The Minimum Age for the Quaestorship in the Late Republic

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With nothing more than a reference to Mommsen, Astin stated that a quaestor in the late Republic had to be at least thirty years old; with nothing more than a reference to Astin, Sumner repeated the assertion[1]. Though Badian argued against the received view of the ages required for higher magistracies, he also believed that a quaestor at this time had to be at least thirty years old[2]. Groebe's confidence that quaestors had to be at least thirty, and that Cato was quaestor in 65, caused him to raise the birth-date of Cato to "vor dem Jahre 95"[3]. That Groebe could adduce the quaestorship of Cato as a sufficient ground for rejecting his attested birth-date underscores the scholarly consensus that no man in the late republic could be quaestor before age thirty; the *Minimalalter* has been enshrined as a truth by which the historicity of ancient sources can be tested. It would seem that the ancient historian who writes in defense of the *Minimalalter* at this date is fighting a straw man. But anyone who investigates the scholarship on Cato's quaestorship will soon discover an important objection to the existence of a *Minimalalter*. The objection was raised only after Mommsen's death; since Astin directly and Sumner indirectly relied on Mommsen, the objection has not been answered.

In a footnore explaining why he placed Cato's birth in 95, despite his quaestorship in 65, Eduard Meyer maintained "daß diese Behauptung Mommsens falsch ist: es gab für die Quaestur überhaupt keine Altersgrenze, sondern es war nur die Vollendung einer zehnjährigen militärischen Dienstzeit gefordert". The ink was barely dry on Meyer's brief argument, reproduced here in full, when it was accepted by Münzer[4]. The position of Meyer and Münzer is tenable insofar as no ancient source attests a minimum quaestorian age of thirty. The attractiveness of the view is obvious: so long as the possibility of a quaestorship in 64 was not recognized, the solution of Meyer was the only one whereby historians could refrain from impeaching an ancient source, either those which place the birth of Cato in 95, or that which places his quaestorship in 65.

1 A. E. Astin, *The Lex Annalis before Sulla* (Bruxelles 1958) 39; G. V. Sumner, *The Orators in Cicero's* Brutus: *Prosopography and Chronology* (Toronto/Buffalo 1973) 7.

2 E. Badian, "Caesar's *cursus* and the Intervals between Offices", *JRS* 49 (1959) 81–89, esp. 86–87.

3 P. Groebe, "Das Geburtsjahr des M. Brutus", *Hermes* 42 (1907) 309–313.

4 E. Meyer, *Caesars Monarchie und das Prinzipat des Pompejus* (Stuttgart/Berlin ^{3}1922) 576 n. 3; F. Münzer, *Römische Adelsparteien und Adelsfamilien* (Stuttgart 1920) 297 n. 1. It may surprise many Roman historians to learn that Münzer is not to be numbered among the scholars who accepted thirty as the minimum age for the quaestorship.

If Meyer and Münzer are to be blamed for rejecting Mommsen, the latter could fairly be accused of claiming more than he proved. In his text Mommsen stated: "Der Fall Ciceros und zahlreiche andere Belege bezeugen übereinstimmend, daß diese [die Quästur] in der fraglichen Epoche vom vollendeten 30. Lebensjahre ab geführt werden konnte." But in his footnote to this asseveration he adduced just two examples of men over thirty holding the quaestorhip, Cicero and Antony; Groebe doubled this list with the addition of Caesar and Faustus Sulla[5], and Badian later adduced two further examples, Autronius and Vatinius[6]. Now Groebe ostensibly listed only "Fälle ... in denen sowohl das Jahr der Geburt als auch das Jahr der Quästur bekannt ist"; by this standard Faustus Cornelius Sulla must be removed from the list. Groebe considered him to have been born "kurz vor 88", but Sumner showed that he could not have been born ealier than the second half of 86, and made 85 the lower terminus of his birth. Yet this lower terminus depends exclusively on the assumption that he was at least thirty when the took up a quaestorship of 54. The exclusion of Faustus reduces the prosopographical evidence for a minimum age of thirty to five examples, but the diminution is only temporary; with a little effort, the list can be expanded.

