ABSTRACT: By the first century B.C. the consules designati had the right to speak first in senatorial debates from the moment they were elected. That privilege was probably long-held, and continued at least into the first century A.D. However, consules designati had a broader political role, and among their prerogatives they had the capacity to issue edicts. The prominent position of consules designati in the senate must be viewed in a context of gradual assumption of responsibilities and leadership in day-to-day politics by new magistrates. The granting of institutional visibility to consules designati secured continuity in the management of the res publica. Collaboration between magistrates in office and magistrates elect facilitated the transfer of power from year to year, and provided continuity in the senate’s policies.

1. Consules Designati in the Literature

During the first century B.C. consules designati enjoyed an exalted political status. The clearest indication of the prominence they attained in that period was their right to speak first in debates during sessions of the senate even before consuls in office and consulars had spoken. Mommsen viewed this privilege as, in one respect, an act of courtesy from consuls in office towards their successors. In his opinion, though, it also served a political purpose: to constrain the influence that leading senators might exert by always speaking at the beginning of a debate. 1 Mommsen placed the origin of this custom in the post-Sullan period, directly linked to the change of the date of the consular elections to July, perhaps during the Sullan period. He believed that the right of consules designati to speak first in the senate could not be traced back to an earlier period because it would have clashed with the privilege of the princeps senatus, an office which disappeared in the post-Sullan period. 2 That right could also be extended to praetors, who could speak before praetors in office and senators of praetorian rank. The most well-known instance is Caesar’s speech on 5 December 63 during the senatorial

* This paper was written during my stay as a Member at the Institute for Advanced Study in Princeton in 2012. I would like to thank Charlotte Tupman and James Matthews for improving the English text.

2 Mommsen, Röm. Staatstr., III 970.
debate on the fate of the Catilinarian conspirators in which, according to Cicero, Caesar spoke ‘praetorio loco’ as *praetor designatus*.³

Mommsen’s theses have been accepted fully, especially by German scholarship. Meier, like Mommsen, links the capacity of *consules designati* to speak first to the disappearance of the *princeps senatus* and to the movement of the date of the elections to July, which he also attributes to Sulla.⁴ This change was possible because in the post-Sullan age consuls no longer conducted Rome’s wars. The period between elections and the new magistrates taking office allowed them sufficient time to prepare for their duties. In that interval there must have been some form of collaborative work with the consuls in office to ensure continuity in the management of the *res publica*. Hantos also sees the change as a direct result of the variation in the date of the elections and views it as one of the measures taken by Sulla to control the Roman constitution.⁵

Willems had already argued that this practice could have begun in a period prior to Sulla.⁶ Based on a text of Cicero on the granting of the right to speak first to *consules designati* as a tradition included in the *mos maiorum*,⁷ Willems considered that this custom had existed for a long time before Sulla’s dictatorship. This practice could have extended to all magistrates designate. In particular the consuls elect were to take on great responsibility in decision-making and their opinions were unquestionably highly relevant to the senate. *Consules designati* had, according to Willems, a middle position between magistrates in office and senators *privati*, over whom they prevailed.

More recently, Kunkel and Ryan have contributed arguments supporting that early chronology. Kunkel admitted that the practice was only attested in the late Republican period, although he believed that the fact that Cicero included the custom amongst the *mos maiorum* must date it to an earlier unspecified period.⁸ Cicero was living in Rome when Sulla introduced his constitutional changes. Had the dictator promoted the new norm, Cicero would have witnessed its implementation and would hardly have referred to it as part of the *mos maiorum*. Kunkel thus considered that in the pre-Sullan period, *consules designati* might have spoken before consulars and the *princeps senatus* during the generally short interval between the elections and their taking office. Sources do

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³ Cic. Att. 12. 21. 1. Cf. Mommsen, Röm. Staatsr., III 973 n. 2. Mommsen believed that this right could have also applied to the tribunes of the plebs designate, while no data support a similar situation for aediles. As for quaestors designate, they did not sit in the senate and this consequently did not concern them.
⁷ Cic. Phil. 5. 35.
not mention this specifically, because this privilege could only be exercised for a brief period of time and therefore left few traces.

Ryan discussed this matter in his study of the participation of senators at meetings of the senate, and produced a more comprehensive compilation of the existing evidence.\(^9\) Ryan, along with Willems and Kunkel, steadfastly defends the priority of *consules designati* to speak as an ‘ancestral custom’ dating to a time long before Sulla. While its actual introduction cannot be dated precisely, in Ryan’s estimation, it must have occurred ‘before the development of magisterial grades and its concomitant, the principle of seniority’.\(^10\) According to Ryan, consuls elect must automatically have been considered consulars even before taking office, and this granted them priority within the senate. This could also have applied to other magistrates elect, and it would be plausible to suppose that the right to speak in the senate could have extended to all of them, based on the rank attached to each magistracy.\(^11\)

In any event, Ryan considers that a law was not necessarily the origin of this priority in favour of the *consul designatus* over the *princeps senatus*. It could merely have been a case of a long-established tradition.\(^12\) However, he highlights the fact that there is no testimony in the sources that might suggest a link between the priority to speak of *consules designati* and the disappearance of the *princeps senatus*.\(^13\) On the other hand, the privilege of the *consules designati*, referred to by Cicero as *mos maiorum*, must have begun prior to the *novus mos* mentioned by Varro, whereby a custom had become established for the president of the session to call a consular of his choice to speak prior to the *princeps senatus*.\(^14\) That text must be read in combination with another by Aulus Gellius:

> ‘Ante legem, quae nunc de senatu habendo observatur, ordo rogandi sententias varius fuit. Alias primus rogabatur, qui princeps a censoribus in senatum lectus fuerat, alias, qui designati consules erant; quidam e consulibus studio aut necessitudine aliqua adducti, quem is visum erat, honoris gratia extra ordinem sententiam primum rogabant. Observatum tamen est, cum extra ordinem fieret, ne quis quemquam ex alio quam ex consulari loco sententiam primum rogaret.’\(^15\)

\(^10\) Ryan, *Rank and participation*, 259.
\(^12\) Ryan, *Rank and participation*, 252.
\(^13\) J. Suolahti, ‘Princeps senatus’, *Arctos* 7 (1972), 209–10, considers that Sulla possibly modified the prestigious position of the *princeps senatus*, though he believes that this office could have continued to exist yet ‘this did not mean leader of the senate in its former juridical sense’. In that sense L. Valerius Flaccus could have been the last *princeps senatus* after the year 86.
\(^15\) Gell. 4. 10. 1–4: ‘Before the passage of the law which is now observed in the proceedings of the senate, the order in calling for opinions varied. Sometimes the man was first called upon whom the censors had first enrolled in the senate, sometimes the consuls elect; some of the consuls, influenced by friendship or some personal relationship, used to call first upon anyone they pleased, as a com-
In Ryan’s view the composition alias... alias used by Aulus Gellius could have had a temporary meaning. In this sense, the consulars who replaced the princeps senatus had priority for the first half of the year whereas after the elections this priority belonged to the consules designati. In other words, the passage in Gellius could mean that the princeps senatus was called to speak in first place unless the consules designati were present.16

This has been an overview of the scholarship regarding consules designati which has focused on the question of the priority to speak in the senate during the first century B.C. We shall now analyse the wider evidence for consules designati provided by ancient sources, concerning not only their speeches in the senate, but also their broader political role.

2. Consules Designati before the First Century B.C.

Cicero’s inclusion of the right of consules designati to speak first in senatorial debates as a tradition in the framework of the mos maiorum certainly suggests that this custom must have been established well before his lifetime. Yet as Ryan states, it is impossible to establish its origin with certainty as our only reliable sources on this matter date from the first century B.C. onwards.

In fact, sources hardly refer at all to consules designati prior to the first century. On several occasions Livy claims that the electoral process began by the end of the consular year (‘in exitu anni’, ‘in exitu annus erat’),17 so there was a brief interval between the proclamation of the consuls elect and their taking of office. The procedure was always set in motion by the senate. A message was sent to the consul in charge of presiding over the elections for that year, urging him to leave his provincia and travel to Rome. The date for the elections therefore varied each year.18 At times, Livy gives the exact date of the elections in the first third of the second century. In the years 187 and 171 they

pliment, contrary to the regular order. However, when the usual order was not followed, the rule was observed of not calling first upon any but a man of consular rank” (translation by J. C. Rolfe).

16 Ryan, Rank and participation, 255.
17 Liv. 25. 41. 8; 31. 4. 1–4; 33. 24. 1; 35. 10. 1; 36. 45. 9; 38. 35. 1; 38. 42. 1; 39. 23. 1; 40. 43. 4; 41. 28. 1–4; 42. 28. 1; 44. 17. 1–2. In 210 Livy says that the senate considered holding the elections at the end of the summer (Liv. 27. 4. 1). Several problems, however, caused the elections to be delayed and they were eventually presided over by a dictator appointed specifically to this end. (Liv. 27. 5–6). See also Liv. 29. 38. 2, where Livy once more places the elections in the summer. The consul presiding over them returned to Etruria to take command of his army once the elections had been conducted. Cf. F. Pina Polo, The consul at Rome: The civil functions of the consuls in the Roman Republic, Cambridge 2011, 198–9.

18 C. Nicolet, Le métier de citoyen dans la Rome républicaine, Paris 1976, 324, thought that dates for the voting were fixed: consul elections were generally held in January up until the year 153, in November from the year 153 until Sulla’s dictatorship, and in July from Sulla onwards. A. Lintott, The constitution of the Roman Republic, Oxford 1999, 10 n. 4: in the Late Republic elections were usually held in July whereas prior to Sulla they took place by the end of the consular year, in February–March up until 153 and in December from then onwards. Cf. Mommsen, Röm. Staatsr., I 583–4:
were held on 18 February; in 178 just a few days before the Ides of March; and in 169 on 26 January. These are but a few examples, but they reveal a trend in the sense that, at least in this period, *consules designati* held this position for a much shorter period than in the first century, ranging from a few days to a few weeks.

