus honorum*, but they were equally concerned with accommodating significant changes in the composition of the Roman aristocracy. The conclusion of the Social War had seen thousands of Italians accorded the Roman citizenship, with local aristocrats becoming eligible for office in Rome.

Much of the established nobility had been lost to the civil wars of the previous decade, and Sulla chose not only to fill the ranks of the existing Senate with members of the equestrian class and relatives of existing Senators, as had been done in the Second Punic War, but to double the size of the Senate to six hundred.<sup>163</sup> The result was a Senate made up mostly of new men and a doubling of the pool of potential office holders. Most

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<sup>161</sup> Plut. Luc. 2-4; Keaveney 1992: 14-20.

<sup>162</sup> Tac. Ann. 11.22, MRR 2.74-75; Develin 1979: 96-98; Keaveney 1982: 144-145.

<sup>163</sup> App. BC 1.100-101, Wiseman 1972, 153-155.

likely to reduce or delay the intensified competition for office that was sure to result, Sulla increased the number of offices, particularly the quaestorship and the praetorship, raised the minimum age necessary to attain the quaestorship to 30, and re-affirmed both the age limits of the *Lex Villia Annalis* and the mandatory biennium. The increase in the minimum age may have the short term effect of delaying the candidacies of some aristocrats and thus reducing the immediate surge in the number of candidates that would have followed the expansion of the Senate in 81. Sulla, however, appears to have limited the effectiveness of the measure by allowing patricians to seek each of the offices two years earlier than the standard.<sup>164</sup>

Nevertheless, competition for even the lowest magistracies appears to have intensified significantly in the wake of the Sullan reforms. We possess virtually no evidence for quaestorian elections prior to the first century. However, we may suppose that with a body of three hundred senators and with the absence of a formal requirement to hold the quaestorship in order to gain entry and compete for curule office, election to the quaestorship would not have been particularly difficult. After the Sullan reforms, they may have been more difficult and competitive, with even the increased number of quaestorships being insufficient to compensate for the large number of *novi homines* seeking entry into the Senate and high office.

The elections for the quaestorship of 63 appear to have been hard fought. Publius Sestius campaigned vigorously for the office and was elected at the top of the poll, while Publius Vatinius was elected in last place, largely due to the support of the incumbent consul.<sup>165</sup> In the elections held in 60, Marcus Favonius, the close companion of the

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<sup>164</sup> Cic. Phil. 11.11.; Wiseman 1972, 95-99.

<sup>165</sup> Cic. Vat. 11-12.

younger Cato, was defeated in his campaign for a lower magistracy which was most likely the quaestorship and prosecuted one of the victors, Caecilius Metellus Scipio Nasica, for ambitus.<sup>166</sup> We do not possess sufficient evidence to determine whether these incidents constituted the norm in quaestorian elections, but they may have been suggestive of the broader trend.

Over the course of the Roman Republican period the quaestorship had evolved from an irregular office with ill defined, subordinate responsibilities into an important lower magistracy that had come to serve as the gateway into the senatorial aristocracy and the first step for any aristocrat seeking to climb the rungs of the *cursus honorum*. The evolution of the office had paralleled that of the Republic itself, growing to accommodate the financial, urban and military responsibilities of the state and its empire. The role of the quaestorship within the development of the Roman political order is perhaps less obvious, in large part due to the limited evidence for the vast majority of the individuals who held the office, and the circumstances surrounding their election. Moreover, leaving aside for a moment the individual examples which have mainly been discussed in the previous two chapters, we may discern some broad patterns in the surviving fasti.<sup>167</sup>

195 men are reported as having held the quaestorship between 509 and the outbreak of the Second Civil War in 49. In the aggregate, excluding those elected prior to the second Punic War, 68 of the men who had been elected quaestor held the praetorship. 34 of those who had been praetor eventually became consul and an additional ten were elected to the consulship without ever having been Praetor. Thus, only a minority of those who had been elected quaestor, just over a third, ever attained the highest curule offices.

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<sup>166</sup> Cic. Ad. Att. 2.1.9; Broughton, 1991: 48.

<sup>167</sup> Based on the listing in MRR, with acceptance of Broughton's interpolations.

However, if we observe these patterns in office holding from a chronological perspective, and taking into account the divisions between patrician and plebeian, a somewhat more nuanced image emerges.

The early quaestors, reported for the period from 509 to the beginning of the Second Punic War included 14 patricians and 6 plebeians. Of these men, 9 were considered to have held the consulship, while two were military tribunes with consular power. In light of murky and unreliable nature of the early source tradition, no conclusions can be reached as to the accuracy or representative quality of the figures. Of the 175 quaestors attested for the years 219 to 49, only 38 have been identified as patricians, while the remaining 137 were plebeian. Of the patricians, 8 held office between 219 and the passage of the *Lex Villia Annalis* in 180, with 6 going on to hold the praetorship. Of the six who attained the praetorship, four became consul, while two more, Titus Quinctius Flaminius and Cnaeus Cornelius Lentulus were consuls but never held the praetorship. 14 patricians held office between between 180 and the reforms of Sulla in 81. Of these, 7 attained the praetorship and six became consul. In the final three decades of the Republic, 15 patrician quaestors were elected. 9 held the praetorship and 6 were elected consul. Thus, we can see that while patricians comprised less than a third of the known quaestors, those who did attain the quaestorship enjoyed excellent chances of being elected to higher office. Half were at least elected praetor, and a majority of the former quaestors who reached the praetorship eventually became consul. This overall trend continued even as the number of patricians holding the quaestorship became progressively less important, and despite the effects of the original *Lex Villia Annalis*,

and that imposed by Sulla, both of which had the effect of increasing the importance and attractiveness of the quaestorship.

With the plebeian quaestors, we see a very different picture. Among the 13 plebeians who held the quaestorship from 219 to 180, only 6 were elected praetor, and five attained the consulship. Of the 47 plebeians elected between 180 and 80, only 12 attained the praetorship, and only 4 became consul. Of the 76 plebeians who held the quaestorship between 80 and 50, 26 held the praetorship and 9 were elected consul. In each of the specified time periods, less than half of the plebeian quaestors reached the praetorship. And while most of the former quaestors who attained the praetorship between 219 and 180 became consul, less than a third of those elected after 180 reached the praetorship, and only a third of those individuals became consul. We can observe a significant narrowing of the *cursus honorum* after the quaestorship for the plebeians, with only a small minority enjoying the highest curule offices. A significant disparity in the results between the patrician and plebeian ex-quaestors further suggests the resilience of the old aristocracy, even under changing circumstances, and the difficulties involved in attaining high office for those of lesser social status.

Moreover, we must be prepared to take these results with a grain of salt. We know of only a very small minority of the individuals who eventually held the quaestorship, which in itself makes any attempt to track the patterns in quaestorian office holding difficult. And we must also interpret the results in light of the broader political developments occurring in the late Roman Republic. As we have seen, the quaestorship had been established as a point of entry into the senatorial order from as early as the Second Punic War. Since a large number of quaestorships were available in every year,



and the office was, so far as we know, not particularly expensive to campaign for or undertake, it would undoubtedly have attracted a large number of *novi homines* who lacked senatorial status, or *pedarii* seeking to maintain the status they had already been accorded by the censors. Not all of these individuals would necessarily have aspired to a curule magistracy, and most may simply have sought the opportunity to establish themselves as Senators, and leave the climbing of the *cursus honorum* to the next generation.<sup>168</sup> Perhaps more importantly, considering the “bottleneck” which existed within the *cursus honorum* (each of the succeeding magistracies, could be held by a progressively smaller number of individuals), may not have done so badly. If every year saw the election of a dozen, and eventually twenty quaestors, and a good number intended to seek a higher office, it would be normal to expect that the vast majority would not succeed. Those who did were unlikely to be elected in their first attempt. In the vast majority of cases, the delay between the quaestorship and the occupancy of one of the curule magistracies tended to be as long as five or six years, the standard expected by the Sullan reforms, which set thirty as an age minimum for the quaestorship and thirty-six as the minimum age at which one could become quaestor.

It is thus difficult to draw any firm conclusions as to the role of the quaestorship within the context of Roman electoral politics based solely on the study of statistical and prosopographical data. Nor, as we have seen, do we possess much evidence for quaestorian elections. Moreover, we may, from a general analysis of the development of the office and the activities of its occupants, discern several of the advantages which the quaestorship conferred upon young aristocrats. They undoubtedly benefited, while in office from the experience to be gained from managing the finances of the city of Rome

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<sup>168</sup> Cf. Wiseman 1972, 160-165.

and its major naval ports, and could enrich themselves and enhance their reputations while serving abroad. More importantly, quaestors were given the opportunity to interact directly with senior members of the established aristocracy, whether as urban managers and tax collectors for the aerarium, or as provincial quaestors serving directly under men of consular and praetorian status from whom they could expect to learn. Those assigned as subordinates might further be expected to benefit from the future support and patronage of their commanders. But a successful quaestorship did not necessarily guarantee future political victories. It is to the minor magistracy which came to serve almost entirely as a platform from which to campaign for higher office that we now turn.