Since it is recognized that a minimum age of thirty was not required before the reforms of Sulla[7], only those quaestors who took office after Sulla became dictator in 82 need be considered. Of the known quaestors of this period, only those whose quaestorships and birth-dates can both be fixed are relevant to an investigation of the *Minimalalter*[8].

Due to unusual historical circumstances, three men who held the quaestorship beyond age thirty provide little support for a *Minimalalter*. The first two held office under the dictatorship of Sulla, and quite obviously began their careers late on account of the civil war; the third held office under the dictatorship of Caesar and is a patently unusual case, but could not properly be cited to prove a *Minimalalter* in any event, since we know that Caesar allowed

5 Th. Mommsen, *Römisches Staatsrecht* (Leipzig 1887) 1^3.570 and n. 3; Groebe, op. cit. 310. Renders, op. cit. 118, credited Groebe but omitted M. Antonius from her list. Renders did not explain the omission, but an explanation can reasonably be conjectured. One source places the birth of Antonius in 82; this disturbed neither Mommsen nor Groebe, both of whom dated the quaestorship of Antonius to 51. Renders presumably followed either Willems or Sobeck and considered Antonius a quaestor of 52. Because of the apparent uncertainty about his date of birth, Renders must have deemed Antonius a "doubtful case" and so excluded him from her discussion.

6 Badian, op. cit. 86–87.

7 Cf. Sumner, *Orators* (above n. 1) 6.

8 The list would be robbed of its usefulness if we included men like Q. Pompeius A. f. Bithynicus; we know that he was born ca. 108 (Cic. *Brut.* 240), but we cannot be certain that he was quaestor rather than legate in 75. In what follows all the dates of magistracies, unless otherwise noted, are those established by Broughton, and may be found sub anno in *MRR* 2, or sub nomine in the "Index of Careers" or *MRR* 3. Parenthetical numbers following names of course correspond to articles in the *Realencyclopädie*.

himself to violate statutory age-requirements in the elections he conducted. But since we are attempting to set down in one place all the evidence relating to the ages of quaestors in the late republic, we may take account of these three men in the name of completeness.

1. P. Cornelius Lentulus Sura (240). Q. 81 and born by 114, since he was consul in 71. In fact we may narrow his birth down to 115/114, since Cicero (*Brut.* 230) calls him an *aequalis* of Q. Hortensius (b. 114), and Sumner has shown that "a margin of one year either way probably has to be allowed for *aequalitas*, unless there are other indicators proving exact *aequalitas*"[9]. Lentulus therefore took up the quaestorship at the age of thirty-two or thirty-three.

2. M. Terentius Varro Lucullus (Licinius 109). Q. 81[10] and born in 117[11], he took up the quaestorship at the age of thirty-five.

3. Cornelius (5). Q. in one of the years 49–44 and born by 95. Without naming the individual concerned, Cicero (*Off.* 2.29) recalled that one man served as a *scriba* during the dictatorship of Sulla and as urban quaestor during the dictatorship of Caesar; Münzer identified this anonymous individual with the *scriba* Cornelius whom Sallust (*Hist.* 1.55.17M) records as a man who profited during the proscriptions of 82–81[12]. The quaestorship of this man must be dated to one of the years in which Caesar held the dictatorship; the birth-date can be placed as low as 95 on the assumption that *scriba* is short for *scriba pontificius*
laid down the dictatorship at the end of 81, and that a priesthood would not be given to someone who had not yet assumed the *toga virilis* (i.e., to no one below the age of fourteen)[13]. Cornelius was then at least forty-five years old when he took up the quaestorship.

Tenure of the quaestorship by men over thirty can be demonstrated in eighteen further instances.

