



## SENATORIAL DEMOGRAPHY IN THE HANNIBALIC WAR: WAS MARCUS AEMILIUS LEPIDUS (COS. 187, 175) MADE A SENATOR IN 216 B.C.E.?\*

### ABSTRACT

*Marcus Aemilius Lepidus was one of three Roman legati sent to Greece in 201/200 B.C.E. and ended up confronting Philip V of Macedon at Abydus. Scholars have debated whether this young man was already a senator by 201 or had yet to become one. This paper argues that he had actually been a senator since 216, enrolled in Buteo's extraordinary lectio of one hundred and seventy-seven new senators, after he had gained a corona ciuica and spolia ex hoste during the early stages of the Hannibalic War.*

**Keywords:** Second Macedonian War; Hannibalic War; Marcus Aemilius Lepidus; Senate; *spolia*; *corona*

The Hannibalic War resulted in significant demographic shifts in the Roman Senate caused, not least, by the colossal casualties suffered by the Roman elite during the first years of the war: in 216 B.C.E. an extraordinary *lectio* was held to replace one hundred and seventy-seven members of the Senate drawing not only on magistrates but also on *qui magistratus non cepissent, qui spolia ex hoste fixa domi haberent aut ciuicam coronam accepissent* ('those who had not held a magistracy but had won *spolia* from the enemy and fixed them to their homes or had won a civic crown', Livy 23.23.6).<sup>1</sup> Recently, these compositional changes have been analysed by Barber who focussed on the domination of the *seniores* during the Hannibalic War because of the 'lost generation' of younger and middle-aged aristocrats.<sup>2</sup> But equally as interesting are the new men introduced into the Senate in 216 and especially the symbolic and ideological implications of selecting men based on *spolia* or *coronae ciuicae*: demonstrations of exceptional *uirtus*, a concept central to Roman values. Even if their influence in the Senate was initially negligible, with the death of many *seniores* by 200, numerous long-standing members of the Senate would have been, in the words of Stein, recognized war-heroes selected for the Senate because of their *uirtus* and military deeds.<sup>3</sup> Recognizing this and understanding these men might provide further insight into the decision to go to war with Philip V and catalyse Rome's eastern expansion. The purpose of this paper is to

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<sup>1</sup> All dates are B.C.E. and translations are my own.

<sup>2</sup> C. Barber, 'Uncovering a "lost generation" in the Senate: demography and the Hannibalic War', in J. Armstrong and M. Fronda (edd.), *Romans at War: Soldiers, Citizens, and Society in the Roman Republic* (Oxford and New York, 2020), 154–70. See previously C. Stein, 'Qui sont les aristocrates Romains à la fin de la République?', in H.-L. Fernoux and C. Stein (edd.), *Aristocratie antique: modèles et exemplarité sociale* (Dijon, 2007), 127–59 and E. Cavaignac, 'Le sénat de 220: étude démographique', *REL* 10 (1932), 458–68.

<sup>3</sup> Stein (n. 2), 155.

consider one of these men and provide a concrete example of the types of individual who were placed in the Senate because of the extraordinary *lectio* of 216. That man is Marcus Aemilius Lepidus.

Marcus Aemilius Lepidus had an extremely distinguished career: consul in 187 and 175 (though he was defeated twice when running for the consulship of 189 and 188), *pontifex maximus* from 180, censor in 179, *princeps senatus* from 179 until his death in 153.<sup>4</sup> Despite his first recorded office being the curule aedileship in 193 (Livy 35.10.11–12), Lepidus was one of the three *legati*, along with Gaius Claudius Nero (*cos.* 207) and Publius Sempronius Tuditanus (*cos.* 204), who were sent to Greece in late 201 on a multifaceted mission as part of the preliminaries of the Second Macedonian War (200–197). During 200, they came to Athens and witnessed the honouring of Attalus I of Pergamum and the Rhodians by the Athenians. Whilst the *legati* were there, Attica was ravaged by Philip's general Nicanor and so the Romans proceeded to meet and lay out the Roman demands for Philip—namely, that he was not to wage war against the Greeks and had to provide compensation to Attalus. They then travelled to Phoenice, Athamania, Naupactus and Aegium before proceeding to mediate between Antiochus III and Ptolemy V who were at war (the Fifth Syrian War).<sup>5</sup> Whilst at Rhodes, presumably on their journey to or from the kings' courts, Lepidus was sent to Philip whilst the Macedonian king was besieging Abydus and put the Senate's demands to him, saying that they must immediately be accepted and arrogantly interrupting Philip's attempt to defend himself (Polyb. 16.34.2–7, Livy 31.18.1–4, Diod. Sic. 28.6).