## The Early Republican Aedileship

The origins of the aedileship are ambiguous and it is difficult to determine the exact nature of the powers attributed to the office, which appear to have changed significantly over time. Regrettably, no recent and comprehensive study of the office has been published.<sup>169</sup> According to the tradition preserved by Dionysus of Halicarnassus, the office of plebeian aedile was established in 494, after the first secession of the plebs. In the settlement that brought the crisis to a conclusion, the plebs requested that two aediles be elected annually, to serve as adjuncts and assistants to the plebeian tribunes, with some minor judicial powers.<sup>170</sup> They were equally held to have been responsible for the administration and maintenance of the temples of the chief plebeian deities, Ceres, Liber and Libera. The title of aedile may thus have been derived from *Aedes*, an association made by Pomponius, and suggested by the establishment under Caesar of a new *Aedilis Cerealis*.<sup>171</sup>

The first aediles to make their appearance in Dionysus' narrative are Lucius Iunius Brutus and Lucius Sicinius Bellutus in 492. Curiously, both had supposedly been tribunes two years before and were now serving in the subordinate position. In an incident situated within the general context of the struggle of the orders, Brutus is held to have led a popular movement against the senatorial aristocracy, and used his influence to direct the tribunes to pass a law establishing the inviolability of the tribunes and their right to fine any individual seeking to prevent them from addressing the assembly or

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<sup>169</sup> The doctoral dissertation presented by Joseph Seidel to the University of Breslau in 1908 is the last detailed study to have been published. Cf. Lintott 1999: 129-133 for an introductory discussion.

<sup>170</sup> Dion. Hal. 6.90; Liv. 3.31; aediles first appear in 492 in the narrative of Dionysus of Halicarnassus. They do not appear in Livy's narrative until the year 454, when the aedile L. Alienus is held to have prosecuted and fined the consul of the previous year for selling booty from a military campaign to replenish the treasury rather than distributing it among the army (*MRR* 454).

<sup>171</sup> Dion. Hal. 6.90.3; Liv. 3.55; Pomp. Dig. 1.2.2.21; Dio. 43.51, Stanley Spaeth 1996: 86.

carrying out tribunician business.<sup>172</sup> Livy does not preserve any tradition concerning the origins of the aedileship, but his account of the behaviour of the early aediles is not inconsistent with that of Dionysus. The first aedile to be identified in the Livian narrative is Lucius Alienus in 454. Notably, Alienus was held to have served as tribune of the plebs in 455, and joined the current tribune Lucius Siccus Dentatus in successfully prosecuting the consuls of that year for placing the booty acquired during a major campaign in the treasury instead of distributing it amongst the soldiers.<sup>173</sup> According to Livy, the aediles may have been given sacrosanct status by law, at the same time as the tribunes and the decemviral judges in 449.<sup>174</sup> The tradition of aedilician inviolability was a contentious one, with some jurists arguing that the law only provided for legal penalties against those who harmed an aedile, without protecting him from arrest, prosecution or imprisonment. As late as 229, the curule aedile Marcus Valerius Laevinus appears to have been tried before a praetor without enjoying any special legal protections. Moreover, we may question the extent to which such protections would have been enforceable in the murky legal context of the early Republic.<sup>175</sup>

Due to the paucity of information on the early aedileship, and the generally unreliable nature of the source traditions concerning the legislative arrangements of the early Republic, it is difficult to come to any firm conclusions as to the powers and prerogatives of the office or to assign a particular date to its establishment. We may, however, accept the broad picture of the aedileship as an adjunct position to the tribunate of the plebs with various, somewhat ill defined, minor functions. As we will see, the

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<sup>172</sup> Dion Hal. 7.14.2-17.6

<sup>173</sup> Liv. 3.31.5-6; Dion. Hal. 10.48.3-4; MRR 1.43.

<sup>174</sup> Liv. 3.55

<sup>175</sup> Gell. 13.13.4; MRR 1.228. Lintott 1999: 129.

plebeian aedileship remained closely associated with the triadic worship of Ceres, Liber and Libera. The known aediles of the middle Republic were responsible for the celebration of the festivals of those deities, and frequently dedicated the proceeds obtained from fines in civil prosecutions to the embellishment of their temples.<sup>176</sup> It is thus likely that they served, to some extent, as custodians of the temple and came to be responsible for the administrative responsibilities with which it was associated.

The temple of Ceres on the Aventine was probably used, at a relatively early stage, to store the records of the *plebiscita*, the legislation passed by the plebeian assembly. The jurist Pomponius directly associates the establishment of the aedileship with a decision by the plebs to choose two among their own number “who were in charge of the temple where the plebs placed all their decisions.”<sup>177</sup> According to Livy, the Temple of Ceres was used to house decrees of the Senate, as it was feared that the *consulta*, not readily available to the public, might be altered or suspended arbitrarily without the knowledge of the plebs.<sup>178</sup> The temple appears also to have been used to house the treasury of the plebs, which contained the proceeds from various fines and penalties—like those exacted for divorce, and to have been a location for the distribution of grain, the *annonae*, to the plebs. The plebeian aedileship may thus have evolved from a minor position concerned primarily with the administration of the Plebeian Temples, to a magistracy which operated on a much larger scale, extending its original powers to include the conduct of the festivals associated with the plebeian deities, grain distributions and various other judicial and administrative functions.<sup>179</sup>

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<sup>176</sup> See below.

<sup>177</sup> Pomp. Dig. 1.2.2.21.

<sup>178</sup> Liv. 3.55; Culham 1989, 102-103.

<sup>179</sup> Stanley Spaeth 1996, 87-95.

At some point within the fourth century, the office of aedile came to be firmly associated with the celebration of public games, principally the annual *ludi romani* or *ludi magni*, but potentially including others which had hitherto been held irregularly and usually in fulfillment of the vows made by victorious generals.<sup>180</sup> According to Livy, the Senate decided, in recognition of the reconciliation of the orders that had occurred with the passage of the Sexto-Licinian laws in 366, to add an additional day to the three day celebration of the *ludi maximi*. When the plebeian aediles refused to hold the games, the Senate decreed that two patrician, curule aediles would thereafter be elected from within the ranks of the patriciate.<sup>181</sup>

The creation of the new office can primarily be attributed to the general attempts on the part of the Roman ruling class to forge a new balance and insure equality of opportunity between the established patrician nobility and the plebeian aristocrats who had recently gained access to one of the two consulships with the passage of the Sexto-Licinian laws in the previous year. For the aedileship could provide significant opportunities for a young aristocrat seeking to earn the favour of the urban populace before seeking higher office. As visible, minor magistrates responsible for the administration of public festivals and the public works financed by the levying of fines, the aediles were more likely to possess the recognition and gratitude of the people, and thus enjoy a considerable electoral advantage. With the plebeians now enjoying equal access to the praetorship and consulship, patrician aristocrats may have sought to obtain a similar office for themselves as part of a general, political compromise with the plebs.

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<sup>180</sup> Freyburger, Gerard. "Ludi." *DNP*; Dion. Hal. 7.72-73; Liv. 1.35.

<sup>181</sup> Liv 6.42, 7.1; MRR 366; Lintott 1999, 129.

Moreover, the Senate appears to have eventually opened up the newly created curule aedileship to plebeians in alternating years.<sup>182</sup>

We hear little about the activities of the curule and plebeian aediles elected in the years between 366 and the outbreak of the Second Punic War. This might be purely a result of the absence of Livy's narrative but, given how seldom he mentions them during the first decade of *Ab Urbe Condita*, may also indicate a lack of interest in the office on the part of the historian and the early Roman annalists or, more likely, a lack of evidence. Livy acknowledges that the material at his disposal was unreliable and the aedilician *fasti* likely to have been altered and disputed by earlier authors. There appear to have been conflicting accounts as to which curule aediles were elected as late as 299.<sup>183</sup> One source, whom Livy does not identify, indicates that Fabius Maximus Rullianus served as curule aedile for that year, having refused the offer of another consulship in order to serve as a city magistrate. The account of Piso, however, indicated that the aediles for 299 were Cnaeus Domitius Calvinus Maximus and Spurius Carvillius Maximus. Livy posited that the conflict was a result of confusion between the names of the three men, all of whom possessed the cognomen Maximus. If such a serious error could be made by the authors of the aedilician *fasti* and resolved with an entirely fabricated anecdote, we may have reason to believe that the paucity of information on the aedileship throughout the early and middle republican periods was largely the result of a lack of credible material for even the most credulous historian to incorporate.