The fact that the gap between the elections and taking office was very short does not, of course, necessarily mean that *consules designati* could not enjoy the privilege of speaking first in the senate — though there is certainly no suggestion of this in the sources — or even that they played a prominent role in preparations for the new consular year. We must bear in mind that prior to the first century B.C. the two consuls spent most of their term outside Rome, leading their armies in their allotted provinces. This was also the case for most praetors. Consuls in particular were present in Rome only for the first few weeks or months of the consular year to fulfil their religious obligations (mainly the expiation of prodigies and presiding over the *Feriae Latinae*) and diplomatic duties. In the second century, the consul in charge returned to Rome solely to preside over the elections, although he would generally return to his province after spending just a few days in the city. His colleague would only return upon the termination of his term, although he might often continue in office as a promagistrate. Consequently, the highest magistrate present at Rome after the two consuls had left for their provinces was the urban praetor.

In these circumstances, it is reasonable to presume that in the last few weeks of the consular year the *consules designati* might have taken on particular relevance in senatorial debates, and that senators wanted to listen their intended policies and proposals in their position as the highest magistrates elect. When Appian recounts the session of the senate of 5 December 63 he claims that Silanus spoke first in his position as *consul designatus*. The Alexandrian author explains that this was a Roman custom, and argues that its point was that the consul elect ought to take important decisions once he had taken office, and was expected to act judiciously and make wise proposals. Appian’s interpretation is a good reflection of the expectations placed upon the magistrate elect, particularly in regard to his leadership qualities.

the elections were held in the autumn in the pre-Sullan period. Mommsen obviously refers to the period after 153.


20 Sallust (*Iug.* 27. 4; 36–37; 44. 3; 114. 3) points to the end of the year as the time when elections were usually held in the last few decades of the second century. Sallust actually talks about a delay in the elections that could be due to his belief that the comitia took place in summer, as was the case in his own lifetime. But the fact is that the elections in 112, 110 and 109 were held according to him by the end of the year. Cf. G. M. Paul, *A historical commentary on Sallust’s Bellum Jugurthinum*, Liverpool 1984, 89, 108–9, 135 and 258. Paul assumes that consular elections at that time usually took place in the autumn, in October or November.


22 App. b. c. 2. 5.
Speaking first in senatorial debates was unquestionably an honour, but its significance ran deeper. A consul designatus would begin the debate with his speech and thus lay out the ground to be followed thereafter. Caelius sent a letter to Cicero in 51 during his stay in Cilicia claiming to feel curious about what the consul designatus L. Aemilius Lepidus Paullus might say when opening the debate at the next session of the senate (‘primum sententiam dicentem’), in response to Pompey’s then-recent declaration claiming that the decisions of the senate had to be observed. The orator speaking first was compelled to set forth his political position before the other senators did. This responsibility could hardly be shirked. Gaining a favourable vote from the senate for his proposal (sententia), which then became a senatus consultum, also boosted his reputation. Sources at times refer to the person achieving this as princeps sententiae. The priority given to consules designati highlighted the special auctoritas they enjoyed after being elected. From then on, consolidating and furthering it depended on their good sense and political initiatives. The consules designati of the year 69 used this very auctoritas to defend Verres against his accuser, Cicero, who was simply an aedile designate. This made his final victory all the more noteworthy.

Granting actual leadership to consules designati after they had been elected had a practical purpose in order to ensure continuity in the management of the res publica, always under the supervision of the senate, which acted as guarantor. As this can explain the privileged status of consules designati in the first century, there is no reason why it may not likewise apply to previous periods. It was even more understandable then, given that in the first century consules designati coexisted with consuls in office for all or most of the period between elections and their taking of office, while in previous epochs consuls in office were always away from Rome.

Before the first century B.C. consuls had to complete a series of diplomatic tasks before leaving for their provinces. As heads of Roman ‘diplomacy’, consuls had to introduce foreign ambassadors before the senate, attend debates between these and the senators and ultimately report the decisions taken by the senate to the legates. On some
occasions, foreign envoys had to remain in Rome for months before they were received in the senate because they were instructed to wait until the new consuls had taken office. Any decision taken at the beginning of the consular year as a result of a visit by foreign delegations had an effect on Rome’s external policy and could therefore determine the allocation of provinces to consuls and praetors.

As a result, some foreign legates had to wait until the beginning of the new consular year to be brought before the senate. It is plausible that the main concern of consules designati after the elections must have been the acquisition of up-to-date knowledge of matters regarding the management of the res publica, of which they must have been generally aware as senators. In this context, it is reasonable to suppose that foreign ambassadors already present in Rome sought to approach consules designati in order to impart the purpose of their visit. It must be recalled that consuls decided on the order in which delegations, if permitted, were received in the senate. The attitude of consuls towards the envoys was therefore highly important. Cicero reports that in the year 70, legates from Miletus were in Rome, anxiously awaiting the outcome of the elections in order to discover the name of the consules designati who were to introduce them before the senate in February. In this case, the ambassadors from Miletus had a few months to attempt to discuss their affairs with the consules designati, given that the elections were held in the summer. Previously, especially during the second century, when the number of legations reaching Rome from all over the Mediterranean increased considerably, new consuls were consuls elect for a much shorter time, but the process is likely to have been similar.

Between the elections and the consules designati taking office, the senate could issue orders which were to be executed either immediately or at the time of taking office. We find some instances in Livy during his account of the Second Punic War. M. Claudius Marcellus and T. Quinctius Crispinus were elected consuls at the end of the consular year 209–208. Marcellus, who was a proconsul in the south of Italy, had arrived in Rome to defend himself against allegations made by the tribune of the plebs Publicius. He not only succeeded in this but the following day was elected consul by all the centuries. News then arrived that there was a revolt in Etruria. The consul designatus Marcellus was immediately dispatched to assess whether the situation was serious. If that had proved to be the case, Marcellus was to have moved his operations from Apulia to Etruria. Marcellus was sent to Etruria invested with the imperium of a proconsul but, above all, as a consul designatus and as the person trusted by the senate. Moreover, his judgement of the situation in Etruscan territory would determine which province was allotted to him. In this instance, the mere presence of Marcellus served to pacify Etruria.
At the end of the consular year 216–215, upon the request of Q. Fabius Maximus, the senate passed a decree whereby one of the *consules designati* for 215, Ti. Sempronius Gracchus, was to take before the people a proposal to nominate Fabius as duumvir in charge of the consecration of the temple of Venus Erycina. The temple had been promised by Fabius himself while serving as a dictator. The *rogatio* was to be put forward to the people immediately after Sempronius Gracchus took office as a consul on the Ides of March of 215, as eventually happened.

C. Claudius Nero and M. Livius Salinator were the consuls for 207–206. The elections had been presided over by the dictator Q. Fabius Maximus. After the election, prompted by the dictator, the senate approved a resolution urging the two consuls elect to settle their quarrel and seek reconciliation in order jointly to confront the common enemy: Carthage. Given the urgency of the situation, they were also asked to waste no time in allotting the *provinciae* between them. They could thus leave promptly and take command of their troops. The allocation of *provinciae* was actually completed while they were still *consules designati*. When they took office they also pressed the praetors to allot the provinces without delay. A similar occurrence may have happened six years earlier. The same Fabius Maximus Verrucosus, acting now as a consul, presided over the elections for the consular year 213–212. His son, Q. Fabius Maximus, was elected along with Ti. Sempronius Gracchus, who was elected for the second time. They were a praetor and a proconsul respectively at the time and both were fighting the Carthaginian troops in the south of Italy when they were elected. Following Verrucosus’ advice, the *consules designati* were ordered to return immediately to Rome and take office as soon as possible. Once in Rome, war-related matters as well as the allotment of provinces amongst the consuls and the praetors were discussed in the senate. The debate possibly took place when the magistrates had already taken office, though the allocation of provinces might have been conducted while they were still *consules designati*.

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36 Liv. 27. 36. 10.

37 Liv. 24. 43. 9.

38 These are not the only known instances in which provinces were allotted before the magistrates had taken office. The account Sallust gives of the elections in the year 110 and the taking of office of the new consuls, Metellus Numidicus and Silanus, is confused from a chronological perspective. When reporting the allocation of provinces between Metellus and Silanus, Sallust claims that they were *consules designati* (Sall. *Iug.* 43. 1). Cf. Paul, *A historical commentary*, 132–3. In the year 187, the elections of 18 February were presided over by the consul M. Valerius Messalla. After the elections, the consul asked the senate for the praetorian provinces to be allotted directly, while the praetors were still designate. Cf. Liv. 38. 42. 6.
The allocation of consular provinces in the year 168 was certainly completed before the new consuls took office.\textsuperscript{39} The objective was to allow the consul who had to go to Macedonia, L. Aemilius Paullus, to plan for the war while still a \textit{consul designatus} and leave as soon as possible. This was also the reason why the senate ordered the \textit{Feriae Latinae} to be celebrated as soon as possible and it actually took place on 31 March, which was extraordinarily early.

In 171 the elections were held on 18 February. The senate instructed the two \textit{consules designati}, P. Licinius Crassus and C. Cassius Longinus, to schedule the sacrifices to propitiate a successful outcome of the war in Macedonia on the same day they took office.\textsuperscript{40} In that session the senate also ordered the consul in office Popillius to vow the celebration of \textit{ludi} in honour of Jupiter if the \textit{res publica} remained unharmed during the following ten years.

The case of C. Flaminius, consul in the year 217, is quite peculiar. According to Livy, when he was a \textit{consul designatus} he wrote a letter and an edict to the retiring consul, Sempronius Longus, (‘edictum et litteras ad consulem misit’) ordering him to be present with his army at the camp of Ariminium on 15 March.\textsuperscript{41} He intended to take office that day in Gaul instead of in Rome to avoid further conflicts with the senate. According to Livy, Flaminius left Rome secretly and took office as consul in Ariminium, despite the protests of senators who had asked him to return to the city to comply with the usual religious duties of his rank as a consul. It appears that Flaminius took command there and then of the two legions that had been under Sempronius Longus, and of two legions previously under the praetor Atilius.\textsuperscript{42}

Ancient historiography, however, turned Flaminius into an archetype of a \textit{homo novus} opposing the senate, and for this reason some of the episodes attributed to him are dubious.\textsuperscript{43} The tradition of his alleged and unusual taking of office in Gaul has been generally rejected as unlikely, given the lack of similar instances in the history of Rome.\textsuperscript{44} In that context, it is also doubtful that the edict he supposedly sent to the consul Sempronius Longus ever existed. Yet it is interesting that Livy accepted without question the possibility that Flaminius could have issued it.

