

ELECTIONS AT ROME IN 217 B.C.

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THE SEVERAL PROBLEMS connected with the appointment of magistrates at Rome in 217 have given rise to considerable discussion and debate.¹ Particular attention has been paid to the political implications that might be deduced from electoral events. There are, however, some troublesome technical questions about the actual procedures employed in the creation of magistrates in this year. Unless these can be solved, any structure of hypothesis about the political situation in Rome at the time is liable to be built on quicksand. The object of the present disquisition is to examine the procedure of the consular elections for 216 and also the appointment of dictators in 217, in the hope of coming closer to a solution of the problems.

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Towards the latter end of the consular year 217, according to the account in Livy (22.33 ff.), the urban praetor M. Aemilius, acting on the instructions of the Senate, wrote to the consuls (who were Cn. Servilius Geminus and the suffect M. Atilius Regulus) proposing that one of them come to Rome to hold the consular elections (for 216). The praetor's letter added that he would announce the *comitia* for whatever date the consuls ordered (22.33.9). The consuls replied that they were unable to leave in face of the enemy without endangering the Republic. They therefore urged that the elections should be held *per interregem* in preference to calling either consul away from the conduct of the war (33.10). The Senate rejected this proposition, and required that a dictator be named "by a consul" (*a consule*) to hold the elections. So L. Veturius Philo was nominated dictator and he appointed M. Pomponius Matho as *magister equitum* (33.11). These two, however, were *vitio creati* and were ordered to abdicate on the fourteenth day. Thereupon *ad interregnum res*

¹Cf. F. Münzer, *Römische Adelsparteien und Adelsfamilien* (Stuttgart 1920) 124–126; M. L. Patterson, "Rome's Choice of Magistrates during the Hannibalic War," *TAPA* 73 (1942) 319 ff.; H. H. Scullard, *Roman Politics 220–150 B.C.*² (Oxford 1973) xxi–xxii, 44–55; M. Gelzer, *Kleine Schriften* 1 (Wiesbaden 1962) 201–210 (review of Scullard¹), T. R. S. Broughton, *Magistrates of the Roman Republic* 1 (New York 1951) 242 ff. (esp. 245–246, notes), and *Supplement* (1960) 41; E. Stuart Staveley, "The Conduct of Elections during an Interregnum," *Historia* 3 (1954) 193–211 (esp. 205 ff.); T. A. Dorey, "The Dictatorship of Minucius," *JRS* 45 (1955) 92–96; and "The Elections for 216," *RhM* 102 (1959) 249–252; F. Cassola, *I gruppi politici romani nel III secolo a.c.* (Trieste 1962) 297 ff.; A. Lippold, *Consules* (Bonn 1963) 150 ff., J. Jahn, *Interregnum und Wahl-diktatur* (Kallmünz 1970) 116–126, cf. 26, 184. These works will be referred to by author's name and shortened title.

rediit (33.12). The *imperium* of the consuls (Servilius and Atilius) was prorogued for a year. The *patres* named C. Claudius Cento (*sic*) as interrex, and he was succeeded by P. Cornelius Asina, in whose interregnum the elections took place (22.34.1).

There follows an extended account of the political struggle supposedly surrounding those elections. C. Terentius Varro, it is said, was strongly supported by the *volgus*, but vehemently opposed by the *patres* (34.2). His kinsman Q. Baebius Herennius,² who was tribune of the plebs, attacked both the Senate and the augurs, saying that they had prevented the dictator (i.e., Veturius) from accomplishing the elections (34.3), because they were determined to forestall the election of a *novus homo* (34.7). The motive for going into an interregnum, he said, had been to put the election under the control of the *patres* (34.9).³ That was why the consuls had lingered with the army. A dictator for the elections had been named against their will, and so they had managed to bring it about that the dictator was made *vitiosus* through the augurs (34.10).

