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The Needed Man: The Evolution, Abandonment, and Resurrection of the Roman Dictatorship

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THE NEEDED MAN:
THE EVOLUTION, ABANDONMENT, AND RESURRECTION
OF THE ROMAN DICTATORSHIP

by

MARK WILSON

A dissertation submitted to the Graduate Faculty in History in partial fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York
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This manuscript has been read and accepted for the Graduate Faculty in History in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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THE CITY UNIVERSITY OF NEW YORK
ABSTRACT

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by

Mark Wilson

Advisor: Joel Allen

Despite being an integral institution of the Roman state, employed frequently and routinely from the Republic’s earliest crises to the last days of the climactic fight with Hannibal, the Roman dictatorship is profoundly misunderstood. Perplexed by the idea of the Roman Republic—a state born out of the rejection of the preeminence of any one man—nonetheless investing the power of the state in a single unelected individual, and reacting to the anomalous first-century BCE dictatorships of Sulla and Caesar, both late-Republic historians and modern scholars have consistently described the office in ominous and fundamentally mythological terms that are largely contradicted by the remembered actions of actual dictators. This study has collated stories and records from various ancient sources, including Polybius, Livy, Dionysius of Halicarnassus, and others, into a narrative of 85 pre-Zama dictatorships held by 67 men from a broad range of families and experience and acting to resolve a variety of emergent problems both civil and military. This narrative has furnished insights into how the dictatorship was used and the role that it played in the Romans’ conception of their state. The emerging picture of the archaic Roman dictatorship is of an office that was both rigidly conditioned by an iteratively reinforced body of precedents and, at the same time, flexible enough to adapt to the constantly developing needs of the Republic. On the one hand, the mechanics were fixed at inception and did not change: Rome called for a dictator in reaction to some emergency for which the current magistrates were insufficient; the consuls had both the prerogative and the duty to choose that man who would best resolve the problem at hand and who would act
on behalf of all of Rome; the dictator so named, after choosing a junior colleague called the *magister equitum*, did what was necessary to resolve the need that had created him, after which he resigned immediately, restoring Rome to stability and normality at the earliest possible moment by eliminating the dictatorship along with the crisis that spawned it. Iron precedent bound the consul to choose the needed man and the dictator to cleave his actions solely to the mandate originating in Rome’s call for a dictator and resign on resolution, effectively confining and directing the powers vested in him. On the other hand, the dictatorship, itself a demonstration of Rome’s adaptability by providing early on a second, emergency system to fix what the normal state could not, also adroitly changed as Rome did: new, single-task variations emerged as the Republic reshaped itself in the fourth century, and later it freed consuls to go to war in the third while remaining robust enough to serve as a critical tool in the war with Hannibal. Far from being the all-powerful office depicted in the mythology, however, the dictatorship was tethered both by its imperative to restore ordinary government as swiftly as possible and by its origins in the protection of all Romans; it was therefore superseded by the proliferation of promagistracies, which had no imperative to remove themselves nor to abjure faction, and by the advancing preeminence of the senate, which increasingly sought to safeguard Rome’s traditions and greatness while primarily representing the needs of the conservative elite. Nonetheless, for three centuries of routine operation the dictatorship functioned as an ingenious and highly effective means by which the Republic was able to transcend even those crises, both domestic and military, that it was otherwise unprepared for.
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INTRODUCTION

The dictatorship was the emergency executive magistracy of the Roman Republican government. The Romans tell us it was present from the beginning, ascribing its advent to the turbulent years immediately following the exile of the Tarquins and the establishment of republican rule; it was notoriously present at the end, when Caesar’s last escalation of his own authority involved a fatal claim to the title of ‘dictator for life’. Between these extremes of inception and denouement, the dictatorship was, for much of that time, an integral component of the Republican system, frequently resorted to and operating according to well-remembered precedents and clear expectations both office-holders and those appointing them. By the climax of the Hannibalic War, after which the dictatorship mysteriously fell into sudden disuse, the records tell us something like eighty-five dictatorships had been created, each invoked in a moment of need and each dispensed with on that need’s resolution.

The ancient Roman dictatorship must be carefully separated from modern associations of the English word dictator. What is more likely to come as a surprise, and is therefore a more urgent and necessary caveat, is that the dictatorship must also be carefully separated from the ways it has been characterized even by ancient Romans, and by most scholars of the Republican era from then all the way to the present day. The reasons for this disconnect between evidence and assessment, and the insights to be had into the rise and fall of the Republic through a redefined understanding of how the dictatorship was
understood to have worked and what it represented to the Romans themselves, are the subject of the present study.

The dictatorship seems inherently anomalous. The Roman Republic is defined by the Romans’ rejection of autocracy at one terminus and by their resigned accession to it in another form at the other. During the intervening five centuries the Romans adhered to an evolving system of collective rule, the main principle of which was that no one man should hold so much sway as to be in a position to wrest sovereignty from his fellow citizens. In chronicling the substitution of elected magistrates for kings, Livy wrote of the advent of “freedom” for the Romans, with the first consul, L. Iunius Brutus, eliciting an oath from the Romans that henceforward they would suffer no one to reign over them.1 When that freedom was lost and the oath finally abrogated, the Republic was over.2

During this interval, from the sudden banishment of Tarquinius Superbus (traditionally 509 BCE) to the gradual accession of Octavian (31–23 BCE), Rome sought to circumscribe its ordinary magistrates through provisions that, through accumulated reinforcement of precedent, seemed to be effective safeguards against tyranny. They governed a year at a throw, in colleges of no fewer than two and as many as ten. Within the sacred boundaries of Rome, they were permitted no action toward or on behalf of the Roman state that had not been sanctioned in some way by the approval both of the gods (through the taking of auspices and other rituals) and of men (through ratification by the assemblies of key executive actions). The nobles and the masses, though often at each other’s throats in matters of political privilege and economic exploitation, had in common an aversion to autocracy as tyrannical and intrinsically un-Roman.

So how to explain the dictatorship? Not only did the Romans, during the very period in which one-man rule was an anathema to them, develop an emergency magistracy

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1 Livy 2.1.9. According to Appian, Caesar was reminded of Brutus’s oath during his assassination (B Civ. 2.199); see also Mommsen, Röm. Staat. 2.14 and n. 2.
2 The meaning and timing of the end of the Republic has of course been long debated. Some of the more interesting recent works relevant to the subject include Gruen 1974, Hölkeskamp 2010, and Flower 2010.
vesting a single man with the whole power of the state, unanswerable and unappealable; but their traditions tell us they invoked this office eighty-five times over the course of just three centuries, with six more cases, empowering two of the most powerful men, during the Republic's final century. What sense can be made of a state so ardently protective of its collective rule regularly giving over total power to a single man?