The instauration of the *ludi scaenici*, the first Roman festival to feature theatrical and choral presentations, is generally dated to 364, under the administration of the curule

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<sup>182</sup> Liv. 7.1.5-6.

<sup>183</sup> Liv. 10.9.12-13; Piso Fr. 28; MRR 1.173.

aedile Marcus Popilius Laenas.<sup>184</sup> While the responsibility of the aediles for the games appears to have been relatively certain, their judicial powers and jurisdiction were more ambiguous. Popilius Laenas held a second aedileship in 357—it is unknown whether it was curule or plebeian—after his first consulship, and used the opportunity to prosecute Gaius Scribonius Libo for occupying more than 1,000 iugera of land, imposing a substantial fine upon his conviction.<sup>185</sup> The curule aedile of 331, Fabius Maximus Rullianus, was approached with information on several poisonings. Notably, he referred the matter to the Senate and the Consuls, suggesting that his own judicial powers would have been insufficient to deal with the problem.<sup>186</sup> However, the curule aedile of 329, Gaius Valerius Potitus does, appear to have been able to prosecute one Marcus Flavius for seducing a married woman. The prosecution was unsuccessful, in part because Flavius had earned the support of the public through a distribution of meat made at his mother's funeral.<sup>187</sup>

Despite the lack of any clear indication of the prosecutorial jurisdiction of the aediles—we do not know what kinds of crimes they were permitted to prosecute, and penalties could be imposed—the record generally suggests that they concentrated on civil crimes for which substantial fines could be exacted, using the proceeds for the construction and embellishment of temples or other public works. The first such use appears to have occurred around 307, when the curule aedile Lucius Postumius Megellus used the fines raised during his term as Aedile to construct a temple to Victoria, which he

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<sup>184</sup> Liv. 7.2; Val. Max. 2.4.4. MRR 1.116.

<sup>185</sup> Liv. 7.16; Dion Hal. 14.12.

<sup>186</sup> Liv. 8.18.

<sup>187</sup> Liv. 8.22.1-3, Val. Max. 8.1.7.



dedicated during his consulship.<sup>188</sup> In 296, both the curule and plebeian aediles were held to have made similar gestures. The curule aediles Cnaeus and Quintus Ogulnius prosecuted several money lenders and used the proceeds collected from fines to build a number of statues, replace the wooden thresholds on the capitol with bronze and provide bronze and silver vessels for the temple of Jupiter. The Plebeian aediles used the fines collected from individuals who had allowed their cattle to graze illegally on public land to hold public games and provide golden bowls to the temple of Ceres.<sup>189</sup> In 295, the curule aedile Fabius Maximus Gurges prosecuted a number of aristocratic women for adultery, with the only known punishment being to exact fines which he used to build a Temple of Venus.<sup>190</sup>

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<sup>188</sup> Liv. 10.33.9.

<sup>189</sup> Liv. 10.23.11-13.

<sup>190</sup> Liv. 10.31.9.

## The Aedileship in the Middle Republic

Due in large part to the absence of Livy's narrative, we know virtually nothing of the aediles who held office during most of the third century. However, after the resumption of Livy's account in the 220's, references to the aediles are far more numerous. We have a nearly complete listing of the curule aediles who held office from the beginning of the Second Punic War until 180, and details on a considerable number of the aediles of the plebs. In the middle Republican period we see a significant expansion of aedilician activity in the fields of jurisprudence, urban administration and in the all important organization of public games honouring the gods. To a certain degree, this was the product of imperial expansion and the growth occurring within the city of Rome itself. With the consuls and praetors frequently absent from the city on campaign, it was necessary to have more magistrates to deal with the responsibilities of urban management and law enforcement.<sup>191</sup>

In the administrative field, there appears to have been a gradual development of the office into a distinct magistracy with responsibilities equivalent to those of the Greek *agronomoi*, the magistrates who regulated market trade, as well as a partial responsibility for the grain and water supplies.<sup>192</sup> There was a corresponding increase in the judicial powers of the magistracy. As late as 229, the curule aediles did not have the power to arrest individuals or summon them to judicial proceedings, and could even be made to testify in court before the Urban Praetor. However, by the first century BCE, they had

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<sup>191</sup> Lintott 1999, *ibid.*

<sup>192</sup> Dion. Hal. 6.90; Liv. 31.50; Cic. *Leg.* 3.7, *Fam.* 8.6.4;

acquired the power to make arrests and could summon and disperse the people at will.<sup>193</sup>

But the main areas of growth in aedilician activity lay in the fields of judicial prosecution, already an important feature of the office in the third century and in the administration of the public games. Both activities became important aspects in the competition for high office.

As we have seen, prosecutions carried out by the aediles in the third and second centuries tended to focus on the economic crimes which fell into their regulatory jurisdiction. Moneylenders, monopolists, and landowners who grazed their cattle illegally on state lands were prime targets.<sup>194</sup> Successful convictions resulted in the payment of substantial fines by the guilty parties. The funds thus obtained were typically employed at the discretion of the aediles to embellish the city and adorn the major temples, with the aediles of the plebs tending towards gifts and statues for the main plebeian deities,<sup>195</sup> while the curule aediles made more general adornments, ranging from golden chariots placed in the sacred spaces on the Capitol to gilded shields on the pediment of the temple of Jupiter.<sup>196</sup> The practice of levying fines to finance gifts to the gods appears to have so strongly associated with the aedileship that it was used against the aediles themselves when they behaved improperly. When the plebeian aedile Gaius Scantinius Capitolinus made sexual advances towards the son of the curule aedile Marcus Claudius Marcellus,

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<sup>193</sup> Gell. 13.13; MRR 1.228; the chronology is based upon the conclusion of Broughton that the Marcus Valerius Laevinus mentioned by Gellius as having been summoned to testify in court was either the Aedile of 229 or the Laevinus who was Aedile in 185.

<sup>194</sup> Liv. 35.41, 38.35, 35.10,

<sup>195</sup> Livy (3.55) mentions an early custom of dedicating the wealth of those who defied the sacrosanct status of the plebeian magistrates to the gods Ceres, Liber and Libera. This suggests that the dedications to these deities by the plebeian aediles from the proceeds of fines were part of an established, if not necessarily formalized custom; cf. Liv. 27.6, 33.25, 33.42.

<sup>196</sup> Liv. 31.50, 35.10, 35.41, 38.35.

the Senate punished him with a fine, which Marcellus in turn used to dedicate silver mixing bowls to the gods.<sup>197</sup>

Due to the limited nature of our evidence for aedilician prosecutions, usually limited to brief, formulaic mentions by Livy, it is difficult to discern any patterns of behaviour or gain a sense of what the expectations of the public were. What is clear is that a number of successful prosecutions and donations on the part of the aediles occurred in the years following the Second Punic War, and that these could only have served to advance the careers of the ambitious young aristocrats who held the office.

Some competition between the aediles to provide such gifts and public displays must have been inevitable; Livy, breaking from his practice of listing the achievements of the aediles jointly, notes that the two curule aediles for the year 189 had carried out successful prosecutions and made dedications from the fines, while the plebeian aedile Q. Fulvius Flaccus had done the same. However, he observes laconically that the other plebeian aedile, Aulus Caecillius, had prosecuted no one, as though this were some kind of anomaly.<sup>198</sup> In any case, those with no ready targets for prosecution could still demonstrate their generosity and reverence for the gods by dedicating statues or adornments out of state funds or their personal resources, as sometimes occurred.<sup>199</sup>

However, the most important method by which an aedile might distinguish himself lay in the holding of public games and feasts.<sup>200</sup> The size and scale of these games increased dramatically in the middle republican period, contributing substantially

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<sup>197</sup> Plut *Marc.* 2.2.4.; *MRR* 1.230.

<sup>198</sup> Liv. 38.35.

<sup>199</sup> Liv. 27.36, 29.38.