1. C. Aelius Paetus Staienus (Staienus 1)[14]. Q. 77 and born by 110/109, since he was an aedilician candidate in 74 (Cic. *Cluent.* 69)[15], he was at least thirty-one when he became quaestor.

9 Sumner, *Orators* (above n. 1) 156. Sumner nevertheless dated his birth to 114 on one page (127), and to "*ca.* 114" on another (24).

10 Cf. "The Early Career of M. Terentius Varro Lucullus" (forthcoming).

11 Cf. "Ten Ill-Starred Aediles", *Klio* (forthcoming).

12 F. Münzer, "Cornelius 5", *RE* 4 (1900) 1250.

13 Cornelius the *scriba* might well be identical with the Q. Cornelius attested as pontifex minor ca. 69 and with the Q. Cornelius on record as quaestor urbanus in 44. Cf. *MRR* 3.62.

14 On his full adoptive name, cf. D. R. Shackleton Bailey, *Two Studies in Roman Nomenclature* (Atlanta ²1991) 65.

15 He was born by 110 if he was a candidate for an aedileship of 73, and by 109 if a candidate for an aedileship of 72. The type of the aedileship he was seeking is not specified and should not matter: plebeian aediles in the late republic were entitled to a *sella curulis*, and this curulization of the plebeian aedileship may be taken as proof that there was a *Minimalalter* for the plebeian aedileship, and that it was the same age required for the curule aedileship. Cf. Astin, op. cit. (above n. 1) 32 n. 2.

2. P. Autronius Paetus (7). Q. 75 and born by 108, since he was designated consul for 65[16], he was at least thirty-two when he became quaestor.

3. M. Tullius Cicero (29). Q. 75 and born on 3 January (Cic. *Att.* 13.42.2, Plut. *Cic.* 2.1) 106 (Cic. *Brut.* 161), he took up the quaestorship aged thirty years, eleven months, and two days.

4. C. Marcius Figulus (63). Q. 75/74[17] and born by 107, since he was consul in 64; at least thirty-one when he became quaestor.

5. Ser. Sulpicius Rufus (95). Q. 74 and born by 105, since he was a candidate for a consulship of 62[18]; at least thirty when he became quaestor[19].

6. L. Licinius Murena (123). Q. 74 and born by 105, since he was consul in 62; at least thirty when he became quaestor[20].

16 In all likelihood he was born either in 109 or in 108: Cicero (*Brut.* 240–241) makes Autronius the *aequalis* of Q. Pompeius A. f. Bithynicus, and terms the latter *biennio quam nos fortasse maior.*

17 Figulus is to be identified with the *quaestorius* of 73, junior to Cicero in that year; cf. "Two Senators in 73", *ZPE* (forthcoming).

18 T. Robert S. Broughton, *Candidates Defeated in Roman Elections: Some Ancient Roman "Also-Rans"* (Philadelphia 1991) 18–19. Since we know that Servius shared *aequalitas* with Cicero (*Brut.* 156), and that the ages of the two men *nihil aut non fere multum differunt* (*Brut.* 150), it is probable that Servius was born in 105. Cf. Sumner, *Orators* (above n. 1) 155–156, who was right to argue that *non fere multum* applies to the *aequalitas* of Sulpicius and Cicero, but not to that of Crassus and Scaevola: it can be shown that Crassus and Scaevola were born in the same year (cf. "Ten Ill-Starred Aediles"). Servius was then an *aequalis* of Cicero, but not born in the same year, and so born either in 107 or in 105.