Ultimately it is a matter of whether a \textit{consul designatus} could lawfully issue an edict containing binding orders.\textsuperscript{45} At this point, a brief excursus is necessary. It might seem

\begin{itemize}
\item \textsuperscript{39} Liv. 44. 17. 7.
\item \textsuperscript{40} Liv. 42. 28. 7.
\item \textsuperscript{41} Liv. 21. 63. 1.
\item \textsuperscript{44} Beck, \textit{Karriere und Hierarchie}, 266; categorically dismisses it, as other scholars before him. Nonetheless, Mommsen, \textit{Röm. Staatsr.}, I 615 n. 4, accepted it, as did J. Bleicken, \textit{Das Volkstribunat der klassischen Republik}, Munich 1968, 32.
\item \textsuperscript{45} Mommsen, \textit{Röm. Staatsr.}, I 203 (cf. II 128), accepts the legality of edicts issued by magistrates elect prior to their taking office though he considers them an anomaly. Their lawfulness is also accepted by E. de Ruggiero, s. v. \textit{consul}, \textit{Dizionario epigrafiaco di antichità romane}, Rome 1892, II 690.
\end{itemize}
improbable in principle, because a *consul designatus* was but a mere *privatus* until he took office. Two texts in Cassius Dio, however, explicitly confirm in my opinion that this was a legal possibility. At the end of the year 50, the consul Marcellus persuaded the *consules designati* L. Cornelius Lentulus Crassus and C. Claudius Marcellus to agree that the two legions that were to be sent against the Parthians were to be placed under Pompey’s command.46 The *consules designati* issued an edict to this effect. It could be assumed that they acted after taking office. Yet Cassius Dio adds that the *consules designati* were allowed to issue edicts and perform other tasks before taking office and for this reason they believed their acts were lawful. The Greek author does not question this, though he hints implicitly that the procedure was unusual as he states that Pompey, ever committed to legality, accepted the new troops unconcerned about the way in which they had been placed under his command. We might still wonder why the consul in office did not issue the edict. Could the answer be the date of the events at the end of the year, and the fact that the decision actually concerned the year 49? We can gather from Cassius Dio’s report that the consul Marcellus, by urging the *consules designati* to accept his position on the use of the legions by Pompey, meant above all to give legal support to the measure.

The other relevant text in Cassius Dio refers to the Augustan age. In the year 8 B.C., Augustus appointed Tiberius as consul for the second time. According to the ancient custom, Cassius Dio reports, Augustus made him issue an edict before taking office.47 We are not aware of the contents of this edict. Rich points out that it could simply have dealt with the preparations for the day that Tiberius was to enter office.48 The most relevant fact here is that, once again, the legality of a *consul designatus* issuing an edict is not questioned, and Cassius Dio also claims that such a procedure was a tradition, indeed

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47 Dio 55. 6. 5. The translation by J. Rich, *Cassius Dio. The Augustan settlement (Roman History 53–55. 9)*, Warminster 1990, 125, is as follows: ‘He also appointed him consul for the second time, made him issue an edict to the people even before entering office, in accordance with the ancient practice, and honoured him with a triumph’. P. M. Swan, *The Augustan succession: An historical commentary on Cassius Dio’s Roman History, books 55–56 (9 B.C.–A.D. 14)*, Oxford 2004, 65, translates as follows: Augustus ‘had Tiberius post an edict publicly even before entering office, in the old-fashioned way’.

part of the *mos maiorum*. In both cases, the word used by Cassius Dio is ‘grámmata’, which in my opinion means a formal edict made public before the people.49

Mommsen stated that, while edicts were actually issued before the magistrates elect took office, they would be enforced when the issuer had assumed his magistracy.50 He thus explained a situation that he considered anomalous. Nevertheless, as Mommsen himself stressed, if the edict issued by Flaminius ordered the consul to be present in Ariminium on the day he had to take office, then the orders had to be fulfilled beforehand, hence the edict was effective immediately. This probably also applied in the case of the edict issued by Tiberius, if we accept that it concerned the preparations for his taking office. The context is unclear regarding the edict of the *consules designati* for the year 49. In any event, both from Livy’s text and the two passages by Cassius Dio it becomes apparent that the edicts were posted before the new magistrates assumed their magistracies. It is therefore not a case of a programmatic consular edict on the occasion of entering office.51 In my opinion, available—though scarce—data indicate that *consules designati* could lawfully issue edicts, although this was rather exceptional.

Returning to the main line of argument, reports in Livy about *consules designati* are noticeably sparse. Livy’s account for the extensive period of the Republic contains no evidence that *consules designati* had priority to speak in the senate. Yet, particularly throughout most of the third century and the whole of the second century, it is reasonable to believe that the *consules designati* might have played leading roles in the senate in the generally short period of time between the elections and the new magistrates taking office, when the two consuls in office and most praetors were away from Rome. In this context, they probably took priority when speaking in sessions of the senate, as Cicero mentions this custom as part of the *mos maiorum*. In any case, a clash with the *princeps senatus* must have been limited, given the short space of time between the elections and their taking office.

In practice, *consules designati* were already considered interlocutors within the senate, anticipating their future actions once they had taken office. This is especially clear in emergency situations caused by the Hannibalic War or the war in Macedonia in the year 168. In both cases, under specific circumstances, the allocation of provinces amongst the *consules designati*, which was generally conducted at the beginning of the consular year, was brought forward in order to speed up preparations for taking command of their armies. In the year 209 the *consul designatus* Marcellus, who was also a

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49 H. J. Mason, *Greek terms for Roman institutions. A lexikon and analysis*, Toronto 1974, 127, considers that the technical Greek term for *edictum* was ‘diátagma’, the translation for a public and formal edict. In his opinion, ‘grámmata’ and ‘epistolai’ could have a more informal and private meaning. Mason mainly supports his thesis on documents found in papyri. Other passages in the work of Cassius Dio, however, clearly confirm that ‘grámmata’ meant public and official edict or decree: 42. 29. 2; 47. 6. 4; 53. 28. 2; 55. 34. 2; 57. 16. 2; 57. 17. 1; 57. 20. 4; 59. 28. 8.


51 This is the opinion of Swan, *The Augustan succession*, 65: ‘Tiberius’ edict was of the sort that magistrates, including consuls, praetors, and provincial governors, issued on entering office, announcing the program that they would follow; it was unusual only in preceding entry’.
proconsul, was sent to assess the seriousness of the Etruscan revolt. On other occasions, the senate passed resolutions of a religious nature giving instructions to the consules designati. The range of orders and recommendations received by consules designati from the senate was probably much more varied, as were the personal activities of the consuls elect at Rome.

3. Consules Designati and the Presidency over Elections

A controversial episode narrated by Livy mentions the intervention of a consul designatus in the electoral process. In the year 216, the senate asked the urban praetor M. Aemilius to send letters to the two consuls requesting that one of them should travel to Rome to preside over the consular elections for 216–215. Both consuls replied that it was not advisable to leave the command of their troops due to the proximity of the enemy, and they proposed that a specially appointed interrex should preside over the elections. However, the senate considered it more appropriate for a dictator to preside over the elections and L. Veturius Philo was appointed for this purpose. However he had to abdicate his position a fortnight later because his appointment was deemed to have been conducted incorrectly (vitio creatus). Consequently, an interregnum was finally proclaimed, and the two consuls of the year 217–216, Servilius Geminus and Atilius Regulus, had their term of office extended. Two interreges, C. Claudius Cento and P. Cornelius Asina, were thereby appointed, and Asina was to preside over the consular elections, which were held amidst great rivalry between the three patrician and three plebeian candidates.

On the day of the election, C. Terentius Varro was the only candidate who secured the vote of a majority of centuries and was therefore the only consul to be duly elected. Livy then adds that consequently the comitia to elect his colleague were in the hands of Varro (‘C. Terentius consul unus creatur, ut in manu eius essent comitia rogando collegae’). The interpretation of Livy’s text is clear: the consul elect Varro became president of the electoral assembly which was to elect his colleague in the consulate after a second vote. Consequently Varro replaced the interrex who had managed the


53 Liv. 22. 34. 1. Broughton, MRR I 250.

54 Liv. 22. 35. 2.
electoral process until that point, and at the next dies comitialis L. Aemilius Paullus was duly elected as consul.

The fact that two distinct assemblies held on two different days were required to elect new consuls must have been extraordinary, though it does not seem to have been irregular from a legal point of view. At least, this cannot be inferred from Livy’s account. Likewise, the passage reveals that neither was it irregular for a consul elect to preside over the election of his colleague when necessary. In this particular case, the interrex who had been in charge of the electoral process seems to have relinquished his functions as soon as a consul had been elected, and transferred to him full responsibility. That does not mean that an interrex could only preside over the election of one consul and then had automatically to abdicate, as Jahn proposed. That is not what Livy says. Varro presided over the second vote because he had been the only consul elected, whilst normally the two consuls were elected on the first count. In any event, the important point here is that Varro presided over the comitia not as a consul in office but as a consul designatus.

A text by Plutarch perhaps refers to a similar process. According to him, M. Claudius Marcellus was declared consul for the year 222 by interreges. Once Marcellus was made consul, he in turn appointed Cn. Cornelius Scipio Calvus as his colleague. Plutarch’s account is terminologically vague, though we can tentatively surmise from it that, as in the year 216, a first electoral assembly presided over by an interrex might have elected Marcellus, who acting as a consul elect could then have presided over the second comitia which elected Scipio Calvus, who was then proclaimed consul by Marcellus.