<sup>200</sup> For descriptions of the games and the associated religious rituals and feasts see Dion. Hal. 7.72-73; Liv. 7.2.

to the intensification and increased costs of competition for high office.<sup>201</sup> The year 238 saw the first celebration of the *Ludi Florales* dedicated to the goddess Flora.<sup>202</sup> The plebeian games (*ludi plebeii*), conducted annually by the plebeian aediles, are believed to have been introduced in 220 and are described for the first time in 215.<sup>203</sup> A wartime prophecy led to the establishment of the *ludi apollinares* in 212.<sup>204</sup> In 204 the annual *ludi megalenses* were introduced in honour of the newly introduced Magna Mater and conducted by the curule aediles.<sup>205</sup> These were followed closely by the introduction of the *ludii cereales* in 202, which came to be a responsibility of the aediles of the plebs.<sup>206</sup>

While the number of festivals increased, the length and level of expenditure on existing celebrations grew exponentially. In 215, at the height of the Second Punic War the *ludii magni* were extended to three days, while the *ludi plebeii* were solemnized three times.<sup>207</sup> In 213, the *ludii romani* conducted by the future Scipio Africanus were particularly lavish, and featured a distribution of olive oil on every street in the city.<sup>208</sup> The games continued to be held regularly throughout the final years of the Punic War, remarkably considering the costs involved.<sup>209</sup> In 201, the *ludi scaenici* held by the curule aediles, Lucius Valerius Flaccus and Titus Quinctius Flaminius were particularly impressive, lasting two days, while those held by the plebeian aediles lasted for a full three days. They were accompanied by a large scale distribution of grain, carried out by

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<sup>201</sup> Cf. Wallinga 1994, 420; Scullard 1951, 24-25.

<sup>202</sup> Plin. Nat. 18.286.

<sup>203</sup> Liv. 23.30; Freyburger *ibid.*

<sup>204</sup> Liv. 25.12.

<sup>205</sup> Liv. 29.14, 34.54.

<sup>206</sup> Liv. 30.39.

<sup>207</sup> Liv. 23.30.

<sup>208</sup> Liv. 25.2.

<sup>209</sup> Liv. 27.6, 27.21, 27.36, 28.10, 29.38,

the curule aediles and a public banquet in honour of Jupiter.<sup>210</sup> The decades which followed saw the games extended even further. The plebeian games were repeated a full seven times in 197 and in subsequent years it was common for both the plebeian and roman games to be celebrated for three days or more, with failures to correctly perform the associated religious requirements occasionally being used as justification.<sup>211</sup>

The games, along with the associated banquets and public entertainments, provided the men elected to the aedileship with a unique opportunity to distinguish themselves before the people, who benefited directly from the largesse which the magistrates were seen to dispense. The aediles who held the most expensive and memorable games could in turn expect to benefit from the gratitude and affection of the populace, and thus substantially improve their chances of being elected to higher offices. The electoral results of the middle Republic display a strong correlation between the holding of the aedileship and election to higher curule magistracies; of the 52 known curule aediles elected in the years between 217 and 182, 40 reached the praetorship, and 36 were elected consul. Of the 44 known plebeian aediles, 32 reached the praetorship, while only 11 were elected consul.<sup>212</sup>

The requirement that one of the two consuls in every year be a patrician, despite the comparatively small number of families who enjoyed that status, somewhat explains the tendency of so many former plebeian aediles to go no further than the praetorship. However, the plebeians who succeeded in being elected to the curule aedileship enjoyed a much greater rate of return, with 19 out of 25 attaining the praetorship and 17 being elected consul. Notably, the curule and plebeian aediles who were elected to higher

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<sup>210</sup> Liv. 31.4.

<sup>211</sup> Liv. 33.25, 38.35, 39.7

<sup>212</sup> Cf. Shatzman 159-163, 468-472 for detailed statistics.

magistracies overwhelmingly tended to be elected immediately, or one year after their term in office, suggesting that the memory of their activities remained fresh in the minds of the electorate.<sup>213</sup>

These results, incomplete and coming from a very narrow period of time cannot be held as representative of political behaviour during the whole of the Republic. There are, however, strong suggestions that the aedileship, and the successful conduct of the games could often be a decisive factor in securing the careers of Roman aristocrats. Publius Cornelius Scipio is said to have been elected to the aedileship because he was, in the words of Polybius, “a giver of great gifts who performed many services for the people.”<sup>214</sup> The election of Publius Cornelius Scipio to a special command over the Roman forces in Spain in 210 is said to have been a result of his great affection in which he was held by the people, affection he is likely to have gained from the length of the games and free distributions of olive oil carried out under his aedileship three years before, at a time of great scarcity.<sup>215</sup> His immediate successor as curule aedile, Publius Licinius Crassus Dives, may have employed a similar strategy, running simultaneously for both the aedileship and the office of Pontifex Maximus, and then successfully for Censor in the next year.<sup>216</sup>

The gratitude of the Roman people for the grain distribution of 201, accompanied by a banquet and particularly impressive games (mentioned above) likely played a role in the election of both of the aediles of the year, Flaccus and Flamininus to the praetorship

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<sup>213</sup> Ibid.

<sup>214</sup> Pol. 10.5.6.; Lintott 1999, 4.

<sup>215</sup> Liv. 25.2, 26.18; Shatzman 1975, 151-152, 165.

<sup>216</sup> Liv. 25.5, 27.6.

in 199.<sup>217</sup> The expenses incurred by Tiberius Sempronius Gracchus during his aedileship in 182 were so great as to place a burden on the whole of Italy and the provinces, but eased his path to the consulship in 177.<sup>218</sup> Conversely, aediles who failed in the administration of the games could be punished by the electorate, as occurred in the case of Lucius Licinius Lucullus, the curule aedile of 202, whose secretaries and associates were found to have embezzled from the funds kept in the “aedile’s chest.” He is not known to have held any further office.<sup>219</sup>

Given the obvious advantages of a term as aedile for an ambitious Roman aristocrat, it is not surprising that competition for the aedileship itself became intense in the heated environment of the 190’s. In one of the few surviving references to a mid-republican campaign for the office, we learn that Lucius Aemilius Paullus faced no less than twelve competitors in his bid for the curule aedileship of 193.<sup>220</sup> Would campaigns of this nature have encouraged the embryonic practice of *ambitus*? With little evidence of any kind available, we cannot reach any firm conclusions. But it may not have been a coincidence that in the same year that a curule aedile was compromised because of his involvement in a scheme to embezzle state funds, the two plebeian aediles found themselves removed from office *vitio creati* due to irregularities in the manner of their appointment, but only after celebrating the *ludii plebei* and using the proceeds of fines to dedicate statues on the capitol.<sup>221</sup> One of the two aediles of the plebs, Publius Aelius Tubero, went on to be elected praetor in 201.<sup>222</sup>

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<sup>217</sup> Liv. 31.4, 31.49.

<sup>218</sup> Liv. 40.44; see the discussion below.

<sup>219</sup> Liv. 30.39.

<sup>220</sup> Plut Aem. 3.

<sup>221</sup> Liv. 30.39.

<sup>222</sup> Liv. 30.40.



In one form or another, the mid-republican aedileship had become a nexus for electoral and constitutional irregularity, most notably with regards to the tendency of some of its occupants to simultaneously contest or seek to occupy other offices. Publius Cornelius Scipio sought the aedileship before reaching the normal age in 213.<sup>223</sup> In 212 Publius Licinius Crassus Dives simultaneously sought to be elected Pontifex Maximus and curule aedile, without the approval of the Senate, and then successfully ran for the censorship without ever having been elected praetor or consul.<sup>224</sup> In 199 both successful candidates for the curule aedileship went against the standard electoral procedure. Gaius Valerius Flaccus obtained a special dispensation to allow his brother, then Praetor, to take the oath of office in his place (as *flamen dialis* he was prevented from doing so). His colleague Gaius Cornelius Cethegus was unable to take office for an even longer period, for he had run for the aedileship *in absentia* while still governing Spain, an unusual situation which forced the tribunes of the plebs to convene a special session of the assembly to elect a replacement proconsul so that he might return to Rome to carry out his responsibilities.<sup>225</sup> In 184, the curule aedile Quintus Fulvius Flaccus attempted to run in a special election convened to replace the deceased praetor Gaius Decimius Flavius while still in office, campaigning vigorously throughout the city without the customary *toga candida*. Despite repeated requests from the tribunes of the plebs, the consul and the Senate, he refused to withdraw his name from contention and only managed to increase support among the public for his candidacy. Anticipating that he was likely to win, and lacking any established legal mechanism with which to stop him, the Senate simply

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<sup>223</sup> Liv. 25.2.

<sup>224</sup> Liv. 25.5, 27.6.