Apart from Terentius Varro there were five candidates for the consulship: three patricians, P. Cornelius Merenda, L. Manlius Volso, M. Aemilius Lepidus, and two plebeian nobles, C. Atilius Serranus and Q. Aelius Paetus, but Varro was elected alone, so that the election of his colleague would be in his hands (22.35.1–2). Thereupon the nobility, realizing the weakness of the other candidates, obliged the ex-consul of 219, L. Aemilius Paulus (*sic*), to become a candidate against his will (35.3). On the next comitial day all the other candidates who had previously competed against Varro withdrew⁴ and Aemilius Paulus was elected (35.4). The praetorian elections were then held (35.5). All the successful candidates for the praetorship⁵ were elected in absence. All except Varro had previously held the office to which they were elected (35.7).⁶

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²The *cognomen* Herennius is a *nomen*, a form of nomenclature unusual for Latins, possibly suggesting Italic origin. Unless two men, a Q. Baebius and a Herennius, have been compressed into one?

³This rhetorical flourish is contrary to the narrative in Livy 22.33.11.

⁴This overlooks the fact that with Varro's victory the other plebeian candidates would be automatically knocked out, and only the patrician candidates would remain eligible for the other consulship.

⁵They are named as M. Pomponius Matho (urban); P. Furius Philus (peregrine); M. Claudius Marcellus (Sicily); L. Postumius Albinus (Gallia).

⁶This statement has naturally led to the supposition that Pomponius, Furius, Marcellus, and Postumius had all held the praetorship before. But it may be a mistake to treat it too literally. It could derive, wholly or partly, from the fact that all were previous holders of *imperium*, i.e., ex-consuls (coss. 231; 223; 222; 234, and 229). The "first praetorships" of these men (according to *MRR*, Furius and Marcellus in 224?, Postumius in 233?) should be considered not wholly certain. On the identification of Pomponius see *MRR* 1.246 n. 4.

The above story is open to question on certain points. To begin with, the *Fasti Capitolini* do not support Livy's statement that the dictator and his *magister equitum* were *vitio creati* and forced to abdicate. The inscription lists the names and titles of Veturius and Pomponius with the note *comit. hab. caussa* (as in Livy), but with no note of the type *vitio facti abdicarunt*, such as is found elsewhere in the document.⁷ The argument from silence here is admittedly not conclusive in itself.

As Scullard concedes,⁸ "the interregnum is puzzling." The interregnum supposedly began when the dictator abdicated "on the fourteenth day." It ended as soon as Varro was elected; he immediately exercised the function of a consul by holding the election of his colleague. Therefore the interregnum (which can have lasted only 6–10 days) must have terminated in the early days of consular 216 and must have begun either in the last few days of 217 or at the start of 216 (15 Martius). But the ordinary consul and suffect consul of 217 were alive and well and in communication with Rome right up to the end of their year (and became proconsuls at the beginning of 216). It must therefore be possible to rule out the notion that there was an interregnum at the end of 217; there would be no constitutional or even practical justification for it. The other possibility is that the interregnum to which Livy refers began on 15 Martius 216. Then the abdication of the dictator and *magister equitum* would have occurred on 14 Martius, the last day of the consular year. They would have entered office on 1 Martius. But the dictator and *magister equitum* were bound to abdicate in any case on the last day of the consular year.⁹ Thus the notion that they had to abdicate because *vitio creati* is incompatible with an interregnum beginning on 15 Martius. Moreover, if they were appointed on 1 Martius with the prospect that their office would come to an end on 14 Martius, the question would arise, why they failed to hold the elections. If it were said that fourteen days was not long enough time in which to hold an election because of the interval required,¹⁰ we would face the absurd anomaly that the dictator was appointed to hold elections which he did not have time to hold.

Finally, if it were true that Terentius Varro was elected alone and then presided over the *comitia* which raised Aemilius Paullus to be his colleague, one would expect this to be reflected in the order of names of these consuls in official lists.¹¹ On the contrary, however, the name of

⁷For example, in the case of the disqualified censors of 231 and consuls of 162. See *Inscr.It.* 13.1.44 f., 50 f. Degraasi (*ibid.* 119) suggests that the note was omitted in 217 because there were no successors to be reported. This is possible.

⁸*Roman Politics* 50.

⁹Cf. Livy 30.39.5; T. Mommsen, *Römisches Staatsrecht* 2³, 160 n. 4.

¹⁰Cf. Mommsen, *ibid.* 3.375–377 on the *trinum nundinum*; E. S. Staveley, *Greek and Roman Voting and Elections* (London 1972) 144.