Polybius observed that the Romans developed the Republican system not through the deliberate and rational mapping of constitutional mechanisms but through the wisdom of experience gained by adaptation to crises.\(^3\) The Roman story is one of success through adaptation. They responded to their own incapacity to meet a naval enemy by reinventing naval warfare; to the limitations of hoplite warfare by devising entirely new ways to form a legion; to the need for greater divine protection by grafting alien gods onto their own ancient pantheon.\(^4\) As the emperor Claudius was said to have observed, the Romans customarily did not craft adamantine constitutional law, but rather established what worked as precedent and adhered to these precedents until new crises required new changes.\(^5\) This principle is one of the keys to understanding the dictatorship.

Like Gaul, the dictatorship falls into three distinct parts. These are the three periods in which the dictatorship emerged, was abandoned, and was resurrected.

The first period covers from the office's inception up through 202 BCE. During this time the dictatorship was in active use; but it was not static. Over these centuries the dictatorship evolved along with the Republic, reshaped as need required while at the same time retaining a core of binding precedents and values that could not be ignored.

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3 Polyb. 6.10.13-14.
4 The most interesting adumbration of this idea from a Roman's perspective is found in the story of Kaeso’s debate with the Carthaginian in a fragmentary passage from the anonymous Ineditum Vaticanum. This was reproduced in English translation in Cornell 1995, 170; the original is in von Arnim 1892. For an in-depth discussion of the passage and its ramifications, see Pagola 2013. Cornell pointed to similar passages on Roman adaptability at Diod. Sic. 23.2.1, Ath. 6.273, and Sall. Cat. 51.37.
5 On the unwritten constitution of the Romans developing by accretion, see Claudius’s speech at Tac. Ann. 11.24 and in CIL 13.1668; Cic. Leg. Man. 60; Livy 27.8.4–10, in a case pitting recent custom against established precedent. See also Bleicken 1975, 368; Lintott 1999, 4–8; North 2010, 256.
dictatorship was as Roman as an institution could be, in that it was both organic and flexible, becoming in time of crisis and catastrophe what the Romans needed it to be while at the same time each iteration only strengthened the political and ethical principles under which it operated. This period, the phase in which the dictatorship was an active part of the operation of the early and middle Republic, is not known from direct contemporary evidence but rather must be discussed as it was understood by writers of the late Republic and the Principate.

In this study, this first phase will be referred to as “the archaic dictatorship” to emphasize its having operated in the three earliest centuries of the Republic, and to distinguish the customary dictatorship of this period from Sulla’s and Caesar’s irregular dictatorships in the first century BCE. The second period, the desuetude, covers the following twelve decades, from 202 to 82, during which the dictatorship was moribund. What is striking is that while the dictatorship was in disuse, it was persistent in memory, as is evidenced both in its revival under Sulla and in the way it was discussed in the histories and literature of the second, first, and subsequent centuries. The third period, the resurrection, covers the uses of the office in the first century: by Sulla in 82, and by Caesar from 49 to 44. Most of our documentary evidence for the dictatorship is shaped and swayed by these final, unrepresentative instantiations of the office. While this increases the difficulty of our task, it is also true that unpacking what people have to say about the dictatorship in the shadow of Caesar and Sulla can provide a great deal of insight into the norms from which those men were said to deviate. Each of these periods provokes questions that are not well addressed in the secondary literature.

For the first we must start with questions involving the origins of the dictatorship. Why exactly was it created, in a form very close to what it would always be? Who was its constituency? What motivated its regular use? If the need for unified command against

6 A list of recorded dictators, culled from surviving records and literature, has been assembled and honed for this study. It is presented in Appendix A. Hereinafter, specific dictatorships will be referred to by name, year, and the index number under which they are listed in Appendix A: e.g., Q. Fabius Verrucosus (#74, 217).
foreign threats falls short of explaining its magnitude, and it does, what aspects of Roman
domestic tectonics played a role in the office’s creation?

What explains the lack of abuse of an office that, from all appearances, could not have
been devised to be a greater temptation to tyranny? Dionysius’s claim that the good
behavior of all those dictators can be credited to the sterling example of the office’s
inaugural occupant\textsuperscript{7} would have been an insufficient answer even to Romans. There were,
tradition tells, literally scores of dictators before the year 200, yet the Romans regularly
assured themselves that it took only seven autocrats to corrupt the office of rex, and only
a single iteration to tempt the decemviri. Anyone with power was suspect in the Roman
mind. They hedged in their officials with colleagues, vetoes, and annual elections; they
saddled their high priests with anti-political taboos and inscribed in monumental law
harsh penalties against fathers too frequently selling their sons and patrons deceiving their
clients. The Romans feared corruption and abuse of power because they knew the barrier
that fended it off from mortal souls raised to power was thin. What forces curbed the
ambitions of those men, already famous and influential, who found themselves elevated
to the most potent and unfettered office in Rome?

To what extent did the office of dictator evolve along with the dramatically
transforming Republican constitution of the fifth, fourth, and third centuries? There are
subphases within the first phase, hidden in an office that seems consistent in form and
powers. As the Republic’s magistrates, senate, religious ritual, and social conventions
radically reshaped themselves over these three centuries, was there a commensurate effect
on the parameters of, or control over, the office of dictator—and if not, why not?

That three centuries of steady use had elapsed with no abuse and no uprising or
campaign to end the office makes the drought of dictators in the second century just as
peculiar as the reliance on them in the fifth, fourth, and third. For the second phase, the
question becomes: What explains the dearth of dictatorship in the second century?

\textsuperscript{7} Dion. Hal. \textit{Ant. Rom.} 5.77.1–4.
L. Cornelius Sulla engineered his own appointment as dictator in 82, an act his detractors called an unconscionable grab for power. C. Iulius Caesar’s five dictatorships followed, across the years 49 to 44. Despite being better documented, the resurrection of dictatorship in the first century BCE arouses serious problems of interpretation for both contemporaries and modern scholars. The dictatorship had lapsed 120 years when Sulla entered into it, and consequently had passed entirely out of living memory. For the first three hundred years of the Republic the dictatorship was a living, thriving institution, occupied by Rome’s most august consuls and represented in everyday political life by past dictators still walking the Forum and taking their turn to speak in the senate on matters of grave import. In its supercentury of neglect, the dictatorship ceased to be such a living presence; the word dictator passed into history, its role into abstract political theory, the subject of idle private discourse rather than urgent public debate. In other words, there is a very real need to explore the late Republic and Augustan age memoriae dictaturae as distinct from what we can say about the original functioning of the office during its time of prevalence in the first phase.

The dictatorship’s abstractification presents us with an unexpected uncertainty, as well as our most compelling questions for the third phase: What did dictator actually mean to political men of the first century BCE? What ideas had it come to represent in its long sojourn in the wilderness? How do these late conceptions of dictator color our understandings of early dictators and of Sulla, and our reading of first-century historians?

More broadly, in each period of Republican history the question may be asked: What exactly was a dictator, and how did the perception of the office play a role in its reality?

