

CHAPTER I

Facing Up to the Crisis
Consulars during the Hannibalic War (218–202)

The development of the Hannibalic war and its economic, political and social consequences dominated and totally conditioned the situation in Rome in the last two decades of the second century. The war caused a great number of casualties, not only among soldiers but also among commanding officers of the Roman army. A significant number of senators died on the battlefield, and it could be said that the second Punic war decimated the Senate at Rome in all its ranks, including of course *consulares*.¹ At least twenty-six ex-consuls died between 218 and 202, although certainly not all of them met a violent end:²

- C. Flaminius, d. 217 (cos. 223, 217)*
- A. Atilius Calatinus?, d. by 216 (cos. 258, 254)³
- M. Aemilius Lepidus, d. 216 (cos. 232)
- M. Minucius Rufus, d. 216 (cos. 221)*
- L. Aemilius Paullus, d. 216 (cos. 219, 216)*
- Cn. Servilius Geminus, d. 216 (cos. 217)*
- L. Postumius Albinus, d. 215⁴ (cos. 234, cos. desig. 215)*
- L. Cornelius Lentulus Caudinus, d. 213 (cos. 237)

¹ Feig Vishnia 1996, 101: 'it has not been sufficiently stressed that two generations of future magistrates had been wiped out'. See now in particular Barber 2016 and 2019.

² The list includes those consulars for whom we have (some) certainty that they died between 218 and 202, but of course there may have been other deaths for which we have no record (e.g. P. Valerius Flaccus, cos. 227, see Biography in Appendix A). The consulars who were killed in the field are in italics. Eutropius speaks of twenty consulars and praetorians who were killed at the battle of Cannae alone (Eutrop. 3.10: *perit enim in eo consul Aemilius Paulus, consulares aut praetorii XX*). Cf. Rosenstein 1990, 203–204.

³ We do not know when exactly Atilius Calatinus died. He must have been dead in 216 when Fabius Buteo was named dictator as the oldest living ex-censor (while Atilius Calatinus held the censorship in 247, Fabius Buteo did so in 241), but certainly he may have died (long) before the Hannibalic war.

⁴ L. Postumius Albinus was praetor in Gaul in 216 and was killed there after he had been elected consul for 215 (Livy 23.24.6). Given that at that time consular elections usually took place at the very end of the consular year, and that the new consuls entered office on 15 March (Pina Polo 2011a, 16–17, 198–199), Postumius Albinus likely died when he was already consul designate in 215.

- C. Papirius Maso, d. 213 (cos. 231)
 P. Furius Philus, d. 213 (cos. 223)
Ti. Sempronius Gracchus, d. 212 (cos. 215, 213)
 Sp. Carvilius Maximus Ruga, d. 211 (or 212) (cos. 234)
 M. Pomponius Matho, d. 211 (cos. 233)
Cn. Cornelius Scipio Calvus, d. 211 (cos. 222)
P. Cornelius Scipio, d. 211 (cos. 218)
Ap. Claudius Pulcher, d. 211 (cos. 212)
 L. Veturius Philo, d. 210 (cos. 220)
Ti. Sempronius Longus, d. 210 (cos. 218)
Cn. Fulvius Centumalus Maximus, d. 210 (cos. 211)
 M. Fabius Buteo, d. before 209 (cos. 245)
M. Claudius Marcellus, d. 208 (cos. 222, 215, 214, 210, 208)
T. Quinctius Crispinus, d. 208 (cos. 208)
 Q. Fabius Maximus, d. between 207 and 203 (cos. 213)
 M. Pomponius Matho, d. 204? (cos. 231)
 Q. Fabius Maximus Verrucosus, d. 203 (cos. 233, 228, 215, 214, 209)
 Q. Fulvius Flaccus, d. 202 (cos. 237, 224, 212, 209)
 T. Manlius Torquatus, d. 202 (cos. 235)

Given the seriousness of the situation after the defeats in the early years of the war at Trebia, Trasimene and Cannae,⁵ M. Fabius Buteo was designated dictator in 216 in order to fill the vacancies that existed in the Senate at the time.⁶ Buteo added 177 new senators to the existing number, following formal rather than personal hierarchical criteria:⁷ first he selected those who had held a curule office after the last censors had drawn up the *album senatus* and who had not yet been promoted to the rank of senator, and he did so on the basis of seniority in office; then Buteo designated those

⁵ Cf. Rosenstein 2012, 132–145.