¹¹Cf. L. R. Taylor and T. R. S. Broughton, "The Order of the Two Consuls' Names in

L. Aemilius Paullus precedes that of C. Terentius Varro in the *Fasti Capitolini* (*Inscr. It.* 13.1.44 f.). The same order is found in Polybius (3.106.1), Cicero (*De Off.* 3.114), Frontinus (*Strat.* 4.1.4), and Zonaras (9.1).¹² The agreement between such different sources strongly indicates that the story about Varro's prior election is fictitious. Polybius, as is well known, is completely innocent of any difficulty over the election of Aemilius Paullus and Terentius Varro.

We would seem to be justified in concluding from the above line of argument that the dictator L. Veturius Philo, appointed to hold the elections for 216, was not found *vitio creatus*; that there was no interregnum either at the end of 217 or at the beginning of 216; that L. Aemilius Paullus was elected consul, prior to C. Terentius Varro, at *comitia* held by the dictator Veturius Philo.

It remains to be considered how the idea of an interregnum, with two names of interreges, came to be inserted in the account of the elections for 216. The answer may be provided by the *Fasti Capitolini*, which refer to an interregnum, not at the end of 217, but much earlier in the year, namely in the period following the battle of L. Trasimene. The notice of the dictatorship of Fabius appears in the *Fasti* as follows (*Inscr. It.* 13.1.44 f.):

Q. Fabius Q.f.Q.n. Maxim. Verrucoss. II dict.

M. Minucius C.f.C.n. Rufus mag. eq.

interregni caus.

One consul, C. Flaminius, had been killed and the other, Cn. Servilius Geminus, was cut off from Rome. Because of the emergency it was desired to appoint a dictator, but the normal method, nomination by a consul, was not available. Accordingly, says Livy (22.8.5–6), *dictatorem populus creavit*. . . . But how was the People's action instituted? It was still necessary for some magistrate to convene the Assembly, presumably the *Comitia Centuriata*. This could perhaps have been done by a praetor.¹³

the Yearly Lists," *MAAR* 19 (1949) 3–14, and "The Order of the Consuls' Names in Official Republican Lists," *Historia* 17 (1968) 166–171.

¹²Degrassi (*Inscr.It.* 13.1.148 f.) restores the *Fasti Feriarum Latinarum* to show Varro first. This is based on the fragmentary final letter of the first consul's name, which is all that survives. It does not appear certain from the photograph (*ibid.* Tab. LVII) that the letter should be read as "E" of "VARRONE". It seems that it might be "T." of "IT." (the mark of Paullus' second consulship: "GRACC.IT." below on the same fragment is comparable). Even if Degrassi's reading is correct, the agreement of the *Fasti Feriarum Latinarum* with the narrative of Livy against the *Fasti Capitolini* and the various references in literary sources would not be sufficient to turn the balance.

¹³It was not constitutional, according to *ius augurale*, for a praetor to name (*dicere*) a dictator (Cicero *Att.* 9.15.2). Mommsen supposed that this did not exclude the possibility that the praetor might *renuntiare* a dictator elected by the *Comitia* (*Staatsrecht* 23.150). Yet this was not precisely the method used in 49, the year to which Cicero's

But we have no mention that the thing was done this way. We do have reference to an interregnum at this time, in the *Fasti*.¹⁴ We also have a parallel to the election of a dictator by the Comitia Centuriata presided over by an interrex, the dictator being L. Sulla and the interrex L. Valerius Flaccus.¹⁵

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We may now attempt to retrace, in sequential fashion, the political events of the year 217 after the disaster of Lake Trasimene. The battle took place on 21 Iunius.¹⁶ The situation confronting the Senate was extraordinary and appeared extremely dangerous. One consul had been killed and his army virtually annihilated. The other consul, at Ariminum, had lost most, if not all, of his cavalry (under C. Centenius),¹⁷ and was cut off from communication with Rome (Livy 22.8.5). In this unprecedented emergency it is not surprising that the Senate decided on an unprecedented step. Rome was in effect without consuls, and the praetors were unfortunately men of no great weight and little experience.¹⁸ It was

observation applies. Then the urban praetor, M. Lepidus, carried a law through the Comitia to set up a dictator and, presumably empowered by that law, he did name (*dicere*) Caesar as dictator (Caesar *BC* 2.21.5, *legem de dictatore latam seseque dictatorem dictum a M. Lepido praetore cognoscit*; Dio 41.36). Thus the effect of Lepidus' law was to suspend the constitutional rule that a praetor could not *dicere dictatorem*.

