

CURSUS HONORUM:
*PATHWAYS TO RANK AND POWER
IN THE ROMAN REPUBLIC*

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IN THE ROMAN REPUBLIC*

Edited by
Francisco Pina Polo

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INTRODUCTION

Francisco Pina Polo
Universidad de Zaragoza

One of the most distinctive features of the political culture of the Roman Republic was the competition and rivalry among individuals and families of the social elite. This rivalry came to head at the annual elections for the appointment of the new magistrates entrusted with the administration of Rome and the empire, who had a wide range of duties that increased and changed over time: the maintenance of the city, the control of the state bureaucracy, the supervision of financial resources, the presidency of the courts, the command of the legions and so on. Every year, a number of Roman citizens ran for office and whereas some obtained sufficient votes from the people, others were defeated and had to wait for a new opportunity or abandon their political aspirations.

Depending on the magistracies, the candidates were of different ages, but they all belonged to the well-to-do because the Romans never considered the possibility of remuneration for those who held public office, which automatically excluded citizens without the means to devote their time to public service rather than working for a living: holding a magistracy was an honour (*honos*), and honours (*honores*) should not be remunerated – although they could offer opportunities for amassing wealth – because, in essence, they were conceived as a privilege of the ruling class. This state of affairs gave rise to an aristocracy of function and merit that was best exemplified by the Senate, the body to which former magistrates belonged for life and where Rome's domestic and foreign policy was determined. Obviously, there is no need to recall that this competition was the exclusive preserve of men.

The Roman Republican institutions as a whole were never created by a demiurge at a precise moment. The magistracies, in particular, were the result of a long process of adaptation to the needs of a growing state, based on the pragmatism that always characterised the Romans. The initial aim of the magistracies was to ensure the most efficient administration of a city in Latium that was progressively expanding into Italy, before subsequently being adapted to a power that eventually dominated the entire Mediterranean, thus requiring a provincial administration. The final result was a body of annual elective offices: quaestors, aediles, tribunes of the plebs, praetors and consuls, plus the censors elected every five years and the extraordinary dictators, to which were then added the promagistracies (proconsuls, propraeors and proquaestors) that became commonplace as of the 2nd century. The number of magistrates increased progressively throughout the Republic, and by the 1st century more than forty were elected every year. Consequently, the number of candidates involved in the annual elections could be considerable.

Although holding public office implied belonging to the elite, whose prestige and social recognition (*fama*, *dignitas* and, eventually, *auctoritas*) was enhanced as a result, not all magistracies granted their incumbents the same rank, which gradually increased with the holding of different offices and whose hierarchical structure was reflected in the Senate. The political career of a Roman citizen during the Republic always took the shape of an implicitly hierarchical ladder whose rungs corresponded to the age at which one or other magistracy was attained. While military command was generally in the hands of men of proven experience, young novices occupied positions, not without responsibility – the duties of quaestors, for example, were much more important than they might seem at first glance –, in which they had to prove their management and leadership skills in order to aspire to higher offices. Yet management skills were obviously not the only factor that was taken into account in an individual's potential promotion. Other random factors, such as specific political circumstances or, in particular, being a member of a prestigious and influential family, played a considerable role in the development of a political career.

This implicit institutional hierarchy – with its nuances, as can be seen in the initial relationship between praetors and consuls, less unequal than one might think – was apparently established at the beginning of the 2nd century, against the backdrop of fierce competition among the members of the aristocracy. As is commonly held, the *lex Villia annalis* of 180 resulted in a *cursus honorum*, viz. 'a career of honours', which thenceforth had mandatory

rules indicating the path that should be followed by those who wanted to pursue a political career and the order in which they should do so, as well as age requirements. If the hierarchy of power had been previously implicit, thenceforth it was explicit, which was reflected in the Senate where the ranks of *quaestorii*, *tribunicii*, *aedilicii*, *praetorii* and *consulares* were a clear indication of the highest office reached hitherto.

This book, which deals with the position of the *cursus honorum* in Republican history, addresses questions relating to how Roman citizens pursued political careers during the Republic. It not only examines the specific repercussions of holding magistracies for such careers but also the possible consequences of refusing to run for or take up office. Additionally, it reflects on the development of the *cursus honorum* throughout the Roman Republic, as well as on the way scholarship has constructed its image and political and social significance in Roman political culture.

In the first chapter, Federico Santangelo performs a detailed analysis of the initial historiographical approaches to the concept of *cursus honorum*. The patterns of office-holding of Republican magistrates have been a topic of much debate since the early modern period. As in so many other aspects, Mommsen's *Staatsrecht* led to the codification of a vision of Republican magistracies on which there has been a lasting consensus and which, to a great extent, still forms the basis of current research. Mommsen's construction was, however, the culmination of a body of scholarship that had already shed a fair amount of light on the patterns of office-holding in the Republican period.

Studies of the history of the Roman magistracies are usually based on the common conception that the *cursus honorum* governed the political careers of the Roman elite. While the moment in which this *cursus* was introduced is not stated explicitly in the sources, Livy assumes that the first critical piece of legislation was the *lex Villia annalis* in 180, when legislation would have replaced the ordering practice of tradition. Livy's reference is generally regarded as the year in which the formal *cursus honorum* was established. In his chapter, Hans Beck argues that the *cursus honorum* was never systematised in the sense suggested by constitutionalised interpretations of Roman Republican history: career paths were ever-changing and the *cursus honorum* was intertwined with the governance of the *res publica* as a whole.

The first centuries of the Roman Republic were, in any case, a period of institutional experimentation in which a firmly established political career path could hardly exist. This was particularly evident in the 5th century.

Thibaud Lanfranchi analyses the case of military tribunes with consular power (*tribuni militum consulari potestate*), an elusive but historical office that must be understood in relation to the context of the mid-5th century, on the one hand, and to the progressive establishment of Republican institutions during the period, on the other. Lanfranchi studies the role of consular tribunes in the evolution of the very idea of magistracy in Rome and in the development of the *cursus honorum*. Continuing in the period before the *lex Villia annalis*, Francisco Pina Polo examines the political career of ex-consuls in the 4th and 3rd centuries with an eye to shedding further light on the offices they held and other public roles they performed once they had attained the consulship. In short, the intention is to determine the shape the political career of a consular took in a period when Rome was involved in major wars in Italy, such as the Samnite wars and the conflict against Pyrrhus, and subsequently in the Mediterranean against Carthage.

