

Princeps Senatus

The last attested *princeps senatus* ('leader of the senate') was L. Valerius Flaccus in 86 BCE, and it has long been asserted in modern scholarship that the office was abolished by the dictator L. Cornelius Sulla.¹ However, as this paper will argue, the evidence does not support such a contention. The office was indeed deprived of relevance in the decade after Sulla's death, but this was the result of several distinct changes in senatorial procedure. As we will see, these steps were only possible due the absence of senatorial leadership after the bloodletting of the 80s. The changes collectively reinforced the dominance of the men now at the helm of the state, men such as Q. Catulus, at the expense of survivors such as M. Perperna. Indeed, it was the political and personal relationships between the consulars in Rome in the 70s which dictated the changes in procedure. Such changes did not take place in a vacuum.

The nature of the *princeps senatus* before Sulla

During the middle republic, the post of *princeps senatus* was the most prestigious position in Rome. Every five years, the censors were responsible for revising the senatorial list as one part of their *regimen morum* ('guidance of morals'). The revised list was read aloud from the rostra, and the man named first on the list was the *princeps senatus*.² From his place at the top of the list, he gained the right to be *primus rogatus* ('first speaker') in the

¹ A version of this paper was originally presented at AMPHORA IV at Monash University on 1 October 2010, and I would like to thank those who improved this paper by their questions. I would also like to acknowledge the particular assistance provided by Dr. Bruce Marshall, who was kind enough to provide a transcript of his ASCS paper, and Dr. Frederik Vervaeke. The fault for any errors or omissions remains entirely my own. All dates in this article are BCE unless otherwise stated.

² See Cic. *Dom.* 84 for the senatorial list being announced in a speech. There must also have been a written list during the middle republic to decide disputes over seniority, but we do not hear of it until the Augustan period: Cass. Dio 55.3.3; Francis X. Ryan, *Rank and Participation in the Republican Senate* (Stuttgart: F. Steiner, 1998), 138 n11.

senate; that is, he would be the first man the presiding officer asked for his *sententia* ('opinion').³ It follows that this right carried with it the potential for a great deal of political influence. The *primus rogatus* would move all routine *senatus consulta* ('senatorial decrees'), and thus would have a considerable input into the form of words. He would also have a significant influence on controversial decisions, setting out one of the possible options at the very least.⁴ Only once are the criteria for choosing a *princeps senatus* explicitly attested. In his discussion of the censorial *lectio* ('revision of the senatorial list') of 209 Livy tells us that previously the man chosen had been he 'who had been the first of all his surviving contemporaries to be appointed censor' (*qui primus censor ex iis qui uiuerent fuisset*), but that a censor of that year instead chose Q. Fabius Maximus Verrucosus on the grounds that he was 'foremost of all the Romans' (*principem Romanae ciuitatis esse*).⁵ This suggests that any man of high rank could be eligible if he were so judged by the censors, although in practice the choice seems to have been more restrictive. All known *principes senatus* were of patrician ancestry and all had at least been elected consul, so it is reasonable to conclude that these were also requirements.⁶ Mommsen initially suggested that the choice was

³ Explicitly attested by Varro: Gell. 14.7.9.

⁴ Marianne Bonnefond-Coudry, 'Le princeps senatus: vie et mort d'une institution républicaine', *Mélanges de l'École française de Rome* 105 (1993): 116, states 'le prince du Sénat exerce d'ordinaire une influence de premier plan'. However, Patrick Tansey, 'The Princeps Senatus in the Last Decades of the Republic', *Chiron* 30 (2000): 19, emphasises that '[t]he leadership of the princeps was based on consensus ... [he] had no power to compel or punish, and no means to dominate the senate other than by persuasion'.

⁵ The *lectio* was the revision of the senatorial list carried out by each pair of censors. The quote is from Livy (citations in Latin from 'Livy: Periochae', <http://www.thelatinlibrary.com>). Translations are from Titus Livius, *The History of Rome*, trans. Rev. Canon Roberts (London: Dent, 1905), *Epit.* 27.11.9-11: *ceterum Cornelius morem traditum a patribus sequendum aiebat ut qui primus censor ex iis qui uiuerent fuisset, eum principem legerent; is T. Manlius Torquatus erat; Sempronius cui di sortem legendi dedissent ei ius liberum eosdem dedisse deos; se id suo arbitrio facturum lecturumque Q. Fabium Maximum quem tum principem Romanae ciuitatis esse uel Hannibale iudice uicturus esset* ('Cornelius, however, insisted that they ought to follow the traditional usage in accordance with which the man who had been the first of all his surviving contemporaries to be appointed censor was always chosen as leader of the senate and in this case it was T. Manlius Torquatus. Sempronius replied that the gods who had given him by lot the right of choosing had also given him the right to make a free choice; he should therefore act on his own discretion and choose Q. Fabius Maximus, the man whom he claimed as foremost of all the Romans, a claim he would make good before Hannibal himself').

⁶ This is disputed in the four recent discussions of this question. Bonnefond-Coudry,

more restrictive still and that the *princeps senatus* could only originate from the limited circle of *gentes maiores* ('greater clans'). However, this has been challenged: there is no ancient support for the idea that the distinction between *gentes maiores et minores* ('greater and lesser clans') carried any political meaning, furthermore, as Francis Ryan has shown, Mommsen's reasoning on this point is circular.⁷ Certainly most *principes senatus* either were or had been censors, to the extent that censorial status has been imagined to be necessary, although this too is disputed.⁸ During the second century, the man chosen was normally a past or serving censor, although not always the oldest surviving censor where that can be traced.⁹ On this evidence, the reasonable conclusion is that the basis for choosing the *princeps senatus* in the second century remained that he was 'foremost of all the Romans' in the judgment of the censors who revised the senatorial list.¹⁰ The shortlist of candidates consisted of patrician *ensorii* (ex-censors) under normal circumstances.

Marianne Bonnefond-Coudry usefully compares the *princeps senatus* to the *interrex*, another exclusively patrician office. When in 53 and 52 it became difficult to find enough men who were both consular and patrician to be

'Le *princeps senatus*', 105-6 and Fabio Mora, 'La scelta del "Princeps senatus"', *Historia* 52 (2003): 502, rightly accepts the necessity of patrician ancestry, while Ryan, *Rank and Participation*, 225-32 rejects it and Tansey does not discuss the matter. However, Ryan's argument rests entirely on viewing Cicero in 43 as *princeps senatus* in a technical sense. This is incorrect: Cicero can be described as the 'leader of the Senate' in its struggle against Antony, which he had provoked, but that does not make him *princeps senatus* within the traditional meaning of that term. Similarly, Ryan's counterfactual argument that Q. Fulvius Flaccus was overlooked in 209 because he may have been junior to his censorial colleague T. Manlius Torquatus, rather than because he was plebeian, fails to convince: it also is based on the assumption that the *princeps senatus* could be plebeian and is not an independent proof of that contention.