⁶ When Livy lists the numerous casualties suffered at Cannae, he mentions two former consuls, Cn. Servilius Geminus (cos. 217) and M. Minucius Rufus (cos. 221), and also eighty men who were senators or who had held offices that qualified them to enter the Senate and who had volunteered to fight in the legions: *consulares quidam praetoriarum et aedilicium – inter eos Cn. Servilium Geminum et M. Minucium numerant, qui magister equitum priore anno, consul aliquot annis ante fuerat – octoginta praeterea aut senatores aut qui eos magistratus gessissent unde in senatum legi deberent cum sua voluntate milites in legionibus facti essent* (Livy 22.49.16–17). For a very detailed study of the battle at Cannae see Goldsworthy 2001; Daly 2002, esp. 113–202. On Fabius Buteo's dictatorship, see Wilson 2021, 245–248.

⁷ On the controversy over whether the Senate had a *numerus clausus*, see Jehne 2011, 222 n. 53: Fabius Buteo's selection of new senators would show that there was not a *numerus clausus*, since Livy says that the dictator selected all men who met certain requirements, not some of them until a specific number of senators had been reached. The conclusion that follows from this fact is that there was no fixed number of senators.

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who had been aediles, tribunes of the plebs or quaestors; and finally he appointed as senators those who had spoils of an enemy in their houses or who had received a civic crown.⁸ Having completed his task, the dictator immediately abdicated.

The way in which Fabius Buteo carried out the *lectio senatus* implicitly shows a formal hierarchy within the Senate based on the holding of magistracies, with priority given to higher offices over lower. This actually meant the establishment of a *cursus honorum* in its basic form before the *lex Villia Annalis* was passed in 180.⁹ The consulship was placed at the top of the *cursus honorum*,¹⁰ and consequently *consulares* must have assumed the most prestigious position in the Senate – although the post of *princeps senatus* was to be held by a patrician censorian, who was also a *consularis* in any case. During the war many consulars assumed a leadership role in society, and consequently we find them in positions of responsibility, mainly in the military, political and diplomatic spheres, but also taking on other tasks.

1.1 Consulars in the Military Field

The second Punic war was a period of emergency in Rome in which all military resources were mobilised to confront the Carthaginian threat.¹¹ In that context ex-consuls offered experience as magistrates and commanders, and it is easy to understand why the Senate as a body, the people and *imperatores* in office turned to them, either in institutional leadership roles – as consuls, praetors, promagistrates or dictators – or in intermediate military positions.¹² As we have seen in the preceding list, a number of

⁸ Livy 23.23.5–7. Cf. Plut. *Fab.* 9.4. ⁹ Jehne 2011, 222–223. Cf. Martin 2012, 98–101.

¹⁰ This happened once the praetorship had been downgraded with respect to the consulship, if we accept that there was no hierarchy between consulship and praetorship in the first stage: cf. Bergk 2011. See Beck 2005, 63–66: none of the praetors known since 244 had previously held the consulship, as had been the case before that year (66).

¹¹ On Rome's choice of magistrates during the second Punic war, see Patterson 1942. Cf. Rosenstein 1993, 321–323; Vervaet 2012, 89–94.