The first contact a Roman citizen had with the administration before holding his first magistracy was through a wide range of junior offices (*tresviri capitales*, *duoviri navales*, etc.). Consequently, these little known and often neglected junior offices are essential components for reconstructing the Roman political system and culture during the Republic. In this vein, Marian Helm focuses on the *tribuni militum*, for whom we are relatively well informed in comparison to other lower offices. In a society in which the importance of military experience was beyond doubt for the Roman elite, unsurprisingly military service was of utmost importance – an obligatory prerequisite, according to Polybius – for anyone wanting to pursue a political career. Moreover, during their service the *tribuni militum* had the opportunity to demonstrate their military skills and to establish personal relationships with Roman and Italian elites that could be useful in their future political careers.

The tribunate of the plebs was created as result of the so-called ‘Conflict of the Orders’ in the 5th century, but progressively became a potential stepping stone in the political career of plebeians. The office was usually held in the early stages of a political career, and the attitude and ideological orientation of a tribune could either promote him in the future or, on the contrary, block his advancement. Accordingly, the tribunate of the plebs offers a particularly worthwhile case study of how individuals managed their progression through the *cursus honorum*. In her chapter, Amy Russell focuses on how a politician’s behaviour as a tribune of the plebs could affect his future career success.

Roman expansion in the Mediterranean led to an increase in the number of magistrates – in particular, praetors – and to the extension of the practice

of promagistracy in order to cover the new military and administrative needs in the provinces of the empire: provincial administration and the consequent temporary absence from Rome thus potentially became part of a political career. Alejandro Díaz Fernández analyses in detail the impact of provincial commands on the *cursus honorum* with a view to determining how the creation of permanent overseas provinces influenced the adaptation and standardisation of the *cursus honorum*, the real impact of a higher magistrate's performance in his province on Roman public opinion, and the extent to which military success in the provinces had a direct, decisive impact on future elections.

Those holding magistracies gained life membership to the Senate, on which the following two chapters focus. In the post-Sullan *res publica*, the Senate automatically acquired each year twenty new members who had held the quaestorship. The pre-Sullan Senate was constructed, however, by the censors through their *lectio senatus*. As a result, the tenure of magistracies was decoupled from membership to the Senate through the mediation of the censors. Catherine Steel explores the impact of the *lectio senatus* on the enrolment of new senators, and, as a consequence, on the *cursus honorum* and the composition of the Senate itself. For her part, Cristina Rosillo-López focuses on the commissions tasked with drafting *senatus consulta* and on the *consilia* of magistrates in Rome as a means for young senators to gain prestige within the senatorial group. The main aim is to explore the extent to which the participation of young senators in those commissions and *consilia* indicated their political clout and provided them with visibility in intervals between offices.

Strictly speaking, military legates were never magistrates but this official post could affect the political careers of men climbing the first rungs of the *cursus honorum*. David Rafferty analyses the changing role of *legati* within a new command structure in the early 1st century, when multiple smaller armies operated separately and each one was commanded by a legate under the overall command of an *imperator* – for instance the legates who served under Pompey in the Mithridatic war in the 60s. The questions that need to be answered in this respect have to do with the effect that this change might have had on political careers and with how the different ancient sources treat this change at the level of mentalities.

The following chapters address the *cursus honorum* from very different perspectives: pursuing victory at all costs and accepting defeat; resignation and refraining from running for office; and the refusal of an office after being elected to it. Martin Jehne makes a comparison between election campaigns

and senatorial structures in the early 2nd century and in post-Sullan Rome. Whereas in the decades after the Hannibalic war a number of candidates were defeated in their first bid but ran again for office and sometimes were only successful after two or three further attempts, after Sulla's dictatorship many candidates abandoned their political careers after one *repulsa*. This poses the question of why this was so and whether it had anything to do with the cost of election campaigning at that time.

In competitive Republican Rome, where many candidates wanted to run for office at any price, refusing to do so was apparently an anomaly. Robinson Baudry focuses on the refusal to continue a political career beyond a certain rung of the *cursus honorum*, whether this be the quaestorship, tribunate of the plebs, aedileship or praetorship, in the last two centuries of the Roman Republic. This refusal could occur when a candidate took up what was judged to be the last office of his career, during the election campaign for the next office or after an election defeat.

There are many documented cases of consuls and praetors declining provincial governorships throughout the Republican period, especially during the 1st century. Indeed, the word *excusatio* is used in the Latin sources to refer to the act of presenting an excuse for not taking up office or for not accepting undertakings after being elected to a magistracy. Julie Bothorel discusses this procedure and the possible consequences for a political career, such as the pretexts that could be used to decline a provincial governorship, what happened to magistrates who did so and whether they could continue to pursue their *cursus honorum* without difficulties.

The last two chapters are devoted to the final years of the Republic and the transition to the Principate, respectively. In her chapter, Elisabetta Todisco analyses the praetorship in the last century of the Republic, in particular the political actions undertaken by praetors between 49 and 43, a time when Varro wrote his linguistic treatise *De lingua Latina* and his historical work *De vita populi Romani*. In that historical and intellectual context, an attempt is made to determine whether and to what extent the etymology of *praetor* proposed by Varro in both works was influenced by the behaviour and political role of the praetors during those years.

Lastly, Frédéric Hurlet focuses on the Augustan age as a period of experimentation, in which a new and much longer *cursus honorum* based on its Republican predecessor was created, but with a different structure. This process involved the introduction of new offices that were neither regular nor

had the same significance, as was the case with the multiplication of the offices reserved for *consulares*. These offices were no longer *honores*, as had been the case during the Republic, but *officia*, as Suetonius describes them (*Aug.* 37.1 and *Tib.* 42), more precisely *nova officia* to distinguish them from the traditional Republican magistracies.