¹⁴The note in the *Fasti Capitolini* reads *interregni caus(sa)*, which on the analogy of Livy 22.34.10, *comitiorum causa* (= *comitiorum habendorum causa*), would appear to mean something like "for the purpose of dealing with an interregnum." It is difficult to see how the term "interregnum" could be used in the *Fasti* unless there actually was an interregnum and an interrex at the time when the dictator was appointed. (Mommsen, *Staatsrecht* 2³.161 n. 1, merely dismisses this inconvenient document as erroneous.)

¹⁵Cf. *MRR* 2.66. Cicero *Att.* 9.15.2, *si Sulla potuit efficere, ab interrege ut dictator diceretur et magister equitum, cur hic non possit?* Here we have an interrex in 82 nominating (*dicere*) a dictator. Appian, however (*BC* 1.98 f.), shows that the Comitia played a part; he mentions appointment of the interrex by the Senate, his presenting to the people Sulla's recommendation that a dictator be appointed, and a vote by "the Romans" electing Sulla to the position—*χειροτονοῦσι τὸν Σύλλαν, ἐς ὅσον θέλοι τύραννον αὐτοκράτορα*. Gabba in the "Note Complementari" of his commentary (E. Gabba, *Appiani Bellorum Civilium Liber Primus*² [Florence 1967] 341) adopts the interpretation that the Comitia did not precisely *elect* Sulla dictator, but authorized the interrex to name Sulla as dictator: i.e., the interrex (as in 49 the praetor) passed a *lex* through the Comitia empowering himself to make the act of *dicere dictatorem* (cf. Mommsen, *Staatsrecht* 2³.147 f.). It must be admitted that it would be quite natural for Appian to describe that procedure in terms appropriate to an election. It might, indeed, appear equally natural for an annalist to have described the naming of the dictator in 217 in terms of a *creatio*, if the nomination then was done in the same way. It does seem quite likely that in 217, as in 82 and again in 49, the final stage of the process was that the officiating magistrate performed the act of *dicere dictatorem*.

¹⁶Ovid *Fasti* 6.767 f.; cf. G. V. Sumner, *PACA* 9 (1966) 12 n. 38.

¹⁷Polybius 3.86.3–5; *MRR* 1.245 (with further references).

¹⁸They were M. Aemilius (perhaps Regillus, the Flamen Martialis—or Quirinalis,

desirable to get senior men into high office as soon as possible. Since one consul survived, it was impracticable to elect two new consuls, and it was unsatisfactory to elect merely one suffect. The election of a dictator and *magister equitum* would provide a means of achieving the requisite two commanders. There was almost certainly no precedent for the nomination of a dictator by the *minus imperium* of a praetor, and indeed this is said to have been contrary to augural law (n. 13 above). There was no time for complex constitutional manoeuvres such as we find in 43 B.C. It appeared a better solution to proclaim an interregnum, on the basis that at the present time Rome lacked consuls, even though the technical conditions for an interregnum were not fully present.¹⁹ With an interregnum it was legitimate to hold an election in the period of the second interrex, that is, after an interval of no more than six days. Moreover, an election presided over by an interrex was under tight control.²⁰ An election conducted by a praetor might require much longer notice. And an inter-

cf. *MRR* 2.305), A. Cornelius Mammula, T. Otacilius Crassus, M. Pomponius (not the consul of 231, but probably his son or nephew). The weak situation in the praetorship of 217 explains why ex-consuls were elected to the praetorships of 216 (cf. nn. 5–6 above).