A much-debated case is that of the consular elections for 189–188. They took place at the end of the consular year 190–189, presided over by the consul in office C. Laelius, who had returned from Gaul for this purpose. As in 216, only one of the candidates, M. Fulvius Nobilior, was elected on the first count, while the others failed to secure sufficient support from the centuries (‘Fulvius consul unus creatur, cum ceteri centurias non explessent…’). It was Fulvius who, the next day, proclaimed Cn. Manlius Vulso as consul.
his colleague (‘…isque postero die Cn. Manlium… collegam dixit’). The emendation ‘dixit’ for ‘duxit’ has commonly been accepted in all editions of Livy. Yet, the common technical term used for the declaration of the outcome of an election by a presiding magistrate was actually renuntiavit rather than dixit.

Livy uses the same expression collegam dixit when referring to the consular elections for 349. L. Furius Camillus was appointed dictator in charge of the elections. He himself was elected consul in the process and proclaimed Ap. Claudius Crassus as his colleague in the consulship (‘ipse…creatus consul collegam Ap. Claudium Crassum dixit’). Livy does not provide further details, but seems to be describing the following chronology of events: the dictator Camillus presided over the consular elections; he might have been the only consul elected and consequently a second vote was necessary; in this, Claudius Crassus could have been elected consul and Camillus would have proclaimed him as such. Should this be the correct order of events, Camillus would have presided over the first election as a dictator and over the second as a consul designatus.

As for the elections for 189–188, the interpretation of Livy’s passage could coincide with that of the account of the elections for the years 216 and 349. Given that it would be totally against tradition that Fulvius appointed Manlius Vulso by cooptation without a previous vote, it must be understood that a second vote took place on the day after the electoral assembly. It was here that Manlius Vulso was elected and Fulvius, as the
president of the assembly, announced the official result and proclaimed him the new consul designatus.\textsuperscript{68}

Once more, nothing in Livy’s account seems to indicate that the process was at all irregular. But on this occasion a consul in office conducted the consular elections, not an interrex. Why did Laelius not preside over the second electoral assembly as might have been expected in principle?\textsuperscript{69} If my interpretation of the facts is right, then the most plausible explanation is that there was a custom or rule whereby if a second round of voting in consular elections should be necessary, the consul who had already been elected in the first electoral assembly ought to preside over it.

This was indubitably a very unusual occurrence, because it must have been uncommon that two comitia were needed on different days for consular elections. But such practice is not out of the question when seen in the context of the prerogatives, functions and political role of consules designati in the Republican period. Should the proposed order of events be correct, the four cases described have in common the fact that only one consul was elected on the first count and that a second vote was necessary presided over by the consul designatus. The difference lies in the type of magistrate presiding over the initial elections: a dictator for the year 349, an interrex for 222–221 and 216–215, and a consul for 189–188. It is significant that Livy only uses the expression collegam dixit when referring to the proclamation of a second consul by a consul designatus.

4. Consules Designati in the First Century B.C.

Testimonies to the activities of the consules designati are more numerous in the first century B.C. This is due to the generally longer period of time between the elections

\textsuperscript{68} Briscoe, A Commentary on Livy books XXXIV–XXXVII, 365, accepts that from Livy’s text it is clearly inferred that Fulvius presided over the election of his colleague, though he only believes this conceivable in his capacity as a consul in office. Due to this, he surmises that the elections took place on the last day of the consular year, and that Fulvius might have presided over the second vote after he had taken office. Alternatively, Briscoe thinks that Livy could wrongly have claimed that Fulvius presided over the elections. Yet there are no indications in Livy pointing to the date proposed by Briscoe for the elections or that Fulvius took office on the day after he had been elected. Warrior, ‘A technical meaning of ducere in Roman elections?’, 147, pointed out the fact that neither 14 nor 15 March were dies comitiales, so elections could not have been held on those days. Other scholars have put forward alternative explanations, always based on the assumption that a consul designatus could not preside over elections. Thus, Mommsen, Röm. Staatsre., I 217 n. 4, stated that Fulvius could have been elected under the presidency of an interrex, which would account for him presiding over the second ballot the next day. See also Rilinger, Der Einfluss des Wahlleiters, 18 n. 42. In my opinion this speculation is unnecessary, has no support in Livy’s account and is only based on alleged similarities with the elections of 216.

\textsuperscript{69} Warrior, ‘A technical meaning of ducere in Roman elections?’, 149, sees no reason to hold that Lælius did not preside over the second ballot once it is agreed that dixit ought not to be replaced by dixit. Kunkel – Wittman, Staatsordnung und Staatspraxis, II 85 n. 113: either Livy is wrong or the second election was presided over by Lælius and Fulvius merely named his colleague.
and the new consuls taking office, which took place on 1 January from the year 153 onwards. The date of the elections was not fixed and it varied from year to year, though scholars generally agree that they were routinely held in July.\(^70\) We do know that in the years 70 and 61 consular elections were held at the end of July,\(^71\) and in the year 58 at some time before 17 July.\(^72\) However, much later dates for the elections are known, always in extraordinary circumstances.\(^73\) This is what happened in 78, when the revolt in Etruria — where the two consuls had been sent to suppress it — followed by the rebellion of the consul Lepidus caused considerable delay. In the year 67 the discussion of the *lex Calpurnia de ambitu* caused the elections to be postponed until an unspecified date.\(^74\) In 59, an edict by Bibulus postponed the elections till 18 October.\(^75\) The elections of the year 56 could not be held until early 55 and the two *consules designati*, Pompey and Crassus, entered office straight away in January.\(^76\) In the year 54 the elections had been scheduled for 28 July but were not held until July of the following year, so the consuls for the year 53 immediately took office.\(^77\) They, in turn, were unable to hold elections for the year 52, when violence triggered by the death of Clodius resulted in Pompey being appointed *consul sine collega* after the elections had eventually been canceled.\(^78\) In practice, between the years 54 and 52 there were actually no *consules designati* acting as such.

Despite all of these postponed or even cancelled elections, the norm throughout the first century must have been that they took place in summer.\(^79\) This means that during such periods the *consules designati* maintained this status for several months, just over five months when the elections were held in July, as the earliest date, or fewer months if they were delayed. There is, for the first century, unquestionable evidence especially of the priority to speak at senate sessions enjoyed by *consules designati* but also, in a


\(^71\) Cic. *Verr.* I 6; Ps. Ascon. 21 (p. 212 St. ); Cic. *Att.* I. 1. 16. 13.

\(^72\) Cic. *Att.* 3. 12. 1 mentions Metellus Nepos as a *consul designatus*. Given that the letter was written on 17 July, the consular elections must have taken place earlier. Cf. P. Grimal, *Études de chronologie cicéronienne*, Paris 1967, 152.

\(^73\) Pina Polo, *The consuls at Rome*, 284–7. The postponed elections mentioned next could also include the elections of 62. Dio 37. 44. 3, claims that they were delayed to allow Piso to stand for the consulship. Plut. *Pomp.* 44. 1–2 and *Cato* 30. 1–2, denies it. Gruen, *The last generation*, 85 n. 9 and 133, suggests a compromise solution: the elections were indeed delayed but not long enough for Pompey to return in time to support Piso.


\(^77\) Cic. *Att.* 4. 15. 8; *Q. fr.* 2. 15. 3; Dio, 40. 45. 1; Plut. *Pomp.* 54. 2–3. Cf. Gruen, *The last generation*, 149.

\(^78\) Gruen, *The last generation*, 152–3.

\(^79\) Gruen, *The last generation*, 160, emphasizes the normal development of most elections from the year 80 to 50.
broader sense, of the political role they played at the time. Cicero is clearly our main source of information.

The aforementioned text of Cicero leaves no room for doubt in this respect. 80 The speech was delivered at the meeting of the senate held in the temple of Jupiter on 1 January 43. Cicero claims that as part of the *mos maiorum* there was a fixed order of speakers in the senate, and that for this reason, when speaking ‘de honoribus’ he deemed it appropriate to begin by talking about the *consul designatus* D. Iunius Brutus, who would have been entitled to speak first according that custom. 81 Hirtius and Vebius Pansa were the consuls of the year 43, while Decimus Brutus was the *consul designatus* for the year 42 together with L. Munatius Plancus. 82 In fact, in the year 44 there was an exceptional situation in which there had been four simultaneous *consules designati*: those of the year 43, appointed by Caesar before the Ides of March; and those of the year 42. In the end D. Brutus died in 43 and so did not take office as consul. In practice, given that in April of the year 44 he had gone to Cisalpine Gaul, 83 he could never have acted in Rome as *consul designatus*. Cicero proposed a *senatus consultum* acknowledging Brutus’ work in favour of the *res publica*. Here Cicero refers twice to Brutus as *imperator* and as *consul designatus*, the two official titles he respectively bore at the time as proconsul in Cisalpine Gaul and as consul elect. 84

At the previous gathering of the senate on 20 December 44, convened by tribunes of the plebs, 85 Cicero had already referred to D. Brutus and L. Plancus as *imperatores* and *consules designati*, 86 while also calling Pansa and Hirtius *consules designati*. 87 Cicero proposed to the senate that the latter two should ensure that the session of the senate on the Kalends of January was peaceful and that, when taking office, they should present to the senate measures to guarantee the safety of the *res publica*. At a time of particular institutional upheaval, the two *consules designati* present in Rome understandably became political reference points before entering office.

The first consul elect attested to have opened a debate in the senate is D. Iunius Silanus, during the discussion on the Catilinarian plotters on 5 December 63, Sallust makes it clear that he spoke first because at that time he was *consul designatus*. 88 Appian also states this and explains that it was a Roman tradition (see above). 89 Silanus defended the death penalty against the conspirators. His speech opened the ensuing

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80 Cic. Phil. 5. 35.
81 In the sixth *Philippica*, delivered before the people at a *contio* on 4 January 43, Cicero referred once more to the right of D. Brutus as a *consul designatus* to deliver the first speech in the senate: Cic. Phil. 6. 8.
82 Vell. 2. 58; 2. 60; 2. 63.
84 Cic. Phil. 5. 36.
86 Cic. Phil. 3. 37–38.
88 Sall. Cat. 50. 3. Cf. Broughton, MRR II 172.
89 App. b. c. 2. 5. Cf. Plut. Cic. 20. 4; Cat. min. 22. 4; Suet. Iul. 14. 2.
debate in which other senators of consular rank supported Silanus’ argument. Caesar took the opposing position. He was a praetor designatus at the time, which reveals that praetors designate spoke after consulares but before senators of praetorian rank. Caesar proposed that the conspirators be sent into exile. According to Sallust, Silanus changed his initial proposal after listening to Caesar and backed Nero’s proposal. The severest position prevailed and the Catilinarian plotters were executed by the consul Cicero, who complied with the senate’s decision.