This book contains contributions that were initially presented at the conference ‘*Cursus honorum*: Hierarchy, Prestige and *auctoritas* in the Roman Republic’, held in Zaragoza in the Museo Pablo Gargallo on 14-15 March 2024. The colloquium was sponsored by the Research Group Hiberus (Gobierno de Aragón) and the Institución Fernando el Católico (Diputación Provincial de Zaragoza). Both the conference and the book have been mainly funded by the project ‘*Vir consularis*: el papel político y social de los consulares en la Roma republicana y en la época augústea (219 a.C.-14 d.C.)’ (PID2020-112622GB-I00; Agencia Estatal de Investigación, Ministerio de Ciencia e Innovación, Spanish Government). The Instituto de Patrimonio y Humanidades (Universidad de Zaragoza) has financially contributed to the publication of the book in open access.

THE *CURSUS HONORUM* FROM BIONDO TO MOMMSEN

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1. Ancient Definitions

A concept of *cursus honorum* existed by the mid-first century BCE: a handful of passages of Cicero provide sufficient reassurance on that count. In the *De senectute* (60) Cato's emphatic celebration of one of the elder statesmen of mid-Republican Rome, M. Valerius Corvinus, stresses his longevity, his ability to engage in agricultural work well into his nineties, and the fact that forty-six years passed between his first consulship and the sixth one: the same period that was traditionally considered to mark the onset of old age coincided with the length of his *cursus honorum*. The only *honus* that comes into consideration here is the consulship, but we should not read too much into this single instance: Cicero's Cato has a specific point to make on the connection between old age and authoritativeness, and the forty-six-year gap is crucially instrumental to it. That *cursus honorum* might indicate the office-holding record of an individual in a wider sense is indicated by a comment in a letter that Cicero addressed in June 50 BCE to Ap. Claudius Pulcher (*Fam.* 3.11.2), consul in 54 BCE and his immediate predecessor in the governorship of Cilicia. In congratulating Pulcher on his recent acquittal from *maiestas* charges, he stresses his integrity and claims that his *cursus honorum* could not have possibly raised anyone's suspicions: the reference is clearly to his whole trajectory, which we know included the praetorship in 57, and would go on to include the censorship in 50. The expression, then, captures the path that an individual takes in pursuing public office: it is an individual undertaking, but

might follow a pattern that applies more widely. In his defence of Cn. Plancius (54 BCE), Cicero argues that his client – charged with electoral corruption – has made his way to the aedileship by following the *cursus* that is open to men of his standing (17), which happens to be the same as that of his advocate: he is the son of an equestrian and has been making his way up through the junior magistracies. Cicero plays on the contrast between the *cursus* followed by Plancius and those who crept their way to public office (*obrepisse ad honorem*).

Cicero never defines explicitly what *cursus honorum* might actually mean, and no other ancient source does that. The three passages in fact attach different meanings to the expression, and do not openly conjure up the notion of an upwards trajectory: *cursus* may even involve holding the same magistracy on a number of occasions, as is the case with Corvinus. In the opening paragraph of *De Oratore*, though, Cicero famously speaks of the rewards of *otium cum dignitate*, and reflects on his frustrated aspiration to be able to withdraw from political service and return to his intellectual pursuits (1.1). In that abortive plan, the two factors that might enable him to leave the fray were *decursus honorum* (“the completion of public offices”) and *aetatis flexus* (“a turning point in life”): again, a metaphor of two different (if complementary) movements is patently at play. *Decursus* is the most widely accepted reading (although part of the manuscript tradition gives *cursus*), and does appear to carry a distinctive emphasis: it points to the completion of a sequence of public offices, and of a set itinerary that has run its course. Cicero is here alluding to his consulship, and to the traumatic events of the ensuing years, which prevented him from following on with his aspiration to embrace *otium*. *Decursus honorum* is a hapax, but it summarises an important dimension of our problem. The idea that magistracies are stages of a trajectory on which one embarks is also conveyed by the word *gradus*, “step”, which is fairly frequently attested in the late Republican evidence: *per omnes honorum gradus* (*Planc.* 60), *ad honoris amplioris gradus* (*Leg.* 3.7), *summus atque altissimus gradus ciuitatis* (*Fam.* 1.7.9), *consularis dignitatis gradus* (*Off.* 3.99), to quote some examples. The idea of a progression does not necessarily entail the existence of prescriptive itinerary.

This concept, though, is explicitly conveyed in a passage of Cicero’s second speech *De lege agraria* (2.24), in which the provisions of Rullus’ bill are criticised. The obligation to present in person a candidacy for the committee of ten men that was put in charge of the land assignments is singled out for criticism: that clause, in Cicero’s view, was clearly intended to prevent Pompey from putting himself forward. He stresses that the obligation did not even apply to the magistracies “for which there is a fixed order” (2.24:

ne in iis quidem magistratibus, quorum certus ordo est). The procedural point he makes here is at the very least dubious; the periphrastic expression he resorts to is rather curious, and suggests that there was not a standard term to differentiate ordinary magistracies from one-off appointments.¹ What Cicero is referring to is close enough to what modern scholars term *cursus honorum* – but it is phrased differently.

Our concern in this volume is with the position of *cursus honorum* in Republican history; it is important not to lose sight of the fact that the concept retained some significance in the imperial period. That was partly a function of the fact that the new regime still had the appearance of a *res publica*, and the pattern of a predictable office-holding pattern fundamentally suited the demands of an autocratic setup, in which power and prestige had to be carefully apportioned by the monarch. In speaking of the steady rise of Ti. Vinius under Claudius, Tacitus says that it had unfolded *cursu honorum inoffenso*, “with his path through offices finding no obstacles” (*Hist.* 1.48.3). First, he rose to the praetorship, then to an important provincial command; he would go on to become one of Galba’s closest associates, and Tacitus takes an interest in him for that reason. Yet again, the notion of *cursus honorum* is so much more than a technical term: it is used to convey the sense of a stellar rise that finds no hurdles, and firmly determines the significance of an individual in the political domain.² It could neatly be put to the service of emphatic celebration. In the panegyric in honour of Manlius Theodorus, Claudian made sure to stress that the streak of offices he attained in the early part of his career were held continuously, with just a short intermission: speed was as worthy of celebration as the range and importance of the roles he held (*Pan.* 5.78: *tam celer assiduos expleuit cursus honores*).