¹² Barber 2016 and 2019 has thoroughly analysed the damage that the casualties of the early years of the Hannibalic war caused to the ruling elite, and in particular among the senators. Barber (2019, 169) speaks of a 'lost generation' of junior Roman senators who were killed in the war and concludes that 'a lack of generational support goes some way in explaining the dominance of these elder elites in the years after 216 – particularly as they reappeared among the various *fasti* of the *imperium*-granting magistracies'. This demographic and generational approach should undoubtedly be taken into account in patterns of office-holding during the second Punic war. However, in my view the decisive factor that explains why consulars of the 'old guard' once again held offices with *imperium* (or intermediate positions with military responsibility) was their expertise in the military field and in the administration of the *res publica*: in a situation of extreme gravity such as that provoked by the initial defeats, Rome resorted to relying upon senior *consulares* as it had done repeatedly during the serious military crises of the fourth and third centuries. See Pina Polo 2025a.

consulars were killed in action, especially during the first ten years of the war, and the group of consulars in the Senate was considerably reduced.

Some ex-consuls held the consulship again, particularly in the first years of the war.¹³ This was not exceptional. Throughout the third century there were consulars who held the consulship for a second time, and not surprisingly this happened especially during the first Punic war – no doubt for the same reason of seeking out experienced commanders – and also during the war against Pyrrhus.¹⁴ Was there a specific law during the second Punic war that authorised the unlimited re-election of former consuls as consuls? During the elections for 209 the tribunes of the plebs C. and L. Arrenius initially opposed the nomination of the then dictator Q. Fulvius Flaccus (cos. 237, 224) as consul. In this context Fulvius appealed to a law passed in 217 by the people at the behest of the Senate (*ex auctoritate patrum ad plebem latum*), following the death of the consul Flaminius at Trasimene. According to Livy, the law authorised ‘the people as long as there was war in Italy to elect to the consulship whomsoever they pleased, also any person who had been consul, and as often as they pleased’.¹⁵ Unable to reach a compromise, the dictator and the tribunes decided to go to the Senate for arbitration. The senators’ response was as follows: ‘in view of the critical situation, it is necessary that the conduct of affairs should be in the hands of old and experienced men who are skilled in war’.¹⁶ There has been doubt that such a law actually existed,¹⁷ but

¹³ Three men in particular distinguished themselves during the war by holding the consulship several times: Q. Fulvius Flaccus (212 and 209), Q. Fabius Maximus (215, 214 and 209) and M. Claudius Marcellus (215, 214, 210 and 208).

¹⁴ Cn. Cornelius Blasio was consul in 270 and 257; M. Atilius Regulus in 267 and 256; Cn. Cornelius Scipio Asina in 260 and 254; A. Atilius Calatinus in 258 and 254; C. Atilius Regulus in 257 and 250; L. Manlius Vulso Longus in 256 and 250; C. Aurelius Cotta in 252 and 248; P. Servilius Geminus also in 252 and 248; L. Caecilius Metellus in 251 and 247; M. Otacilius Crassus in 263 and 246; C. Sempronius Blaesus in 253 and 244; and A. Manlius Torquatus Atticus in 244 and 241. Between the first and second Punic wars there were a few consulars who held the consulship again: C. Atilius Balbus in 245 and 235; Q. Fulvius Flaccus in 237 and 224; T. Manlius Torquatus in 235 and 224; L. Postumius Albinus in 234 and 229; Sp. Carvilius Maximus Ruga in 234 and 228; Q. Fabius Maximus Verrucosus in 233 and 228; and M. Aemilius Lepidus in 232, who was also suffect consul at some point between 222 and 219 (Livy 23.30.15; cf. Broughton MRR 1.234–235 n. 2). Cf. Beck 2005, 100–102.