Lepidus' status as a senator during this mission might seem obvious at first glance: Lepidus' very selection as a *legatus* shows he was a senator, for, in the words of Rich, 'ambassadorial *legati* were the representatives of the senate to foreign states; as such, they surely had to be senators.'<sup>6</sup> Yet up to this point Lepidus had held no curule office. Indeed, he would have to wait another seven years before becoming aedile, making his senatorial status problematic and disputed. And the question of his status has traditionally mattered to historians because it might provide some indication of the nature of his meeting with Philip. When the consul of 200, Publius Sulpicius Galba, asked the *fetiales* whether war needed to be declared to Philip directly, or merely at the first fort in his kingdom, the *fetiales* replied that either was appropriate and the Senate told Galba to choose anyone who was *not* a senator to perform the deed (Livy 31.8.3–4). Historians who believe that Lepidus was not a senator have, therefore, reckoned that his meeting with Philip at Abydus might be considered the *indictio belli* or a variation thereof. Others have suggested that his senatorial status means that his meeting with Philip was unrelated to any formal declaration of war.<sup>7</sup>

<sup>4</sup> See R. Weigel, 'The Aemilii Lepidi' (Diss., University of Delaware, 1973), 52–101 for the details of Lepidus' career.

<sup>5</sup> Livy 31.2.3–4, using an annalistic source, erroneously stated that the purpose of the embassy was to report to Ptolemy V that the Romans had defeated Hannibal and so leaves out much of these details; however, we learn from Polyb. 16.25.2–7, 16.27.1–5 and 16.34.2 of their other activities. App. *Mac.* 4.2–3 provides a shorter account likely following Polybius, while Just. *Epit.* 30.3.3–4 provides a garbled account.

<sup>6</sup> J. Rich, *Declaring War in the Roman Republic in the Period of Transmarine Expansion* (Brussels, 1976), 128. Restated in J. Rich, 'The *fetiales* and Roman international relations', in J.H. Richardson and F. Santangelo (edd.), *Priests and State in the Roman World* (Stuttgart, 2011), 185–240, at 228. See App. *B Ciu.* 1.38 and Livy 31.8.4 for support. *Contra*, B. Schleussner, *Die legaten der römischen Republik. Decem legati und ständige Hilfsgesandte* (Munich, 1978), 149–50, 223–40, but his analysis is based on extremely precarious prosopographical data.

<sup>7</sup> Throughout the twentieth century there was a keen interest in the specifics of this embassy: E. Bickerman, 'Les préliminaires de la seconde guerre de Macedoine', *RPh* 61 (1935), 59–81 and

The case for the latter was put most forcefully by Rich in an Appendix to his *Declaring War in the Roman Republic in the Period of Transmarine Expansion*.<sup>8</sup> Building on his observation, quoted above, that Lepidus must have been a senator, Rich argued that Lepidus must have been enrolled in the *lectio* of 204. For Rich, selection for the Senate was achieved by one of two methods. First, by having held a curule magistracy and, therefore, the right to speak in the Senate, resulting in an automatic enrolment during the following *lectio* by the censors.<sup>9</sup> Second, by the free choice of the censors. The *lex Ovinia* of c.312, according to Festus, stipulated that censors had to pick for the Senate *ex omni ordine optimum quemque* ('each best man from every *ordo*', Festus 290L). Rich argues that *ex omni ordine* should be read as *ex uniuerso populo*, meaning that young *nobiles* with distinguished families, like Lepidus, could be picked even without holding a magistracy.<sup>10</sup> Still, he does cover his bases by suggesting that Lepidus, having achieved the necessary number of *stipendia*, could have been a quaestor in 204, which would have only encouraged the censors to select him because he would have been an ex-magistrate the following year.

Now, it is certainly possible that Lepidus was selected in 204, but there are a few problems with Rich's interpretation. First, the case for the supposed quaestorship in 204 is based on its explanatory value for Lepidus being a senator in 201 without any supporting evidence. It should be noted that members of the elite were not required and did not always hold the quaestorship.<sup>11</sup> True, the gap of eleven years between this proposed quaestorship and the aedileship of 193 has contextual support: Gaius Flaminius (*cos.* 187)—Lepidus' consular colleague (Livy 38.42.2–4)—was quaestor in 209 and curule aedile in 196 (Livy 26.47.8, 26.49.10 and 33.42.8). But equally, for many of Lepidus' contemporaries, half that time was standard; for example, Gnaeus Cornelius Lentulus (*cos.* 201) was quaestor in 212 and curule aedile in 205 (Livy 25.17.7, 25.19.4, 29.11.12), Gaius Laelius (*cos.* 190) was quaestor in 202 and plebeian aedile in 197 (Livy 30.33.2, 33.25.2), Marcus Porcius Cato (*cos.* 195) was quaestor in 204 and plebeian aedile in 199 (Livy 29.25.10, 32.7.13). So an equally strong case could be made for Lepidus holding the quaestorship after 204. In other words, beyond the fact that he was a senator in 201 no evidence or contextual deductions make a case for Lepidus being