2. Scholarly Currency

In the light of this background, it is perhaps unsurprising that the expression *cursus honorum* first appeared in modern historiography in a number of treatments of imperial history. As the study of the epigraphy of the Roman world developed and intensified, the trajectories of a growing number of individuals that were otherwise unknown or poorly attested come into

1 See Manuwald 2018: 243-244.

2 Cf. Sen. *Herc.* 928-929: *astra inoffensos agant/ aeterna cursus*.

sharper focus: first, there was the need to reconstruct their ‘careers of marble’, the various offices they held, and the relative chronology; at a later stage, there was the need to establish principles of wider import on how these are recorded in the epigraphical evidence, and in which order. An early instance of that working method may be found in Gaetano Marini’s great edition of the records of the Arval Brethren, where the question of the order that tends to be followed in the epigraphically preserved lists of public offices is raised.³ Marini recognised that increasing and decreasing sequences are both attested, but stressed the fact that they are internally consistent; the point was endorsed and was further developed by Bartolomeo Borghesi, a generation later.⁴ The earliest occurrences of the expression *cursus honorum* appear in studies on the epigraphy of Lugdunum and North Africa;⁵ by the end of the nineteenth century, the practice of listing magistracies in ascending or descending order is singled out for detailed discussion in some textbooks of Latin epigraphy, most notably in the great work of René Cagnat, which remains an invaluable (and in some respects unrivalled) resource to this day.⁶ The topic seems to have resonated with the concerns of French historians. The earliest general history of ancient Rome in which the *cursus honorum* is singled out as a significant theme is the *Histoire des Romains* by Victor Duruy (1811-1894), where the senatorial *cursus* under the Principate is discussed in detail, and a perceptive remark may be found on the *cursus* of imperial officials as a window on the history of mobility in the empire.⁷ In the historiography on the Roman Republic, the expression does not appear until the late nineteenth century, and somewhat infrequently at that. The epigraphical habit of the Republican period, as is well known, is fundamentally different, and the margin for the detailed study of the trajectories of individuals of non-senatorial standing is comparatively much narrower.

The patterns of office-holding of Republican magistrates have been a matter of substantial debate since the early modern period, and their study is an important aspect of the engagement with the institutional and political history of the Republic. In this respect, as in so many others, the second half of the nineteenth century is a turning point, and the first volume of Mommsen’s

3 Marini 1795: 754.

4 Borghesi 1838: 6 = 1865: 106.

5 Monfalcon 1809: xii, 35, 41; de Boissieu 1846: 157, 159, 249, 273, 318; Hase 1837: 658.

6 Cagnat 1914: 88-156.

7 See respectively Duruy 1885: 5.291, 6.536-538; and 5.506 n. 5.

Staatsrecht, devoted to *Die Magistratur* (1874) is the codification of a vision of the magistracy in the Republican order that established a lasting consensus, and on which to a considerable extent we keep working to this day: a neat proof of that is A. E. Astin's choice to frame his short monograph on the *lex annalis* after Sulla as a sustained response to Mommsen's conclusion, in which not a single contribution predating the *Staatsrecht* is cited, with the exception of a handful of passages of Carl Ludwig Nipperdey's 1865 book (see below, §7).⁸

The extensive discussion of candidacies and eligibility to public office, "Qualification für Magistratur", where a substantial treatment of the regulations on office-holding also finds place, has a prominent role in the overall account of the role of the magistracies in the Roman order.⁹ The expression *cursus honorum* occurs only once, in a footnote, as Mommsen takes issue with Nipperdey, a scholar who had worked on the topic a few years earlier;¹⁰ the reader is left in no doubt, though, on the importance that the topic of access to public office and its regulation had in the overall vision of the Roman institutional order that is put forward here. The scale, detail, and rigour of Mommsen's treatment are simply unprecedented: in the second and third editions the topic is dispatched in just over one hundred pages. As is customarily the case throughout the *Staatsrecht*, the discussion is explicitly framed around the primary evidence, and makes sparing reference to prior historiographical debates. Mommsen's mighty construction, though, is the original endpoint of a body of scholarship that had been shedding light on the patterns of office-holding in the Republican period, and had taken an especially close interest in the *leges annales*, the pieces of legislation that set a number of restrictions to the tenure of magistracies. That debate has never been traced back in any detail, and has useful lessons to yield.

3. Setting the Scene: from Biondo to de Grouchy

An early and highly perceptive reader of the *Staatsrecht*, Jacob Bernays, argued that only two previous scholars had produced works that could barely be compared to it: Carlo Sigonio and Louis de Beaufort.¹¹ They will both be

8 Astin 1958. Conversely, the important study of the *lex Villia* in Rögler 1962 does include some references to the works of Wex and Nipperdey (on which see further below, §6-7).

9 Mommsen 1877: 451-558.

10 Mommsen 1877: 524 n. 1.

11 Bernays 1885: 259-263.

relevant to our discussion, but the debate on Roman magistracies and their tenure may in fact be traced further back than Sigonio. Its foundational moment is the great ten-book treatise by Biondo Flavio (1392-1463), *Roma triumphans* (1459): the first major systematic overview of the institutions of ancient Rome, which are singled out as a model of healthy political and military order that deserves to be reproduced in modern polities. The work is opened by an overview of the religious institutions of ancient Rome, and of the structures through which the worship of the gods was conducted. Books 3 and 4 are devoted to the *administratio rei publicae*, and their centrepiece is a full-scale account of Roman magistracies. Biondo's main interest is in their respective duties, the different degrees of power and influence that they entailed, and the position that they had in the development of the political community. The order of the discussion is somewhat idiosyncratic, and reflects some broader considerations on their respective significance: the consulship is followed by the dictatorship, then by the praetorship, the tribunate, the quaestorship, the aedileship, the *magistratus minores*, and – after an excursus on *curiae* and tribes – the censorship, which he regards as the most revered and influential magistracy. Biondo has much to say about the holding of elections, the process through which candidates put themselves forward, and the membership and duties of the Senate.¹² He shows no explicit interest in the rules that presided over the competition for magistracies and the relevant age requirements, but he duly singles out the quaestorship as the entry-level office that grants access to the Senate and entitles one to stand for higher office: “quasi primordium gerendorum honorum sententiaeque in senatu dicendae”; in the same connection, the aedileship is identified as the other office that those who wish to seek election to the praetorship and the consulship are expected to hold. Biondo does not speak of a set career trajectory, but clearly thinks in terms of the stages (*gradus*) of an ascending trajectory, duly commensurate with experience and expertise.¹³ In *Roma triumphans* the magistracies are standpoints on the range and complexity of the Roman institutional setup, from which wider problems, such as citizenship and colonisation, may be explored; they are, first and foremost, central features of the Roman order.