¹⁵ Livy 27.6.7: *namque Cn. Servilio consule cum C. Flaminius alter consul ad Trasumennum cecidisset, ex auctoritate patrum ad plebem latum plebemque scivisse ut, quoad bellum in Italia esset, ex iis qui consules fuissent quos et quotiens vellet reficiendi consules populo ius esset.*

¹⁶ Livy 27.6.10: *patribus id tempus rei publicae visum est ut per veteres et expertos bellicae peritos imperatores res publica gereretur.*

¹⁷ Röglér 1962, 86–87; Bleicken 1975, 176 n. 142; Billows 1989. See Feig Vishnia 1996, 51–54, who draws attention to the suspicious fact that Livy does not mention this alleged law when he discusses the events of 217 but only retrospectively when he narrates what happened in the elections for 209. She thinks, however, that the law may have been enacted to give legal sanction to Fabius’ irregular re-election in 215.

certainly the re-election of ex-consuls as consuls – and of both consulars and ex-praetors as praetors – was frequent during the Hannibalic war, the main reason being the search for experienced men who were skilled in war. Whether or not such a law existed – and in my opinion it is likely that the law did indeed exist – the facts confirm that what the law supposedly permitted is what actually happened.¹⁸

The election of consulars to the consulship started at the very beginning of the war.¹⁹ C. Flaminius was consul for the second time in 217, when he perished with his army at Lake Trasimene. The consular M. Atilius Regulus (cos. 227) was elected in place of Flaminius as suffect consul; it is clear that expertise in military command was regarded as very important in such a moment of anxiety and bewilderment. His colleague Cn. Servilius Geminus saw his *imperium* prorogued for 216, when he died at Cannae. Again in 216 one of the consuls elected was a consular: L. Aemilius Paullus (cos. 219). His competence as a commander did not prevent him from being killed at Cannae. In 215 L. Postumius Albinus (cos. 234, 229) was elected consul for the third time, but he was killed in Gaul while he was still consul designate. His successor was the former consul M. Claudius Marcellus (cos. 222). His election, however, was declared invalid by the augurs, and he abdicated, but proconsular *imperium* was granted to him for that year. In turn, Marcellus was replaced as *consul suffectus* by Q. Fabius Maximus Verrucosus, who had been consul in 233 and 228 and dictator in 217. Incidentally it must be noted that the three suffect consuls who were elected in 217 and 215, including Marcellus, were consulars; no other ex-consul was elected *consul suffectus* throughout the rest of the Republic.²⁰

In the elections of consuls for 214 the influence of the consulars in the Senate, the need for their military expertise and the *auctoritas* they enjoyed in Roman society became evident. When the *centuria praerogativa* voted for two *praetorii*, T. Otacilius Crassus and M. Aemilius Regilus, the voting was interrupted for Fabius Maximus Verrucosus, who presided over the elections, to deliver a speech to the people.²¹ Fabius openly pronounced against the election of both praetorian candidates and defended the need for the new consuls to be skilled and experienced men in order to confront Hannibal.²²

¹⁸ In support of its authenticity see Rilinger 1978, 308–309; Beck 2000, 85; 2005, 49–50, 96 and 102; Elster 2003, 197–198.

¹⁹ On iteration in the consulship during the second Punic war, see Beck 2005, 99–100.

²⁰ Cf. Pina Polo 2021a, 215–216: whereas all the *consules suffecti* known in the third century were ex-consuls, in the second and first centuries no suffect consul was a consular: for all of them, becoming *consul suffectus* represented the culmination of their political careers.

²¹ Livy 24.7.12. ²² Livy 24.8.

When the voting resumed two consulars were elected: Fabius Maximus himself continued as consul, and Claudius Marcellus was elected as his colleague, after his election had been invalidated the previous year.²³ Thus, in 214, the two consuls held the consulship respectively for the fourth (Fabius Maximus Verrucosus) and third (Claudius Marcellus, although it was his second effective consulship) time; it is not surprising that Livy claims that there had not been such a strong pair of consuls for many years.²⁴ Claudius Marcellus' *imperium* was prorogued as proconsul for 213–211; he was elected consul again for 210 (his colleague was the consular M. Valerius Laevinus, cos. 220?), and his *imperium* was prorogued as proconsul for 209; finally, Marcellus was consul for the fifth time in 208, when he was killed.²⁵ This means that Claudius Marcellus was consul or proconsul without interruption from 215 to 208 (additionally, he was praetor for the second time in 216).