•    •     •

Though a comprehensive history of the dictatorship is much needed, our priority must be to come to an understanding of what the dictatorship was, in terms both of how it functioned and evolved as a component of the Republican system and of what the

---

dictatorship meant to the citizens of Rome during its development, transformation, desuetude, and sudden exhumation. This exercise, more than most efforts at insight into the ancient world, is confounded at every turn not only by spotty and inconsistent primary evidence but, worse, by fundamental misconceptions about the office that date back thousands of years and are still perpetuated today even among respected scholars.

Improving our understanding of the dictatorship, therefore, seems to call less for a beginning-to-end, all-encompassing history of the dictatorship—though, again, one is needed—than for a series of clear, explicitly stated assertions about the dictatorship that can be explored in depth and justified based on both strength of evidence and consistency of theory. The following sections each begin with such an assertion, followed by evidence and analysis, culminating, in the conclusions, in an attempt at a concise, systematic theory of the functioning and semiotics of the Roman archaic dictatorship.

In the following chapters I will be relying primarily on the narrative history of the dictatorship as it survives from ancient authors. I intend to argue that the summary descriptions of the capabilities, purposes, and uses of the dictatorship present in key ancient authors—Cicero, Polybius, Dionysius, and others—are reactive and prescriptive mischaracterizations of the office and so cannot be relied upon. I will further argue that the vast majority of secondary scholarship is also unreliable on the subject of the dictatorship for a number of reasons: much of it derives from the classical epitomes, which are largely myth; modern secondary scholarship has been heavily influenced by Mommsen’s deeply flawed analysis of the office; and most of all because its seemingly autocratic nature and irregular use does not fit well with the rest of the ordinary Republican constitution. This leaves the rich, if incomplete, tapestry of the stories told of the appointments, actions, and exits of the archaic dictators themselves as the best means of understanding both the workings and the meaning of the dictatorship as it was understood by the Romans themselves.
οὐ μὴν ἀλλὰ περὶ μὲν τούτων ἐν ἄλλοις ἀκριβεστέραν ποιησόμεθα τὴν διαστολήν.

I shall, however, take another opportunity of expanding on this [the dictatorship] more precisely. [This expansion is no longer extant.]

SOURCES

CATEGORIES OF EVIDENCE

Sources for the study of the archaic dictatorship fall into a handful of broad categories, all very problematic. The literary sources include annalistic histories, biographies, antiquarian writings, oratory, and legal writings. Material evidence is entirely in the form of inscriptions, largely elogia but also singular items such as the Fasti Capitolini. Collectively the evidence available for discussing the dictatorship suffers from several debilities.¹

First, discussion of the dictatorship in ancient works is generally incidental to the narration of events or development of a larger theme. Analysis of the office requires gathering sporadic mentions within the ancient literature: put lyrically, it is a search for four-leafed specimens from amid vast, rolling swards of classical clover. Thus the narrative of the dictatorship is “fragmentary” in a sense not far removed from the normal historiographical sense: the thread of events surrounding creation, operation, and abdication of dictators is found in pieces here and there within the larger story of the Republic. This leads to a further danger, familiar to the student of ancient history, of these fragments being studied in isolation, removing them from context.

Second, the available sources are too late to directly see the archaic dictatorship in action. The extant literary evidence is no older than the second century BCE, and the bulk of it is at least a century later. The relevant epigraphic evidence is similarly late. We

must seek the archaic dictatorship through the attitudes and interpretations of those for whom it was already history, most of them, moreover, having experienced the effects of the first-century resurrection.

Third, it turns out that the dictatorship is one of those venues in which the Romans come across as profoundly alien to the Greek writer and his audience. In the works of Greek authors, the dictatorship was a peculiarity: an idiosyncratically Roman response to crises as unique to them, and as opaque to outsiders, as Persian magi.² For other Roman magistracies the Greeks applied analogous Greek terms from their own history and practice,³ but the strange name dictator was transliterated whole into Greek.⁴ Greek narration described the dictatorship as if from an anthropological distance. Normally in Roman historiography the Greek remove is a constructive counterbalance to Roman perspectives; but the existing evidence suggests that the Greeks did not fully apprehend the dictatorship’s function and utility. Greek narratives remain informative on individual dictators and the events surrounding them, but exploring the dictatorship requires reliance on Roman writers more than is customarily the case in pre-Augustan Roman studies.⁵

Unfortunately, there was an element of alienness for our Roman sources as well. For the Greeks, the dictatorship was an unfamiliar and distinctly Roman thing. For Roman

² Dionysius went so far as to say the Romans deluded themselves about their own office for four hundred years, not understanding until Sulla that they had instituted αἱρετὴ τυραννίς ‘elective tyranny’: see the section on epitomes in Dionysius below. (For the opacity of the magi in Greek literature, see for example Hdt. 1.132.)
³ There was no special Greek word for consul, nor was the Latin word transliterated into the Greek as κόνσυλ or some such. The normal term was στρατηγός ὑπατος ‘highest commander’, e.g., Polyb. 1.52.5, or just ὑπατος ‘highest one’, e.g., Polyb. 6.12.1, Dion. Hal. Ant. Rom. 4.76.2 (in which Dionysius explained that the Greeks chose this word, rather than a word like σύμβουλος ‘counselors’, to emphasize the supremacy of the consulship among the Romans). The superlative, while not conflicting with its collegial nature (the passages from Polybius and Dionysius just cited both refer to οἱ ὑπατοι), exemplifies how Greek accounts of Roman systems tended to round the edges. Even the more uniquely Roman office of tribune of the plebs was elegantly translated as δημάρχων. A key work on the translation of consul into Greek is Holleaux 1918.
⁴ The normal term for the title dictator was ὁ δικτάτωρ, though αὐτοκράτωρ στρατηγός was used when emphasis on the dictator’s sole military command was desired. See Appendix H, s.v. αὐτοκράτωρ στρατηγός.
⁵ Ancient citations on the dictatorial narrative are found with the list of dictatorships in Appendix A.
writers, for whom “dictatorial power” might recall the fiat of Caesar and the bloodletting of Sulla, the functional operation of the dictatorship as a routine, ordinary part of the Republican state during the archaic period was as strange to them as it was to the Greeks.

ROMAN HISTORIANS

The greatest volume of material on the dictatorship comes from Livy, who undertook his sprawling history of Rome while the Republic was ending and not yet enjoying Augustan reconstruction. We have coverage of the archaic dictatorship through 293, followed by a lacuna through 218; the next extant Livian decade, with its elaborate account of the Hannibalic War, covers the rump of the archaic dictatorship, plus the desuetude up through Pydna. Overall the surviving books cover 71 of the 85 attested dictators, but for the volatile third century, the rest of the desuetude and the resurrection, we have only late bald epitomes, in particular the fourth-century CE abridgment known as the Periochae.