12 On Biondo's discussion of Roman elections and its wider significance in early modern scholarship see Muecke 2016: esp. 282-297.

13 For a similar use of the expression *gradus honorum*, albeit not in a treatment of Roman institutions, cf. Budaeus (1508) praef. and f. CXXIII.

Biondo does not mention the *leges annales* anywhere: that is in itself noteworthy, since he does show a clear and consistent interest in Roman legislation and law-making. In this regard the turning point is Carlo Sigonio (ca. 1524-1584), albeit in a somewhat surprising venue. The rules on office-holding are not discussed in the *De antiquo iure civium Romanorum*, the major treatise that Bernays identified as a ground-breaking account of the institutional history of the Republic.¹⁴ Sigonio's key contribution to the topic may be found in an earlier work, the *Scholia* to Livy that he published in 1555: a project where preoccupations with textual and historical issues are closely integrated. 40.10.1 is of course the passage in which the passing of the *lex annalis* of 180 BCE is laconically mentioned; in a few lines Sigonio sets the problem in new and firmer terms. His contribution is twofold. Firstly, he amends the name of the proponent of the law as transmitted by the manuscript tradition – L. Iulius – into L. Villius Annalis: a decisive insight comes from the fact that one of the consuls of 199 BCE was P. Villius Tappulus, making the presence of another Villius twenty years later inherently plausible.¹⁵ Sigonio had recently been working on the edition of the *Fasti Capitolini*, and consular lists are duly brought into focus; the connection between epigraphy and the study of the *cursus honorum* seems to come into sharper focus. Secondly, Sigonio identified the problem of the historical significance of the *lex Villia*, and voiced his surprise at Livy's statement that it was the first law of its kind (*hoc anno primum lata rogatione*).

A passage from an earlier book of Livy (25.2.6) explicitly speaks of age restrictions for the holding of magistracies: in 213 BCE, when P. Cornelius Scipio put himself forward for the aedileship, he was challenged by the tribunes, who argued that he had not reached the *legitima aetas*. Sigonio does not elaborate on Scipio's ability to get elected, and on his claim that the support of the voters was the only relevant consideration: *si me omnes Quirites aedilem facere uolunt, satis annorum habeo*. He also invokes another precedent, recorded by both Livy (32.7.9-10) and Plutarch. In 199 BCE T. Quinctius Flaminius stood for the consulship having held only the quaestorship, prompting tribunician opposition to his candidacy. According to Plutarch, the objection was based on lack of experience: Flaminius had not yet been "initiated, so to speak, into the rites and mysteries of government" (*Flam. 2.1: οἷον ἀτέλεστον ἔτι τῶν πρώτων ἱερῶν καὶ μυστηρίων τῆς πολιτείας*). Livy

14 See Sigonio (2024) for an annotated Italian translation with facing Latin text.

15 Sigonio speaks in fact of a consul called L. Villius Tappulus, and in the same note somewhat confusingly states that "Villiae gentis ulla in libris impressis mentio relicta est" (77).

points to a wider and more deeply ingrained political issue: the tribunes argued that the intermediate offices were being treated with contempt, and that the *nobiles* tended to aim straight for the consulship whenever given the chance. In that case, the Senate was invested with the matter, and decided to devolve its resolution to the people, who voted him in before he turned thirty. Livy does allude to the existence of laws on office-holding: the Senate was happy for anyone who was not forbidden *per leges* to hold an office to be elected to it. It is clear enough that, whatever their terms were, these did not set restrictions on age and experience; the law of 180 BCE must have impacted on those areas. A fourth source is called into play: Cicero's Fifth *Philippic* (5.47-48), where the question of age restrictions to the consulship is turned into a pressing issue by Octavian's ambitions, and the introduction of the *leges annales* is explicitly connected with the stiffening of political competition. The exceptional cases of Scipio Africanus and Flamininus are duly and approvingly mentioned as late examples of a long-gone custom, whereby talent was the key qualification for the consulship. Sigonio is not interested in this aspect of Cicero's discussion: the passage is worth singling out because it gives direct evidence that the minimum age for the consulship was forty-three years (ten years older than Alexander's age at death, as Cicero somewhat circuitously puts it).

It may fairly be said that in the space of a brief note Sigonio gathered the dossier around which the scholarly debate would revolve for the following three centuries. His insight on the name of the proponent of the law was readily accepted by François Hotman (1524-1590) in his *De legibus*, where he offered a brief summary of the law, setting twenty-seven as the minimum age for the quaestorship.¹⁶ Other scholars, however, explored the problem in greater depth, and with an even sharper awareness of its significance. Paolo Manuzio (1512-1574) a friend and collaborator of Sigonio during his Venice years, and one of the great printers of his generation, wrote an important *Liber de legibus*, first published in 1557. He accepted the attribution of the *lex annalis* to L. Villius, and then summarised some of the key sources for it, arguing at some length that the law only applied to the curule magistracies: a view he infers from circumstantial evidence, notably from the passage of Cicero's *De lege Manilia* in which Pompey is praised for reaching the consulship before the age at which it was lawful to hold any other magistracy.¹⁷

16 Hotomanus 1557, 79.

17 Cic. *Man.* 62, with Manutius 1557: 54-55. Manuzio's treatment had some influence on later discussions: see e.g. the entry on the *lex Villia annalis* in Rosinus 1663: 628.