The election of ex-consuls as consuls continued after 214. In 213 one of the consuls was Ti. Sempronius Gracchus, who had been consul for the first time in 215.²⁶ The following year Q. Fulvius Flaccus (cos. 237, 224) held the consulship for the third time.²⁷ His *imperium* was later prorogued for 211 and 210, and he was finally elected consul for the fourth time in 209 (his *imperium* was likewise prorogued in 208–207). As in the case of Marcellus, Fulvius Flaccus enjoyed *imperium* without interruption for several years from 212 to 207, as consul or proconsul. Flaccus' colleague in 209 was the ubiquitous Fabius Maximus Verrucosus, consul for the fifth time.²⁸ As in 214 both consuls in 209 were very experienced consulars;²⁹ in fact they were the two living Romans who had held the consulship the greatest number of times.

The last ex-consul to be elected consul again during the Hannibalic war was M. Livius Salinator (cos. 219) in 207.³⁰ Thereafter no other consulars held the consulship until the year 200 (P. Sulpicius Galba Maximus, cos. 211),³¹ but some of them enjoyed command as proconsuls or propraeors in the final years of the war.

²³ Livy 24.9.3. ²⁴ Livy 24.9.7–8: *multis enim annis tale consulum par non fuerat*.

²⁵ Livy 27.21.4; 27.26–27; Plb. 10.32; Val. Max. 1.6.9; Plut. Marc. 29; App. Hann. 50.

²⁶ Livy 24.43.5. ²⁷ Livy 25.2.4.

²⁸ Livy 27.6.2–13. Cf. Cic. Brut. 72. See Feig Vishnia 1996, 51.

²⁹ Pairs of two ex-consuls had held the consulship in 228 and 224 as well.

³⁰ Livy 27.34; 27.36.10; Val. Max. 7.2.6.

³¹ Sulpicius Galba and P. Scipio Africanus were the only consulars to hold the consulship again between the end of the Hannibalic war and the passing of the *lex Villia Annalis* in 180. It should be noted, nonetheless, that Livius Salinator, Sulpicius Galba and Scipio Africanus held the consulship for the second time after an interval of ten years.

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We also find some consulars who once again held the praetorship during the first years of the war.³² Above all it was a question of prioritising military experience at the head of the legions over hierarchy in office. None of the praetors of 218 and 217 had previously held the consulship. After the military disasters suffered by Rome at the beginning of the war, the situation changed dramatically, and in fact the four praetors of 216 were consulars: M. Claudius Marcellus (cos. 222), P. Furius Philus (cos. 223), M. Pomponius Matho (cos. 231)³³ and L. Postumius Albinus (cos. 234, 229), who would die in 215 while consul designate.³⁴ Clearly the election of four former consuls as praetors was deliberate. Something similar happened in 215, when three of the praetors seem to have been ex-consuls: Q. Fulvius Flaccus (cos. 237, 224), M. Valerius Laevinus (cos. 220?) and Q. Mucius Scaevola (cos. 220?).³⁵ Livy states that Valerius Laevinus was twice consul during his life.³⁶ He and Mucius Scaevola may have been elected consuls for 220, but it is likely that they never took up their office, or that they abdicated.³⁷ Consequently, they could nominally count as consulars, but they do not seem to have served as consuls in practice in 220. In 214 Fulvius Flaccus continued as praetor, and he was the only consular in the *collegium* of praetors.³⁸ From that point no ex-consul ever held the praetorship (with the exception of P. Cornelius Lentulus Sura in 63 under very different circumstances, and perhaps C. Hostilius Mancinus after his defeat in Hispania and his expulsion from the Senate): what happened in 216–214 was obviously a pragmatic, emergency solution.³⁹

So far, we have seen consulars who held magistracies or promagistracies with *imperium* more than once. Moreover, some ex-consuls were also willing to fight as military legates under the command of *imperatores* in office, not necessarily consuls or consulars. Again, this must be understood in the context of the critical military situation that threatened Rome's very

³² Cf. Bellomo 2019, 148–150 and 160–162.