<sup>225</sup> Liv. 31.50.

refused to hold the election and allowed the office to remain vacant for the remainder of the year.<sup>226</sup>

If the ambitions of the men who held the aedileship had become difficult to restrain by the mid 180's, the costs of their public entertainments appear to have skyrocketed. Prior to the mid second century BCE, the burden of financing the games appears to have fallen primarily upon the state.<sup>227</sup> Even prior to 203, costs had been on an upward trajectory. An average of 200,000 sesterces was being spent annually on the *ludii romani* prior to the First Punic War. In 217 the sum being spent had risen to HS 333,333, likely on account of inflation.<sup>228</sup> This represented a significant portion of state revenue; at that time the direct taxation of Roman citizens was bringing in no more than 3.6 million sesterces.<sup>229</sup> At the time, the games typically lasted no more than one or two days. We may thus suppose that, given the increases in both length and scale that occurred in the 190's, the average costs could easily have tripled or quadrupled. The financial burden involved would not have been insignificant for the Roman state. The year 197 saw particularly lavish games, and in that same year the booty from two separate campaigns in Gaul, both of which resulted in triumphs, amounted to only HS 765,400.<sup>230</sup> The costs of the games may also have been borne by the provinces. Livy

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<sup>226</sup> Liv. 39.39.

<sup>227</sup> Scullard 1951, 24-25; It was the Senate that seems to have decided how much would be spent, as with the games before the Punic Wars and the *ludii romani* of 217, mentioned above. References to embezzlement from the "aedile's chest" (Liv. 30.39) along with subsequent prosecutions for misuse of state funds further support the notion that the funds came from the treasury and were assigned by the *Patres Conscripti*.

<sup>228</sup> Dion. Hal. 7.71; Liv. 22.10; Scullard 1951, 24.

<sup>229</sup> Harris 1979, 68.

<sup>230</sup> Liv. 33.23; cf. Crawford 1985, 144-145 and the appendices to Rosenstein 2009 (forthcoming) for the figures, and conversion values (one *sestercius* was consistently worth one quarter of a *denarius*). The booty obtained in 197 was in itself considerably smaller than the 1,200,000 denarii which each of the two campaigns in Gaul, directed by Quintus Minucius Thermus and Gaius Cornelius Cethegus respectively, must have cost.

describes the games of 183 as being burdensome not only to Italy and the Latin allies “but to the provinces as well.”<sup>231</sup>

The specific nature of the burden is unknown but the practices of the Late Republican aediles suggest the direction it may have taken. The aediles Caelius Rufus and Marcus Octavius repeatedly entreated Marcus Cicero, then Governor of Cilicia to send leopards back to Rome for their games at the expense of the provincials, and to collect money for the same purpose. Cicero tried, with difficulty, to resist their demands, which he considered would be too costly and inconvenient for the locals.<sup>232</sup> Similarly, Lucius Cornelius Sulla discovered was defeated in his quest for the praetorship, because he had not first run for aedile and made use of his friendship with the King of Mauretania to ship in exotic animals for the Games.<sup>233</sup> Tiberius Sempronius Gracchus, the aedile of 182 may have been particularly aggressive in his drive to obtain the funds necessary for his games, making use of his position and personal connections with provincial governors to exploit communities in Italy and throughout the Mediterranean.

The intensification of political competition in the mid 180’s has been well documented, as has the concurrent increase in the extravagance of public entertainments. The perception of contemporary Roman society, if the ancient sources and particularly the Livian narrative are an accurate guide, was of a political class that had spun out of control, deviating from past traditions in both the public sphere and in its private morals. The censorship of Marcus Porcius Cato marked a turning point, in which more traditional views reasserted themselves and both the Senate and the Tribunes moved to regulate political practice so as to level the playing field between competing aristocrats, prevent

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<sup>231</sup> Liv. 40.44:

<sup>232</sup> Cic. Fam. 2.9-15, 8.2.2, 4.5, 6.5, 8.10, 9.3; Att. 5.21.5, 6.1.21.

<sup>233</sup> Plut. *Sull.* 5

the magistracies of the Republic from being abused, and restrain the extravagance that had been common in the previous decade. The aedileship, which had heretofore been a focal point for such behaviour, was an explicit target for reform. In 182, likely as a direct response to the extravagance of Tiberius Gracchus, the Tribune Gaius Orchius passed a Senatorial decree to limit the number of guests who could be permitted to attend public banquets, a prominent accompaniment to the many private and publicly financed games.<sup>234</sup>

In the same year the Senate passed a second, more important decree, which apparently limited the powers of individual magistrates to requisition or accept property or wealth for use in the games. It was intended as a response to the abuses carried out by the curule aedile Tiberius Sempronius Gracchus in his efforts to hold particularly extravagant games. Livy discusses it only in the context of its application to the games held by the consul of 179, Quintus Fulvius Flaccus.<sup>235</sup> Flaccus was “forbidden to requisition or levy or accept or do anything in respect of these Games in contravention of the decree passed by the senate during the consulship of L. Aemilius and Cn. Baebius.”<sup>236</sup> The decree was reaffirmed in 179, and enhanced with a stipulation that he could not spend more than what had been spent on the games held by Marcus Fulvius Nobilior after his triumph in 187. Fulvius Nobilior claimed to have vowed games to Jupiter during his campaign in Greece and collected 100 pounds of gold from the people of Ambracia in order to finance them. The Senate had, however, turned down his request, insisted that the sum collected be deposited in the treasury and limited the amount which could be

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<sup>234</sup> Macrob. Sat. 3.17.2-3; Fest. 220 MRR 1.382. Elster 337-339.

<sup>235</sup> This was the same Fulvius Flaccus who, in 184, had attempted to get himself elected as Praetor while still holding the aedileship (Liv. 39.39; MRR 184)

<sup>236</sup> Liv. 40.44; *neue quid ad eos ludos arcesseret cogeret acciperet faceret aduersus id senatus consultum, quod L. Aemilio Cn. Baebio consulibus de ludis factum esset* (Loeb Translation).

spent to the comparatively small sum of 80,000 sesterces, roughly one fifth of what he had originally requested. However, when his games were held, they lasted a full ten days, included theatrical performances, athletic competitions, and hunts of wild beasts, a spectacle which Livy considered to have “presented almost as much splendour and variety as those of the present day.” It is thus likely that he either financed the games primarily out of his own pocket, potentially making use of a portion of the proceeds of his campaign not deposited in the treasury.<sup>237</sup>

It would not have been unusual to do so. As we have seen, there had been an explosion in the number of privately financed games in previous decades, and other magistrates had received similar rebukes from their peers; in 194, Publius Cornelius Scipio Nasica had seen his request for money to hold games vowed while on campaign turned down by the Senate, with the directive that he should pay for them either out of a portion of the booty reserved for the purpose, or out of his own pocket.<sup>238</sup> Flaccus’ response to the restrictions placed upon him is unknown, but his later behaviour suggests how he might have acted. As Censor in 173, he sought to embellish the roof of the temple vowed during his consulship by covering it with tiles stripped from the roof of the temple of Juno Lacinia at Croton. However, once the tiles had been removed, an outcry within the Senate forced him to back down in disgrace. A year later, he committed suicide.<sup>239</sup>

The restrictions imposed by the Senate on magistrates like Fulvius Flaccus and Tiberius Gracchus seem to have been applied in an ad hoc manner, and may not have consisted of any kind of permanent legislation, as evidenced by the need of the Senate to reiterate the provisions decreed in 182 three years later, and the decision to limit spending

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<sup>237</sup> Liv. 39.5, 39.22; Scullard 1951; 143-144, Shatzman 1975, 252;

<sup>238</sup> Liv. 36.36; Orlin 2002, 58-61.

<sup>239</sup> Liv. 42.3, 42.28. Orlin 2002, 138-139.

to what had been permitted in one previous case. However, an important precedent had been set in the 180's. The Senate would now limit the extent to which magistrates could draw from the treasury and exploit the provinces in order to pay for their public entertainments. While its action were undoubtedly motivated by financial concerns—the games were getting expensive—they may also be viewed in the context of a general move towards regulating aristocratic competition for high office.

The year 181 saw the passage of the *Lex Baebia de Ambitu*, the first credibly attested law dealing with the practice of electoral bribery.<sup>240</sup> Its provisions are largely unknown. It may have included the death penalty for those convicted, as Polybius, writing in the mid second century, emphasized the difference between the Carthaginian practice of open bribery with that of the Romans, who supposedly punished bribery by death.<sup>241</sup> This punishment would, however, seem unduly harsh and may represent either an error on the part of the historian or a maximum penalty never enforced. A more credible potential provision is suggested by a contemporary speech of Cato the Censor. After having initially spoken in favour of the law to the people, Cato later objected to an attempt to repeal a portion of the *Lex Baebia* which required the election of only four praetors, instead of the usual six in every second year.<sup>242</sup> The connection between electoral bribery and limitations on the number of magistrates might seem, at the outset, to be difficult to perceive.<sup>243</sup> Fraccaro argued that the reduction in the number of praetors

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<sup>240</sup> Liv. 40.19. For discussion cf. Astin: 1978, 330-331; Bauerle 1990: 40-41; Lintott 1999: 6-8; Nicolet 1980: 298-299; Scullard 1951: 172-173; Wallinga 1994: 420-421.