Antonio Agustín (1516-1586), who had spoken of a *lex Iulia* in the manuscript draft of his *De legibus* (written in the 1540s), added a remarkable note on the *lex Villia* in the *Praetermissa* that were included in the 1583 edition: like Manuzio, he proceeded by listing a range of cases that pointed to various office-holding patterns, accepting Cicero's point that the legislation was a late innovation, intended to create "gradus petitionis inter aequales".¹⁸

The most capable and combative contemporary reader of Sigonio's work was Nicolas de Grouchy (1510-1572): their longstanding controversy on a number of points of Roman public law was a defining moment in the history of classical scholarship in the early modern period. In the same year in which Sigonio set the general parameters of the problem of the *lex annalis*, and independently from him, Grouchy addressed the issue in a wide-ranging discussion of the Roman voting assemblies (*De comitiis libri tres*, 1555), where the regulations on candidacies and elections are part of the wider problem of the prerogatives and limitations of the assemblies. Setting age restrictions for office-holding is a way of curbing the power of voters, and is worthy of discussion in one of the early sections of that work, specifically devoted to the *comitia centuriata* (1.2: "De personis quarum interuentu centuriata comitia peragebantur"). Grouchy clearly sees the significance of the *lex annalis* of 180 BCE, which (unlike Sigonio) he still attributes to a L. Iulius Annalis; he then provides a lengthy set of relevant cases, which show the enforcement of the age limitations through an inductive process ("ex obseruatione antiquitatis eruere id conabimur"). He is also keen, though, to stress the significance of other kinds of restrictions. Notably, Sulla's law on the tribunate disqualified the holders of that office from running for senior ones, and is thus part of the wider problem within which the *leges annales* may be framed, along with the criminal sanctions that barred one from standing for or taking up office.

4. The Importance of Small Steps

The regulations on office-holding did not turn into a theme of the long and complex controversy between de Grouchy and Sigonio, which tended to revolve around issues such as the *lex curiata* and the functioning of the *comitia*; neither did they become a prominent theme in other early modern discussions

18 Agustín 1583: 330-332, esp. 331. See Ferrary 1992: 80 on the complex composition process of the work.

of the Roman magistracies. The *Reipublicae Romanae Commentariorum Libri Tres* (1558) by Onofrio Panvinio (1529-1568) include a systematic overview in which the magistracies are divided into “magistratus urbani”, “magistratus maiores extra ordinem”, and “magistratus minores”, with the latter category including the tribunate, the aedileship, and the quaestorship.¹⁹ Panvinio touches upon a number of significant historical questions, such as the history of the tribunate and the causes of the fall of the Roman Republic (“excidium reipublicae Romanae”), but does not discuss the *lex annalis* and its implications.²⁰ Johannes Wilhelms (Janus Gulielmus, 1555-1584) followed a closely comparable taxonomy in his *De magistratibus reipublicae Romanae* (1577). He noted in passing that “honorum gradus annui” were followed and recognised (“quos vocant”) in Republican Rome, from the quaestorship to the consulship, but does not pursue the history of the problem, and is rather more interested in analysis the tasks and responsibilities of the magistracies. Other scholars did acknowledge the existence of a law that set restrictions on office-holding, but did not discuss its detailed provisions or its implications. In his posthumous work on the Roman magistracies and public order, the Protestant scholar Claude Prevost d’Issoudun (1525-1575) spoke cursorily of a *lex annaria* and of the prestige that one derived from holding the consulship *suo anno*.²¹ Ianus Langlaeus’ compilation on legal matters – the *Semestria* (1611) – discusses at length the selection of office holders in antiquity and in his own time, and in that connection takes the view that a *lex annalis* was already in place when Scipio put forward his candidacy for the aedileship:²² the point is historically questionable, as we have seen.

The Dutch antiquarian Stephanus Vinandus Pighius (Steven Winand Pigge, 1520-1604) granted the topic some prominence in his *Annales Romanorum* (2.334). An extensive note on the tribunate of L. Villius Annalis, which is largely indebted to Sigonio, briefly mentions the passage of Tacitus where the *lex annalis* is mentioned as a deviation from traditional practice: not even distinctions of age would be relevant back in the day when virtue was the only qualification for office (*Ann.* 11.22). That text offers a crucial, if tendentious insight into the problem: it only makes its first fleeting appearance in the debate in the early seventeenth century. Pighius offers a chronological

19 Panvinus 1558: 627-636.

20 Panvinus 1558: 636-651.

21 [Prevost] 1578: 68-69.

22 Langlaeus 1611: 391.

overview of Roman history, and is not interested in providing an analytical survey of institutions; he is committed, though, to gathering and discussing the evidence for the key developments of each year – the *leges annariae*, as he terms them, taking his cue from Festus (25 L.), neatly fit the bill.

Marginally greater progress was afforded by the close engagement with specific pieces of ancient evidence, and by rather surprising sources, such as the note on a passage of the Life of Alexander Severus from the *Historia Augusta* that Marcello Donati (1538-1602), a learned physician from Mantua, included in his *Scholia sive dilucidationes* on a vast array of Latin texts. His gloss on a brief comment on Alexander Severus' decision to firm up *leges in annos* (*Alex. Sev.* 44.6: a reading that was later superseded by *leges agonis*) leads to a long summary of relevant evidence from the Republican period, explicitly indebted, but not confined to the case studies listed by Sigonio, and ends with what was probably the most explicit historical assessment of the problem until then: “quamuis nonnullos in historia obseruemus solutis legibus, vel nimia ipsorum potentia, uel Populi Romani fauore ingenti, antea ad Consulatum peruenisse, nec magistratuum adispicendorum ordinem seruasse.” The process would continue, and indeed intensify, in the Imperial period.

The interventions of Pighius and Donati were noteworthy, but of relative value. A fundamental development intervened with the major work of Justus Lipsius (1547-1606), *De magistratibus Romanis*, first published in 1592, where the *lex annalis* is firmly set as a key aspect of the topic, and is the focus of three substantial chapters. Lipsius is interested in the conditions that enabled one to access a public office, termed under the general notion of *aptitudo*: after exploring status distinctions, he discusses age limitations, taking Tacitus as his starting point, and setting the law of 180 BCE as the first legislative intervention in that remit; the evidence of 25.2.6 is explained away with an error on Livy's part.²³ Ch. 5 is the fullest illustration to date of the specific restrictions that applied to each magistracy, and ch. 6 is a brief summary of the evidence for the restrictions on the tenure of magistracies in provincial communities, and in the senatorial and equestrian orders. To my knowledge, this is the first instance in which time is identified as a key feature of the Roman political and institutional order, and a determining criterion for access to magisterial power and its allocation.