⁷ Cicero's only mention of the distinction between *gentes maiores et minores* does not suggest any political weight was ever attached to it: Cic. *Fam.* 9.21.2. See Ryan, *Rank and Participation*, 225 esp. nn4 and 6, emphasising how Mommsen both says that *principes senatus* had to be from the *gentes maiores* and that 'we are taught that the list of *gentes maiores* can be constructed from the list of *principes*'. Ryan refers here to Theodor Mommsen, *Römische Forschungen* (Berlin: Weidmann, 1864), 1.258-9 and *Römisches Staatsrecht* (Leipzig: Hirzel, 1887-8), 3.31. See also E.S. Staveley, 'The Nature and Aims of the Patriciate', *Historia* 32 (1983): 30 n20.

⁸ See below on the necessity or otherwise of censorial status.

⁹ Mora, 'La scelta del "Princeps senatus"', 502.

¹⁰ See Pliny *HN* 7.139 for the connection in Republican thought between high office and excellence.

interrex, it was the first criterion rather than the second that was sacrificed.¹¹ By the late second century, there were fewer patrician censors being elected and thus fewer candidates for *princeps senatus*. For instance, in 125 the serving censor Cn. Servilius Caepio was the only surviving patrician *ensorius*, yet he was passed over in favour of the consular P. Cornelius Lentulus. Lentulus' appointment has been seen as evidence that the *princeps senatus* must belong to a *gens maior*, but it does not by itself prove this. It could easily be explained by Lentulus' own longevity: he was consul in 162, and in 125 he must have been eighty years old. His appointment is also explicable by political disputes between Caepio and his censorial colleague. The elevation of Lentulus in 125 and M. Aemilius Scaurus as serving consul in 115 were the result of the paucity of patrician *ensorii*, but this did not mean abandoning the principle of censorial recruitment.¹²

This link with the censorship is instructive. As Bonnefond-Coudry recognises, the censors, and their *regimen morum*, held a special place in the ideology of the senate. Through the *lectio senatus* and the *recognitio equitum* ('parade of the equites'), the censors policed the moral fibre of the ruling class and contributed greatly to legitimising the role of the senate in the city. As the senior or best *ensorius*, the *princeps senatus* embodied this prestige; it is no accident that he was commonly associated with terms of eminence and dignity.¹³ Yet we must remember that this ideological baggage and the influence that the *princeps senatus* could exert as *primus rogatus* were latent: they were only useful to the right man. It is a truism of Roman politics that the man made the office, and if this was true of the consulship, held by two men each year, how much more true was it of a post held by one man until death? For instance, the contemptuous way in which M. Aemilius Scaurus disposed of a *maiestas* prosecution in the last years of his life demonstrates his overwhelming *auctoritas* ('authority').¹⁴ But by this stage, Scaurus had been *princeps*

¹¹ Bonnefond-Coudry, 'Le princeps senatus', 106-7. On the institution of the interrex, see Andrew Drummond, 'Interrex', in *The Oxford Classical Dictionary*, 3rd edition, ed. Simon Hornblower and Antony Spawforth (Oxford: Oxford University Press, 1996), 761-2.

¹² Bonnefond-Coudry, 'Le princeps senatus' 108-9.

¹³ *ibid.*, 111. Some common terms are *gravitas*, ἄριστος and ἀξίωμα.

¹⁴ Val. Max. 3.7.8 (Citations in Latin are from 'Valerius Maximus', <http://www.thelatinlibrary.com>. Translations are from Valerius Maximus, *Memorable Deeds and Sayings*, trans. Henry Walker (Indianapolis: Hackett, 2004)): *est enim inicium, Quirites, cum inter alios vixerim, apud alios me rationem vitae reddere, sed tamen audebo vos, quorum maior pars honoribus et actis meis interesse non potuit, interrogare: Varius Severus Sucronensis Aemilium Scaurum regia*

senatus for a quarter of a century and ‘almost the whole world was governed by his nod’.¹⁵ Most senators would have spent their entire career in the curia with him as their leader. Such *auctoritas* would not automatically attach itself to his successor. In short, the influence held by the *princeps senatus*, which was a corollary of his position, arose from the fact that he spoke first in the senate and that he had been named ‘foremost of the Romans’ by the censors.

Previous scholarship

The standard explanation for the position’s demise—that presented by Badian in the Oxford Classical Dictionary—is that the *princeps senatus* was abolished by Sulla, ‘since he did not want any one senator to have such dominant power’. Like most explanations of Roman public life, this originates with Mommsen’s *Staatsrecht*.¹⁶ Mommsen’s reasoning here requires investigation because his account of the *princeps senatus* has been so influential. In the *Staatsrecht*, his account is partly an argument from silence: he says we would surely have heard of a *princeps senatus* in the Ciceronian age if there had been one. His argument as to why and how the *princeps senatus* had been abolished is derived from his certainty that Sulla’s aim was to institute an oligarchy that could not tolerate a superior senator, even one superior only in prestige, such as the *princeps senatus*.¹⁷ Hence, Mommsen asserts, and does not argue, that Sulla abolished the post and simply restored a situation in which the oldest consular was placed at the head

mercede corruptum imperium populi Romani prodidisse ait, Aemilius Scaurus huic se adfinem esse culpae negat: utri creditis? (‘Citizens, it is unfair that I have lived my life among one set of people but should have to defend it before a different set of people; but I shall be so bold as to ask you a question, since most of you were not there to witness my actions when I was carrying out my public offices: Varius Severus from the Sucro claims that Aemilius Scaurus was bribed by a king and betrayed the empire of the Roman people; Aemilius Scaurus claims that he had nothing to do with such an offence. Which of the two do you believe?’).

¹⁵ Cic. *Font.* 24: *prope terrarum orbis regebatur* (translation from M. Tullius Cicero, *The Orations of Marcus Tullius Cicero*, trans. C.D. Yonge (London: Bohn, 1856)).

¹⁶ Ernst Badian, ‘*Princeps Senatus*’ in *The Oxford Classical Dictionary*, 3rd edition, ed. Simon Hornblower and Antony Spawforth (Oxford: Oxford University Press, 1996), 1247; Cf. Mommsen, *Röm. Staats.*, 3.970. See also Tansey, ‘*Princeps Senatus*’, 15-22 for a comprehensive demolition of Mommsen’s account.

¹⁷ This paragraph is a summation of Mommsen’s arguments in *Röm. Staats.* 3.967, 969-71, 975.

of the list without any greater rights than his fellow consulars. He then goes on to state that Sulla 'probably' applied this change by means of legislation.

There are relatively few sources to account for the end of the *princeps senatus*, and Mommsen tries to bridge the gaps in the evidence with a reconstruction that lacks logical coherence. To take his arguments and assertions in the order presented above: the argument from silence is a dangerous tool. The best we can deduce from the lack of an explicit mention of a contemporary *princeps senatus* in the Ciceronian corpus is that the post lacked prestige and political importance in his time, not that it no longer existed. Mommsen's argument based on his belief in Sulla's intention is similarly weak: the question of what Sulla's reconstitution of the *res publica* consisted of, and what he hoped to achieve by it, remains a field of great scholarly controversy.¹⁸ Arguments based on *a priori* assumptions about the dictator's aims cannot bear much weight.