161–76; J. Larsen, 'The Peace of Phoenice and the outbreak of the Second Macedonian War', *CPh* 32 (1937), 15–31; A. McDonald and F. Walbank, 'The origins of the Second Macedonian War', *JRS* 27 (1937), 180–207; E. Bickerman, '*Bellum Philippicum*: some Roman and Greek views concerning the causes of the Second Macedonian War', *CPh* 40 (1945), 137–48; J.P.V.D. Balsdon, 'Rome and Macedon, 205–200 B.C.', *JRS* 44 (1954), 30–42; J. Briscoe, *A Commentary on Livy Books XXXI–XXXIII* (Oxford, 1973), 77, 105; Rich (n. 6 [1976]), 73–87; E. Gruen, *The Hellenistic World and the Coming of Rome*, 2 vols. (Berkeley and London, 1984), 395–6; A. Meadows, 'Greek and Roman diplomacy on the eve of the Second Macedonian War', *Historia* 42 (1993), 40–60; V. Warrior, *The Initiation of the Second Macedonian War: An Explication of Livy Book 31* (Stuttgart, 1996); J. Briscoe, 'Review—discussion. The initiation of the Second Macedonian War: an explication of Livy Book 31', *Histos* 1 (1997), 192–8. Recently, however, there has been little interest in the issue, with no discussion appearing in, for example, A. Eckstein, *Rome Enters the Greek East: From Anarchy to Hierarchy in the Hellenistic Mediterranean, 230–170 BC* (Oxford and Malden, 2008).

<sup>8</sup> Rich (n. 6 [1976]), 128–37.

<sup>9</sup> Livy 36.3.2–3 for the phrase *quibusque in senatu sententiam dicere liceret* ('to those to whom permission to speak their mind in the Senate was given').

<sup>10</sup> Rich (n. 6 [1976]), 131–4. Cf. T. Cornell, 'The *lex Ovinia* and the emancipation of the Senate', in C. Bruun (ed.), *The Roman Middle Republic: Politics, Religion, and Historiography c. 400 – 133 B.C.* (Rome, 2000), 69–89, at 80–1.

<sup>11</sup> F. Pina Polo and A. Díaz Fernández, *The Quaestorship in the Roman Republic* (Berlin and Boston, 2019), 52.

quaestor in 204. So, whilst it cannot be proven that Lepidus was *not* quaestor in 204, it also cannot be proven that he was.

Second, Rich's suggestion that Lepidus could have been selected in 204 without a magistracy relies on his reading of *ex omni ordine optimum quemque*. Yet there are many scholars, including most recently Barber, who argue that *ex omni ordine* actually referred to the *ordines* of ex-magistrates.<sup>12</sup> Rich might be right that the *lex Quinia* allowed the censors to pick from all Roman citizens and I do think this is the most natural reading of the Latin. But what is important is not so much the specifics of a one-hundred-year-old law but what had become customary by the time of the Hannibal War and who were regarded as the *optimi*. And despite its exceptionality, the extraordinary *lectio* of Marcus Fabius Buteo (*cos.* 245) to replace the one hundred and seventy-seven members of the Senate who had been killed in the previous few years of fighting might give us some clues (Livy 23.23.5–6):

inde primos in demortuorum locum legit qui post L. Aemilium C. Flaminium censores curulem magistratum cepissent necdum in senatum lecti essent, ut quisque eorum primus creatus erat; tum legit qui aediles tribuni plebis quaestoresue fuerant; tum ex iis qui magistratus non cepissent, qui spolia ex hoste fixa domi haberent aut ciuicam coronam accepissent.

Thereupon, in place of the dead men he first chose those who had held a curule magistracy after the censorship of Lucius Aemilius and Gaius Flaminius [220] and yet had not already been chosen as a senator, and these were chosen in order of the time they had held that magistracy. Then he chose those who had been aediles, tribunes of the plebs and quaestors. And then he chose men from those who had not held a magistracy but had won *spolia* from the enemy and fixed them to their homes or had won a civic crown.