23 Lipsius 1607: 12.

5. The Shift of the Mid-1700s

Much of what was written on the topic between the mid-seventeenth and the mid-eighteenth centuries rehearses the same point made in previous scholarship, with hardly any new insights. A notable exception is Willem Hendrik Nieupoort (Neoportus, 1670-1730), who produced a systematic treatment of magistracies in his *Rituum qui olim apud Romanos obtinuerunt succincta explicatio* (1712), where he argued that a twofold *aptitudo* was required to hold the magistracies: one deriving from the *gens* and one from the *anni*; that leads to a brief discussion of the *lex annalis* of 180 BCE, in which Neoportus tentatively contemplates the possibility that there was an earlier piece of legislation on this matter.²⁴ The 1750s marked a sudden shift, with a number of studies where the problem was given fresh consideration. The standpoint was no longer the magistracies, but the Senate and its membership – as we have seen, Ianus Langlaeus had been pursuing similar concerns. In the two tracts on the Senate published in 1750 by Conyers Middleton (1683-1750) and Thomas Chapman (1717-1780) the provisions of the *leges annales* receive special attention because they are deemed central to the proper definition of the senatorial order. Middleton draws attention to the qualifications of age and “estate”, and is especially keen to establish the minimum age for access to the Senate, which he confidently sets at thirty, tracing back the practice all the way to the early Republic on the basis of a passage of Dionysius.²⁵ Chapman, on the other hand, deals with the *lex annalis* within a wider discussion of the prerogatives of the Senate, and notably its ability to override existing legislation. The case of that piece of legislation shows, in fact, that dispensation from a law could only be granted by the same body that had produced it: hence the view that the established practice of the Senate was to refer the controversy on the eligibility of a candidate to the people, who might be entitled to exempt him from the legislation they had set.²⁶ In Chapman’s vision the people is a concurrent and superior force to the Senate; that ultimately proved fatal to the Republic, as the Roman people lacked the ability to address the demands of an increasingly complex and diverse political structure.²⁷ Had the Senate gained legislative powers, like a

24 Neupoortus 1712: 61-62.

25 *AR* 6.6; see Middleton 1750: 93-100, esp. 100.

26 Chapman 1750: 385-387.

27 Chapman 1750: 397-398.

representative assembly, the Republic would have survived. Even a committed critic of both works like Nathaniel Hooke (ca. 1687-1763) did not challenge their assessment of the *lex annalis*; the length of his riposte is evidence of the growing complexity and liveliness of the debates on Roman institutional history.²⁸ The boundaries between history and antiquarianism were also getting more porous: Hooke's interests were by no means confined to the exploration of a specific matter of public law, but fed into a wide-ranging account of Roman Republican history that was a first-rate contribution to the European debate at the time.²⁹

In that very period the topic received its first full-scale treatment. In March 1765 August Friedrich Schott (1744-1792), a highly capable Law student who would soon embark on a distinguished academic career, defended a dissertation on the *lex annalis* at the University of Leipzig. The writing process was affected by some health difficulties, but was nonetheless brought to completion and was shortly afterwards published as a brief monograph. Schott based his discussion on a thorough engagement with previous scholarship, and the framing of his study is in most respects entirely conventional: the key aspect of interest of his contribution is that it takes the shape of a short monograph. Schott viewed the topic of the *lex annalis* as part of the wider problem of the ages at which Roman citizens entered different phases of their lives. The first part of the essay is thus taken up by a discussion of the process through which young Romans took up the *toga virilis* and entered military service, which is explicitly defined as “via ad honores”; elsewhere he also speaks of “honorum gradus”. There is then a discussion of the provisions that may have predated the *lex Villia*, which according to Schott did exist, but cannot be reconstructed in any detail. The discussion of the law of 180 BCE is compounded by an overview of the minimum ages at which magistracies may be held, and of the sequence in which they may be reached. Schott's key interlocutor in this section is Lipsius, with whom he takes issue on occasion, most notably on the minimum age requirement for the quaestorship.³⁰ There is no sustained discussion of the wider dynamics of political competition in the Republican period; the intention to bring a measure of control in that context is saluted as a positive development, but Schott is also complimentary on the degree of flexibility that was built into

28 Hooke 1758.

29 Santangelo 2021: 378-380.

30 Schott 1765: 16-20.

the system when individuals of outstanding talent emerged.³¹ He is disparaging, though, on the demise of any meaningful restrictions under the Principate, which are a direct consequence of the debasement of the political life: the starkest symptom of decline being the decision of the emperor Jovian to appoint as his consular colleague his young son Varronianus in 364 CE, shortly after rising to power.³²

6. Visions and Puzzles: from de Beaufort to Wex

Schott was a highly competent compiler, whose interest in Roman history was tangential at best. Two years later, in 1767, Louis de Beaufort (1703-1795) integrated an account of the *lex annalis* into an incommensurably stronger interpretative framework. The fourth book of *La République romaine, ou plan général du gouvernement de Rome* is devoted to the magistracies, and is opened by a discussion of the nature and scope of the power that they entailed, and is predicated on several taxonomical differences: between ordinary and extraordinary magistracies, between patrician and plebeian ones, between magistracies with and without auspices, between curule and non-curule ones, and between urban and extra-urban ones. Having set those basic parameters, he then turns to the qualities that tended to determine access to public office: birth and age. The discussion of the *lex annalis* then leads to that of the laws that limited the power of the magistrates in office: those on *prouocatio* and against the iteration of a magistracy, and the oaths that serving magistrates were expected to take; no mention is made of *maiestas*, although the principle of the accountability of former magistracies before the law is duly acknowledged as an important consideration.

De Beaufort is clearly indebted to previous work on the topic, most consequentially to Lipsius; what marks his discussion out is the ability to bring different strands of factual information into a coherent descriptive and analytical framework, which does not just give a “general account” of the Republic, but is keenly sensitive to its historical development.³³ The project has a systematic outlook, and this opening section of book 4 is in explicit dialogue with the section of book 2 where access to the Senate is discussed in

31 Schott 1765: 28.

32 Schott 1765: 32.

33 Raskolnikoff 1992: 446-454 remains an outstanding introduction to this work.

considerable detail, and much weight is given to the role of Sulla and to his decision to increase the minimum age for the quaestorship.³⁴

Another striking feature of de Beaufort's account is the lack of any moralising notes. Unlike most of his predecessors, he is not interested in the interplay between the inset of ambition and the need to regulate the patterns of office-holding in that context. The new legislation was introduced because political competition became more intense, and there was an increasingly large pool of plausible candidates; de Beaufort does not venture into an explanation for that change, but does point out that in the mid-fourth century BCE the opening of the consulship to the plebeians had created the need to instate new magistracies that might offer avenues of distinction to ambitious patricians: hence the creation of a new praetorship and two aedileships.