Alternatives to Mommsen's interpretation have recently been proposed by Bonnefond-Coudry, Ryan and Patrick Tansey. Bonnefond-Coudry writes in general terms of the 'démocratisation' of the political elite in the post-Sullan period and sees the demise of the *princeps senatus* as a reflection of this. Ryan correctly identifies that removing the right to speak first from the man named first on the senatorial list made the *princeps senatus* a negligible figure.¹⁹ According to Ryan, the *princeps senatus* was not abolished by Sulla: L. Valerius Flaccus (cos. 100) was both the incumbent *princeps senatus* and Sulla's most senior supporter, and the dictator is not likely to have publicly demoted such a friend. Rather, Sulla left the institution alone, and it was a *senatus consultum* after him, but before 71, which introduced the decisive new custom whereby any consular could be chosen to speak in first position. Limiting his thinking to legal generalities and eschewing any discussion of the individuals involved, Ryan speculates on some possible reasons for this. He also argues that the senior consul chose the consulars who would speak *extra ordinem* (up to a maximum of four), a choice which was respected by all other magistrates presiding over the senate in that year.²⁰

¹⁸ Theodora Hantos, *Res publica constituta: die Verfassung des Dictators Sulla* (Stuttgart: F. Steiner, 1988) is the most comprehensive recent account.

¹⁹ Bonnefond-Coudry, 'Le princeps senatus', 125; and Ryan, *Rank and Participation*, 137-292, esp. 168-70.

²⁰ Ryan, *Rank and Participation*, 276-92 passim. Ryan, *Rank and Participation*, 287, 287 n259: suggests that the removal from the *princeps senatus* of the right to speak first 'must have been brought about deliberately and directly by a *senatus consultum*', with other possibilities being the lapse of time since cen-

Tansey agrees that the *princeps senatus* was not abolished by Sulla and argues that the change in the speaking order noted by Gellius was crucial in negating the importance of the *princeps senatus*. He sees Mam. Aemilius Lepidus being appointed 'to the then largely decorative position' by the censors of 70, as L. Flaccus had died sometime in 79 or 78 and the post had been vacant in the meantime.²¹ Lastly, Tansey proposes C. Cotta (cos. 75) as the likely instigator of the change in the speaking order.

All three scholars make valid arguments, although there is little engagement between them. Ryan seems unaware of Bonnefond-Coudry's article, while Tansey only mentions it once and in turn does not reference Ryan's book. A new approach that takes account of all three arguments is therefore necessary. In this paper I argue that the demotion of the *princeps senatus* in the 70s was a process with several steps, one which hinged on personal relationships between leading senators. In order to establish this I will now, firstly, establish the regular order of speaking as it obtained before Sulla's dictatorship. I will then re-examine the relevant passages of Gellius (4.10.1-4 and 14.7.9) to discover precisely what he says about the change in the senatorial speaking order. I will proceed to show how the appointment of Mam. Aemilius Lepidus as *princeps senatus* by the censors of 70 allowed the temporary change described by Gellius to become permanently established, before finally discussing the small number of consulars who were present in Rome and so may have benefited.

The order of speaking

While we have reason to believe that senate meetings could be disorderly and that senators could shout from their seats or otherwise make their opinions known out of order either individually or en masse, the normal speaking order was determined solely by rank. When meetings proceeded in an orderly fashion the presiding officer would present a *relatio* ('motion') framed in general terms and then ask the assembled senators for their *sententiae* in a strict order of speaking.²² The order itself was by seniority, although there

sors were appointed or (least likely, in his eyes) the independent actions of a consul who despised the incumbent *princeps senatus*. The putative maximum of four consulars speaking *extra ordinem* is extrapolated from Caesar choosing four men to speak *extra ordinem* during his first consulship of 59, and Cicero identifying the first four chosen by the consul of 61.

²¹ Tansey, 'Princeps Senatus', 27.

²² Pierre Willems, *Le sénat de la République romaine* (Louvain: Peeters, 1878-85),

is disagreement over the details. Mommsen argued that a censorial grade had at some time existed, an argument based solely on Livy 27.11, where a censor of 209 argues that the *princeps senatus* had formerly always been the oldest censor. Ryan has recently mounted a counter-argument against the existence of any grade higher than the consular, with uneven success.²³ Based on Gellius' use of the phrase *ex quo gradu* ('from that grade'), Ryan demonstrates that 'the highest grade in the time of Cicero was the consular grade'. However this does not show that a censorial grade had never existed, but only that one did not exist in 71.²⁴ Ryan does not allow for the fact that the three senior consulars in the 70s (Flaccus, Perperna and Philippus) were also the three surviving censorii, so that in either case they would stand at the top of the senatorial list; this may well have caused the existence of a separate censorial grade to be forgotten by the time new censors were elected in 70, the first such election for sixteen years.²⁵ However, the argument from probability favours Ryan's notion that the consular grade was always the highest, and, as Gellius says, that the *princeps senatus* spoke as the first man in this grade.²⁶

The privileging of patricians is more problematic. Bonnefond-Coudry has maintained that patricians in a given grade would speak ahead of their plebeian

3.180. See for example Cic. *Att.* 4.2.4, Livy, *Epit.* 26.33

²³ See, for instance, Willems, *Le sénat de la République romaine*, 3.181: 'Le tour des simples consulaires était précédé de celui des *censorii* et des *dictatorii*, et en première ligne la parole était donnée au *princeps senatus*'; Bonnefond-Coudry, 'Le *princeps senatus*', 110; Ryan, *Rank and Participation*, 96-113.

²⁴ Ryan, *Rank and Participation*, 101; Gell. 14.7.9 (Citations and translation in Latin are from A. Gellius, *Attic Nights*, trans. and ed. J.C. Rolfe (London: Heinemann, 1927)).

²⁵ It is often asserted, although Mommsen only implies this, that Sulla abolished the censorship, but this thesis has only the most tenuous ancient support from one passage in the *scholia* on Cicero and is based primarily on the fact that no censors were elected for eight years after Sulla's death. See Emilio Gabba, *Republican Rome, the army, and the allies*, trans. P.J. Cuff (Berkeley: University of California Press, 1976), 148-9. Cf. Francis X. Ryan, 'The *lectio senatus* after Sulla', *Rheinisches Museum* 139 (1996): 189-91.