<sup>241</sup> Pol. 6.56.4.

<sup>242</sup> O.R.F. 136-138 (Malcovati 1953, 54); cf. Scullard 1951: 173, 266, for discussion and commentary.

<sup>243</sup> There is some dispute as to whether Cato was in fact referring to a complete separate *Lex Baebia*. Fraccaro (1910) concluded that the *Lex Baebia* was a *lex satuta* dealing with multiple issues, and that Cato argued against an attempt to repeal the clause limiting the number of Praetors. More recently, Astin (1978, 329-331) argued that this conclusion was teleological, and that it was quite conceivable that there would have been a separate *Lex Praetoribus*, also passed by one of the Baebii, at a later date. In any case, six

was deliberately intended to reduce the number of candidates for the consulship, and thus the likelihood of bribery in consular elections. This explanation is unsatisfactory, in large part because such a limitation would only have increased the amount of competition for the praetorship, as Astin has argued. The main reason for limiting the number of praetors was, in his view, to improve the administration of the Spanish provinces by allowing the praetors sent there to govern for two years before being replaced by newly elected magistrates.<sup>244</sup>

In my view, the most plausible explanation excludes neither the desire to limit competition nor the objective of improving provincial administration. The addition of a clause limiting the number of praetors in a law dealing with bribery makes a great deal more sense if viewed, in conjunction with the Lex Orchia and the Senatorial decree of 182, as part of an overall package aimed at limiting the attractiveness of the Aedileship or, more specifically, the excessive expenditure and occasional abuses that went with it, as a guaranteed strategy for obtaining higher office. The limitations placed on aedilician spending and the power to requisition funds from the provinces had made it more difficult for aediles to provide expensive games and public entertainments. Now, the restriction of *ambitus* and the reduction in the number of praetors that could be elected each year diminished the likelihood, almost certain in the previous two decades, the virtually every man who served as aedile would eventually be elected to the praetorship.

The advantages of holding the aedileship were further limited by the passage, in 180, of the Lex Villia Annalis,<sup>245</sup> which fixed the ages at which particular magistracies

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praetors were elected in 180, with four being elected in 179 and 177, with a repeal of the law and return to the traditional six praetors in 176. Cf. *MRR* 176, Scullard 1951: 173ff.

<sup>244</sup> Fraccaro 1910: 241. Astin 1978: 331.

<sup>245</sup> Liv. 40.44; cf. Astin 1957, 602 and Beck 2005: 51-60 for discussion.

could be held, required that they be held in a particular order, and finally stipulated a two year delay between the holding of each office. The effect would have been to permanently prevent the constitutional irregularities—like the attempt of Fulvius Flaccus to be elected praetor while he was still aedile—which the aedileship had so often made possible, while limiting the ability of the aediles to gain overwhelming support for their candidacies for the praetorship by virtue of the immediate memory of the games and public banquets they had given in the minds of the electorate.<sup>246</sup> While successful aediles would continue to enjoy a powerful competitive advantage in the pursuit of higher office, they would no longer have an overwhelming one.

In contrast to the previous four decades, we hear little of the aediles who held office between 182 and the disappearance of Livy's narrative in the 160's, perhaps in itself an indication that the magistracy had lost some of its importance. Of the five known aediles between 181 and 167 (four curule and one plebeian), one is not known to have held any further offices,<sup>247</sup> another reached only the praetorship,<sup>248</sup> and of the three who attained both the praetorship and the consulship managed to get elected until five years after their term in the aedileship had come to an end.<sup>249</sup> There is no evidence, however, that the games held by the aediles in the years following the passage of the Lex Villia Annalis were any less extravagant than in previous decades. Quite the opposite; in 179 the *ludi romani* were repeated by the aediles in response to some portents,<sup>250</sup> and in the

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<sup>246</sup> Cf. Shatzman 1975, 165-166;

<sup>247</sup> The little known C. Servilius, the Plebeian Aedile of 173 who is celebrated on coins as having initiated the annual celebration of the Floralia, yet appears to have drawn no electoral benefit from having done so; *Ov. Fast.* 5.329-330, MRR 1.408.

<sup>248</sup> Appius Claudius Centho, the Curule Aedile of 179, a year in which the games were repeated; *Liv.* 40.59, 41.26, MRR 1.407.

<sup>249</sup> P. Servilius Caepio, the Curule Aedile of 179, and the curule aediles of 169, Publius Cornelius Lentulus and Publius Cornelius Scipio Nasica Corculum. MRR 1.392, 1.425. Astin 1958, 11-12.

<sup>250</sup> *Liv.* 40.59.



year 169, Livy records that the *ludi romani* put on by the curule aediles featured sixty-three African panthers and forty bears and elephants, a specific number which he notes “as a sign of the increasing scale on which the games were conducted.”<sup>251</sup> In the ensuing decades, what little evidence we have demonstrates continued, intense competition for the aedileship and extravagant games during the term in office. The continued importance of the aedileship, and the games are best described by Cicero, in a passage worth quoting in full (emphasis mine):

“And so I wonder what Theophrastus could have been thinking about when he wrote his book on "Wealth." It contains much that is fine; but his position is absurd, when he praises at great length the magnificent appointments of the popular games, and it is in the means for indulging in such expenditures that he finds the highest privilege of wealth. But to me the privilege it gives for the exercise of generosity, of which I have given a few illustrations, ...the populace. "If people in time of siege," he says, "are required to pay a mina for a pint of water, this seems to us at first beyond belief, and all are amazed; but, when they think about it, they make allowances for it on the plea of necessity. But in the matter of this enormous waste and unlimited expenditure we are not very greatly astonished, and that, too, though by it no extreme need is relieved, no dignity is enhanced, and the very gratification of the populace is but for a brief, passing moment; such pleasure as it is, too, is confined to the most frivolous, and even in these the very memory of their enjoyment dies as {57} soon as the moment of gratification is past.”...And yet I realize that in our country, even in the good old times, **it had become a settled custom to expect magnificent entertainments from the very best men in their year of aedileship. So both Publius Crassus, who was not merely surnamed "The Rich" but was rich in fact, gave splendid games in his aedileship; and a little later Lucius Crassus (with Quintus Mucius, the most unpretentious man in the world, as his colleague) gave most magnificent entertainments in his aedileship.** Then came Gaius Claudius, the son of Appius, and, after him, many others — the Luculli, Hortensius, and Silanus. Publius Lentulus, however, in the year of my consulship, eclipsed all that had gone before him, and Scaurus emulated him. And my friend Pompey's exhibitions in his second consulship were the most magnificent of all. And so you see what I think about all this sort of thing. Still we should avoid any suspicion of penuriousness. Mamercus was a very wealthy man, and his refusal of the aedileship was the cause of his defeat for the consulship. If, therefore, such entertainment is demanded by the people, men of right judgment must at least consent to furnish it, even if they do not like the idea. But in so doing they should keep within their means, as I myself did. They should likewise afford such entertainment, **if gifts of money to the people are to be the means of securing on some occasion some more important or more useful object.**”<sup>252</sup>

Evidently, the mid second century and the early years of the first had seen the games expand in size, and the competition between aediles to hold the most lavish and impressive entertainments had grown exponentially. One might be inclined to conclude

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<sup>251</sup> Liv. 44.18: “et iam magnificentia crescente notatum est ludis circensibus P. Corneli Scipionis Nasicae et P. Lentuli aedilium curulium sexaginta tres Africanas et quadraginta ursos et elephantos luisse.”

<sup>252</sup> Cic. *De Off.* 2.56-57.

that, if the purpose of the laws of the 180's had been to restrict competition and diminish the extravagance of the aediles, they had ultimately failed to do so. However, it cannot be doubted that a significant shift had occurred in the nature of aristocratic competition for the aedileship, arguably as a result of the restraints imposed in the mid republican era. Firstly, the delay between the aedileship and the point at which one could run for a higher office may have, instead of eliminating the incentive to spend excessively, paradoxically made it greater.