Although Buteo decided to fill the vacancies *ut ordo ordini, non homo homini praelatus uideretur* ('so that it seemed that preference was given for *ordo* over *ordo*, not man over man', Livy 23.23.4) against the normal practice, the ordering of his *ordines* does suggest that traditionally the *optimi* were considered first to be curule magistrates and then lesser magistrates. Now, given that there were two plebeian aediles, ten tribunes and eight quaestors, it is unlikely that in a normal *lectio* the censors would have to go beyond these men. Of course, the censors in 204 would technically have been able to appoint a young *nobilis* without any offices and so we cannot rule out the possibility that Lepidus was selected despite not having held a magistracy, but again the argument in favour of this is simply that Lepidus has to have been picked at least by 204 because he was a senator in 201.<sup>13</sup>

And so, whilst I do concur with Rich's point that his very selection as *legatus* in 201 suggests that Lepidus was a senator, his dating this to 204, whilst a possibility, lacks a solid foundation. I would, therefore, like to revive and augment a different theory, first suggested by Russell in her 1950 PhD Thesis in a section on the advancement of soldiers in the Republic, based on the last line of Buteo's selection policy during the *lectio* in 216—namely, that Lepidus was made a senator in 216 as one of the individuals *qui magistratus non cepissent, qui spolia ex hoste fixa domi haberent aut ciuicam coronam accepissent*.<sup>14</sup> For according to Valerius Maximus (3.1.1), as a *puer*, Lepidus had achieved both:

<sup>12</sup> C. Barber, 'Quibus patet curia: Livy 23.23.6 and the mid-Republican aristocracy of office', *Historia* 69 (2020), 332–61, at 354–5.

<sup>13</sup> Rich (n. 6 [1976]), 131.

<sup>14</sup> I have traced this suggestion back to H. Russell, 'Advancement in rank under the Roman Republic as a reward for the soldier and the public prosecutor' (Diss., Bryn Mawr, 1950), 32–4, who postulated

Aemilius Lepidus, puer etiam tum, progressus in aciem, hostem interemit, ciuem seruauit. cuius tam memorabilis operis index est in Capitolio statua bullata et incincta praetexta senatus consulto posita . . . arma enim infesta et destructi gladii et discursus telorum et aduentantis equitatus fragor et concurrentium exercituum impetus iuuenibus quoque aliquantum terroris incutit, inter quae gentis Aemiliae pueritia coronam mereri, spolia rapere ualuit.

Aemilius Lepidus, even then a boy, progressed into battle, killed an enemy, and saved a citizen. As a marker of such a memorable deed, by senatorial decree, a statue wearing an amulet and draped in a *toga praetexta* was placed on the Capitol . . . even amongst dangerous arms, drawn swords, a storm of spears, the thunder of approaching horses and force of opposing armies, which create a considerable amount of terror especially in youths, the boy of the Aemilian *gens* was strong enough to win a *corona* and seize *spolia*.

A series of *denarii* minted in 61 by the great-grandson of Lepidus, Marcus Aemilius Lepidus (*cos.* 46, 42), the famous triumvir, as a moneyer confirms Valerius' tale (*RRC* 419/1).<sup>15</sup> The reverse displays a horseman carrying a trophy over his shoulder with the legend: M·LEPIDVS AN·XV·PR·H·O·C·S. The abbreviations might be expanded to say: *Marcus Lepidus, annorum XV praetextatus hostem occidit ciuem seruauit* ('as a young man of fifteen years, Marcus Lepidus killed an enemy and saved a citizen').<sup>16</sup> Although the *corona* won by Lepidus is not specified by either Valerius Maximus or the *denarii*, it is clear that it was the *corona ciuica*: the oak crown *quam ciuis ciui a quo in proelio seruatus est testem uitae salutisque perceptae dat* ('which a citizen gives to another citizen by whom he had been saved in battle as witness of the preservation of his life and safety', Gell. *NA* 5.6.11–12).<sup>17</sup> Pliny adds that one had not only to save a fellow citizen but also to kill an enemy soldier in doing so and ensure that the place the killing/rescue took place was not occupied by the enemy again on the same day (Plin. *HN* 16.12–13). It must be that Lepidus' killing of a *hostis* was undertaken in the act of saving his fellow citizen, therefore, and it is likely that the *spolia* he seized (represented by the trophy on the coin) was part of the armament of the defeated foe which was normally displayed in/on one's family home (Polyb. 6.39.10–11).<sup>18</sup> As such, Lepidus had accomplished both feats which resulted in selection for the Senate in 216.