³³ According to Beck 2005, 68 n. 26, M. Pomponius Matho is not the consul of 231 but the praetor of 217. Cf. Schmitt 2000, 86–97; Bellomo 2019, 149–150.

³⁴ Cf. Brennan 2000, 727; Beck 2005, 67–68. Livy (22.35.7) emphasises that all the higher magistrates for 216 were very experienced men – in fact all of them were ex-consuls with the exception of M. Terentius Varro, who was consul for the first time – and he concludes that ‘at such a time it seemed undesirable that a magistracy should be entrusted to new and untried men’ (*quia in tali tempore nulli novus magistratus videbatur mandandus*).

³⁵ Livy 23.24.4. ³⁶ Livy 29.11.3; 30.23.5. ³⁷ Cf. Broughton MRR 1.235. ³⁸ Livy 24.9.5.

³⁹ A small number of praetors are known for the third century, and the scarcity of data does not allow definitive conclusions to be drawn. It is noteworthy, however, that in the first half of the century a number of praetors held the praetorship in the very year after they had been consuls. In the second half of the century we do not know of any cases of consulars being elected praetors until the Hannibalic war, and then only in 216–215 and partially in 214, as we have seen. Cf. Brennan 2000, 725–729.

survival, but, as we shall see in Chapter 2, this practice continued in later wars.⁴⁰ In any case the consulars who served as military legates during the second Punic war did not do so as mere subordinates but took on duties of significant responsibility as men trusted by the *imperatores* under whose command they operated.

The main motivation for consulars to serve as military legates was probably their kinship or friendship with the commander in charge.⁴¹ Their military expertise and close personal relationship must have been the reasons why they were given, and took up, such positions.⁴² Cn. Cornelius Scipio (cos. 222) is a good example. He chose to accompany his brother P. Cornelius Scipio, one of the consuls of 218, as military legate in Hispania, when the Romans thought that the Iberian Peninsula would be the only theatre of war against Hannibal. In a typical example of Roman institutional adaptability and flexibility, as the consul hastily returned when he heard that the Carthaginian army must already have reached Italy, Cn. Scipio proceeded to Hispania at the head of the army with most of his troops. He thus shifted from legate to commander but was still fighting under his brother's auspices, as Publius himself makes clear.⁴³ One year later P. Scipio became proconsul and joined his brother in Hispania.⁴⁴ Both Scipiones commanded the Roman army in Hispania against the Carthaginians until their deaths in 211.

⁴⁰ Nonetheless the use of consulars as military legates should be understood as exceptional, as most of *legati* were individuals at a lower stage of their careers or just starting out.

⁴¹ See some examples in Schleussner 1978, 113 n. 50 and 178 n. 271.

⁴² Schleussner 1978, 111–113, emphasises that *legati* were appointed by the Senate and gives as evidence Val. Max. 2.2.4: *a senatu legatus ad filium consulem Suessam <Pometiam> missus* (Valerius Maximus refers to Fabius Maximus Verrucosus serving as a legate under the command of his son in 213). The Senate was most likely to confirm or officially nominate the legate, as we know from the text of Valerius Maximus, but this appointment was to be based on a prior agreement between the commander and the person who was to become his *legatus*: mutual trust should have been the key factor in the appointment.

⁴³ Livy 21.32.3–4; 21.40.3: *Nunc quia ille exercitus, Hispaniae provinciae scriptus, ibi cum fratre Cn. Scipione meis auspiciis rem gerit ubi eum gerere senatus populusque Romanus voluit*. Cf. Plb. 3.49.4; 3.76; App. Iber. 14 calls Cn. Scipio πρεσβευτής; Zonar. 8.25. Cf. Broughton MRR 1.241 n. 11.