As Cicero notes, the gratification of the public and its subsequent gratitude was bound to be brief. Where previous aediles might have been able to count on the immediate memory of successful games, even if these had not been particularly expensive or long in duration, to guarantee success at the polls, those in office after 180 would have had to invest a great deal more to make a lasting impression. The difficulties were evident; on the one hand Publius Licinius Crassus Dives, whose games were noted by Cicero, only managed to reach the consulship a full 12 years after he had been aedile.<sup>253</sup> Conversely, Mamercus Aemilius Lepidus and Lucius Cornelius Sulla both failed in their campaigns for higher office because the public remembered that, several years before, they had refused to run for the aedileship.<sup>254</sup>

But the more important shift in the nature of the aedileship was the one which involved the nature of aedilician expenditure. As we have seen, the aediles of the mid-republic were able to rely on the resources of the state to pay for their games and make demands upon the provinces and the Italian allies. The Senate and the assemblies considered the funds used for this purpose to be state property, and were prepared to

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<sup>253</sup> *MRR* 1.500; the dates of the aedileship and subsequent consulship are disputed.

<sup>254</sup> Cic. *De Off.* 2.57.

prosecute those who were seen to abuse them, as occurred when the subordinates of the aedile of 201 were tried for embezzlement, and his own political career was brought to a premature end.<sup>255</sup> But the *Lex Orchia*, and the senatorial decrees of 182 and 179 appear to have imposed significant limits on the amount which aediles and other magistrates could spend from state revenue, requisition from the provinces or set aside from the booty acquired while on campaign. The Senate and the Tribunes did not, however, place any limits on what an elected magistrate could spend out of his own pocket. Indeed, they all but encouraged Publius Cornelius Scipio Nasica to do just that when refusing to grant him the sums he wanted for his games.<sup>256</sup> Similarly, while the Senate limited the amount which Marcus Fulvius Nobilior and Quintus Fulvius Flaccus could spend from among their triumphal booty, it did not prevent them from making up the difference from their personal resources. Flaccus appears to have done just that, and when celebrating his triumph in 179, he may well have compensated for the small amount of money obtained from his campaign against the Gauls by going into his pocket to pay 300 *ases* to each of his legionnaires.<sup>257</sup> Thus, instead of restraining aristocratic competition and the expenses involved in the games, the Senate and people only managed to shift the financial burden onto the individual aristocrats themselves.

In doing so they paradoxically succeeded in intensifying competition and creating an electoral playing field even more uneven than that which had existed in the mid 180's. The expectations of the public had not diminished. But now ambitious aristocrats would be forced to spend more of their own money and less of the state's in order to meet them. The wealthier members of the ruling class, who could afford to spend hundreds of

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<sup>255</sup> Liv. 30.39, see above.

<sup>256</sup> Liv. 36.36, see above.

<sup>257</sup> Liv. 40.59.

thousands of sesterces in a given year to hold particularly lavish games, would thus have enjoyed a significant advantage over poorer Senators like Marcus Cicero or Gaius Julius Caesar,<sup>258</sup> who were forced to take on a substantial amount of debt in order to impress the public (as was the case with Caesar),<sup>259</sup> or take their chances by avoiding the aedileship and risking the displeasure of the electorate (as was the case with Lucius Cornelius Sulla). The reforms aimed at limiting extravagance and competition had thus had the opposite effect, and the nature of the competition itself had become far more personal and dependent on the personal wealth of those competing for high office. The change in the manner by which the games were financed would not have been lost on the public. Indeed, as Cicero attests, the act of financing the games, entertainments and gifts which was now typical for an aedile had come to be seen as kind of personal transaction, with the magistrate involved providing gifts of money to the people with the expectation of future support. The line between bribery and legitimate practice, between *ambitio* and *ambitus*, had been substantially blurred, with important consequences for the Republic.

The scale of the games only increased in the late republican period. Marcus Aemilius Scaurus held extravagant games during his aedileship in 122, and managed to secure election to the praetorship within three years.<sup>260</sup> The curule aediles Lucius Licinius Crassus and Quintus Mucius Scaevola spent lavishly on the games held in 100, mostly from their own personal resources. The two appear to have gained considerable popularity as a result and maintained a unique political partnership which saw them hold

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<sup>258</sup> The fortune of Crassus Dives, for example, has been estimated at 25 million denarii, while Cicero's may only have possessed an annual income of around 100,000 to 300,000HS (Shatzman 1975, 54-56)

<sup>259</sup> Suet. Div. Iul. 9-13.

<sup>260</sup> Auct. Vir. Ill. 72.3; MRR. 1.519.

the praetorship jointly in 98 and the consulship jointly in 95.<sup>261</sup> The aediles of the first century appear to have added significantly to the décor of the theatrical presentations held under their auspices. Publius Claudius Pulcher, curule aedile in 99, added elaborate painted backdrops to the performances, while Lucius Licinius Lucullus, curule aedile in 79, rotated the backdrops between scenes on a moving spigot.<sup>262</sup> All went on to hold both the praetorship and the consulship. The practice of distributing grain to the plebs at the expense of the plebeian aediles was also maintained, with Quintus Hortensius Hortalus, aedile in 75, accompanying his games with a large scale distribution of grain during a period in which a significant shortage was causing popular unrest.<sup>263</sup> The plebeian aediles of 86, Lucius Critonius and Marcus Fannius, went so far as to make a special issue of coinage depicting themselves seated on what appear to be elevated curule chairs, preparing to dole out the grain to the populus. The plebeian aediles, having already become responsible for a number of newly created games in honour of the plebeian deities in the second century—perhaps an effort to compete with the more electorally successful curule aediles—appear to have assumed many of the symbols and ceremonial prerogatives of the curule aediles in the first.<sup>264</sup>

As Curule Aedile in 65, Caesar spent particularly lavishly out of his own personal resources. He put on the standard athletic games and theatrical displays, and attempted to bring in such a large number of gladiators that a new legislation was passed to regulate the games. Potentially the first such provision since the Lex Orchia of the 180's, it restricted the number of gladiators that could be brought into the city at any one time and

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<sup>261</sup> Cic. Off. 2.57. Verr. 2.137; MRR 1.575.

<sup>262</sup> Val. Max. 2.4.6.

<sup>263</sup> Cic. Verr. 2.3.215. Sall. Hist. 2.45-2.47.

<sup>264</sup> Ross Taylor: 1939, 198.

thus forced Caesar to readjust his plans.<sup>265</sup> Perhaps more importantly, he spent on numerous embellishments to the Capitol and restored the gilded statues and trophies of his kinsman Gaius Marius at his own personal expense.<sup>266</sup> The burden of financing these exhibitions forced the young magistrate to accumulate such large debts that, by the time he assumed the praetorship in 62, he was on the verge of bankruptcy and far more vulnerable to attacks from his political opponents.<sup>267</sup> But not all of the individuals who held the aedileship were in a position to make similar displays, and those who failed to do so could expect to see their chances of future electoral success diminish significantly.

The financial burdens imposed upon the individual aediles may have been further exacerbated in the final decades of the Republic by the cost of getting elected to the aedileship itself. The legislation imposed during the Dictatorship of Sulla had doubled the size of the Senate, and thus the number of potential candidates for office. The effects of the likely surge in candidacies would have been mitigated by the passage of a new *Lex Annalis* which raised the minimum age at which the aedileship could be held to 36.

Perhaps in light of his own refusal to seek the office, Sulla did not make the aedileship a requirement to seek the praetorship and the consulship. Most notably, the Sullan legislation may have sought to accommodate an increased number of candidacies by increasing the number of available offices.

Moreover, while the number of available quaestorships was increased to twenty and the number of praetorships increased to eight, there continued to be only two plebeian and two curule aedileships.<sup>268</sup> The aedilician elections may thus have been

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<sup>265</sup> Suet. Div. Iul. 10.

<sup>266</sup> Plut. Caes. 6.1-4.

<sup>267</sup> Sall. Cat. 49.3.

<sup>268</sup> Tac. Ann. 11.22, MRR 2.74-75; Develin 1979: 96-98; Keaveney 1982: 144-145.

considerably more competitive and costly for the candidates. It is thus unsurprising that we hear of a of defeated candidacies and cases of *ambitus*. Quintus Pedius, a defeated candidate in the election for the curule aedileship of 155, arranged to have the support of the tribe Aniensis, whose support he had apparently purchased to a competitor in the event that he was not initially successful in the balloting.<sup>269</sup> Marcus Iuventius Laterensis was defeated in his bid for the aedileship in the same year, and prosecuted one of the victors for *ambitus*.

The defence, carried out by Cicero, resulted in the acquittal of the successful candidate, Cnaeus Plancius. While much of Laterensis' argument was made on the largely frivolous grounds that he was entitled to victory by virtue of his superior birth, he also drew attention to the lavish feasts which Plancius had provided for the members of his own tribe. It would naturally have been difficult to bribe an electorate as large as that which existed in the late Roman Republic, but it appears that, as Cicero argued, there was an expectation that candidates would demonstrate their benevolence and suitability for the office that involved the greatest expenditure on the part of individual Roman aristocrats by providing gifts and entertainments to their individual tribes.<sup>270</sup> Those who could not afford to do so would have found themselves at a disadvantage, and might have sought alternative means of advancement.