Via Livy we have indirect access to earlier sources, including annual priestly records of earlier centuries, but we cannot take even Livy’s most obviously annals-derived notices entirely at face value. First, Livy’s own sources were imperfect and sometimes conflicted with each other; Livy reported to us the more interesting or baffling examples. Second, Livy had his own agenda, and so was prolix on subjects close to his themes and laconic, or even lacunaic, on matters that were for him less compelling. An example: the Fasti

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6 Livy’s work came during the Republic’s “final, violent death throes”: Burton 2000, 446. On the first decade as pre-Augustan, see Luce 1965 and Burton 2000. Luce concluded the first pentad was begun ca. the Battle of Actium and was complete by 27 BCE; up to book 9, and probably to 15, was completed by 23 BCE. Burton, working from Luce and emphasizing Livy 1.56.2 (an aside remarking on then-current renovations to the Circus Maximus and Cloaca Maxima), argues for dating the start even earlier, to 33 or early 32.

7 This corresponding to numbers 1-59 and 74–85 in Appendix A.

8 Livy’s major sources began with the “annalistic tradition,” which was apparently treated by the Romans of Livy’s time as “a unity” (Frier 1979, 223). Other sources consulted by Livy included Polybius, Fabius Pictor, Cato the Elder, Licinius Macer, Valerius Antias, and writers of the Gracchan period. On Livy’s sources and how he used them see Luce 1977. For case studies, see e.g. Sklenár 2004.
Capitolini listed L. Cornelius Lentulus (#49) and T. Manlius Imperiosus Torquatus (#50) as dictators in 320 during the Second Samnite War, the former *rei gerundae caussa* and the latter to hold elections. Livy mentioned L. Cornelius’s dictatorship, solely to air the confusion in his sources over whether the pivotal victory at Luceria should be credited to him or to his *magister equitum*, the hero L. Papirius Cursor, also consul that year. The cursory notice of elections makes no mention of who conducted them or of any dictatorship in 320 subsequent to L. Cornelius’s.⁹

Other Roman historians provide us infrequent evidence, either because of partial survival or because their topics rarely intersected with ours. Frustratingly, Sallust’s *Histories* do not describe Sulla’s dictatorship but rather begin, apparently by design, with Sulla’s legacy from 78 BCE onward; only fragments of the work survive in any event. If extant it would speak to us of the archaic dictatorship through the lens of Sulla’s dominion. As an author Caesar is not useful even for his own dictatorships, though they offer context for the events that predated them; even his infamous verdict on Sulla is reported elsewhere at second hand.¹⁰ Later Latin historians, where they stray into the early and middle Republic, mention individual dictators in passing but seldom offer insights into the magistracy; these include Florus, in the first century CE; Tacitus, in the second; Eutropius, in the fourth; and Orosius, in the fifth.

To these historians we might add the “exemplarists”: writers who categorized the anecdotal exploits of famous men according to various faults and virtues, as if to compile

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⁹ Livy 9.15.9–11. Another discussion of the unreliability of sources such as family histories and memorials takes place at 8.40, where he essentially shrugged his shoulders as to whether the dictator A. Cornelius Cossus Arvina (#45, 322) indeed performed the victories Livy himself had just attributed to him or merely held games, with the battles being won by the consuls of the year, as another of his sources attested.

¹⁰ Caesar’s expression of mystification at Sulla’s having resigned the dictatorship, *Sullam nescisse litteras, qui dictaturam deposuerit*, usually loosely translated as “Sulla did not know his ABCs,” was relayed by Suetonius from the writings of T. Albius Balbus as part of the latter’s catalog of Caesar’s increasing arrogance in the months prior to his assassination (*Iul*. 77). For an intriguing alternative interpretation, which has Caesar asserting that Sulla’s resignation of the dictatorship, being predicated on the possibility of “restoring the *res publica,*” revealed in Sulla an inadequate scholarship or understanding of language, see Morgan 1997.
an encyclopedia of human behavior. Valerius Maximus, writing in Tiberius’s time, weighed and expounded on the deeds of illustrious Romans, some of whom were dictators. Certain works on strategy, such as Frontinus’s Strategemata, completed ca. 96 CE, were also organized around the actions of past commanders, some of them dictators. Like Valerius Maximus’s stories they provide useful information about the perception and legacy of landmark historical events. Additional stray material of similar sort comes from the kaleidoscopic Noctes Atticae of Gellius in the late second century CE; Ampelius in the third century; and the unknown author of the fourth-century De Viris Illustribus.

Cicero’s speeches, philosophic essays, and letters offer abundant commentary on his own times; as his method often involved contrasting his contemporaries’ deeds and character of with towering figures from Rome’s history, he is invaluable for understanding the late Republican reception of its own past. In addition to passing remarks (of various degrees of acidity) on certain archaic dictators, Cicero also provides a famous paragraph describing the dictatorship itself, which will be discussed in detail below.

GREEK HISTORIANS

The Greek counterpart and contemporary to Livy, with the same breadth of historical scope and often covering the same material, is Dionysius of Halicarnassus. His Ρωμαϊκὴ Ἀρχαιολογία focused on early Rome from its origins to the mid-third century; but of the original 20 books only the first nine are extant, plus parts of books 10 and 11 and fragments from the rest. Unfortunately this means that, while extant Dionysius includes the earliest dictatorship stories (including the famous figure of Cincinnatus), it tails off before we get past the mid-fifth century, though significant chunks survive of the early fourth century from books 14 and 15 (including the tales of the dictator Camillus).

Polybius, writing more than a century earlier than Livy and Dionysius and from first-hand, intimate knowledge of Roman behavior and institutions, would be a promising

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11 For key discussions of Dionysius of Halicarnassus, see for example Gabba 1991; Martin 1993.
source were it not for the fact that his Ιστορίαι, by design, only narrates the period of the three Punic wars. Worse, of the 40 original books only the first five survive in their entirety. Among the lost material is an analysis of the dictatorship, promised in book 3. The surviving material includes a brief description of the office as part of the narrative of the most important dictator to come into Polybius’s tales, Q. Fabius Maximus.

The remaining major Greek history from the Republican era, the Βιβλιοθήκη Ιστορική of Diodorus Siculus, written in the two decades prior to Actium, is less useful to us, not because of issues of survival but because he treated Italian affairs briefly and as a coda to more involved narration of eastern affairs.

Subsequent Greek historians are useful largely for assessments of the first-century dictators. Josephus, invaluable for the period of the early Principate, discussed Caesar but did not reach further back. Appian, writing in the mid-second century CE, is extant and potent, indeed virulent, for Sulla and Caesar, but is very fragmentary for earlier periods; the same is true for Cassius Dio writing a century later.