Of course, it might be suspected that the tender age of Lepidus' exploits might have been exaggerated later by his *familia*, but this is unlikely. First, if there was a senatorial decree and a statue erected for this feat (as Valerius Maximus writes), it would have been hard for the fundamentals of the achievement to be changed in later years. Second, that he

two possibilities: that Lepidus had been added either in 216 or, in her opinion more likely, in 204 with the censors following the same procedure as Buteo in 216. Neither case was argued systematically; consequently, when it was next mentioned by T. Broughton, 'M. Aemilius Lepidus: his youthful career', in R. Curtis (ed.), *Studia Pompeiana & Classica in Honor of Wilhelmina F. Jashemski*, 2 vols. (New Rochelle, NY, 1989), 2.13–23, at 16–18, he explicitly denied it as a credible possibility. W. Hollstein, *Die stadtrömische Münzprägung der Jahre 78–50 v. Chr. zwischen politischer Aktualität und Familienthematik: Kommentar und Bibliographie* (Munich, 1993), 234–5 was more willing to accept it, but added nothing to the argumentation, and it seems to have fallen by the wayside in modern times. It seems appropriate, therefore, to make a systematic case for Lepidus' selection for the Senate in 216.

<sup>15</sup> See R. Evans, 'The moneyership of Marcus Lepidus triumvir', *AClass* 33 (1990), 103–8 for Lepidus' moneyership and his other coins celebrating our Lepidus.

<sup>16</sup> A. Zawadzka, 'Gallic horned helmets on Roman Republican coins', *Archeologia* 60 (2009), 35–43, at 39. Hollstein (n. 14), 232 suggested *progressus* rather than *praetextatus* based on Val. Max. 3.1.1.

<sup>17</sup> See also Sen. *Clem.* 1.26.5 and Polyb. 6.39.5–9. Livy 10.47.3 notes that in 292 Romans were allowed to wear *coronae* they had won at the *ludi Romani* for the first time.

<sup>18</sup> See E. Rawson, 'The antiquarian tradition: spoils and representations of foreign armour', in E. Rawson, *Roman Culture and Society: Collected Papers* (Oxford, 1991), 582–98, at 584–92 for a discussion of the display of *spolia* and H. Flower, 'The significance of an inscribed breastplate captured at Falerii in 241 B.C.', *JRA* 11 (1998), 224–32 for a surviving example of *spolia* displayed in a house.

could have performed such a deed at fifteen is quite believable. Whilst soldiers were only eligible for conscription at seventeen—although, given that Gaius Gracchus passed a law which forbade recruitment below seventeen, this must have been happening (Plut. *Vit. C. Gracch.* 5.1)—young aristocrats often accompanied their fathers or other relations on campaigns from as early as fourteen after donning the *toga uirilis* to receive military training, at some point becoming known as the *tirocinium militiae* (see the examples of Scipio Africanus and Aemilianus below).<sup>19</sup>

Still, Broughton dismissed the possibility of Lepidus' selection by arguing that because of his age he would have been last in that *ordo* to be selected, even if he had gained his *corona ciuica* by 216, which Broughton finds unlikely anyway.<sup>20</sup> Yet there is nothing in the passage of Livy about Buteo's *lectio* which suggests that the individuals with *spolia* or *coronae ciuicae* were selected according to age or the time when they won their decorations, as opposed to those who had held curule magistracies. In fact, of the men who had accomplished these military feats he might have been at the top of the list: this was so not only because he was a *nobilis* but also because the Senate had already demonstrated their approval of the young man by having a statue erected.<sup>21</sup> It is also possible that the Senate felt indebted to Lepidus' father:<sup>22</sup> in 217 he, along with a number of other nobles, withdrew from the election for the consulship of 216 to allow Lucius Aemilius Paullus to stand against the popular figure Gaius Terentius Varro (Livy 22.35.1–4).<sup>23</sup>

Potentially more problematic, however, is the recent argument by Barber that the particle *non* in the phrase *magistratus non cepissent*, which has been inserted by the majority of editors since Sigonius, was wrong and that we should return to the original text, interpreting these *magistratus* as minor magistracies such as *Illuiri capitales*, *Xuiri stlitibus iudicandis*, or *tribuni militum*.<sup>24</sup> If this is correct, Lepidus, who would not have held any office by 216, could not have been selected. Yet Barber's argument fails to convince for a number of reasons, some already being set out by Briscoe in 2018. First, whilst Barber does a powerful job of showing that late Republican authors (Livy, Cicero, Varro) variously labelled these offices as magistracies, this hardly tells us whether the Romans of the Hannibalic War would have done the same—after all, these authors were all writing after the formalization of the *uigintisexuiri* as a precursor to the quaestorship in the first century.<sup>25</sup> Second, *magistratus* can hardly stand alone, as Barber suggests, because this would embrace all the offices already mentioned in the first two categories when, obviously, the third category is supposed to contrast with them.<sup>26</sup> A modifier is needed. Barber approves, though does not argue for, *minores*.<sup>27</sup> But this is the fundamental problem with Barber's argument: the minor magistrates he listed did not belong to a conceptually distinct class of magistrates separate from the aediles, quaestors

<sup>19</sup> E. Isayev, 'Unruly youth? The myth of the generation conflict in late Republican Rome', *Historia* 56 (2007), 1–13, at 7.