¹⁹Speaking of the period after the death of both consuls in April 43, Cicero observes (*ad Brut.* 1.5.4) *dum enim unus erit patricius magistratus, auspicia ad patres redire non possunt*. Dio (46.45.3–4) gives a description of the complicated method whereby this problem was eventually overcome prior to the election of Octavian to the consulship in August: two men were chosen (*αἰρεθέντων*) to act as consuls (*ἀντὶ ὑπάτων*) for the purpose of elections; it was impossible for an interrex to be created at such short notice to hold the election *κατὰ τὰ πάτρια*, because many men holding patrician magistracies (*τὰς εὐπάτριδας ἀρχάς*) were absent (*sc.*, and so it would be difficult to have them all abdicate soon enough—Mommson, *Staatsrecht* 2³.663 n. 3): they submitted to the arrangement that the two men should be voted (*ψηφισθῆναι*) through the agency of the urban praetor rather than have the consuls elected (*χειροτονηθῆναι*) through him, because the two would do nothing more than conduct the elections and so would not seem to have held a magistracy more powerful than that of the consuls (? *αὐτῶν*—or *αὐτοῦ*, the praetor?). It is probable that we have here another case of the praetor passing a *rogatio* through the Comitia, this time asking the people to create a special commission of *duoviri consulari potestate comitiorum habendorum causa* (Mommson, *Staatsrecht* 2³.663–664, says “proconsularische Gewalt,” but this seems inappropriate to their function).

In Dio we find implied what is stated by Cicero—that there could not be an interregnum if there were *patricii magistratus*. In this case it must have been the existence of praetors that was held to preclude the institution of an interregnum, even though both consuls were dead. That, however, seems not to have counted as an obstacle in 82 when the interregnum is said to have been proclaimed simply because both consuls were dead, and there is no mention of the death of all the praetors (Appian *BC* 1.98). In fact, we have record of three of the six praetors being killed, of one definite survivor, M. Perperna, and no certain knowledge about the other two praetors. It seems probable that if they were killed, it would have been recorded. (*MRR* 2.67 conjectures that one was a Magius, son of Minatus; if so, he would probably be a survivor: see G. V. Sumner, *HSCP* 74 [1968/70] 260 f., on these Magii).

²⁰Cf. Staveley, *Historia* 3 (1954) 193 ff.

regnum was an affair for the patrician senators to arrange; the fact must have appeared convenient to the patrician Q. Fabius Maximus, emerging as Rome's leader at this moment.

So the patricians produced as the first interrex a senior consular C. Claudius Centho (cos. 240), who was succeeded by P. Cornelius Scipio Asina (cos. 221). He, early in Quinctilis,²¹ presided over a meeting of the Comitia Centuriata at which a dictator and a magister equitum were to be elected (cf. Livy 22.8.6). The dictator chosen was Q. Fabius Maximus who had been consul twice before (233 and 228), had held the censorship (230), and had been an advocate of a cautious policy ever since Hannibal's attack on Saguntum (cf. Dio fr. 55, Zonaras 8.22). The elected magister equitum, M. Minucius Rufus, was a former consul (221), but, so far as is known, not a close associate of Fabius. It may seem unlikely at first sight that Fabius himself chose him as his lieutenant (Plutarch *Fab.* 4.1), but this assumption would really be based on the conflict that developed in the sequel.²² It is worth noting that the presiding interrex, P. Scipio Asina, had been Minucius' colleague in the consulship and the two had campaigned together (against the Istri: *MRR* 1.234).

The dictator and magister equitum had essentially been created as a pair of substitute consuls. It is therefore not a wholly astonishing development that the powers of the two were later made equal by the *rogatio Metilia*.²³ We need not suppose that Minucius was promoted to the *rank* of dictator as a result; he did not cease to be magister equitum.²⁴

²¹Allow three days for news of Trasimene to reach Rome, 21–23/4 Iunius. On the third day after that news of the loss of Centenius' cavalry arrived, and panicked the Senate into the appointment of a dictator (Polyb. 3.86.6–7), therefore 26–7 Iunius. Thus the first interregnum would run from 26/7 Iunius to 1/2 Quinctilis; the second would begin 2/3 Quinctilis.