²⁶ Gabba, *Republican Rome*, 101 n44: 'It should not occasion surprise if the grades in the Roman senate were all derived from annual magistracies, with the strength of the grades maintained by annual recruitment'. It is true that there would probably be too few *censorii* in the senate at any time to make a separate grade worthwhile. Livy, *Epit.* 27.11 is the only evidence that suggests there was ever a senatorial grade of *censorii* and it is arguable whether the assertion that the *princeps senatus* had previously been the senior *censorius* necessarily means there was a grade of *censorii*. This, together with the fact that Livy, *Epit.* describes a time 150 years before our period, means the balance of probability is with Ryan.

colleagues irrespective of seniority. This assertion is based ultimately on the name-order of senators listed as present at the redaction of two *senatus consulta*, the SC *de Bacchanalibus* of 186 and the SC *de Mytilenaeis* of 25.²⁷ In both cases, patrician consulars are listed before more senior plebeian consulars. However, this is not a convincing argument, as we know from other sources of the variable order of lists of witnesses of redacted decrees.²⁸ Thus we can conclude that the senatorial list began with the *princeps senatus* went on to include all consulars in the order they were elected, then all ex-praetors, ex-aediles, ex-tribunes and ex-quaestors in the same order, with no privileging of patricians over plebeians. While this is not definitively proven, it is the strong likelihood based on our sources. One might pause to question ‘the order in which they were elected’ as the basis of seniority, but this is securely established as a principle of Roman public life. We should only note here that this meant not only the seniority of one man elected in an earlier year, but of one man chosen earlier in the same election.²⁹ Thus the senatorial list, organised by magisterial grades, was the basis of the speaking order until the 70s. The speaking order was, however, altered in that decade, to the detriment of the *princeps senatus*. The evidence for this change must now be examined.

Gellius 4.10.1-4 and 14.7.9

Our principal evidence for the order of speaking in the post-Sullan senate comes from two passages of Aulus Gellius’ *Noctes Atticae*. Gellius provides the first passage concerning the order of speaking, which is also found in Suetonius, as background information to an anecdote about Caesar’s first consulship: Caesar had begun the year asking Crassus for his *sententia* first in the senate, but after Julia’s engagement he gave this privilege to

²⁷ Bonnefond-Coudry, ‘Le princeps senatus’, 106 n11 and 109 n21.

²⁸ Ryan, *Rank and Participation*, 98 n22, citing Willems *Le sénat de la République romaine*, 1.249-51. See also those sources cited at Willems *Le sénat de la République romaine* 2.207 n4.

²⁹ See for example Livy’s account of the *lectio* of 216, after Cannae (23.23.5-6): *recitato vetere senatu inde primos in demortuorum locum legit, qui post L. Aemilium C. Flaminius censors curulem magistratum cepissent necdum in senatum lecti essent, ut quisque eorum primus creatus erat; tum legit, qui aediles, tribuni plebis quaestoresve fuerant* ([t]he first chosen were men who, subsequent to the censorship of L. Aemilius and C. Flaminius, had filled a curule office, but were not yet in the senate, and they were taken according to the order of their previous appointments. They were followed by those who had been aediles, tribunes of the plebs, or quaestors’).

Gn. Pompeius Magnus (Pompey).³⁰ Gellius names his sources for this anecdote as Cicero's secretary Tiro and the Tribune of 55, C. Ateius Capito; presumably they are also the sources for the background information:

ante legem quae nunc de senatu habendo observatur, ordo rogandi sententias varius fuit. alias primus rogabatur qui princeps a censoribus in senatum lectus fuerat, alias qui designati consules erant; quidam e consulibus, studio aut necessitudine aliqua adducti, quem is visum erat honoris gratia extra ordinem sententiam primum rogabant. observatum tamen est, cum extra ordinem fieret, ne quis quemquam ex alio quam ex consulari loco sententiam primum rogaret.³¹

Before the passage of the law which is now observed in the proceedings of the senate, the order in calling for opinions varied. Sometimes the man was first called upon whom the censors had first enrolled in the senate, sometimes the consuls elect; some of the consuls, influenced by friendship or some personal relationship, used to call first upon anyone they pleased, as a compliment, contrary to the regular order. However, when the usual order was not followed, the rule was observed of not calling first upon any but a man of consular rank.

'The law' on senatorial procedure is of imperial date, so Gellius' description applies to any period before then. He says that sometimes the *princeps senatus* was called on first and othertimes the consuls-designate were.³² Since the consuls-designate only existed in that portion of the year after the elections, the logical conclusion is that before the elections the *princeps senatus* spoke first and that after the elections the consuls-designate spoke first, although we do not know when this arrangement began.³³ When we consider that before Sulla the consular elections were normally held very late in the year, then this would have little impact on the role of *princeps senatus*: he would remain *primus rogatus* for another ten or eleven months, although not in the crucial

³⁰ Gell. 4.10.1-4; Suet. *Iul.* 21

³¹ Gell. 4.10.1-4.

³² As Ryan has shown, Gellius often uses this *alias*. . . *alias* construction to mean 'at one time. . . at another time', while he also notes the author's use of *varius* rather than *alius*. See Ryan, *Rank and Participation*, 255 esp. n59.

³³ Willems, *Le sénat de la République romaine*, 3.181-2 esp. n1. Cic. *Phil.* 5.35 (speaking in 43), properly calls the practice of interrogating the consuls-designate first a *mos maiorum*, while App. *B Civ.* 2.5 refers to it as an established usage in 63. Livy, *Epit.* 27.35.6 shows the consul-designate of 207 speaking in reaction to the motion of the *princeps senatus*, although this is clearly later in the session: it does not prove he was not *primus rogatus*.

period in December after the tribunes took office. From these arrangements, the image of his senatorial primacy is easy to understand. However, after Sulla, the consular elections were brought forward to July, and the influence of the *princeps senatus* was automatically diminished, as he was now *primus rogatus* for only seven or eight months, albeit during the most politically active period of the year. So far, Gellius' account is simple. However, Gellius also introduces a complication. He says that sometimes this established order was not followed and that some consuls (*quidam e consulibus*) chose to call first upon another consular out of order (*extra ordinem*). Clearly, therefore, there was an order but it was not always followed.³⁴ Turning to our second passage, Gellius 14.7 paraphrases M. Terentius Varro's letters to Oppianus on senatorial procedure. Varro says that these letters essentially repeat the manual on this subject which he wrote for Pompey when the latter was consul-designate in 71 (the εἰσαγωγικός). Gellius tells us that Pompey 'asked his friend Marcus Varro to make him a book of instructions... from which he might learn what he ought to say and do when he brought a measure before the House'.³⁵ This was because the incoming senior consul had never been a senator, a situation unprecedented in Roman history. As senior consul it was Pompey's role to chair the meeting of 1 January on what was possibly his first day in the senate; we can imagine how this would be a daunting proposition, even for a man with Pompey's self-confidence.

The important point is that Varro's manual was shaped by Pompey's need to know how to chair these initial sessions of the senate. Hence throughout 14.7 Varro explains who might legally convene the senate, how and where they might do so, the preliminary religious actions required, how the presiding officer's referrals should be phrased, and how votes

³⁴ Also relevant here is Gellius' use of *ordo* ('order') and *locus* ('rank'), as opposed to Book 14 where he prefers *gradus* ('position', 'status') and variations on it to refer to senatorial rank. Cf. Cass. Dio 54.15.5-6, where C. Julius Caesar Augustus calls on consulars in a varying order (with M. Aemilius Lepidus always last, to humiliate him), but those in all other grades by seniority.