⁴⁴ According to Livy, from the moment Publius joined Cnaeus in Hispania, the two fought 'with their united forces and with one heart and purpose' (Livy 22.22.3: *deinde communi animo consilioque gerebant bellum*). From this statement and from the account of subsequent events, the legal nature of Cn. Scipio's position has been controversial. The prevailing opinion is that Cnaeus shared the *imperium* with Publius and exerted it *pro consule* or *pro praetore* during his stay in Hispania (cf. Broughton MRR 1.245 and 247 n. 10; Jashemski 1966, 22–24; Sumner 1970, 85–87; Schleussner 1978, 113 n. 50: 'Cn. Scipio ist vermutlich als Kriegstribun seines Bruders ins Feld gezogen'; Develin 1980, 356–357, suggests that Cnaeus received propraetorian *imperium* by delegation from P. Scipio in 218, and that his *imperium* was raised to proconsular status in 217; Richardson 1986, 36: Cnaeus acted under the authority delegated to him by his brother, probably *imperium pro praetore*; Salinas de Frías 1995, 24–25; Brennan 2000, 154–155: there is no basis for Develin's hypothesis that Cn. Scipio was

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Another relevant example is that of Fabius Maximus Verrucosus, who in 213 was legate under his son Q. Fabius Maximus, consul for that year, having already been dictator as well as consul four times.⁴⁵ Conversely, when in 209 Verrucosus became consul for the fifth time, his son, who was by then a consular, served as *legatus* under his command.⁴⁶ The young consular Fabius Maximus was to be engaged in subordinate military duties in the years that followed. In 208 the Senate ordered him to join the army at Venusia after the consul Marcellus had died and his colleague T. Quinctius Crispinus had been wounded.⁴⁷ One year later he served under the consul Livius Salinator, who sent him to Rome as a legate to inform the senators that, according to the consul's advice, it was sufficient to keep praetor L. Porcius Licinus' army in Gaul and, as a result, the consular army could safely be withdrawn.⁴⁸ Once Fabius Maximus was heard, the senators decided to recall not only Livius Salinator's army but also the legions of his colleague C. Claudius Nero. Very significantly Salinator sent the most politically prominent member of his staff to the Senate, not simply to report on the situation, but in order that his

granted consular *imperium*, given that we have for him no designation other than *imperator*; Beck 2005, 336–337: 'beide dürften also seit 217 Feldherren prokonsularischen Ranges gewesen sein'; Vervaeke 2014, 205: 'probably around the time of P. Scipio's *prorogatio imperii* in March 217, a popular vote turned his (propraetorian?) legate Cn. Cornelius Scipio into a proconsul *suo iure* by decree of the Senate'; Díaz Fernández 2015, 126: Cn. Scipio probably had *imperium pro praetore*). At first, in 218 and 217, it is likely that Cnaeus exerted his command as Publius' *legatus* in his name and under his auspices. It cannot be ruled out, however, that Cnaeus retained his position as military legate under Publius' command and that he only exercised delegated *imperium* in the next few years. Livy's phrase quoted at the beginning of the note may not mean that both brothers shared the *imperium* but that there was always close cooperation and coordination between them, and that Cnaeus had already in 217 received a proconsular *imperium* by popular vote is just speculation. Actually there is evidence for Cnaeus' independent command only for 212–211, when Livy calls him *imperator* (Livy 25.32.1 and 27.4.6 speaks of *imperatores* in the plural when referring to the two Scipiones in 212; 26.2.5; cf. Knapp 1977, 86–88; Feig Vishnia 1996, 64–65 and 221 n. 60: 'our evidence clearly indicates that at least until 206, when the young Scipio returned to Rome to campaign for the consular elections, officially there was only one Spanish command, even though two armies were campaigning in Spain under two different commanders'). At any rate, as Eckstein 1987, 199 n. 46 asserts, 'we simply do not have the evidence to be certain about the precise legal situation before 212'. See also Livy 37.26.2, in which the Latin author refers to Scipio Africanus and Scipio Asiaticus in 190 as *duos Scipiones imperatores*, despite the fact that we know that Africanus was only a military tribune serving under the command of his brother.