Later historians still are even more remote and cursory even when expressing an interest in the subject. From the sixth-century writer John the Lydian survives a long paragraph stringing together mentions of important dictators; it is both cryptic and inaccurate. The twelfth-century Byzantine historian Zonaras helps by providing indirect access to lost writings, but is too far removed from the dictatorship to aid in explicating the Romans’ understanding of it.

Biographers and Antiquarians

Plutarch, flourishing in the early second century CE, wrote not history but biography and philosophy. In his Βίοι Παράλληλοι he sought the characters of influential men. Consequently, he’s useful for our understanding of the attributes that Romans admired in a man, and, more directly for our purposes, what kind of man filled, or matched, the greatness of the office of dictator. Unfortunately, Plutarch chose as subjects only the four most famous dictators: Camillus, Fabius, Sulla, and Caesar, plus Antonius, one of Caesar’s
magistri equitum. But these biographies, and his assessments of Roman leaders in general, provide us with a good deal of well-sourced material.\textsuperscript{12}

Among biographers writing in Latin, nearly contemporary to Plutarch was Suetonius; but as his subject was \textit{De Vita Caesarum}, only the very last of the dictators fell under his scrutiny. His primary focus—Caesar’s character and his relations with contemporary society—did not draw Suetonius far into the historical dictatorship, though it does help us understand how a man like Caesar could make use of a facility like the dictatorship.

Other antiquarian writers provide sporadic details. These include Varro’s \textit{De Lingua Latina}, written in the first century BCE, and Pliny the Elder’s encyclopedic \textit{Naturalis Historia}, written in the 70s CE.\textsuperscript{13} The dictatorship also surfaces in legal writings, including those of the jurist Gaius, in the context of certain relevant \textit{senatus consulta} and of specific laws associated with dictators such as the \textit{lex Hortensia}.

INSCRIPTIONS

Most important among the relevant epigraphic evidence are the surviving \textit{Fasti}, which listed consuls, consular tribunes, dictators, censors, and triumphators from the dawn of the Republic. The early centuries of these lists are, however, Augustan-era reconstructions by Roman antiquarians and must be approached cautiously.\textsuperscript{14} Nonetheless, we cannot discount these records:

\begin{itemize}
\item \textsuperscript{12} Discussion of Plutarch’s sources is a broad topic, much of it devoted to the Greek subjects. On sources and their usage for Plutarch’s Roman biographies, see Smith 1940; Wardman 1971.
\item \textsuperscript{13} Pliny’s wandering but detailed scholarship not only surveyed the natural world but avidly cataloged humanity’s myriad and intricate interrelationships with it, with the result that, for example, he not only described the \textit{sorex}, or common shrew, but related how its song could scuttle the auspices-taking of consuls and dictators (Plin. \textit{HN} 8.82 (57), 223; cf. Plut. \textit{Marc.} 5.4; Amm. \textit{Marc.} 16.8).
\item \textsuperscript{14} All discussion of the \textit{Fasti}, particularly the \textit{Fasti Capitolini}, starts with the edition presented in Degrassi’s \textit{Inscriptiones Italiae} vol. 13 (1947), or his “pocket” edition (1954), excerpting and lightly amending same. Also key is the work of Lily Ross Taylor in general: e.g., Taylor 1946, which revised the dating of the \textit{Fasti Capitolini} to between 21 and 17 BCE; Taylor 1950, a response to Degrassi; and Taylor and Broughton 1968.
\end{itemize}
“Since the dictatorship was not eponymous, its tenure may not have been recorded in the consular list and the preservation of the names of many dictators was probably largely due to family traditions (which were notoriously suspect). However, if triumphal records survived from the fifth century … they will have registered the more successful incumbents. Certainly Camillus’ capture of Veii appears beyond cavil and the other successes involved are at least credible.”

Several memorial *elogia* survive of individuals from the dictatorial narrative. These are considerably later than the individuals they pertain to; most are of Augustan vintage.

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15 Drummond 1989, 191.
16 For dating of the *elogia* see e.g. Sage 1979, as amended by Braccesi 1981 and Sage 1983.
Dating

Dating anything having to do with the early or middle Republic is a frustration. The writers we depend on were themselves perplexed and aggravated by conflicting, missing, vague, and misleading source materials. Almost the first thing Livy had to say about the inaugural dictator was that he could not be sure when he was, or even who he was.

Livy 2.18.4–5

Sed nec quo anno, nec quibus consulibus quia ex factione Tarquiniana essent—id quoque enim traditur—parum creditum sit, nec quis primum dictator creatus sit, satis constat.

But there is agreement on neither the year, nor which consuls were suspected of belonging to Tarquin’s faction (this is part of the tradition), nor who was the first dictator to be appointed.

The sources Livy had before him represented numerous and conflicting traditions, which Livy recognized as being of varying reliability and usefulness even for events much closer to Livy’s time than the inception of the dictatorship. Our predicament is direr than Livy’s, being two millennia on with less to work with; but our situation is not hopeless. Some sound assertions can be made about dating dictator-related evidence.

For Roman history, there was an unofficial system of counting from the founding of the city (ab urbe condita, shortened to AUC). For formal records this was subordinate to the official eponymous system, known as the consular year. Calling each year after the two consuls was not merely a convenient convention; the annalistic records were originally sacred notices kept by the head of the state religion, and events and actions of the state took place “under the auspices of” the consuls of the year, reflecting the sacred responsibility for the state that was integral to magisterial office. Very occasionally annalists like Livy paused to line up eponymous chronology with AUC numbering.¹⁷

Greek writers sporadically lined up Roman history with Olympiads. This ought to be helpful, but the standardized AUC chronology, regularized under the Principate, does not

¹⁷ Notably: 244 AUC, Livy 1.60; 301 AUC, 3.33; 310 AUC, 4.7; 400 AUC, 7.18; 487 AUC, 31.1; 551 AUC, 31.5. Traditionally, the founding of Rome took place in what we would call April of 753 BCE, making the formula BCE = 754 – AUC. The death of Herod in 4 BCE, for example, would be 750 AUC.
line up with other chronological systems, hindering reconciliation between the Roman history and the history of lands beyond Italy.\footnote{The misalignment of Varronian chronology, which has been a fixed standard since Claudius, will be discussed later in this study, but for now let us say that Varronian years, even when expressed as BCE, are understood not to equate exactly to the BCE reckonings for non-Roman events (e.g., the Peloponnesian War). To make things more confusing, the \textit{Fasti} are a year off from the Varronian chronology (Beard 2003).} Before the Hannibalic War, Eastern interaction with Rome was less frequent, so aligning their calendar with Rome’s was less relevant for the early and middle Republic, the period covered by the archaic dictatorship.

For the student of the dictatorship, consequently, absolute chronology is not what matters. The exact number of years ago an event took place is less important than aligning that event with other known events in the Roman timeline and sorting out what events and trends came before, what coincided, and what came after. The system we use can be approached in a relative and, for the early and middle Republic, largely insular, manner.