Once in office, the late Republican aediles who organized successful games may still have enjoyed a considerable advantage in the praetorian and consular elections. Of the 27 curule aediles known to have held office after 80, 17 were elected to the praetorship and 14 became consul. Of the 7 known plebeian aediles, 6 became praetor

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<sup>269</sup> Cic. Planc. 17.34; Broughton 1991: 42-43.

<sup>270</sup> Cic. Planc. 36, 52; Cic. Mur. 68-70; Yakobson 1999: 22-24; Mouritsen 2001: 111-117.

and only one became consul.<sup>271</sup> However, given that we know of so few aediles in the late Republic, these figures must be taken with a grain of salt.

Aediles who did not devote their efforts primarily to the celebration of games intended to earn the favour of the electorate appear to have been less successful. Quintus Caecilius Metellus Celer, returning to the traditional role of the aedile as a prosecutor of acts of immorality, tried and convicted a fellow Senator, Cnaeus Sergius Silus for propositioning a married woman from another aristocratic household. He held no further offices.<sup>272</sup> Those who failed to hold games munificent enough to attract the attention and support of the populace could find themselves in difficulty when seeking higher offices. Quintus Gallius, who held the plebeian aedileship in 67, failed to show off a significant enough number of beasts during his games to impress the public. Realizing his unpopularity he decided, in the next year to hold gladiatorial games supposedly in honour of his deceased father before seeking the praetorship. After his election as Praetor in 65 he was charged with *ambitu* for promising gladiatorial games to the people that were not required of him.<sup>273</sup> Unusually, the trial may only have been conducted after he left office in 64, with Cicero speaking for the defence in a speech which has only survived in fragments. The outcome is unknown, and he did not hold any further offices.<sup>274</sup>

The reasons for prosecuting a candidate for the praetorship who, like Gallius, had held games after the end of his aedileship are easily understandable within the context of late republican political competition. Unlike their predecessors in the era of the Second Punic War, the aediles of the late Republic had to hold games which would be able to

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<sup>271</sup> Figures based on Broughton MRR, accepting the interpolations.

<sup>272</sup> Val. Max. 6.1.8. MRR 2.41.

<sup>273</sup> Ascon. 88C. Comm. Pet. 19. MRR. 2.144.

<sup>274</sup> Bauerle 1990, 142-143; Ramsey 1980, 406.



compete in the public eye, with the vast array of spectacles held by private citizens and successful generals like Cnaeus Pompeius Magnus and Marcus Licinius Crassus, who during their joint consulship in 70 competed with each for public attention on a scale never before seen. Pompey put on votive games of unprecedented size for 15 days, and financed the extension of the Roman games for an equal period.<sup>275</sup> Crassus, by contrast put on a banquet with tables to seat over ten thousand, and provided the urban populace with a free grain distribution lasting three months.<sup>276</sup>

The aediles would have had considerable difficulty gaining the lasting attention of the public, much less earning their support, when their own games were in competition with such spectacles, and it would have been in their interest to restrict and sanction those who attempted to gain support from outside of the office. Those who could not afford the financial burden of the aedileship were, however, offered alternatives within the new political context. Publius Vatinius, defeated so badly in the aedilician election of 56 that he lost his own tribe, aligned himself with Pompey and Crassus to seek the praetorship. With their support he was elected over the more well known Marcus Porcius Cato.<sup>277</sup> Appius Claudius Pulcher, candidate for the aedileship in 57, was given the opportunity to seek the praetorship instead, through the use of bribery and the support of the incumbent consul. Upon his withdrawal, he hid the large number of decorations and gilded ornaments he had prepared to display during his games.<sup>278</sup>

In any case, by the final years of the Republic, the aediles themselves appear to have increasingly ignored precedent in the rush to compete. In 182, Tiberius Sempronius

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<sup>275</sup> Cic. Verr. 1.31.

<sup>276</sup> Plut. Crass. 12.3.

<sup>277</sup> Cic. Sest. 114; MRR 2.226.

<sup>278</sup> Cic. Dom. 112.

Gracchus had made extortionate demands upon the provinces to provide for the games held in his aedileship. In response, the Senate placed a limit on expenditure and moved towards limiting the electoral advantages enjoyed by the aediles.<sup>279</sup> In 50, the curule aedile Marcus Caelius Rufus was making similar demands. In a number of letters sent to Cicero, then governor of Cilicia, Rufus continually requested that he be provided with panthers and exotic animals for his games. Cicero demurred and delayed, citing the difficulties and expenses the request would impose on both himself and the local inhabitants, but one can readily imagine the effects of similar requests on a more pliant governor, or one with closer personal ties to the aedile in question.<sup>280</sup>

Caelius Rufus was the last known aedile to serve a full term in office before the outbreak of civil war. It may thus be fitting to see him return to the same practice which earned so much condemnation over a century before. The aediles elected in 49 fled Rome to escape the advance of the Caesarian army, with their duties being taken over by the tribunes who had remained.<sup>281</sup> Upon his return to Rome and assumption of the Dictatorship, Caesar expanded the number of aediles to six, creating two new posts for aediles plebis cereales, and the number of quaestors to forty. By that time however, neither office could have expected to regain the same importance, as competition for the favour of the Dictator, and eventually of the *Princeps* came to take precedence over the struggle for the support of the electorate.<sup>282</sup>

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<sup>279</sup> Liv. 40.44; see above.

<sup>280</sup> Cic. Ad. Fam. 3.1, 4.3, 8.22, 9.1.

<sup>281</sup> Dio. 41.36.2-3.

<sup>282</sup> Dio. 43.51.3-4.

## Conclusion

This study has sought to shed light on two Roman Republican offices that have been largely neglected by modern scholars. More importantly, it has sought to situate the development of the quaestorship and the aedileship within the general evolution of Roman political institutions and power politics. In doing so, it has attempted to present the lower magistracies of the republican *cursus honorum* as both products of their environment and dynamic actors that in themselves helped to shape the Roman political framework.

We see the emergence of the quaestorship as an irregular office designed to meet the needs of an embryonic state which lacked the means of fiscal management and provincial administration. The development of the quaestorship parallels that of the empire itself; as the Roman state expanded and acquired new territories and revenues, the responsibilities and prerogatives of the quaestors increased. Moreover, the office gradually evolved into a more formal magistracy and the main entry point onto the *cursus honorum* for ambitious young aristocrats. This development allowed the office itself to shape the governing class of the Republic. The men who served as quaestors acquired invaluable military and administrative experience, while being able to interact with senior members of the aristocracy in a manner which permitted them to achieve social distinction and build upon the unique relationship of social subordination that bound quaestors to their commanders and stood to benefit both parties in their future careers. Those who would argue that the quaestorship was unimportant would do well to consider the effects that the experience conferred by that office was likely to have on the decision making and political alignments of future praetors and consuls.

The development of the aedileship can also be seen from the perspective of the growth of the Roman state. What had originally been a minor urban magistracy, fulfilling minor duties delegated by the tribunes of the plebs, grew in importance as the city of Rome developed into a dynamic metropolis. The aedileship developed into something more unique as the wealth of Republic grew, a culture of political spectacle came into existence in parallel with dramatically intensified aristocratic competition.

The responsibility of the aediles for the administration of the public games and the partial upkeep of some of the major temples of the city allowed the office to become a springboard for aristocrats seeking to gain the favour of the electorate and increased their chances of election to the higher magistracies. By holding extravagant games, the curule and plebeian aediles could ingratiate themselves with the public. The opportunity to do so led to a ferocious competition for the offices of curule and plebeian aedile in the Middle Republic, and between the aediles themselves, as each sought to outdo the other in providing the most lavish entertainments for an eager public. The attempts of the Senate to restrict their expenses and limit the electoral benefits which the aedileship conferred upon its occupants paradoxically ended up exacerbating the trend, forcing aristocrats to spend out of their own pockets to distinguish themselves in the office, and giving greater advantages to those who could afford to pay more for the favour of the public. The aedileship thus had an important impact on the development of the *cursus honorum*, and the transformation of the Roman political community into one in which wealth, needed to impress the electorate or purchase its support, became the determinant factor in insuring political success, while political power came to be concentrated in an increasingly smaller number of hands.

Both offices played a critical role in the development of the Roman Republic. Indeed an understanding of the *cursus honorum*, and the behaviour of the principal magistrates of the Republic must depend to a large extent upon an understanding of the lower magistracies and the early careers of Roman aristocrats. The quaestorship and the aedileship have, regrettably received little attention from scholars, and the topic is in need of further study.

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