In a letter to Atticus in the year 45, Cicero contradicts Brutus, who thought that Cato had been the first to propose the death penalty. The senate’s decision seems to be linked to the name of Cato, Cicero explains, simply because he was the most fervent supporter. Additionally, he spoke at the end of the session as tribune of the plebs designate, just before the voting took place. Cicero clarifies this by stating that before Cato had spoken a good number of consulars, as well as the two consules designati Silanus and Murena, professed to be in favour of the death penalty.

In the years 58 and 57, Cicero’s exile became one of the matters habitually debated both in the senate and in assemblies. One of Cicero’s great defenders was Lentulus Spinther, consul in the year 57. Back in Rome, Cicero thanked him for having consistently promoted a law allowing him to return ever since Lentulus had taken office on the Kalends of January, but Cicero also mentioned that Lentulus had often supported his return while still a consul designatus in 58. Lentulus, given his rank, was the first to put forward a sententia in the senate and he openly proposed Cicero’s return, despite the opposition of the two consuls of the year 58, Piso and Gabinius.

Several passages in Cicero reveal the intense activity undertaken by the consul designatus Cn. Lentulus Marcellinus in the final months of the year 57. With regard to the debate on whether Cicero’s house on the Palatine ought to be returned to him, Cicero refers in his speech De haruspicum responso to the session of the senate held at the beginning of October. It was presided over by the consuls of the year 57, P. Lentulus Spinther and Q. Metellus Nepos. Cicero claims that the consul designatus Marcellinus spoke first (‘sententiae principe’). This is also reported in a letter to Atticus, in which Cicero confirms that Marcellinus was the first orator (‘primus rogatus’), and asked the pontiffs to explain their decision regarding Cicero’s house. It is clear in this context that a consul designatus had priority to speak over the consuls in office, who also were present at the session. Nothing is said about the other consul designatus, L. Marcius Philippus.

90 Sall. Cat. 50. 4.
92 Cf. Sall. Cat. 53.
93 Cic. dom. 70. Cf. Cic. p. red. Sen. 8. M. Calidius had also done this when he was a praetor designatus: Cic. p. red. Sen. 22.
94 Cic. Sest. 70.
The most debated question in November was the possible prosecution of Clodius, accused by Milo de vi. Clodius had stood for aedileship. If he were elected he would have immunity from prosecution, so Milo wanted the trial to take place as soon as possible, at any rate before the elections were held for aediles. The crucial point was therefore when the elections should be held and how the judges were to be appointed. In a stormy session of the senate held on 14 November, the supporters of Milo and of Clodius openly confronted each other. Cicero does not report the order of speakers of the various orators, though he gives an account of their viewpoints. Clodius threatened to use violence unless the comitia were held. One of the consuls of the year 57, Metellus Nepos, tried to stifle the debate to Clodius’ advantage. On the opposite side, the consul designatus Marcellinus used all his skills in support of Milo. He proposed a sententia to ensure that the trial took place before the elections. The matter was not resolved and the confrontation continued throughout the following weeks until finally Clodius was elected aedile in January.

In December of 57, Marcus Cicero described to his brother Quintus a particularly busy session of the senate, considering the proximity of the festive dates. He mentions himself in the first place when enumerating the consulars present at the meeting, then refers to the two consules designati, and finally mentions P. Servilius, M. Lucullus, Lepidus, Volcatius and Glabrio. It is interesting that Cicero counts the consules designati amongst the consulars, accepting their incidental pre-eminence, even though technically they did not yet have that status. The consuls of the year 57 were clearly not in attendance at that session.

Cicero next gives a summarized account of the session. The first to speak was P. Rutilius Lupus, who had convened the meeting. He was a tribune of the year 56 who had entered office on 10 December, as was usual. Lupus criticized Caesar’s agrarian law and the use of land in Campania. Faced with silence after his speech, the orator thought that his views were not welcome and therefore tried to bring the session to an end. Yet the consul designatus Marcellinus took the floor to state that the matter of Campania should not be discussed in Pompey’s absence. When the session seemed to be about to end, the tribune Racilius rose to speak about courts. Marcellinus replied first (‘Marcellinum quidem primum rogavit’) speaking against Clodius, and then made the proposals that jurors be allotted by the urban praetor, and that whoever impeded trials be declared an enemy of the res publica. Cato and Cassius opposed this, but the other consul designatus, L. Marcius Philippus, supported his colleague. The session

97 Cic. Att. 4. 3. 3. Cf. Broughton, MRR II 207; Gruen, The last generation, 296; Bonnefond-Coudry, Le sénat, 242; 451; 625.
99 Cic. Q. fr. 2. 1. 2.
100 Cic. Q. fr. 2. 1. 3.
continued for the rest of the day with the participation, once again, of Racilius, along with Cicero, Antistius Vetus and finally Clodius.101

Cicero’s letter illustrates the role played by consules designati at the time. As we have seen, the first to speak in the session was a tribune of the plebs, Lupus. The first to reply to his speech was the consul designatus Marcellinus. When another tribune of the plebs, Racilius, opened a new line of debate, Marcellinus spoke first once again. The other consul designatus spoke in support of his speech, though later in the debate, which is important to bear in mind as we will see later with regard to the prerogative to speak first in the senate.

The session Cicero refers to in his speech about the answer of the haruspices was presided over by the consuls of the year 57, a fact which did not prevent the consul designatus from playing a leading role. In the senatorial meeting of November, at least one of the consuls, Metellus Nepos, was present, but it was Marcellinus’ sententia that was approved. In the session of December only the consules designati are mentioned because the consuls in office did not attend. Were they actually present in Rome?

The fact that Cicero does not mention them might seem, in principle, to indicate that they had both already left Rome for their provinces.102 Yet there are some hints that they may have actually been in Rome. Stein highlighted a text of Festenella that records the presence of the consul Lentulus Spinther in Rome when the tribunes of the plebs entered office on 10 December.103 The tribune Cato immediately embarked upon a campaign in contiones against both Ptolemaeus and the consul Lentulus Spinther, who was preparing to leave. The session of the senate to which Cicero refers must have been held around this time and the consul must have been present in the city.104

As for the consul Metellus Nepos, the situation is rather obscure. Plutarch claims that he attended the conference of Luca in April 56.105 Plutarch calls him proconsul of

103 Fenestella ap. Non. 615 L (fr. 21 Peter): ‘Itaque ut magistratum tribuni inierunt, C. Cato, turbulentus adulescens et audax nec imparatus ad dicendum, contionibus assiduis invidiam et Ptolomaeo simul, qui iam prefectus ex urbe erat, et Publio Lentulo consuli, paranti iam iter, cognitae secundo quidem populi rumor coepit’ (‘So when the tribuni had entered office, C. Cato, a turbulent and rash youth, and not ill-prepared for public speaking, began by repeated contiones, and with popular rumor in his favor, to devise invidia both against Ptolemaeus, who had already left the city, and against the consul Publius Lentulus [Spinther], who was now preparing to set out’) (Translation by Millar, The crowd, 159). P. Stein, Die Senatssitzungen der Ciceronischen Zeit (68–43), Münster 1930, 37 n. 198.
104 Stein, Die Senatssitzungen der Ciceronischen Zeit, 36, believes that the session took place between 10 and 16 December. Bonnefond-Coudry, Le sénat, 373–4, places the session between 10 December, a certain terminus post quem given that the new tribunes of the plebs had already taken office, and the first day of the Saturnalia festival.
105 Plut. Caes. 21. 2. Plutarch also mentions Ap. Claudius Pulcher, governor of Sardinia, and claims that two hundred senators were present at Luca.
Hispania, as his province was Hispania Citerior.\textsuperscript{106} If he had already gone to Hispania by December 57, but was in Luca in April 56, this means that he must temporarily have left the province that he was governing as a proconsul.\textsuperscript{107} This might have been irregular, but it was not impossible given the exceptional circumstances in which Rome found itself at the time. Alternatively, he could have travelled to Luca from Rome, which would mean that he was in the city in December.\textsuperscript{108} However this poses the question of what Metellus Nepos was doing in Rome all that time. The explanation for his absence from the meeting of the senate suggested by Stein was that the two consuls were in the city but could not attend the Curia because they were busy with preparations to travel to their provinces.

This question raises problems which are not easily solved, even though it becomes apparent that the \textit{consules designati} were given a prominent institutional role in the senate in any situation, whether or not the consuls in office were present. Notwithstanding any remaining open questions, when the senatorial session was held in December the consuls’ absence did not cause any institutional impediment, and the \textit{consules designati} naturally assumed leading roles in the Curia.

We can deduce from Cicero’s reports that the opinions of \textit{consules designati} were highly valued and that they were expected to lead the debates in the senate and promote \textit{senatus consultum}. This was the case regardless of whether the consuls in office were in Rome or were even present at the senate’s sessions. In the first century we know of highly active consuls and of others who went practically unnoticed in surviving sources.\textsuperscript{109} The personality of the consuls as well as circumstances around them played a role in this distinction. The same must have applied to \textit{consules designati}. Marcellinus stands out because of his constant work and his presence at all known senatorial debates in the last few months of the year 57. Our information comes from Cicero’s reports, though it is impossible to be sure whether this activity was usual for a \textit{consul designatus} or whether the case of Marcellinus was an exception.