As a result, questions of dating, especially in terms of the earliest dictatorships, involve situating the inception of the office amid the key milestones of that period. Our ancient sources, for example, believed two things about the earliest dictatorships: that there was a dictator leading the Roman forces at the key watershed event of the dawn of the Republic, the Battle of Lake Regillus, and that this dictator was not the first of his kind.\footnote{Dion. Hal. \textit{Ant. Rom.} 6.2; Livy 2.19, though he presented an alternative at 2.21. See also Val. Ant. 21.3, 22.4, Cic. \textit{Nat. D.} 2.6, 3.11, Val. Max. 1.8.1, Plut. \textit{Cor.} 3, Auct. \textit{Vir. Ill.} 16, Frontin. \textit{Str.} 1.11.8; cf Flor. 1.5.2. A Postumius is also listed in the triumphal \textit{Fasti} for his victory over the Latins. For more on the dating snarl of the first two dictatorships and the argument that the historian Postumius Albinus rejiggered the Lake Regillus dictatorship to give preeminence to an ancestor, see Richardson 2014, 23–24 and Appendix G.} Fixing the absolute dates of the first dictators is both impossible and unnecessary. Our study of how the Romans understood their dictatorship depends on the stories told about those dictatorships in relation to each other, and to surrounding events of lasting impact.

This is also the case where the narrative is itself lost to us. There are cases where we know from surviving discussion of later years that there \textit{had been} a dictatorship, but both epigraphic and annalistic evidence is now missing for the period in which the dictatorship
seems to have taken place. One of the most prominent of these lacunal cases is Q. Hortensius (#60), customarily penciled in for 287, though it is mere convention to say so. The Fasti are missing for 292–285 BCE; we are also without a narrative history apart from the terse summary of his resolution of a plebeian secession and death in office in the surviving gloss of Livy. Beyond that we hear of a lex Hortensia giving plebiscites the standing of laws (according to various works). When all this happened is guesswork. The Periochae here as often has no exact date, so associations have had to be made by relating other fragments. For example, Q. Hortensius’s dictatorship in the Periochae comes after a notice of the consulship of Curius Dentatus, which has been dated to 290, and also after a census less confidently put at 289. We can place this dictatorship between 289 and 285; this range is sufficient, with 287 as a midpoint and placeholder. This enables us to discuss Q. Hortensius’s term in the context of the dictatorship as it was later understood to have operated in the early third century. In other words, while it is necessary to date problems such as Q. Hortenius’s dictatorship and the lex Hortensia as well as we can, the priority is to establish the relative placement within the sequence of Republican evolution.

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21 Plin. HN 16.37; Lael. Felix in Gell. NA15.27.4; August. De civ. D. 3.17. See also Sall. Hist. 3.48.15M; Cic. Leg. 3.9; Diod. Sic. 21.18.2; Tac. Ann. 2.37; Cass. Dio fr. 37.1-4; Zon. 8.2; Gai. Inst. 1.3; Pompon. Dig. 1.2.2.8, Inst. Iust. 1.2.4; Gran. Lic. in Macrob. Sat. 1.16.30.

22 Hartfield 1982, 467–468. The previous and following lustra in the Fasti are the 29th in 300 (Livy 10.9) and the 32nd in 280 (Livy Per. 13.7). The 31st would be the one recorded in Livy 10.47, in 294. Astin (1982, 181) would commit only to between 290 and 287. That would give us 300, 294, [...], 280, using the latest date for the most even intervals; but Astin also had an uncompleted censorship in 283. So a sequence of 294, 289, 283), 280 is reasonable if speculative, with the lustrum that preceded Q. Hortensius’s dictatorship as late as 287.
Much of the narrative history of the archaic dictatorship involves Livy. For this reason, it is necessary to take a closer look at Livy’s relationship with the dictatorship.

Livy tended not to talk about the *dictatorship* per se; he wrote about dictators, and left it to his audience to devise their own opinions about the dictatorship and those named to it. The word *dictatura* occurs only 44 times in extant Livy, and does not arise until the resignation of its third occupant.23 Twenty-one of the 44 instances of *dictatura* are along the lines of *dictatura se abdicauit* ‘he renounced his dictatorship’, analogous to the formulaic *magistratu se abdicauerunt, consulatu se...*, etc., found regularly in Livy.24 Another ten involve the legacies of specific dictatorships.25 Typical is this reference, referencing the controversial second dictatorship of L. Quinctius Cincinnatus (#5, 439):

LIVY 4.16.7

Plebs quamquam agitata multis eo anno et variis motibus erat, nec plures quam tres tribunos consulari potestate creavit et in his L. Quinctium Cincinnati filium, ex cuius dictaturae invidia tumultus quaerebatur.

Though the plebs were exceedingly restless that year and there were various disturbances, they nonetheless elected only three tribunes with consular power, among whom was L. Quinctius, son of that [L. Quinctius] Cincinnatus whose dictatorship caused ill-will resulting in the fomenting of disorder.

This passage was not about the dictatorship in general but about events specific to one of its iterations. The ill-will mentioned here derived from the events of that term (L. Quinctius’s *magister equitum* slew the populist rebel Sp. Maelius, and the dictator confiscated Maelius’s estate and burned his house down);26 public reaction to these events that created

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23 The resignation of M.’ Valerius Maximus (#3, 494): Livy 2.31.3.
25 Livy 4.16, 4.24, 4.29, 4.32, 6.12, 7.22, 7.25, 8.12, 9.18, 28.40.
26 Livy 4.13–15; Dion. Hal. *Ant. Rom.* 12.2; Flor. 1.17; Zon. 7.20; cf. Val. Max. 5.3.2g, Cic. *Dom.* 86.
hostility toward the nobles useful as a pretext for further insurrection.\textsuperscript{27} None of that reflected on the dictatorship; the odium adhered to the man, L. Quinctius Cincinnatus.

In several places Livy placed the dictatorship explicitly alongside the consulship and other offices of the Republic, most often by depicting ex-consuls and ex-dictators in the senate as being of similar dignity. This occurs in constructions involving both \textit{dicturae} and \textit{dictatores}.\textsuperscript{28} For example, Livy described the \textit{ferox iuvenis} Caeso Quinctius as both physically and politically extraordinary:

\begin{center}
\textbf{LIVY 3.11.7}
\end{center}

\textit{Hic cum in medio patrum agmine constitisset, eminens inter alios, velut omnes dictaturas consulatusque gerens in uoce ac uiribus suis, unus impetus tribunicios popularesque procellas sustinebat.}

When this man took his place in the senatorial flock, towering over them as if wielding the might of all dictatorships and consulships in his voice and vigor, he would single-handedly withstand the tribunes’ assaults and the fury of the mob.