19 Broughton (*MRR* 2.109 n. 5) made Servius and Murena quaestors of 74 since "they are not named as colleagues of Cicero, and Murena soon afterwards became a Legate under Lucullus (see 73, Legates)". Broughton in my view was correct to argue from the silence of Cic. *Mur.* 18 in exluding 75. The possibility that Servius was quaestor in 76 will not disturb our thesis, since we have shown that he might have been born in 107. But a quaestorship in 74, the date selected and left unqueried by Broughton (*MRR* 2.103, 624), is preferable to one before 75 or after 74: at the sortition of provinces Servius drew Ostia, a province which Cicero (*Mur.* 18) went on to describe as *non tam gratiosam et illustrem quam negotiosam et molestam.* Cicero could not have so spoken if Servius had been quaestor Ostiensis at a time of abundant or adequate supplies. It is therefore relevant to note that Q. Creticus (Cos. 69) was beset by rioters during a food shortage while campaigning for the praetorship in 75 (Sall. *Hist.* 2.45M), and that M. Seius provided grain to the people *in caritate* when curule aedile in 74 (Cic. *Off.* 2.58).

20 Murena is attested as a colleague of Servius in the quaestorship (*Mur.* 18), and we have already determined that 74 is the most probable date for the quaestorship of Servius. As for Murena, Cicero (*Mur.* 20, 89) reveals that his legateship followed his quaestorship, but tells us nothing about the absolute date of either post. Though Broughton (*MRR* 2.113, 581) assigned the beginning of the legateship to 73, and placed no query against this date, the first datable event with which Murena is connected is the siege of Amisus. F. Münzer, "Licinius" 123, *RE* 13 (1926) 446, placed Murena in Amisus in the spring of 72; Broughton later (*MRR* 3.122) accepted a chronology in which the siege of Amisus begins in the winter of 72/71. None of this changes the fact that the likeliest date for the quaestorship of Servius – and therefore, for that of Murena – is 74. But since the case for 74 is not airtight, it is legitimate to point out that the legateship of Murena does not exclude a quaestorship in 73; with the lower date for the siege of Amisus, a quaestorship in 72 becomes at least theoretically possible.

7. L. Valerius Flaccus (179). Q. 71/70 and born by 103, since he was praetor in 63; at least thirty-one when he became quaestor.

8. P. Cornelius Lentulus Spinther (238). Q. 70/69 and born in 101[21]; at least thirty when he became quaestor.

9. C. Iulius Caesar (131). Q. 69 and born by 100; at least thirty, and probably thirty-two, when he became quaestor[22].

10. L. Domitius Ahenobarbus (27). Q. 66[23] and born by 98, since he was praetor in 58; at least thirty-one when he became quaestor.

11. P. Vatinius (3). Q. 63 and born by the spring of 94, since he was elected to a praetorship of 55 in the late winter or spring of 55[24]; at least thirty when he became quaestor.

12. P. Clodius Pulcher (48). Q. 61 and born by 93, since 53 was *annus suus* for the praetorship (Cic. *Mil.* 24)[25]; at least thirty-one at the start of his quaestorship.

13. L. Aemilius Paullus (81). Q. 60/59 and born by 93, since he was consul in 50; at least thirty-two when he became quaestor.

14. Cn. Plancius (4). Q. 58 and born by the spring of 91, since he was elected to a curule aedileship of 55[26] in the late winter or early spring of 55; at least thirty-two at the beginning of his quaestorship.

15. C. Cassius Longinus (59). Q. 55/54 and probably born in 86, since he was older than M. Brutus, who was born in 85[27]; at least thirty when he took up the quaestorship.

16. C. Scribonius Curio (11). Q. in the period 55–53[28] and born by 87, since he was

21 On the date of his quaestorship and his date of birth, cf. "Ten Ill-Starred Aediles".

22 His later *cursus* tends to prove that he was born in 102 rather than 100: it is easier to believe that he reached one low office two years late than to believe that he reached three high offices two years early.

23 Cf. "The Date of the Quaestorship of L. Domitius Ahenobarbus", *Athenaeum* 83 (1995) 270–274.

24 The praetorian comitia for 55 had not yet been held on 11 February 55: Cic. *Q. fr.* 2.8(7).3. In the mistaken belief that Cic. *Vat.* 11 attests a quaestorian *repulsa*, Sumner assigned Vatinius a birth-date "by 95"; cf. "The Lex Annalis under Caesar", *Phoenix* 25 (1971) 260.