In any event, Marcellinus is not the only \textit{consul designatus} whose activities are known. In the year 61, Metellus Celer was also very active and, significantly enough, not only in the senate. At a session of the senate held on 1 and 2 December, the publicans requested to be discharged from their contracts to exact taxes in Asia with the ultimate purpose of increasing their own profits. In his letter Cicero professes to oppose the demand of the publicans, but also laments the fact that refusing to accept such a petition would result in a confrontation between \textit{equites} and senators. The only direct opposition came from \textit{consul designatus} Metellus Celer.\textsuperscript{110} Cicero states that Cato, a \textit{privatus} at

\textsuperscript{106} In fact, we know of his confrontations with the Vaccaei: Dio 39. 54. Cf. Broughton, \textit{MRR} II 210.
\textsuperscript{107} E. Gruen, ‘Pompey, the Roman aristocracy, and the conference of Luca’, \textit{Historia} 18 (1969), 95, thinks that both Nepos and Claudius Pulcher could easily have travelled from their provinces.
\textsuperscript{108} Pina Polo, \textit{The consul at Rome}, 234–5.
\textsuperscript{109} Pina Polo, \textit{The consul at Rome}, 317–8.
the time, should have also spoken but the constraints of time that day prevented him from doing so.\footnote{111}{In a letter of June 60, Cicero claims that Cato spoke in the senate the day after and the publicans were forced to yield: Cic. \textit{Att.} 2. 1. 8.}


The point of interest here is that a \textit{consul designatus} could prevent the intended actions of a tribune of the plebs who had already entered office on 10 December. Cicero says that Metellus was a \textit{privatus}, and claims that he managed to call a halt to the games using his \textit{auctoritas}, since he still had no \textit{potestas} (‘privatus fieri vetuit atque id quod nondum potestate poterat obtinuit auctoritate’). This raises questions as to how Metellus Celer actually achieved his goal. Münzer claimed that Metellus halted the games simply by his presence.\footnote{115}{Fr. Münzer, s. v. Caecilius (Metellus Celer), \textit{RE} 15, Stuttgart 1897, 1209: ‘Noch als designierter Consul hinderte er durch das blosse Ansehen seiner Person die Feier der Compitalien, die der Senat untersagt, aber einer der Tribunen freigegeben hatte.’} This interpretation seems to match Cicero’s report. We might, however, speculate as to whether that would have been sufficient in a political context of escalating violence on the streets, or whether other more coercive measures were also employed.

\footnote{111}{In a letter of June 60, Cicero claims that Cato spoke in the senate the day after and the publicans were forced to yield: Cic. \textit{Att.} 2. 1. 8.}
\footnote{115}{Fr. Münzer, s. v. Caecilius (Metellus Celer), \textit{RE} 15, Stuttgart 1897, 1209: ‘Noch als designierter Consul hinderte er durch das blosse Ansehen seiner Person die Feier der Compitalien, die der Senat untersagt, aber einer der Tribunen freigegeben hatte.’}
We have already seen that two texts of Cassius Dio reveal that *consules designati* could issue edicts. In this case it is the most plausible explanation: Metellus Celer could have issued an edict banning the *ludi* based on the *senatus consultum* of the year 64, which remained in effect. In any case, the leading role of a *consul designatus* over magistrates who were still in office in the year 61 is remarkable. Nothing is reported about the consuls of that year, who had possibly not left Rome as they do not seem to have held the position of promagistrates in the following years. Neither are there reports either about the other *consul designatus* L. Afranius. None of them seem to have intervened in the matter.

We have no information about Cicero taking part in the senate as a *consul designatus* in the year 64, but we do know of his concern about the agrarian *rogatio* of the tribune P. Servilius Rullus at the end of the year. Rullus entered office as tribune of the plebs on 10 December, as was customary for that position. According to Cicero, he was expected to present his project for agrarian reform immediately. The day before the Ides, on 12 December, Rullus convened a *contio* and delivered a speech. Cicero claims sarcastically that he made a confused reference to the agrarian reform in a long speech which no one understood. Some days later, while Cicero was still a *consul designatus*, the *rogatio* (Cicero calls it *lex* though it was never passed) was finally presented in public. Cicero immediately ordered several copyists (*librarii*) to transcribe the text of the bill and had it sent to him.

According to the series of events described by Cicero, Rullus must have proclaimed his *rogatio* some time after the Ides of December, at any rate before Cicero entered office. Cicero gave his first speech against the agrarian law on 1 January on the same day he took office. By then he had obviously seen the text of the bill, which he criticized vigorously. His actions are interesting insofar as they reveal how a *consul designatus* was expected to act, especially if he was (as in the case of Cicero), the *consul prior* or *maior*. On the one hand, if the question was raised in the senate prior to 1 January 63, he should have been speaking in the first place. On the other hand, once he had entered office he was aware that he was expected to give his opinion about this or any other bill that the tribunes of the plebs might have presented in previous days, which is what he actually did in the first session of the senate of that year.

The *consul designatus* therefore needed to know the text of all bills under discussion. This explains Cicero’s immediate reaction. The expression used by Cicero (‘by my order’) indicates that the *librarii* were at his service, either as his slaves or perhaps working for the senate, in which case he, as *consul designatus*, might have been able to use their services. In the year 62, the *lex Iunia Licinia*, sponsored by consuls Iunius

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116 Dio 40. 66. 2–3; 55. 6. 5.
Silanus and Licinius Murena, was passed. Its content has been the subject of considerable debate. The law probably set forth that it was mandatory to submit to the aerarium a copy of the rogatio when it had been made public, just as it must previously have been compulsory to hand in a copy of the lex when it had been passed. In December 64, however, the lex Iunia Licinia had not yet been enacted. How did Cicero get hold of the text? From where did the librarii copy it? The text of a rogatio necessarily had to be put in writing. If it was not available at the aerarium, then we should presume that the copyists must have worked on a text displayed publicly in the Forum for general information. In any case, just over a year later the lex Iunia Licinia modified this system and facilitated access to the official texts of laws that were still in the process of being debated.

This overview of the sources on the activities of the consules designati in the first century B.C. must also make reference to Pompey. His first consulship of the year 70 was unusual in many ways, as must have been his time as a consul designatus. Pompey achieved the consulship without previously having held any ordinary magistracy. Consequently he was not a senator when he was elected. Pompey thus became a consular senator directly. In order to make up for his inexperience, his friend Varro wrote a short treatise for him about the functioning of the senate (‘ex quo disceret, quid facere dicereque deberet, cum senatum consuleret’) when Pompey was still a consul designatus (‘Eum magistratum Pompeius cum initurus foret…’).

As a consul elect, Pompey theoretically had priority to speak in the senate, but, as he was not a senator, could he exercise this right? Pompey was also out of the pomerium waiting to celebrate his triumph, which did not happen until the last day of December

120 In the year 62, the tribune Metellus Nepos wished to pass a law despite the veto of his colleague Cato. In the contio prior to the voting, the official started to read the text of the law. Cato stopped him. Metellus took it from the hands of the official and started to read it himself. Cato snatched it from him. Plutarch calls it biblio (Plut. Cat. min. 28. 1–2). In the year 67, tribune P. Servilius Globulus prevented the praecox from reading the text of the law sponsored by the tribune Cornelius before the voting. Then Cornelius himself started to read the codex (Ascon. 58 C. ). Cf. Mommsen, ‘Sui modi usati da’ Romani’, 186 (293).
121 Gell. 14. 7. 1–2.
71. That was not an insurmountable obstacle to attending a meeting of the senate, which could be held, as on other occasions, beyond the city limits in the temple of Bellona or Apollo. In any event, Pompey would have needed special authorization to attend and take part in the sessions of the senate held in the last few months of the year 71, a fact which is not reported in the sources. This was certainly not impossible in such an unusual political career as that of Pompey. It looks improbable, however, that something so alien to Republican Rome tradition left no traces. I consider it most likely that Pompey first addressed the senate when he was already a consul in office on 1 January 70, in the usual session of the senate at the beginning of the year, which was held on the Capitolium after conducting the compulsory religious rituals.

Nonetheless, Pompey found a way to let the people of Rome know of his plans for his consulship. As a consul designatus he had no potestas contionandi: that is, he could not convene a contio to address the people. But someone else with that authority could convene an assembly for him and allow him to speak, as did the tribune of the plebs Palicanus did. In that assembly, the first in which Pompey spoke as a consul designatus, he set out the legislative agenda of his consulship: to reinstate the full tribunicia potestas and to reform the courts. Both matters were indeed tackled during his term in office. This assembly raised high expectations and his speech had great repercussions. Pompey therefore made up for his lack of access to the senate by appearing directly before the citizens. He likewise gained widespread popularity by promising to resolve problems that seemed close to the hearts of the people. Pompey’s actions as a consul designatus were also, therefore, extraordinary.

5. The Status of Consules Designati

The way in which Cicero referred to consules designati is an indication of their ambiguous status. We have already seen that he placed them implicitly amongst the consulars in one passage, but in another passage he differentiated them, and elsewhere he termed the consul designatus Metellus Celer as a privatus. In this last instance, in a speech delivered by Cicero in the senate, he could not legally use any other word but privatus to refer to a consul designatus. The fact is that Cicero also used it as a rhetorical device to emphasize the distinct attitude of a mere private person, Metellus Celer.
from that of a consul, Piso, faced with a matter of general interest to the community. Cicero, however, includes *consules designati* amongst consulars in a letter to his brother, a much less formal context. In fact, the *consules designati* were not consuls because they had not yet performed their role in the consulship.

From a legal point of view, it is clear that *consules designati* were *privati* until they took office. Throughout that period they did not actually enjoy immunity and could be prosecuted and convicted. Shackleton Bailey and Weinrib disagreed on this matter. The former thought that none of the magistrates designate, not only *consules designati*, could be prosecuted unless there was an allegation of electoral corruption (*ambitus*), whereas Weinrib maintained that, as *privati*, magistrates designate could be accused of any crime prior to their taking office. Although all the prosecutions of which we know were actually based on charges of corruption, it is improbable that *consules designati* had immunity with regard to all other crimes.