This passage is fascinating in ways that extend beyond the scope of this study: its demarcation between the noble consuls and dictators, on the one hand, and the masses and their tribunes on the other, with the former represented by an outstanding specimen of male virility, is particularly striking. But we can say that \textit{dicturae consulatusque} might be taken as collectively representing both the cream of the senatorial nobility and the epitome of the executive power and acumen that the \textit{res publica} could bring to bear.\textsuperscript{29}

In another place, Livy had M. Valerius Corvus (#35, 342) assert to a mutinous army that despite the differences between the two offices he approached his past consulships and his present dictatorship in the same way, with duty, honor, and absolute fairness:

\begin{footnotesize}
\begin{enumerate}
\item Livy 4.16.3 focuses the disturbances on the death of Maelius rather than the dictatorship of Cincinnatus.
\item Consulships and dictatorships: Livy 3.11, 6.18, 7.40, 9.18. Consuls and dictators: 5.2, 9.17, 9.18, 8.30, 10.7, 23.42, 26.10. \textit{“Quae ab condita urbe Roma ad captam eandem Romani sub regibus primum, consulibus deinde ac dictatoribus decemuirisque ac tribunis consularibus gessere...”}, Livy 6.1.1.
\item For more on Livy’s use of the Quinctii to form ideals of aristocratic leaders, see Vasaly 1999.
\end{enumerate}
\end{footnotesize}
“Eodem tenore duo insequentes consulatus gessi, eodem haec imperiosa dictatura geretur; ut neque in hos meos et patriae meae milites | similior quam in vos—horreo dicere—hostes.”

“In that spirit I administered two successive consulships, in that spirit will this mighty dictatorship be administered; I shall not be more gentle towards these soldiers of mine and of my country than to you who would be—I shudder to say—its enemies.”

The distinction is made between consulships and haec imperiosa dictatura, as a warning to his audience that he had more options at his command than a consul might. But Livy’s version of M. Valerius’s speech is about the honorability of the man holding the office eclipsing the nature of the office itself. M. Valerius, significantly, was being made to say, “Do not trust or fear me because I am dictator, but because I am M. Valerius Corvus.”

Apart from conducting one’s duties with virtue, Livy hinted that what was most to be respected about dictatorships was brevity of duration. He discussed this, too, as indicative of the character of the individual occupant. In the course of a long digression on Alexander,\(^\text{30}\) during which he spoke repeatedly of consuls and dictators together, Livy alluded to past generals “more wonderful” than Alexander because they faced handicaps that the great Macedonian did not. Among these were consuls who were recalled to hold elections or at the expiration of their single year in office and dictators who accomplished their victories despite being in office only ten or twenty days,\(^\text{31}\) a good example of how Livy referred only obliquely to the limitations imposed on dictators by the expectation that they accomplish their tasks and resign as soon as possible. Livy also raised the converse idea, having someone suggest in another speech that a power-hungry senator might not be satisfied with a six-month dictatorship or a five-day stint as interrex.\(^\text{32}\)

Only rarely did Livy allude to the fear dictatorships could inspire in agitators and the masses stirred to discontent. On these occasions he limited himself to the feelings the dictatorship inspired in the potential targets of dictatorial actions, whether stated or self-perceived,\(^\text{33}\) Livy did not analyze the dictatorship’s place as boon or detriment to the

\(^{31}\) Livy 9.18.13.
\(^{32}\) Livy 9.34.
\(^{33}\) Livy 4.14.2 is a good example.
Republic, only the men who served as dictators. As in the case of M. Valerius Corvus, the fear associated with the dictatorship was shown as primarily having to do with the man.

Livy described the majesty of the dictatorship as something that was not merely inherent in the office, but that needed to be met by the actions of dictators. Like Polybius, Livy made a great deal of the Romans having forgotten the awesomeness of a military dictator by the time Q. Fabius Maximus (#74, 217) was appointed. The dictator addressed this lapse by summoning the sole surviving consul to appear before him without lictors:

LIVY 22.11.6

Qui cum dicto paruisset congressusque eorum ingentem speciem dictaturae apud ciues sociosque uetustate iam prope oblitos eius imperii fecisset…

The consul obeyed, and their meeting vividly impressed the greatness of the dictatorship on citizens and allies, who had now, with the lapse of years, almost forgotten that supreme authority.

Livy understood the inherent majesty of the dictatorship as latent. Its effect on the populace was aroused by a dictator, according to circumstance, necessity, and capacity.

The only occasion on which Livy came close to bringing any asperity to bear on the dictatorship itself was in his assertion that Q. Fabius Maximus (#74, 217) was not a true dictator because he was appointed by the tribal assembly and not, as was inviolable custom, by a consul (the consuls being dead and on the other side of Hannibal’s army from Rome, respectively). Consequently, Q. Fabius ought to be referred to as a “prodictator.”³⁴ Livy’s passion here, in other words, was on behalf of long-established precedent, which the Roman people observed and admired but, in their panic at the advent of Hannibal, had for once short-circuited; the actions taken were understandable under the circumstances, Livy admitted, but he was of the opinion that his predecessors were nonetheless in error to call the resulting magistrate a proper dictator.

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³⁴ Livy 22.31.
AUGUSTINE DE CIVITATE DEI 3.17

Vel quando post longas et graves Romae seditiones, quibus ad ultimum plebs in Ianiculum hostili diremptione secesserat, huius mali tam dira calamitas erat, ut eius rei causa, quod in extremis periculis fieri solebat, dictator crearetur Hortensius...

Or when, after a long and serious civil uprising in Rome the plebs finally seceded to the Janiculum, separating as if they were an enemy, and so dire was the calamity of this terrible situation that, what was only done in extreme peril, on account of this matter Hortensius was appointed dictator...

TAXONOMIES OF THE DICTATORSHIP

The following sections involve problems with using the evidence that has come down to us about the dictatorship to categorize how the office was invoked and used.

THE CAUSSAE DO NOT PROVIDE AN EFFECTIVE TAXONOMY

The widely varying uses to which the archaic dictatorship was put invite categorization and, more than that, an effective taxonomy. The Fasti and the narrative histories would seem to provide one in the form of the caussae.

Ancient magisterial records now lost to us noticed the appointments of dictators. These notices later found their way into the Fasti inscriptions¹ as well as the terminal-Republican annalistic historians, most transparently in Livy. Notices of new dictators in the Fasti follow a customary formula. The dictator is first; then his choice of magister equitum; and, finally, a “caussa.”² Here’s a Fasti item, in this case for A. Atilius Calatinus (#68, 249):

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¹ The Capitoline Fasti have been dated to 21–17 BCE (Taylor 1946). For Taylor’s assertion that the Fasti were attached to the Arch of Augustus, and therefore inscribed in association with the Arch’s dedication during Augustus’s sixth tribunicial power, midyear 18 to midyear 17 (Taylor 1950, 94), see Simpson 1993, Baas 2015.