³⁵ Gell. 14.7.1-2: *Gnaeo Pompeio consulatus primus cum M. Crasso designatus est. Eum magistratum Pompeius cum initurus foret, quoniam per militiae tempora senatus habendi consulendique, rerum expertus urbanarum fuit, M. Varronem, familiarem suum, rogavit uti commentarium faceret εἰσαγωγικός—sic enim Varro ipse appellat—, ex quo disceret quid facere dicereque deberet, cum senatum consuleret.* However, Varro does mention that some revisions have been made; my argument rests on the assumption that the relevant material was in the original manual.

should be held. At 14.7.9, he discusses the crucial, for our purposes, question of the order in which he should ask senators for their opinions:

singulos autem debere consuli gradatim incipique a consulari gradu. ex quo gradu semper quidem antea primum rogari solitum, qui princeps in senatum lectus esset; tum autem, cum haec scriberet, novum morem institutum refert per ambitionem gratiamque, ut is primus rogaretur quem rogare vellet qui haberet senatum, dum is tamen ex gradu consulari esset.³⁶

[F]urthermore, the senators ought to be asked their opinions in order, beginning with the grade of consul. And in that grade in former times the one to be called upon first was always the one who had first been enrolled in the senate; but at the time when he was writing he said that a new custom had become current, through partiality and a desire to curry favour, of asking first for the opinion of the one whom the presiding officer wished to call upon, provided however that he was of consular rank.

To paraphrase, Varro says to Pompey: during the interrogation, you should question in order beginning with the consular grade. From that grade, it used to be required that you begin your questioning with the *princeps senatus*; however, now a new custom has arisen, by which you may question first anyone you wish, provided that he is of the consular grade.³⁷ From Varro's instructions, it seems reasonable to assume that this custom had existed for long enough for Varro to recognise that the presiding officer did not have to call on a particular consular *extra ordinem* (for instance, Catulus), but had a free choice from among the consulars. That is, different presiding officers must previously have privileged different consulars *extra ordinem*.

When we attempt to reconcile this with the first passage, two differences are noticeable. Firstly, there is no mention of the consuls-designate, and secondly the *princeps senatus* has become a figure from the past. This first problem is more easily dealt with. Since Varro is here telling Pompey what he needs to know to preside over the senate in January, and since the consuls-designate will not

³⁶ Gell. 14.7.9.

³⁷ It is interesting that in both passages Gellius describes the *princeps senatus* by a circumlocution: 'the man whom the censors had first enrolled in the senate' (*princeps a censoribus in senatum lectus fuerat*) and 'the man first enrolled in the senate' (*princeps in senatum lectus esset*).

exist until July at the earliest, they are irrelevant to the discussion. But the second problem is more difficult and has confused many. Even Ryan, who considered this question closely and intelligently, was misled by this point, making a long discussion about whether the absence of the *princeps senatus* was permanent and the circumstances under which the office may have been abolished.³⁸

Bearing in mind that Varro is giving Pompey the advice he needs for January 70, we must consider what has happened to 'the man first enrolled in the senate'. The simple answer is that he was dead. L. Valerius Flaccus had been named first in the *lectio* of 86, and Sulla had confirmed this.³⁹ Since Flaccus died at some time before 70 and there had been no censors in the interim, there had been no revision of the senatorial list and hence there was no longer anyone at the head of that list.⁴⁰ That is, the *princeps senatus* had not been demoted by the *novus mos* ('new custom'); there simply was no *princeps senatus*. If and when a new man was appointed, he would be

³⁸ Ryan, *Rank and Participation*, 285-92. Tansey, 'Princeps Senatus', 24 esp. n26, was not misled by this passage, as he recognised that the post of *princeps senatus* was simply vacant at the time.

³⁹ As Tansey, 'Princeps Senatus', 21-22 argues. Sulla held a *lectio* as dictator: App. *B. Civ.* 1.100; Dion. Hal. 5.77.5.

⁴⁰ The question of the date of Flaccus' death has been contentious. The answer depends on the dating of the feast which installed Lentulus Niger as his successor as *flamen Martialis* (see Macrob. *Saturn.* 3.13.10-12). Mommsen dated that feast to c. 64: *Röm. Forsch.* 1.87 n34. Ryan, *Rank and Participation*, 191-4, suggested 70, which was convincingly confirmed by Tansey, 'The Inauguration of Lentulus Niger', *AJP* 121 (2000): 237-58, primarily on the basis that the *pontifex maximus* needed to inaugurate a *flamen* and Metellus Pius had been absent in Spain for several years. Thus we have a *terminus ante quem* of 70 for Flaccus' death. However, Tansey 'Princeps Senatus', 22, also argued that 'there is good evidence that Flaccus was dead by early 77', that evidence being Sallust's *Oratio Philippi* ((Sall. *Hist.* 1.67) citations and translation in Latin are from Sallust. *The Histories*, trans. and ed. Patrick McGushin (Oxford: The Clarendon Press, 1994)). Tansey 'Princeps Senatus', 22-3, argues that Philippus is presented by Sallust as the leader of the senate in the fight against the rebel Lepidus: he suggests that this was precisely the situation where the *princeps senatus* should have taken the lead, and thus that Flaccus' absence from the scene proves he had died. However, his argument is unconvincing. Sall. *Hist.* 1.67.5: Philippus says in this speech that the senate has continually temporised with Lepidus by sending embassies, which is precisely how Flaccus had proposed to deal with Sulla in 85/4, see Livy *Per.* 83. Similarly, Philippus is presented by Sallust here as the most prominent of those who proposed siding with Catulus, not the most prominent speaker in the senate (the bulk of which seemed to prefer neutrality, as in other situations when civil war loomed); the speech is not good evidence for the death of L. Flaccus. Hence there is no secure *terminus post quem* for Flaccus' death; sometime in the mid-70s remains the most likely option.

able to insist on the privileges of his position. Given the lack of a *princeps senatus* on 1 January 70 Pompey was free to call first on any consular he wished—and so was any other presiding officer who convoked the senate.

We could reasonably object that this situation had surely happened before (that is, that the *princeps senatus* had died in the absence of censors) and that by Roman logic the man who should now be questioned first was he who had been second on the list, who was presumably the senior consular. After all, the point of any such system of seniority is for those involved to know where they stand in relation to each other, and Varro says explicitly that the consul's freedom was a new custom. But we must remember that Roman politics was principally about men rather than logic. The man who stood second on the senatorial list, M. Perperna, was for several reasons considered unsuitable to lead the senate by those in a position to replace him. In order to fully understand the political nature of this change in the speaking order, the men who were involved now need to be examined.