Shackleton Bailey compiled all trials involving *consules designati* and other magistrates elect. In some cases the *consules designati* were convicted as happened in 109, when Hortensius was sentenced and replaced as consul by M. Aurelius Scaurus. We do not actually know the crime for which he was tried, though Shackleton Bailey, like Münzer, had no doubt that it was *ambitus*. In the year 66 P. Autronius Paetus and P. Cornelius Sulla were tried and convicted for *ambitus*, and were subsequently replaced by L. Aurelius Cotta and L. Manlius Torquatus. On other occasions the *consules designati* were acquitted and could eventually hold their magistracies: M. Aemilius Scaurus in 116; L. Marcius Philippus in 92; C. Calpurnius Piso in 68; and C. Claudius Marcellus in 51. In the year 59, Cato tried to accuse the *consul designatus* A. Gabinius of corruption but had to drop the charges due to the obstruction of praetors and, above all, to the opposition showed by those attending a *contio*.

We have further details of the trial against the *consul designatus* L. Licinius Murena in the year 63. His particular political relevance may be understood against the background of the revelations that were gradually uncovered about the Catilinar conspiracy. The trial took place in the second half of November, when Catiline had already left Rome but the conspirators had not yet been arrested in the city. The consul Antonius was in command of the troops aiming to suppress the insurrection in Etruria, while Cicero had remained in Rome. Murena had been accused of *ambitus* by one of the candidates

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133 Sall. *Cat.* 18; Cic. *Sull.* 11; 49–50; etc.
135 Sall. *Cat.* 36. 3.
defeated in the consular elections, Ser. Sulpicius Rufus. Cato also spoke against Murena at the trial. The significance of this court case is apparent in the noteworthiness of the orators who spoke in defense of Murena: Q. Hortensius Hortalus; M. Licinius Crassus; and, finally, the consul Cicero himself, who had in fact just passed a law against corruption during his consulship.  

In his speech, Cicero explained his involvement in the trial as a political duty in his capacity as consul: his auctoritas had to prevail. He did not question Cato’s patriotism but he believed that Cato was wrong to make the accusation and that it was an ‘imprudentia’. He referred to Murena at times as a consul designatus to claim that it was logical that the consul who proclaimed him winner of the elections acted in his defence in order to ensure that he assumed the magistracy to which he was elected by the people. However, in other passages of his speech, Cicero talked about Murena as if he was already a consul in office: who can defend a consul better than another consul? It would have been arrogant not to come to the aid of a consul. Cicero thus tried to back his fundamental thesis: the res publica could not at that time afford to convict a consul designatus, for this would only play into the hands of the Catilinarians in the sense that it would confirm that corruption was rampant in Rome; it was essential that two new consuls were in office by 1 January to avoid further elections, rather than fighting the Catilinarians. Murena was finally acquitted and took office on the Kalends of January. We have no information about his activities as a consul designatus.

The consules designati were therefore privati who were perceived implicitly, and in advance, as consuls. Due to their future role as the highest magistrates, they were granted leading roles in the senate and, by extension, in society, obviously in conjunction with magistrates in office, and with consuls in particular. Consuls and consules designati were in fact expected to collaborate with each other, as some tasks that were the concern of magistrates in office would eventually be the responsibility of the incoming magistrates. In 74 the senate issued a senatus consultum ordering a commission to be set up to investigate allegations of corruption against the jury presided over by Iunius. Cluentius had supposedly bribed the jurors to reach a favourable verdict. In his speech in defense of Cluentius, Cicero praised both the consul Lucullus and the consules designati for the year 73 for sensibly having ignored the senatorial order, which to the orator

136 Cic. Flac. 98; Quint. Inst. 6. 1. 35; Plut. Cic. 35. 4.
137 Cic. Mur. 4; 78.
138 Cic. Mur. 78.
139 Cic. Mur. 3; 10; 14; 17.
140 Cic. Mur. 3.
141 Cic. Mur. 10.
142 Cic. Mur. 79; 85. Four years later, however, and under similar circumstances, Cicero considered that it was unfortunate that the consul designatus Gabinius could not be tried for ambitus due to popular pressure (Cic. Q. fr. 1. 2. 15).
was nothing but the result of slander against his client.\textsuperscript{144} Apparently the investigation never came to fruition. The \textit{senatus consultum} was probably issued in the summer of 74, in any event after the consular elections had taken place.\textsuperscript{145} Lucullus was the only consul present in Rome at that time, because he had to preside over the elections and recruit a fresh legion.\textsuperscript{146} The senatorial decree was consequently addressed solely to him. The other consul, M. Aurelius Cotta, must already have left Rome and was in the East commanding the fleet in Bithynia to fight the recently commenced third Mithridatic War. For the same reason, Lucullus wished to leave as soon as possible for the Eastern Mediterranean. This being the case, the consul ignored the senatorial instruction so as not to delay his departure for a matter that was clearly of less importance than the war.\textsuperscript{147} In the last few months of the year 74, since Lucullus had left Rome perhaps in August or September,\textsuperscript{148} none of the two consuls in office were present in the city. We do not know of any activity by the \textit{consules designati} during that period, but Cicero’s text suggests that the \textit{senatus consultum} was also applicable to them.

6. \textit{Consules Designati} in the Principate

Priority to speak in the senate for \textit{consules designati} persisted in the Principate at least until the reign of Trajan.\textsuperscript{149} In practice, there are more known instances during the Principate than in the Republican period. Continuity in this period reveals that it was a long-lasting and well-established tradition in the senate, although this time in a very different historical context, particularly because ruling above and beyond the senate was now the ever-present figure of the emperor, who generally held consular \textit{imperium}. Tiberius, making use of his power, did not allow Drusus to speak first in the senate debate about the prickly matter of Lepida, despite the fact that Drusus was entitled to do so because of his position as \textit{consul designatus}.\textsuperscript{150} This episode shows that although the priority of the \textit{consul designatus} remained applicable, the \textit{Princeps} could overrule

\textsuperscript{145} A. N. Sherwin-White, \textit{Roman foreign policy in the East, 168 BC to AD 1}, London 1984, 165, places the decree back in November and wrongly claims that it was addressed to the two consuls who, in his opinion, could therefore still be in Rome. See Keaveney, \textit{Lucullus}, 189.
\textsuperscript{146} Keaveney, \textit{Lucullus}, 72.
\textsuperscript{147} Pina Polo, \textit{The consul at Rome}, 236; 283.
\textsuperscript{148} Keaveney, \textit{Lucullus}, 74, suggests the middle of August as the possible date of the departure of Lucullus. Ooteghem, \textit{Lucius Licinius Lucullus}, 60–1, places it in September. In fact, given that Lucullus seems to have ignored the \textit{senatus consultum}, he could have left at any time after the elections and the successful recruitment of new troops.
\textsuperscript{149} We know a \textit{senatus consultum} from the time of Antoninus Pius (CIL III 7060) in which the \textit{consul designatus} Appius Gallus is mentioned as the author of a \textit{sententia} he could have proposed by permission of the emperor. Cf. De Ruggiero, s. v. \textit{consul}, \textit{Dizionario epigrafico}, II 690. Pages 690–1 contain the inscriptions in which \textit{consules designati} appear.
\textsuperscript{150} Tac. \textit{ann.} 3. 22.
it at will. In addition, whereas officially there continued to be two consuls in office, it became common in the first century A.D. for emperors to appoint several pairs of consules suffecti to take office throughout the year. Thus in one single year there were officially four or six consuls and consequently the same number of consules designati for periods of time that varied according to circumstances.

Tacitus records some instances which leave no doubt about the pre-eminence and influence of a consul designatus as the first orator in the senate during the Principate. In the year 21, D. Haterius Agrippa, who was a consul ordinarius in the year 22, spoke first in a senatorial debate calling for the death penalty for Clutorius Priscus, a member of the equestrian order. Despite the opposition of some senators, his opinion prevailed and Clutorius was sentenced to death. C. Silius, a consul designatus in 47–48, persuaded the senators to enforce the ancient lex Cincia that prohibited accepting money or gifts in exchange for acting for the defence in a trial. Silius was murdered before he took office. In the year 49, upon the proposal of a consul designatus, L. Mammius (or Memmius) Pollio, a senatus consultum was passed requesting the emperor Claudius to have his daughter Octavia marry Nero. Mammius Pollio had been a consul suffectus since May of 49. In 62, Q. Iunius Marullus proposed the death penalty for the praetor Antistius for writing slandering verses against Nero. Iunius Marullus had been a consul suffectus from 27 October. After the death of Vitellius and before Vespasian arrived in Rome, D. Valerius Asiaticus as a consul designatus was the author of several proposals before the senate in the year 69, among which were the reconstruction of the Capitolium. He died before taking office. That same year, when the senate resolved to send legati to Vespasian a debate was triggered on how to appoint them. While Helvidius demanded that magistrates should nominate them, Marcellus believed they should be selected by drawing lots. The

151 During the entire period between the years 30 and 23, Octavian was a consul prior. This means that Octavian was both a consul and a consul designatus at the same time, thus legally enjoying all the privileges of having priority to speak in the senate whenever he saw fit.

152 In the year 39 B.C., the triumvirs nominated consules ordinarii as well as consules suffecti for the following years (Dio 48. 35). This meant that a large number of future consuls could officially be considered consules designati over a certain period, as can be seen on some coins minted, for instance, by Marcus Antonius (E. Sydenham, The coinage of the Roman Republic, London 1952, nº 1255, 1256, 1265; M. Crawford, Roman Republican Coinage, Cambridge 1974, I nº 533, 541, 542), L. Sempronius Attilatinus (Sydenham, The coinage, nº 1261) or by C. Sosius (Sydenham, The coinage, nº 1273). Suet. Domit. 1, reports that Domitian was born in October of 51, when his father Vespasian was a consul designatus and was to take office the following month.