<sup>20</sup> Broughton (n. 14), 16–17.

<sup>21</sup> Both his grandfather and his great-grandfather had been consuls, in 285 and 232 respectively.

<sup>22</sup> For the identification of the Marcus Aemilius Lepidus (*pr.* 218, 216, 213) as the father of our Lepidus, see Weigel (n. 4), 52.

<sup>23</sup> The year 216 was the same year in which Lepidus' grandfather, the consul of 232, died and his three sons (Lucius, Marcus and Quintus) held funeral games: Livy 23.30.15–16.

<sup>24</sup> Barber (n. 12), 333–9.

<sup>25</sup> N. Purcell, '*vigintisexuiri*, *vigintiviri*', *Oxford Research Encyclopedia of Classics* (2015).

<sup>26</sup> J. Briscoe, *Liviana: Studies on Livy* (Oxford, 2018), 94.

<sup>27</sup> Barber (n. 12), 336–7.



or tribunes mentioned in Buteo's second category.<sup>28</sup> Indeed, Marcus Valerius Messalla Rufus (a first-century senator who wrote a book on augury) wrote that there were two categories of *magistratus*, *minores* and *maiores*. Although he did not list the former, the latter consisted of consuls, praetors and censors, implying that the rest (including aediles, quaestors and tribunes) were considered *minores*.<sup>29</sup> Moreover, as we see from Livy 25.1.6–12 and 39.14.9–10, aediles and *Illuiri capitales* were closely associated, whilst Cicero's list of *minores magistratus* in *Leg.* 3.6 included the quaestorship. In other words, if Buteo had made an artificial break amongst the *magistratus minores*, one would expect him to then list the offices he was referring to for this third category just as he had done for the second.

Furthermore, one of Barber's primary justifications for removing the particle *non* is that large numbers of ordinary citizens could win *coronae* and display *spolia* in/on their houses; therefore, if Buteo was genuinely picking by *ordo* and was selecting everyone with *coronae* or *spolia*, the Senate would have been packed well beyond its customary three hundred with common citizens.<sup>30</sup> Yet Barber's solution to this problem is not the only one. Gauthier has demonstrated that there was likely a property qualification for senatorial status which was the same as the equestrian property qualification.<sup>31</sup> Therefore, the group who had won *spolia* and *coronae* was implicitly circumscribed by the fact that they had to be members of equestrian families. This means that *non* can still stand without us having to think that common soldiers were chosen for the Senate. Strikingly, in fact, this reading dovetails with Livy, *Per.* 23.7, which recorded that the deceased senators were replaced with those from the equestrian order. Of course, the value of this much depends on whether this was careless summarizing or was based on readings from a different source, a question that cannot be answered.<sup>32</sup>

Finally, depending on when we place his birth, it is possible that Lepidus did not win his *spolia* and *corona ciuica*, occurring when he was fifteen, until after the special *lectio* of 216. Traditionally, Lepidus is assumed to have been born between 232 and 227, with Rich suggesting a date of 231–229.<sup>33</sup> The early dating is the more convincing. In the first place, Lepidus had a son who was a military tribune in 190 at the Battle of Magnesia and was placed in charge of the camp, having enough initiative and *auctoritas* to stop the flight of the Romans and turn them back against Antiochus' right wing, telling his men to cut down those fleeing if necessary (Livy 37.43.1–4). As Rich points out, twenty was the normal age for holding a first military tribunate and Lepidus' son was likely a senior rather than junior tribune given that he was entrusted with protecting the Roman camp.<sup>34</sup> Therefore, by 190 Lepidus' son was likely in his early to mid twenties, and this would put his year of birth between 215 and 211.

Now, it is possible that Lepidus sired his son whilst still a teenager himself, but it is more likely that he was nearer to twenty, if not in his early twenties, before he was

<sup>28</sup> Briscoe (n. 26), 94.

<sup>29</sup> Gell. *NA* 13.15.4.

<sup>30</sup> Barber (n. 12), 340–3; on the contrary, Stein (n. 2), 142–54 argues that anyone with *coronae* or *spolia* could be selected, though he admits most would have been *equites* or members of the First Class.