Flaccus and Perperna

The great *princeps senatus* M. Aemilius Scaurus died in 89 and the next *princeps senatus* L. Valerius Flaccus was appointed by 86. The least we can say of him is that he was less prestigious than Scaurus had been. Flaccus was consul with C. Marius in 100 but it was his senior colleague who took action against the disturbances of Saturninus. Flaccus was described by P. Rutilius Rufus as more a slave to Marius than a consular colleague.⁴¹ His censorship in 97 was similarly uneventful, with his colleague M. Antonius apparently the more active party. When Flaccus is mentioned in later sources, it is principally in his capacity as *flamen martialis* ('priest of Mars').⁴² If appointed *princeps senatus* in 86, after the Marian bloodletting, there is a good chance that, other than L. Cornelius Cinna, Flaccus was not only the sole surviving patrician consular in Rome but also the only patrician *ensorius*, and that he was thus appointed largely by default.⁴³ Only twice is he recorded as politically active. In 85 or 84, the *Periochae* of Livy, Book 83 records that Flaccus

⁴¹ See especially Cic. *Rab. Post.* 20-1, where Flaccus is named only as the colleague of Marius. Rutilius' comment: Plut. *Mar.* 28.5.

⁴² Censorship: *MRR* 2.6. *Flamen Martialis*: Cic. *Rab. Post.* 27.

⁴³ See Ernst Badian, 'Waiting for Sulla', *JRS* 52 (1962): 52 on the consulars probably alive in 86.

ensured envoys were sent to Sulla in Greece. As much as one can judge implications from the *Periochae*, this seems an attempt to keep the channels of communication open and avoid civil war. After Sulla's victory, it was Flaccus as *princeps senatus* and *interrex* to whom the proconsul addressed a letter, suggesting his own election to the dictatorship. Flaccus passed the necessary law in the centuriate assembly and was appointed by Sulla as his Master of Horse.⁴⁴ Nothing further is heard of him, and he probably died in the mid-70s. Thus, if it is fair to say that the *auctoritas* inherent in the post of *princeps senatus* was latent and only of use to the right man, then the elevation of L. Flaccus to this post was the first step in its diminution.

It is a truism that Rome in the 70s suffered greatly from a lack of leadership, but it is perhaps more accurate to say that it suffered from a lack of leaders. Apart from L. Flaccus, only two consulars from the period before Sulla's dictatorship are known to have been alive in the 70s: M. Perperna (cos. 92) and L. Marcius Philippus (cos. 91). The only other consular from the 90s known to have been alive during the dictatorship was C. Valerius Flaccus (cos. 93), who triumphed over the Celtiberians and Gauls in 81. As this was his last recorded public action, he may not have lived much longer. With one exception, all consuls from the 80s are known to have been dead by 81.⁴⁵ Coincidentally, the three surviving consulars were also the only living *censorii*. There was thus a large gap in seniority between them and the consuls of the 70s.

By 71, death had removed both L. Flaccus and L. Philippus from the political scene. We have seen the calculation for the date of L. Flaccus' death. The last recorded action of L. Marcius Philippus, that 'master of tergiversation', is the speech against Lepidus in 77 which is recorded by Sallust, and a date of death of around 75 has been suggested.⁴⁶ The senior consular was

⁴⁴ *MRR* 2.66.

⁴⁵ See Badian, 'Waiting for Sulla', 52 on the mortality of consulars in the early 80s; the massacre of 82 reduced the numbers still further. The exception is L. Cornelius Scipio (cos. 83), who went into exile after the defection of his army at Teanum (see *MRR* 2.62). The mortality rate of *consulares* up to 81 is treated diagrammatically by R.J. Evans, 'The *consulares* and *praetorii* in the Roman Senate at the beginning of Sulla's Dictatorship', *Athenaeum* 61 (1983): 521-8. See Granius Licinianus 36.31.5 on C. Flaccus' triumph. On the importance of the fact that so few consulars survived into the 70s, see also Bruce Marshall, "Where have all the leaders gone?" A Possible Reason for the Failure of the Sullan Senate', in *ASCS 32 Selected Proceedings*, ed. Anne Mackay (ascs.org.au/news/ascs32/Marshall.pdf, 2011).

⁴⁶ Sall. *Hist.* 1.67. The description is from Erich Gruen, *The Last Generation of the*

therefore M. Perpenna, and we would expect him to have the right to speak first. However, Perpenna was a man with little political significance. Although his father reached the consulship and received an *ovatio* ('minor triumph'), he himself only reached the consulship in his mid-fifties; his censorship in 86 was notoriously partisan.⁴⁷ The M. Perpenna Veiento who was Lepidus' and Sertorius' deputy was presumably Perpenna's son, and had probably reached the praetorship under Carbo, holding Sicily for him during the civil war.⁴⁸ The elder Perpenna somehow survived the proscriptions despite both his own and his son's misdeeds, but he is not attested as giving any assistance to Sulla. Therefore, by 71 Perpenna was a man in his mid-seventies whose son had just betrayed Sertorius and had been executed by Pompey as twice a traitor. Even assuming he continued to attend the senate (and he is attested as politically active as late as 54 when he gave testimony for M. Scaurus), this was a man who nobody would worry about slighting.⁴⁹ Therefore, there would be no strong political 'pull', other than tradition, to retain M. Perpenna as *primus rogatus* if an alternative was available.⁵⁰ This demotion of Perpenna, and the elevation of other consulars of the presiding officer's choice, was thus a crucial step in the process by which the position of *princeps senatus* was rendered irrelevant.

This article contends that the following is the likeliest scenario: after the death of L. Flaccus, some presiding consul took the liberty of calling first on another consular in place of M. Perpenna. Perpenna lacked the standing within the

Roman Republic (Berkeley: University of California Press, 1974), 15. Date of death is from Karl-Ludwig Elvers et al., 'Marcius', *Brill's New Pauly*, ed. Hubert Cancik and Helmuth Schneider (Antiquity vols) (Brill Online), <http://brillonline.nl.ezp.lib.unimelb.edu.au/subscriber/entry?entry=bnp_e722530>.

⁴⁷ *MRR* 2.54.

⁴⁸ Broughton *MRR* 2.67.

⁴⁹ On Perpenna see Karl-Ludwig Elvers and Peter Nadig, 'Perpenna', *Brill's New Pauly*, ed. Hubert Cancik and Helmuth Schneider (Antiquity vols) (Brill Online), <http://brillonline.nl.ezp.lib.unimelb.edu.au/subscriber/entry?entry=bnp_e914800>. See Ascon. 27C on his testimony for Scaurus. If Perpenna was indeed Perpenna Veiento's father, then Pompey of all people could hardly be expected to honour him in the senate if there was an alternative. Tansey, 'Princeps Senatus', 23 n44 suggests that Perpenna retired from politics altogether after Sulla's victory, but his appearance for Scaurus rules this out. Still, we may doubt his assiduity in attending the senate.