153 Tac. ann. 3. 49. Dio 57. 20 provides the name C. Lutorius Priscus.


155 Tac. ann. 12. 9.


157 Tac. ann. 14. 48.


159 Tac. hist. 4. 4.

160 Degrassi, I Fasti consolari dell’Impero romano, 20.
latter option had previously been proposed by the *consul designatus*.\(^{161}\) To this evidence we could add some passages of Pliny in which the priority of *consules designati* is also plainly evident. These are all cases of *consules suffecti*: L. (?) Domitius Apollinaris in 97,\(^{162}\) Ti. Iulius Ferox in 99 or 100,\(^{163}\) Q. Aciutius Nerva and C. Iulius Cornutus Tertullus in 100.\(^{164}\)

7. The *Consul Prior* and the Prerogative to speak first in the Senate

It seems highly likely that during the first century A.D. the same procedures that had been in place during the Republic were still in effect. It is then striking that sources from the Republican period and the Principate both refer regularly to the participation of just one of the two *consules designati* at the beginning of a senatorial session. Cicero does mention the *consul designatus* Murena as one of the senators who supported the death penalty for the Catilinarians in a letter to Atticus about the debate of 5 December 63, but we do not know at what stage of the debate he took part, and it was most probably not at the beginning.\(^{165}\) On the other hand, in the session of December 57, the *consul designatus* Philippus supported his colleague Marcellinus, yet according to Cicero’s account he did not speak immediately after Marcellinus, but rather only after Cato and Cassius had spoken against the motion.\(^{166}\) We therefore have the impression that the priority to speak, and probably to propose a *sententia*, applied to only one of the *consules designati*. Which one? Was there a rule about this? Was priority to speak somehow related to having been elected first in the elections?

In the five known cases for the Republican period, the *consul designatus* who spoke first was the consul who is mentioned as coming first in the lists of magistrates:\(^{167}\) Iunius Silanus in the year 62;\(^{168}\) Metellus Celer in 61;\(^{169}\) Lentulus Spinther in 57;\(^{170}\) and Marcellinus in 56.\(^{171}\) There are no preserved inscriptions for the year 50. Degrassi, however, puts Aemilius Paullus in first place based on the Chronographus, Cassiodorus and other

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\(^{161}\) Tac. *hist.* 4. 6; 4. 8.


\(^{164}\) Plin. *ep.* 2. 11. 19; 2. 12. 2. Cf. Degrassi, *I Fasti consolari dell’Impero romano*, 30; E. Groag, s. v. Iulius (Cornutus) (196), *RE* 19, Stuttgart 1918, 570–6; here 573. Cornutus Tertullus held the consulship along with Pliny only in September and October of the year 100.

\(^{165}\) Cic. *Att.* 12. 21. 1. Neither Sallust nor Appian mentions him as one of the orators.

\(^{166}\) Cic. *Q. fr.* 2. 1. 3.

\(^{167}\) L. R. Taylor – T. R. S. Broughton, ‘The order of the consul’s names in official Republican lists’, *Historia* 17 (1968), 166, already pointed out this fact with regard to Iunius Silanus, Marcellinus and Aemilius Paullus.

\(^{168}\) Inscr. It. 13. 1, 171, 190–1: it first appears in the *Fasti Amiati*, as well as in Eutropius and in Cassiodorus.

\(^{169}\) Inscr. It. 13. 1, 57, 492–3: first in the *Fasti Capitolini* and in Cassiodorus.


\(^{171}\) Inscr. It. 13. 1, 57: first in the *Fasti Capitolini*. 
ancient sources which are, nonetheless, not unanimous. The same certainly applies to some of the consules designati in the Principate, although reconstructing the listings of magistrates for this period is highly complex given the numerous consules sufecti and the lack of a reference such as the Fasti Capitolini in the Republic. Drusus is mentioned in first place as consul ordinarius in the year 15 in the Fasti Ostienses, Fasti Antitae Minores and Fasti Scribarum Quaestiorum. Haterius Agrippa is first for the year 22 in the Fasti Arvalium and in the Fasti Lunenses. Domitius Apollinaris could also be first as consul suffectus in 97, Acutius Nerva in the 100 and probably Iulius Cornutus in the same year. We obviously have no information on Silius and Valerius Asiaticus as they both died before taking office, and there are insufficient data for Mammius Pollio, Iunius Marullus and Iulius Ferox.

Available information certainly seems to agree. In all cases for which sufficient evidence exists, both for the Republican period and the Principate, the consules designati speaking first in the senate were those who appeared first in the lists of magistrates. It therefore seems reasonable to believe that the honour to speak first in the senate must have been traditionally bestowed exclusively upon the consul prior. This status possibly belonged to the consul who, during the Republic, had first obtained the majority of centuries in the elections, and in the Principate the consul who had been appointed first by the emperor, although sources are not conclusive.

172 Inscr. It. 13. 1, 132, 496–7. It must be recalled that we have no evidence of any speech of Aemilius Paullus, we only have the reference of Caelius expecting his speech in the following senate session (Cic. fam. 8. 4. 4). But this indicates that Paullus, as consul designatus, was to speak first.

173 Inscr. It. 13. 1, 185, 303 and 305.

174 Inscr. It. 13. 1, 298 and 310.

175 Vidman, Fasti Ostienses, 40; 45. Pliny must have delivered a speech in gratitude also on behalf of his colleague Julius Cornutus when he took office as consul on 1 September (Plin. paneg. 90. 3). Nevertheless, this does not necessarily mean he had priority in the Fasti nor as a consul designatus. In fact, when Pliny himself narrates a senate session he refers, in this order, to the speeches of two consules designati, Cornutus Tertullus and Acutius Nerva (Plin. ep. 2. 12. 2). This could indirectly support Vidman’s proposal to place Cornutus Tertullus in the Fasti in the first place, a position also held by Acutius Nerva. Degrassi, I Fasti consolari dell’Impero romano, 30, puts Pliny in the first place. Cf. E. M. Smallwood, Documents illustrating the Principate of Nerva, Trajan and Hadrian, Cambridge 1966, 2–3.

176 E. M. Smallwood, Documents illustrating the Principates of Gaius, Claudius and Nero, Cambridge 1967, 3, places L. Mammius Pollio in the first place in the year 49.

177 According to Suetonius, it was customary that throughout the year the consuls spoke in the senate in the same order as they had in the Kalends of January, that is, the consul prior or maior was always first: Suet. Iul. 21. Cf. Willems, Le sénat, 184.

178 Lintott, The constitution of the Roman Republic, 100: ‘This honour might have been granted him through seniority in years, or in rank as a former consul, or because he achieved the necessary majority of votes earlier in the election than his colleague: we do not know the exact rules under the Republic’.
8. Conclusions

To summarise, in the first century B.C. the consules designati could certainly speak first in senatorial debates from the moment they were elected. That privilege was probably long-established, and for this reason Cicero claimed it was a mos maiorum. Yet it is not possible to establish how long it had existed, nor whether it originated in law, which seems most probable given its temporal persistence. In any event, its use might have been of little practical relevance prior to the first century, because the period of time between the elections and the taking of office of the new magistrates was usually short. However in the first century B.C. consules designati habitually held this status for several months in the second half of the year, which allowed them to put proposals forward in the senate and play an active role in politics and society. Among their prerogatives they had the capacity to issue edicts. The few of which we know, which were issued in the last days of the consular year, seem to have had the same weight as edicts posted by magistrates in office. It appears that consules designati also had the ability to preside over comitia when a second round of voting was necessary in consular elections.

The priority of consules designati to speak first in senatorial debates continued at least into the first century A.D., both for consules ordinarii and for consules suffecti. Known instances of consules designati being the first to speak in senatorial debates, during both the Republic and the Principate, indicate that this right belonged to only one of the two consules designati, the one who appeared as consul prior or maior. The nature of their position as consules designati probably involved the obligation to remain in Rome during the months between their election and taking office. Their status would otherwise be meaningless and would not allow them to make use of their privileges.

Speaking first in debates gave the consules designati notable influence and automatically granted them higher auctoritas over other senators, although they continued to be privati and as such could be legally prosecuted. The prominent position of consules designati in the senate must be viewed in a context of gradual assumption of responsibilities and leadership in day-to-day politics on the part of new magistrates. What mattered most was precisely the leadership skills that consules designati could

179 Prior to the elections the order to speak in the senate varied considerably and depended on who presided over the session. This is the new custom Aulus Gellius refers to (14. 7. 9). The choice of who was to speak first, always a consul, had high political relevance and it aided the president to steer the debate in a favourable direction. It could obviously cause discontent amongst those who believed they had higher auctoritas to be nominated. For instance, Cicero describes in January 61 the order of speech of the consulars in a session of the senate and laments not having been invited to speak first (Cic. Att. 1. 13. 2). Cf. Gell. 4. 10. 5; Cic. Att. 10. 8. 3. Bonnefond-Coudry, Le sénat, 488–90.

180 It was clearly a highly important matter as demonstrated by the fact that one of the privileges granted to Caesar in the months prior to his murder was the right always to speak first in the senate: Dio 43. 14. 5. Suolahti, ‘Princeps senatus’ (n. 13), 210–1, stresses the enormous auctoritas of the princeps senatus in the senate, which made him highly influential in politics. It was not merely an honorary position. To a great extent these remarks could likewise apply to consules designati.
demonstrate, as revealed by the remarkable activity undertaken by Metellus Celer in the year 61 and by Marcellinus in 57.

The level of prominence *consules designati* might reach depended upon their personalities, but they played a leading role regardless of whether consuls in office were present in Rome or had left the city for their provinces. Sources show that *consules designati* exercised their privilege to speak first in any case, whether or not the consuls in office were even present at the senate’s sessions. In fact, in the period prior to the first century, consuls were usually away from Rome in their provinces for most of their term in office. During the first century B.C. the situation varied each year. In some cases the consuls had left for their provinces, generally in the last few months of the year;\(^\text{181}\) in other cases, however, they did not leave the city during their consulship. Consequently, there was always a more or less prolonged coexistence between consuls in office and *consules designati*. By granting *consules designati* institutional visibility, continuity in the management of the *res publica* was secured. Collaboration between magistrates in office and magistrates elect facilitated the transfer of power from year to year and gave continuity to the policies formulated by the senate.

\(^{181}\) Pina Polo, *The consul at Rome*, 238–9.