⁴⁵ Livy 24.44.9–10; Val. Max. 2.2.4; Plut. *Fab.* 24. Gell. 2.2.13 wrongly asserts, following Claudius Quadrigarius, that Fabius Maximus Verrucosus was a proconsul and not a legate.

⁴⁶ Livy 27.8.13. Cf. Sil. It. 12.479–482. Fabius Maximus was sent by his father to take the survivors of Fulvius Centumalus' army to Sicily and to bring back from the island the legions and ships that had served under Valerius Laevinus.

⁴⁷ Livy 27.29.4 (Livy does not give Fabius Maximus' title, but it is probable that he was sent as a *legatus*). Cf. Broughton MRR 1.293–294 and n. 2.

⁴⁸ Livy 28.9.1–2.

arguments would carry enough weight to persuade senators to make his desired decision.

P. Valerius Flaccus provides an interesting case, since he was a consular who did not hold any other magistracy after his consulship in 227 but was in charge of a handful of subordinated military tasks in the early years of the war. In 216 he served as a military legate of the praetor Claudius Marcellus at Nola; in fact he was a senior consular serving under another consular, since Marcellus had been consul in 222.⁴⁹ The following year Valerius Flaccus as *praefectus classis* was responsible for the defence of the Italian coasts and for developing a military intelligence role to investigate the hostile attitude of Macedonia.⁵⁰ Finally in 214 the promagistrate M. Valerius Laevinus put him in charge of a garrison of 2,000 men at Brundisium, which was obviously a point of great strategic significance.⁵¹ Thus Valerius Flaccus came under the spotlight during the war less frequently than other former consuls but performed tasks of some substance.

The year 215 provides a relevant example of duties that were given to a consular and of collaboration between consulars. The Senate decreed that the urban praetor Q. Fulvius Flaccus (cos. 237 and 224) must raise a force of infantry and cavalry to be transported immediately to Sardinia. Flaccus was urged to appoint the most suitable man, invested with *imperium*, to conduct operations in Sardinia until the praetor (and consular himself) Mucius Scaevola recovered his health. Flaccus selected for this task T. Manlius Torquatus (twice consul, in 235 and 224), one of the most influential men in the Senate at the time.⁵² In itself the choice of a consular as commander in Sardinia seemed appropriate. Moreover two other factors also explained the appointment of Torquatus: from a personal point of view, that he and Flaccus had been colleagues as consuls in 224; and from a strictly military viewpoint, that Torquatus had subdued the Sardinians during his consulship and therefore knew the island well.⁵³

⁴⁹ Livy 23.16.13. ⁵⁰ Livy 23.34.4; 23.38.7–13. ⁵¹ Livy 24.40.5.

⁵² Livy 23.34.15. Cf. Broughton MRR 1.256; Bellomo 2019, 169–170.

⁵³ Other military actions carried out by consulars are known. In 217 the *legatus* Q. Fulvius Flaccus, who had been consul twice by then and in the following years twice more, brought consul Servilius Geminus' army to the recently appointed dictator Fabius Maximus, as had been decreed (Livy 22.12.1: *Dictator exercitu consulis accepto a Fulvio Flacco legato per agrum Sabinum Tibur . . . venit*). The consul had left for Ostia to take charge of the fleet, and this explains why the army was handed over to the dictator by the military legate of the highest rank. In 215, Ti. Sempronius Longus (cos. 218) successfully defeated Hanno at Grumentum in Lucania, in an operation in which over 2,000 people were killed (Livy 23.37.10–11). Sempronius Longus was presumably fighting under the command of the praetor Valerius Laevinus (cf. Broughton MRR 1.258 n. 7). M. Valerius Messalla (cos. 226) served in 210 as *praefectus classis* under the consul of that year, Valerius Laevinus. It is noteworthy that Valerius Laevinus had different consulars under his command at various points in