A similar outlook was shared by Adam Ferguson (1723-1816) in his influential large-scale account of Republican history, whose first edition appeared in 1783: the *lex annalis* receives barely more than a fleeting mention, but at a revealing stage of the discussion. As the age of the transmarine wars is drawing to the close, the Roman public finances are on an increasingly strong footing, the recent colonial projects that the Republic has launched in Italy are not facing any challenges, and major public works are funded in the Urbs; however, that is also the moment in which luxury begins to gain hold in the city, and is vehemently denounced by the Elder Cato in his speech *ne quis iterum consul fieret*, probably in 151 BCE: the law of 180 is an early instalment of the same strategy, whereby political competition and private consumption are addressed through a joint effort.

Much of the historiography on the *lex annalis* revolved around some puzzles, prompted by the fragmentary state of the evidence and by the lack of explicit accounts of its provisions. The topic lent itself well to solid antiquarian discussions, as the case of Nieupoort already showed. Georg Christian Maternus von Cilano (1696-1773), an antiquarian, librarian, and teacher at the Christianeum Gymnasium at Altona, produced a crisp account of the *lex annalis* within a discussion of Roman magistracies, in a section entitled "Alter der Obrigkeiten", which is framed between a discussion of the *comitia* and one of the augural signs and auspicial matters.³⁵

34 De Beaufort 1767: 2.420-421.

35 Maternus 1775: 215-216.

Alexander Adam (1741-1809), the rector of the High School in Edinburgh, made a similar choice in framing the account of magistracies in his *Roman Antiquities*, first published in 1791, whose twelfth edition appeared in 1835: the *lex Villia* and the *lex Cornelia* are discussed under the heading “Division of Magistrates”.³⁶ This line of enquiry was further developed in the mid-nineteenth century, when the interest in the *lex annalis* was mostly pursued through the discussion of specific problems.³⁷ In 1845 Friedrich Karl Wex (1801-1865) devoted considerable ingenuity to how best to read the expression *suo anno*, which in his view does not refer to the age of the candidate, but to the fixed delay between one magistracy and another; he also made important points on the remit of the *lex annalis*, which also involved the quaestorship, and set the minimum age for it at thirty, rather than thirty-one years; he was the first to point out the significance of the expression *decursus honorum* and to interpret it as a series of magistracies that one could aspire to hold from the thirtieth to the forty-second year of age.

7. Larger Scale: Nipperdey and Becker

Wex was the rector of the Fridericianum at Schwerin, a prestigious Gymnasium in Mecklenburg-Vorpommern. It is perhaps not accidental that an antiquarian topic like the *lex annalis*, which lent itself to learned descriptive accounts, attracted the interest of several outstanding schoolteachers, from Maternus to Alexander and Wex. Two decades later an alumnus of that prestigious institution, Carl Ludwig Nipperdey (1821-1875), professor of Classical Philology at Jena, curiously chose to devote a monograph to the *leges annales* of the Republic. Again, his discussion starts from the exploration of a prosopographical puzzle, notably how the evidence for Caesar’s career may yield clues on the contents of the *lex annalis*, and ends with two *Anhänge* that explore specific matters of detail. His subsequent discussion picks up on important developments of the recent debates and stresses the importance of a record of military service along with the fulfilment of age requirements. The interest in senatorial careers is a distinctive theme throughout the tract, which clearly betrays the influence of Wilhelm Drumann’s recent prosopographical

36 Adam 1835: 98.

37 Götting 1840: 371-372 is an exception to this principle: the brief reference to the *lex Villia* and the age restrictions it set rounds off a brief overview of the position of the nobility after the passing of the Licinian and Sextian laws.

reframing of Republican history. The close scrutiny of the evidence for office-holding yields insights of wider import, and leads to the suggestion that the requirement of ten years of military service was abolished soon after the Gracchi.

The strength of Nipperdey's work lies in its systematic approach and its ability to take stock of the key findings of his predecessors. There are occasional important insights: as he points out that the *lex Villia* introduced a set *Rangordnung*, he notes that the power of the tribunate and the censorship was not commensurate to the place they held in it.³⁸ Although no discussion is given of the prerogatives of the individual magistracies, there is some discussion of their respective influence and prestige. There is little interest, though, in discussing the historical implications of the topic.

Mommsen was unimpressed with Nipperdey's effort, as some references in the *Staatsrecht* show; Nipperdey had in turn reservations on some of Mommsen's arguments, including aspects of his recent edition of the *Monumentum Ancyranum*. He was much more appreciative, on the other hand, towards the treatment of the topic that Wilhelm Adolf Becker (1796-1846) gave in the *Handbuch der römischen Alterthümer* (1846). Section 2.2 of that monumental work is devoted to a discussion of "Die Magistratur", and the discussion of the *lex annalis* is presented right at the outset, as the transition from monarchy to republic is brought into focus, and the temporary nature of the power of the magistrates is identified as a key factor: the laws that set limitations to the possibility of standing for office are regarded as part and parcel of the topic. In a largely descriptive treatment, there is room for an important historical insight: the *lex annalis* was enacted with the purpose of preventing the formation of an office-holding oligarchy; at the same time, the Republic had to reckon with the need to recognise and reward military expertise, and the prorogation of *imperium* was duly introduced into the system in the light of those considerations. The *Staatsrecht* brought to completion the *Handbuch* project that Becker had started and Joachim Marquardt had continued: its systematic approach and its ability to combine antiquarian and historical insights are in keeping with the original inspiration of the project. They also built on four centuries of antiquarian, philological, and historical work.

38 Nipperdey 1865: 36.

Towering achievements require deep and complex foundations. The case for focusing on the edifice itself, on its layout, its spaces, and its décor, is ever an attractive one. Underwhelming and unrewarding as they might seem at first glance, though, the deeper layers of the historiographical traditions on which we work do matter. They equip us to better understand the structural choices of those who designed and populated the scholarly homes we inhabit, and give us insights into the backdrop of our own concerns and biases. Most importantly, following the stages of their construction gets us to think harder about the potential of the material we are working on.³⁹

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