²²Minucius was clearly associated with C. Flaminius; according to Plutarch (*Marcell.* 5.4), he once as dictator named Flaminius his magister equitum: cf. Dorey, *JRS* 45 (1955) 92 ff., and J. Bleicken, *Das Volkstribunat der klassischen Republik* (Munich 1955) 30: *contra*, Lippold, *Consules* 144 n. 279, who shows no good reason for disbelieving Plutarch's plain statement (Val. Max. 1.1.5 is not a plain statement). If we conceded this much to Cassola (*I gruppi politici* 259 ff. and *passim*) that there was by no means an absolute contrast in policy and ideas between Fabius and Flaminius, it would be less difficult to accept the possibility that Fabius actually nominated Minucius as his magister equitum, as Plutarch *Fab.* 4.1 says he did. (Nomination by Fabius would not be incompatible with election by the People.) One can see how the later conflict between Fabius and Minucius might lead to the assumption that Fabius did not nominate his own magister equitum. Etiquette and good sense probably recommended the choice of a plebeian lieutenant since the dictator was a patrician.

²³Polyb. 3.103.3–5; Nepos *Hann.* 5.3; Livy 22.25–26; Plutarch *Fab.* 7–9; other references in *MRR* 1.243. (In Livy 22.25.3 the emendation *Metilius* for *Metellus* is sound—see Walters-Conway, *OCT*, *ad loc.*)

²⁴Cf. Dorey, *JRS* 45 (1955) 92 ff.; Bleicken, *Volkstribunat* (above, note 22) 30; *MRR* *Suppl.* 41 (against *MRR* 1.243); Lippold, *Consules* 156.

Early in Ianuarius the six-months term of the dictator and magister equitum ran out, and they abdicated (cf. Livy 22.31.7). They were succeeded in command by the existing consuls Servilius and Atilius.²⁶ It was just over two months to the end of the consular year, and the elections for 216 would have to be held before then. Whether or not the Senate really instructed the praetor to suggest that one of the consuls come to hold the election, it is certain that the consuls did not comply. According to Livy they proposed that the elections be held by an interrex. But this is an unlikely proposal to have been put forward by consuls in office. It is based on the idea that an interregnum was about to be instituted, and this idea derives from an unfortunate attempt to explain the interregnum and interreges attested for 217 (which we have been able to explain otherwise). More probably the purport of the praetor's letter had been that one of the consuls should either come to Rome or name a dictator *comitiorum habendorum caussa*. As a result one of the consuls did name a dictator. It was perhaps Cn. Servilius Geminus (since his colleague was but a suffect) who named L. Veturius Philo (cos. 220) as dictator. Veturius nominated M. Pomponius Matho²⁷ as his magister equitum. This act may have been intended to mark Pomponius out for the consulship, as was done on other occasions.²⁸ If so, it was not successful.

²⁶Regulus was appointed censor in 214 at elections conducted by Fabius (Livy 24.11.6). In 228–227 Regulus followed Fabius in the consulship. Scullard, *Rom. Pol.* 32, 48 offers even weaker arguments based on connections between Fabii in general and Atilii in general.

²⁷Probably the consul of 231 (*MRR* 1.244). The filiation of the magister equitum is given in the *Fasti Capitolini* as M'.f. and probably M'.n. (cf. *ibid.* 246 n. 4), which is the same as that of the consul of 231. A son, Marcus, of M'. Pomponius Matho, the consul of 233, would have borne the same filiation, but his existence would be theoretical. M. Pomponius, the praetor of 217, could well be the son of the consul of 231.

²⁸Thus, e.g., Ti. Gracchus, mag. eq. 216, elected consul for 215; Q. Fulvius Flaccus, mag. eq. 213, consul 212; cf. Scullard, *Rom. Pol.* 62 n. 1.