<sup>31</sup> F. Gauthier, 'Remarks on the existence of a senatorial property qualification in the Republic', *Historia* 68 (2019), 285–301.

<sup>32</sup> W. Bingham, 'A study of the Livian *Periochae* and their relation to Livy's *Ab urbe condita*' (Diss., University of Illinois, 1978), 242.

<sup>33</sup> Rich (n. 6 [1976]), 129. Philip's reference to Lepidus as *véος* in 200 (Polyb. 16.34.6) is not particularly helpful—even if he said it—because it could simply have meant that Lepidus was inexperienced in diplomatic affairs.

<sup>34</sup> Rich (n. 6 [1976]), 129.

married and became a father. The average age of marriage in Italy, based on Saller's statistical analysis from the Principate, was between the mid twenties and the early thirties, and I agree with Rosenstein that these are as applicable to the Republic.<sup>35</sup> This would make a birth date in the mid or even early 230s more appropriate. Second, we also know that Lepidus ran for the consulship of 189 and lost. And we know that in 180 the *lex Villia Annalis* established an age-threshold that a man had to reach before he could run for the consulship: forty-two (Livy 40.44.1, Cic. *Phil.* 5.48). It is unlikely that the ages set in law were created *ex nihilo*; it is more likely that they formalized what had already become common practice.<sup>36</sup> This might give us an approximate age for Lepidus when he first ran (unsuccessfully) for the consulship at around forty-two, give or take a few years either way.<sup>37</sup> Therefore, the evidence discussed so far suggests that Lepidus was born somewhere between 235 and 231, and it is unlikely that he was born after this. This would have placed him between 15 and 19 years of age in 216 and suggests that his military exploit took place at some point between 220 and 216.

Can we be any more precise as to when and where it occurred? Probably not, although some educated guesses can be made. One possibility, if it is accepted that the Marcus Aemilius Lepidus who held the praetorship in 218 was the father of our Marcus Aemilius Lepidus, is that Lepidus accompanied his father to Sicily and performed his memorable deed there.<sup>38</sup> There are other examples of young aristocrats serving under their fathers. The future Scipio Africanus, for example, is said to have been present at a cavalry engagement at Ticinus fought between his father Publius Cornelius Scipio (*cos.* 218) and Hannibal in the Po Valley in 218 and at the age of seventeen saved his father when he had been encircled by the enemy cavalry and won a *corona* (Polyb. 10.3.3–7, Val. Max. 5.4.2, Livy 21.46.7–8).<sup>39</sup> Aemilius Paullus took both of his sons to fight Perseus and they were present at Pydna in 168. Plutarch wrote that Scipio Aemilianus, who was about seventeen, returned late from the pursuit with a few comrades covered in the blood of slain enemies (Plut. *Vit. Aem.* 22.7–9). If Valerius Maximus' laudation of Lepidus is to be taken literally, this suggestion might not be particularly convincing. As praetor, Lepidus (senior) was tasked with the defence of the coastal cities, particularly Lilybaeum, and had a fleet at his command. The only conflict reported was Lepidus' victory in a naval combat off Lilybaeum, in which case there could hardly have been the thunder of horses or the clashing of two armies (Livy 21.49.6–21.50.11). Yet, if Valerius' description was merely generic, it does not rule out a naval conflict. More likely, however, is that Lepidus' feat could have been performed during skirmishes with the Carthaginians, perhaps when they beached some of their ships on the Sicilian coast and performed raids inland, which would have been a regular practice unlikely to get a mention in Livy's narrative.

<sup>35</sup> R. Saller, *Patriarchy, Property, and Death in the Roman Family* (Cambridge, 1994), 25–41; N. Rosenstein, 'Marriage and manpower in the Hannibalic War: *assidui, proletarii* and Livy 24.18.7–8', *Historia* 51 (2002), 163–91, at 181. R. Syme, 'Marriage ages for Roman senators', *Historia* 36 (1987), 318–32, at 320 provides some examples of men who married young, citing our Lepidus amongst them.

<sup>36</sup> R. Evans and M. Kleijwegt, 'Did the Romans like young men? A study of the *lex Villia annalis*: causes and effects', *ZPE* 92 (1992), 181–95, at 187–8.

<sup>37</sup> Rich (n. 6 [1976]), 129.

<sup>38</sup> This very same Lepidus was *praetor suffectus* in 216 and introduced the issue of replacing deceased members of the Senate in the first place: see Livy 23.22.4.