25 Since we have it on the authority of Cicero that 53 was "his year" for the praetorship, the lateness of the aedilician elections for 56 and of the praetorian elections for 53 does not cause us to lower his birth-date terminus to "by 92". Sumner (*Orators*, above n. 1, 136) seems to have taken *Mil.* 24 as proof that Clodius was born precisely in 93; in all probability Clodius was born in 93, but since Cicero used the phrase *suus annus* to denote the third year after an aedileship (*Fam.* 10.25.2), and since Clodius was curule aedile in 56, *Mil.* 24 does not exclude the possibility that Clodius was born before 93. On the other hand, birth in 93 is strongly suggested by his failure to campaign for a praetorship of 54.

26 Cf. *MRR* 3.158.

27 C. Cassius is assigned the birth-date "probably 86" by Sumner, "Lex Annalis" (above n. 24) 365, and by J. Linderski, "Two Quaestorships", *CPh* 70 (1975) 36. Since the elections for 55 were delayed, Cassius might have been born early in 85 and would still have passed his thirtieth birthday before assuming the quaestorship.

28 Though Broughton originally entered Curio among the quaestors of 54 with a query (*MRR* 2.224), later he thought that the quaestorship might have begun in 55 (*MRR* 3.186); Broughton did not account for the change, but one may infer that the date was changed to

temporarily an aedilician candidate in 51[29]; at least thirty-one when he became quaestor.

17. M. Iunius Brutus (53). Q. 54/53 and born late in 85[30]; at least thirty when he became quaestor.

18. M. Antonius (30). Q. 51 and born on 14 January (*Inscr. It.* 13.2.397–398) 83[31]; aged thirty-one years, ten months, and twenty days when he took up the quaestorship. Originally a candidate, at age thirty, for a quaestorship of 52[32].

The modern belief in a minimum age of thirty can therefore be strongly supported by prosopographical evidence; against the twenty-one instances in which it is possible to demonstrate that the quaestorship was held at or above age thirty, it is not possible to cite a single instance in which the quaestorship was assumed before the age of thirty. A skeptic might consider this evidence adventitious, and maintain that no amount of prosopographical evidence can prove the existence of a minimum age; yet the prosopographical evidence is perhaps overwhelming enough to make even a skeptic concede that, if there was a minimum age, then that minimum age was thirty. And Meyer after all did not object to a minimum age of thirty because he believed that the minimum age was lower; instead, he rejected the whole notion of a directly established minimum age. No literary source states plainly that the quaestorship could not be held by men under thirty. But if we could find literary evidence which merely attests the existence of an age-requirement for the quaestorship, such literary testimony, together with the prosopographical evidence, would constitute decisive proof that the quaestorship was closed to men not yet thirty years old.

Three literary passages have relevance. The first merely suggests an age-requirement. Cicero described C. Fannius M. f. (Cos. 122) and Q. Mucius Scaevola (Cos. 117) as being *iam aetate quaestorios* in 129 B.C. (*Rep.* 1.18). The *cursus* of the two men – one was consul seven years later, the other was consul twelve years later – show that each was over thirty in 129. Since quaestors in the time before Sulla might be less than thirty, it is reasonable to conclude that Cicero had the age of *quaestorii* in his own day in mind[33]. One might object that *aetate quaestorios* could fitly describe any man not old enough to be an ex-aedile, and so implies a maximum age of thirty-six without implying any

bring the quaestorship of Curio into line with the proconsulship of C. Claudius Pulcher, which is still dated 55–53 (*MRR* 3.58). In any event, others have suggested that Curio was quaestor in 55; cf. J. Linderski, "The Aedileship of Favonius, Curio the Younger and Cicero's Election to the Augurate", *HSCP* 76 (1972) 184 n. 12.