have been C. Terentius Varro (pr. 218), C. Atilius Serranus (pr. 218, augur), and Q. Aelius Paetus (pontifex); M. Pomponius Matho is not mentioned. The patrician candidates are given as P. Cornelius Merenda (unknown), L. Manlius Volso (pr. 218), M. Aemilius Lepidus (pr. 218) (Livy 22.35.1–2). These patricians seem a rather weak collection. L. Manlius had not performed at all brilliantly in his praetorship.²⁹ M. Lepidus had served without particular distinction in Sicily (Livy 21.49.6–8, 51.7). Merenda has left no record whatsoever. The patricians were not of course competing with Varro (or any of the plebeians), but not surprisingly a stronger patrician candidate was sought, and he was found in the person of L. Aemilius Paullus (cos. 219), who had gained a triumph in the Second Illyrian War (Polyb. 3.19.12, 4.66.8). Paullus had suffered some injury to *dignitas* in the aftermath of his consulship (Livy 22.35.4), but had a good military reputation. The prohibition of iteration of office, which had in any case been disregarded in the election of C. Flaminius, had formally been repealed earlier in the year (Livy 27.6.7, *Cn. Servilio consule*).³⁰ There was thus no obstacle to Aemilius Paullus' election to his second consulship. The other patrician candidates were overshadowed by his presence and faded out of the picture.

Of the plebeian candidates Atilius had served in the campaign of 218 but without achieving notable distinction (Livy 21.26.2, 39.3). Nothing is known about Q. Aelius' activities. As for the *novus homo* Varro, his praetorian province in 218 is not attested. Sardinia-Corsica is a probable but not a certain conjecture (*MRR* 1.238, 240 n. 5). He had, in any case, distinguished himself politically by supporting the bill to equate Minucius' power with that of Fabius (Livy 22.25.18), and had put himself in the forefront of those (the majority) who favoured an aggressive strategy. He must, for example, have enjoyed the support of Minucius and his friends. In the context of late 217 his drive for election was irresistible. Even if the ex-consul M. Pomponius Matho, who had campaigned in Sardinia in 231 without triumphing (*MRR* 1.226), had been viewed as a likely candidate, he could not offer much competition for Varro, and accordingly disappeared from consideration. The result was that it fell to the dictator Veturius to announce the election of L. Aemilius Paullus and C. Terentius Varro as consuls for 216. Veturius probably conducted also the election of praetors. The men chosen were all ex-consuls, and included the magister equitum M. Pomponius Matho.³¹

²⁹Cf. Polyb. 3.40.11 ff.; Livy 21.17.7, 25.8–26.2, 39.3.

³⁰The repeal presumably preceded the election of M. Atilius Regulus (cos. 227) as suffect in 217. It is noticeable that Regulus' election complied with the ten-year interval, unlike many of the iterations in this period.

³¹See notes 5–6 above.

Epilogue

When Aemilius Paullus was killed at Cannae, it was reported at Rome that both consuls had fallen (Livy 22.54.7–9). Before long, however, word arrived from Varro which revealed his survival (22.56.1). There is no hint anywhere that in the interim the idea of an interregnum had again been raised. The decision was taken, as after Trasimene, to appoint a dictator. But this time in the *Fasti Capitolini* the dictatorship is noted not as *interregni causa*, but as *rei gerund(ae) causa*. Livy's account of the appointment (22.57.9) is brief and unspecific,³² but certainly does not suggest a repetition of the method used for the election of Fabius and Minucius in 217. In spite of Livy's narrative order, in which the appointment of the dictator precedes the arrival of Varro at Rome (22.61.14), it appears probable that M. Iunius Pera (cos. 230) was actually named dictator by the consul Varro, perhaps by letter as had occurred in the naming of L. Veturius in 217. Iunius Pera's political connections are most clearly shown by his approving the election in absence of L. Postumius Albinus (cos. 234, 229, pr. 216) and especially by his nomination of the curule aedile Ti. Sempronius Gracchus as his *magister equitum*, and his strong support for Gracchus' election as consul with Postumius (Livy 23.24.3). We should, indeed, expect a dictator appointed in such a crisis to have been a man acceptable to all.³³

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³²*Inde dictator ex auctoritate patrum dictus M. Iunius et Ti. Sempronius Gracchus magister equitum. . . .*

³³There is no firm evidence for Scullard's view (*Rom. Pol.* 56) that Iunius Pera was tied to the "Aemilian-Scipionic" group. This group must in any case have been severely damaged by the disaster of Cannae. (Iunius was consul with M. Aemilius Barbula in 230. He was censor in 225 with C. Claudius Centho, when the election *may* have been conducted by the consul L. Aemilius Papus. There seems no reason to attach more significance to the "Aemilian" than to the "Claudian" connection here!)

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