⁵⁰ Even if we accept Ryan's argument that the consular grade was the highest and Bonnefond-Coudry's argument that patricians had a right to speak before more senior plebeians in the same grade, then the rightful *primus rogatus* would not have been Perpenna, but instead Mam. Aemilius Lepidus (cos. 77). See below on why this does not affect the force of the argument.

senate to challenge this new state of affairs and to insist on the benefits of his position on the list, which enabled the new custom to be established. The advantages of such a state of affairs are obvious. In a political class that so prized opportunities to confer *beneficia* ('favours'), this was one means by which a consul could reward others of his order. Similarly, as Ryan emphasises, this was a way in which many consulars could share in, if only for a year, the lofty status that was once the preserve of the *princeps senatus*.⁵¹ With such a widespread appeal it is no surprise that the *novus mos* ('new way') quickly established itself, and that by 61 the political 'weight' or meaning of the choice of *primus rogatus* was well understood. Cicero could judge his own selection in second place in that year as conferring almost as great an *auctoritas* as first place, while not putting him under too much of an obligation to the consul.⁵² The order established on 1 January must generally have bound the senior consul throughout the year, since it was considered remarkable that Caesar switched his choice during his consulship.⁵³ However, *contra* Ryan, there is no reason to assume that the junior consul, or anyone else who presided over the senate, was bound by this arrangement, and *a priori* it seems unlikely that the junior consul would be any more influenced by his colleague's action than would the consuls of the following year.⁵⁴ The whole point of this *novus mos* was that it provided an opportunity to grant a *beneficium*. It is thus very unlikely that any junior consul would pass up this opportunity out of respect for the choice of his senior colleague.

The census of 70

We have seen how this new custom of each presiding officer having the freedom to elevate his own chosen consular to *primus rogatus* became established. However, it began initially in the temporary conditions created by the death of the old *princeps senatus* L. Valerius Flaccus, and there was no reason why a

⁵¹ Ryan, *Rank and Participation*, 288-9.

⁵² Cic. *Att.* 1.13.2, although there is a self-serving element in this passage (a common feature of Cicero's letters).

⁵³ Suet. *Iul.* 21. This makes sense: any demotion of a man previously elevated by the consul would presumably lead to speculation about a falling out.

⁵⁴ Ryan, *Rank and Participation*, 259-64; Ryan offers no positive evidence and quite weak arguments from probability to support this contention, but builds upon it as a proven argument later in the book. Indeed, the meeting described at Cic. *Q Fr.* 2.1.2 seems to indicate that the tribune Racilius chose Cicero irrespective of the consul's preference.

new *princeps senatus*, chosen by new censors, might not be able to insist on enjoying the same privileges as his predecessors. New censors were elected in 70: L. Gellius and Cn. Cornelius Lentulus Clodianus. They conducted a very stringent review of the senate, a purge which has led many scholars to view their censorship in political terms.⁵⁵ However, the partiality, or otherwise, of their *lectio* is outside the terms of this discussion. The key point for our purpose is that after deciding who was fit to be a senator, they announced the senatorial list in a *contio* ('public meeting') and published the new list: somebody must have been first on that list, and was thus in a position to consider themselves *princeps senatus*. The sources do not agree who that was.

Several men from 70 onwards are described as leaders of the senate in our sources, but it can be seen in almost all these cases that the phrase is used as a compliment, rather than a technical expression: it is so used of men such as Catulus, Servilius Vatia and Cicero.⁵⁶ The exception to this rule is Mamercus Aemilius Lepidus (cos. 77). Mommsen argued that he was properly *princeps senatus*, an argument followed by Broughton and Tansey but opposed, unconvincingly, by Ryan.⁵⁷ However, Mamercus' appointment at the head of the list solves a number of problems and helps to explain why we no longer hear of the *princeps senatus* in literary records. He was politically weak, meaning that he was not in a position to dispute the *novus mos* and insist on the right to speak first, which had previously belonged to the *princeps senatus*. He was also the senior patrician consular: the censors merely named him in his rightful place in the order of seniority and thus did not endorse him as 'foremost in the state'.⁵⁸ In contrast, we have seen above

⁵⁵ A.E. Astin, 'Censorships in the Late Republic', *Historia* 34 (1985): 179-80 suggests Pompey was behind the decision to appoint censors, while Gruen, *The Last Generation*, 44, emphasises that the men were friends of Pompey. However, he also notes the moral reaction against the laxity of the 70s which this censorship represented, an angle emphasised by T.P. Wiseman, 'The Senate and the *populares*, 69-60 B.C.', in *Cambridge Ancient History Vol. IX* (2nd ed.), ed. J.A. Crook et al. (Cambridge: Cambridge University Press, 1992), 327.

⁵⁶ See Ryan, *Rank and Participation*, 179-222 for the testimonia on individual *principes senatus*.

⁵⁷ See *MRR* 2.126 n1 and Mommsen, *Röm. Staats.*, 3.868 n4. Mommsen's, and Broughton's, argument is essentially that as Mamercus was so politically insignificant, this testimonium by Valerius Maximus 7.7.6 is much more likely to be technical rather than merely complimentary. Ryan, *Rank and Participation*, 194-6; cf. Tansey, 'Princeps Senatus', 24.

⁵⁸ This assumes both that Cn. Dolabella was dead and that the censors still felt constrained to name a patrician first on the senatorial list. This second point is rather likely; the censors would have wanted to minimise the offence to *mos maiorum*

that the second-century *principes senatus* derived their immense *auctoritas* from two points: they spoke first in the senate and they were endorsed by the censors as the foremost man in the state. Therefore, Mamercus Aemilius Lepidus, who was appointed as the first *princeps senatus* but deprived of both these advantages, held the post in name only. He was simply the man named first on the senatorial list and derived no special benefit from the position.

***Cui bono?*—The consulars present in Rome in the late-70s**

So far we have concentrated on L. Valerius Flaccus, M. Perperna and Mam. Aemilius Lepidus. However, all the consulars were affected by this change. As Gellius makes clear there is no indication that senators of other ranks were ever called on *extra ordinem*, and the number of consulars in Rome in the 70s was very small. Owing to that diminished number, we are in a position to speculate with greater accuracy on who may have benefited from the change in the speaking order.

While both Ryan and Bonnefond-Coudry discussed how this change in the *primus rogatus* benefited the consulars as a group, neither discussed the men who might individually receive the honour. Tansey suggests that the change may have been introduced by C. Cotta (cos. 75) in order to slight L. Philippus, although as we have seen that M. Perperna was senior to Philippus.⁵⁹ With L. Flaccus and L. Philippus certainly dead by the end of the decade, we can examine which consulars were likely to have been alive and in Rome in January 70, and hence who may have been affected:

In 81: Cn. Cornelius Dolabella governed Macedonia as proconsul before returning to a triumph and an unsuccessful prosecution by the young C. Julius Caesar in 77.⁶⁰ Nothing more is heard of him. M. Tullius Decula is purely a name to us, totally unknown both before and after his consulship. As neither of these men had been elected to the consulship, and served under Sulla's

(which they may well have been responsible for, as they had been consuls in 72) and preserve the empty form of the *princeps senatus* when the substance had already been destroyed.

⁵⁹ Tansey, 'Princeps Senatus', 25-6. He bases this suggestion on Cotta's known cupidity and on Varro's choice of *ambitio* and *gratia* to describe the motivations behind the change. While this is certainly not impossible, there is too little evidence to judge either for or against this proposal.