29 His aedilician candidacy is discussed by Linderski, "Favonius" 185–186. Unaware of his aedilician candidacy, and in the belief that he was quaestor in 54, Sumner (*Orators*, above n. 1, 27, 148) dated his birth "85?".

30 Cf. *MRR* 3.112.

31 On his year of birth, cf. Sumner, "Lex Annalis" (above n. 24) 363.

32 Cf. Broughton, *MRR* 3.19–20.

33 Cf. Sumner, *Orators* (above n. 1) 55.

minimum age. But it may be significant that the two men whom Cicero calls *aetate quaestorios* were in their early or mid-thirthies at the time[34].

Both of the remaining passages so unambiguously attest an age-requirement for the quaestorship that either one taken singly would be sufficient to prove the point. On 1 January 43 Cicero proposed that Octavian *pro praetore ⟨eo iure quo qui optimo et⟩ senatorem esse sententiamque loco praetorio dicere, eiusque rationem, quemcumque magistratum petet, ita haberi ut haberi per leges liceret si anno superiore quaestor fuisset* (*Phil.* 5.46)[35]. Cicero's motion clearly implies the existence of an age-requirement[36]: if Cicero had intended merely to exempt Octavian from the requirement of holding the quaestorship, there would have been no need to add the words *anno superiore*[37]. The collocation of the words *rationem ... haberi* and *anno superiore quaestor* proves that there was a minimum age for the quaestorship, without revealing what that minimum age was. The last passage refers to M. Caelius Rufus, whom Cicero described as being in 59 *per aetatem magistratus petere posset* (*Cael.* 18). Since he did not serve as plebeian tribune until 52, the particular magistracy he was qualified *per aetatem* to seek in 59 can only have been the quaestorship[38]. As in the other Ciceronian passage, this literary attestation of a minimum age for the quaestorship tells us nothing about what that age was.

Since the fact of an age-requirement for the quaestorship is established by the literary evidence, we may take the prosopographical evidence as proof that the age required was thirty years.

34 At the beginning of 129 Fannius was perhaps thirty-six, and Scaevola was probably at least thirty-three; cf. Sumner, *Orators* (above n. 1) 55–56.

35 The text printed is that of D. R. Shackleton Bailey (Chapel Hill 1986).

36 O. Karlowa, *Römische Rechtsgeschichte* (Leipzig 1885) 1.182–183, understood Cicero to mean that Octavian would be treated as a man old enough to hold a quaestorship of 44, i.e., as a man born in 75. Astin (above n. 1) 41, replied that "it cannot be claimed that this is obvious to us from Cicero's proposal taken by itself, though it is possible". But since Astin could not persuade himself that eligibility for higher magistracies was determined by an interval after the quaestorship, so that the minimum ages for the higher offices were derived indirectly, he concluded that "Karlowa's interpretation of Cicero's proposal must be preferred". Badian (above n. 2) 86, was much less inclined to follow Karlowa, and thought that Ursinus might have been right in replacing *quaestor* with *praetor*, since Octavian was allowed to speak in the senate *loco praetorio*. But if Cicero had proposed that Octavian be excused from the praetorship and treated as a man born in 84, he could not later in the year have stressed his moderation in honoring Octavian (*ad Brut.* 1.15.7, 1.18.3). The *locus praetorius* in fact was the *locus* most commonly bestowed on senators who had not held the praetorship (Cic. *Balb.* 57; cf. Cic. *Verr.* 2.5.173), so *loco praetorio* lends no support to the emendation of *quaestor* to *praetor*.

37 We can of course be certain that Cicero did not intend a mere exemption from the quaestorship. At the time of Cicero's proposal, Octavian was just nineteen years old; he did not need an exemption from an office he was far too young to hold, but he did need permission to hold offices early.

38 One could then add Caelius to the list of quaestors known to have held office beyond age thirty. His quaestorship is not attested, but he must have held it, and we know that he held it after reaching the statutory age.