<sup>39</sup> Plin. *HN* 16.14 places this at the Trebia and wrote that Scipio refused the *corona*. Livy 21.46.10 tells of a variant tradition reported by Coelius that Scipio was saved by a Ligurian slave, but dismisses this as a fabricated story; see F. Walbank, *A Historical Commentary on Polybius*, 3 vols. (Oxford, 1967), 2.199.



Alternatively, Lepidus could have been involved at any one of the major battles between 218 and 216 (Ticinus, the Trebia, Lake Trasimene and, of course, Cannae) or the skirmishes between those conflicts. There are examples of heroics even in defeat; for example, as a military tribune at Cannae, Publius Sempronius Tuditanus, another one of the *legati* in 201, led a number of survivors to safety after rallying them with a speech: *stringit gladium cuneoque facto per medios uadit hostes, et cum in latus dextrum quod patebat Numidae iacularentur, translatis in dextrum scutis in maiora castra ad sescenti euaserunt* ('he drew his *gladius* and formed a wedge before wading through the middle of the enemy and when the right flank was exposed and the Numidians were launching their missiles at it, he had the men transfer their shields to their right hand and six hundred reached the bigger camp', Livy 22.50.10–11). Although the Romans faced serious losses in these years, the Senate remained confident, until Cannae, in the Romans' ability to defeat Hannibal and do so rapidly.<sup>40</sup> The Senate's decision to honour Lepidus further for his winning of a *corona* with a statue on the Capitol might well be explained by the desire to make examples out of conspicuous *uirtus* at a time when the Romans were facing military defeats. Therefore, although it cannot be stated with confidence exactly when Lepidus performed his military deed at the age of fifteen, there are a set of plausible possibilities between 218 and 216 giving us further confidence in assigning his actions to these years.

In summary, Marcus Aemilius Lepidus, sometime between 218 and 216, at the age of fifteen took part in a military conflict and performed a notable deed, especially for someone so young: he killed an enemy and saved a citizen. He took *spolia* from this dead enemy which was likely then displayed in/on his family house and won a *corona ciuica* for saving a fellow citizen. The Senate also decided to honour Lepidus further with a statue on the Capitol. Not long after (between a few years and a few months) the extraordinary *lectio* of 216 was undertaken by Buteo to replace the one hundred and seventy-seven senators who had died in the war, having to resort to choosing men who were not magistrates but had captured *spolia* or had the *corona ciuica*. Lepidus had both *spolia* and the *corona ciuica* making him an obvious candidate. He was also a *nobilis* with an extremely distinguished consular family, his father had performed a favour for the Senate by stepping aside at the consular election for 216, and the Senate had already shown their approval by erecting a statue of him. Therefore, it seems very likely that he was added to the senatorial list in 216, meaning he had been a senator for well over a decade before he was selected as a *legatus* in 201.

Not only does this conclusion place on a surer footing the idea that Lepidus was a senator in 201—important as this is for the debate about the relationship between the *fetial* procedure and Lepidus' meeting with Philip at Abydus—but also, returning to our interest in the composition of the Senate by the end of the Hannibalic War, perhaps more interestingly, it provides a concrete example of the types of individual who were placed in the Senate as a result of the extraordinary *lectio* of 216. It is possible that young men who distinguished themselves on the battlefield during and before 216—Publius Cornelius Scipio and Publius Sempronius Tuditanus being two other examples—might have found themselves in the Senate during the Hannibalic War. These individuals might not have had much influence in the Senate during the early to mid parts of the war, but they were the men who had a growing influence by its end and were instrumental in

<sup>40</sup> J. Clark, *Triumph in Defeat: Military Loss and the Roman Republic* (Oxford and New York, 2014), 62 and J. Clark, 'Roman optimism before Cannae: the vow of the *ver sacrum* (Livy 22.10)', *Mnemosyne* 67 (2014), 405–22.

Roman expansion across the Mediterranean during the 190s and the 180s. Lepidus himself, given the important role he had in the build up to the Second Macedonian War, not only being a member of the embassy sent across Greece in 201/200 but also being sent to confront Philip at Abydus and possibly becoming *tutor* to Ptolemy V,<sup>41</sup> was likely a strong advocate for Roman involvement in the eastern Mediterranean. Indeed, his arrogant and haughty interactions with Philip suggest a certain sense of superiority and aggression, a possible example of the type of attitude amongst the Roman elite who pushed for the Second Macedonian War. It is this generation of young men, their attitudes and ideas forged in the fire of the Hannibalic War and the individual military successes they achieved that warrant further study to gain a greater appreciation of the outlook of the men who went on to expand Roman power in the early second century.

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<sup>41</sup> See *RRC* 419/2, *Val. Max.* 6.6.1, *Tac. Ann.* 2.67.