⁶⁰ See references at *MRR* 2.89.

dictatorship, we may question to what extent their peers or the Roman people regarded them as 'true' consuls. It is most likely that Decula, at least, was no longer a part of the political scene by the late 70s because he was either dead or in retirement.

In 80: Sulla was dead, while Q. Caecilius Metellus Pius fought in Spain against Sertorius, returning to Rome to triumph only in 71.

In 79: P. Servilius Vatia governed Cilicia until 75 and returned to Rome to triumph, while Ap. Claudius Pulcher died in 76.⁶¹

In 78: M. Aemilius Lepidus died in Sardinia in 77, while Q. Lutatius Catulus' proconsular command lapsed after Lepidus' defeat. He probably remained in Rome throughout the decade.⁶²

In 77: Both D. Iunius Brutus and Mam. Aemilius Lepidus refused to go to Spain to fight Sertorius. D. Brutus was such an insignificant figure that Cicero in the *Brutus* had to remind his readers he was Mamercus' consular colleague. Mamercus may have been more active. Badian thinks he was proconsular governor of Cisalpine Gaul (on the basis of Cicero's *Pro Cluentio* 99), while Broughton suggests he served as a legate either to M. Antonius (pr. 74) or L. Lucullus.⁶³

In 76: C. Scribonius Curio served as proconsul in Macedonia until 73 or 72. He was relieved by M. Terentius Varro Lucullus and returned to Rome to triumph in 72; he is attested at Rome in 70, so probably did not leave in the interval. Cn. Octavius seems not to have taken a province and may not have long outlived his consulship: both Sallust and Cicero describe him as suffering from painful gout.⁶⁴

⁶¹ Servilius: Eutrop. 6.3, 6.5; Oros. 5.23.21; Cic. *Verr.* 3.210; Livy *Per.* 90, 93; Sall. *Hist.* 3.1. Claudius: Eutrop. 6.2.

⁶² Lepidus: Cic. *Cat.* 3.24; Livy *Per.* 90; Plut. *Pomp.* 17. Catulus: Sall. *Hist.* 3.34.9 (Oratio Macer).

⁶³ Brutus: Cic. *Brut.* 175C. Mamercus: Ernst Badian, 'Notes on *Provincia Gallia* in the Late Republic', in *Mélanges d'archéologie et d'histoire offerts à André Piganiol*, ed. Raymond Chevallier (Paris: S.E.V.P.E.N., 1966), 913; Broughton, *MRR* 2.105 n7.

⁶⁴ Curio: Livy *Per.* 92, 95; Eutrop. 6.2; Cic. *Pis.* 44 (triumph). Octavius: Sall. *Hist.* 2.93; Cic. *Fin.* 2.93, *Brut.* 217.

75: C. Aurelius Cotta went to Cisalpine Gaul as proconsul and was awarded a triumph in 73, but died before celebrating it. L. Octavius died in Cilicia early in 74 shortly after taking up its governorship.⁶⁵

74: Both L. Licinius Lucullus and M. Aurelius Cotta were despatched to Anatolia during their consulship. Lucullus remained until superseded in 66, while Cotta was eventually exiled for the destruction of Heraclea Pontica in 71; it is therefore very unlikely he was in Rome at the beginning of 70.⁶⁶

73: M. Terentius Varro Lucullus fought very successfully in Macedonia after his consulship and returned to Rome to triumph in 71. C. Cassius served less successfully as governor of Cisalpine Gaul, being defeated by Spartacus in 72.⁶⁷ Both men were very likely in Rome at the start of 70.

In 72: Both L. Gellius and Cn. Cornelius Lentulus Clodianus were defeated in battle by Spartacus during their consulship and after those defeats they were stripped of that province in favour of Crassus. Since both were elected to the censorship in 70, it is very likely both remained in Rome.⁶⁸

In 71: Very little is known of the consulship of P. Cornelius Lentulus Sura and Cn. Aufidius Orestes and there is no indication either man took a province. We cannot conjecture on Aufidius, but, since Lentulus Sura was ejected from the senate by the censors of 70, it is rather likely he was still in Rome.⁶⁹

Therefore, we see that of the consuls prior to 74, only M. Perperna, Q. Catulus and D. Brutus probably stayed in Rome through the decade, while Mam. Lepidus possibly did and it is unlikely that Cn. Dolabella and Cn. Octavius were still alive. Furthermore, it can be presumed that by the end of 71, Q. Metellus Pius, M. Lucullus and C. Cassius had returned to Rome from their provinces, while the consuls of 72 and 71 remained in Rome after their consulships. Thus there were at most fourteen consulars in Rome at the end of 71.

⁶⁵ Cotta: Cic. *Pis.* 62; Ascon. 15C. Octavius: Plut. *Luc.* 6.1

⁶⁶ Cotta: Memnon 39 Jacoby; Dio 36.30.3-4. See *MRR.* 2.128.

⁶⁷ M. Lucullus: Cic. *Pis.* 44, *Verr.* 2.24; Plut. *Crass.* 11.2. Cassius: Livy *Per.* 96; Plut. *Crass.* 9.7; Florus 2.8.10.

⁶⁸ See *MRR.* 2.116, 126.

⁶⁹ Cass. Dio 37.30.4.

The most prominent among these consulars was undoubtedly Q. Lutatius Catulus. He is described by Cicero as *princeps huius ordinis et auctor publici consilii* ('the chief of this body the great leader of the public council') and by Dio as πρῶτα τῆς βουλῆς ('guider of the senate'), while modern scholars have agreed that 'no one carried more prestige and authority than Q. Catulus'.⁷⁰ Of the politically prominent consulars, he alone remained in Rome throughout the decade. With Rome recovering from civil war and dictatorship, strong leaders were needed within the senate to set an example. Catulus was effectively left to carry this burden on his own.⁷¹ It is thus very likely that Catulus was the initial beneficiary of Varro's *novus mos*: his *auctoritas* so far surpassed that of his censorial senior Perperna that it may have seemed quite justifiable to elevate Catulus to *primus rogatus*.

We have seen how the demotion of the *princeps senatus* in the 70s was not simply a matter of 'abolishing' the office, but was rather a process with several steps. This process did not occur in a hermeneutically sealed world of institutional development, but was largely a function of the relationship between the small number of consulars present in Rome. In the absence of a generation of leaders, dead in the disturbances of the eighties, the new consuls of the seventies were able to sideline men such as M. Perperna who carried little political influence. The emptying of the position of *princeps senatus* can thus be seen as an example of a 'good outcome' in Roman politics: a large number of important men benefited, while irrelevant survivals such as Perperna were the only ones who lost out.

david rafferty

the university of melbourne

⁷⁰ Cic. *Pis.* 6; C.D. Yonge, trans. *The Orations of Marcus Tullius Cicero* (London; George Bell & Sons, 1891); Cass. Dio 36.30.4; Gruen *The Last Generation*, 50.

⁷¹ Marshall, "Where have all the leaders gone?", 4.