² There is some difference in modern scholarship over how the word caussa should be rendered. Options include the customary Latin spelling causa; the more archaic caussa; or the punctilious compromise caus[sl]a, complete with corrective brackets. Both causa and caussa are found in the secondary literature. We are told by Quintilian that the caussa archaism, and a similarly doubled “s” in words like casus, was a literary fad—“Ciceronis temporibus paulumque infra”—and was a feature of Cicero’s and Vergil’s autograph manuscripts (Quint. Inst. 1.7.20). Modern editions of Cicero, nonetheless, customarily
The one piece of information about each dictatorship we are most likely to have, after the names of the office-holders, is the *causa*. It is the obvious starting point for discussing the nature and function of the dictatorship. Unfortunately, the *caussae* are mostly useless as a means of gaining insight into how the office functioned, and as a taxonomy it is of almost no value.

To support this statement, it should be necessary merely to observe (a) that more than half of the 85 archaic dictatorships were *rei gerundae causa* ‘for the purpose of conducting affairs’, the catch-all *causa* usable for varying circumstances (anything from defending Rome from invaders and attacking distant enemies to judicial probes and domestic unrest), and (b) that *caussae* other than *rei gerundae* were an innovation only introduced halfway through the archaic dictatorship’s three-hundred-year narrative. The *caussae* are nonetheless still used as an organizational system by modern historians, because previous scholars relied on them and because they are easy and formulaic.

have the standardized classical spelling, *causa*.

In the surviving fragments of the *Fasti Capitolini* the double-*s* spelling *caussa*—or, to be even more precise, *CAVSSA*—is prevalent where the word is written out in full and survives intact. For example, “*rei gerundae cavssa*” is clearly spelled out for P. Cornelius Rutilus Cossus (#12, 408); “*comit habend cavssa*” for C. Duilius (#70, 231); and “*clavi fig cavssa*” for Cn. Fulvius Maximus Centumalus (#65, 263). The choices faced in the present study are therefore to (a) pedantically hold to *caussa*, as being the actual spelling in the *Fasti*; (b) correct *caussa* to *caussa*, as is routine in historical scholarship, since modern readers no longer see *v* as a vowel; or (c) further correct *cavssa* to *causa* to match how we would spell it today in Latin.

Since the doubled *s* appears on the *Fasti*, the baseline for officially attested formulas for dictatorship notices, and because it was said to have been customary in the second half of the first century BCE and with Cicero particularly, I will elect to follow option (b) and will use *caussa* throughout.

3 Calatinus is the form found in Livy and in Cicero (*Leg. agr. 2.24* (63) and *Sen. 61*), from the Campanian town Calatia. Caiatinus is not elsewhere attested, and *caia* ‘cudgel’ is apparently too late.
In fact, the *caussae* are dangerously misleading as a guide to the dictatorship because they do not effectively represent the uses to which the dictatorship was put in the first centuries of the Republic. For a better representation of those uses we must develop the concept of the mandate (to be discussed in the next section).

**Attested Caussae**

Several *caussae* appear in the *Fasti*. The *caussae* attested more than once are:

- The catch-all *rei gerundae caussa* ‘for the purpose of conducting affairs’ occurs most often by far, accounting for more than half of all the dictatorships.
- *comitiorum habendorum caussa* ‘for the purpose of conducting elections’: more specifically, to convocate a meeting of the *comitia centuriata* for the purpose of electing consuls and praetors. Only consuls could preside over the centuriate assembly, which meant that if the consuls were unavailable, an emergency magistrate—either a dictator or an *interrex*—was required.\(^4\) First use ca. 350.
- *clavi figendi caussa* ‘for the purpose of driving a nail’: a means of propitiation used in times of unusually fearsome plague.\(^5\) First use was in 363.

The remaining *caussae* are attested only once in the *Fasti*:

- *seditionis sedendae caussa* ‘for the purpose of putting down insurrection’: combined with *rei gerundae caussa* in the *Fasti* listing for P. Manlius Capitolinus (#19, 368), indicate that the state of crisis included fears of an internal uprising.
- *feriarum constitendarum caussa* ‘for the purpose of organizing festivals’: the instance in which this *caussa* occurs, for P. Valerius Poplicola (#34, 344), was not for one of the regular festivals of the Roman calendar but was rather a response to evil portents by means of special public rituals of propitiation.\(^6\)
- *Latinarum feriarum caussa* ‘for the purpose of [holding] the Latin festivals*: this *caussa* occurs once in the *Fasti* (for Q. Ogulnius Gallus, #66, 257), with no

\(^4\) For the dictator *comitiorum habendorum caussa* an alternative to the *interrex*, see Jahn 1970, 9–53.

\(^5\) For discussion of this *caussa* see Momigliano 1930; Cohen 1957; Brennan 2000, I.21.

\(^6\) “…namque et lapidibus pluit et nox interdiu uisa intendi; librisque inspectis cum plena religione ciuitas esset, senatui placuit dictatorem feriarum constitendarum caussa dici,” Livy 7.28.7–8.
corresponding narrative source. As with elections, holding the Latin festivals was a duty of the consuls; but unlike elections, the date was arbitrary, though the consuls traditionally could not take to the field without holding them.\(^7\) Normally held when the consuls were not likely to be away at war (at all, or yet); 257 was an exception.

- *ludorum faciendorum caussa* ‘for the purpose of conducting public games’: on the one occasion where the *ludi Romani* was tied to a dictator, in 322 (an alternate tradition for the dictatorship of A. Cornelius Cossus Arvina, #45), it was said that a dictator was needed to hold the games because both consuls were at war and the praetor was ill.\(^8\)

- *rei gerundae et comitiorum habendorum caussa* that included holding special games promised five years previously;\(^9\) the *magister equitum* he appointed was a sitting curule aedile, that office being already associated with the organization of public festivals.

- *interregni caussa* ‘on account of an interregnum’: this *caussa* is uniquely, and to the bafflement of anyone studying the dictator notices, used in the *Fasti* against the accession of Q. Fabius Maximus Verrucosus (#74, 217). The emergency it describes was not the threat Q. Fabius was being called to meet—the imminent threat of Hannibal attacking the city—but the consular vacancy that further advanced the panic, one consul being dead and the other unreachable on the other side of Hannibal’s marauding armies. With no consul available, Q. Fabius was appointed by a meeting of the *comitia tributa*, the *lex* perhaps being rogated by a presiding *interrex*.\(^10\)

- *senatus legendi caussa* ‘for the purpose of selecting the senate’: during the war with Hannibal the senate was so depleted as to warrant urgent replenishment. Uniquely this dictator acted as emergency censor rather than emergency executive.

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\(^8\) Livy 8.40.1-2.

\(^9\) “dictatore comitiorum ludorumque faciendorum causa,” Livy 27.33.6.

\(^10\) Plb. 3.87.9, Livy 22.8, Plut. *Fab.* 4.1, App. *Hann.* 11; Gusso 1990. This provided a precedent for Sulla in 82.
• *legibus faciendis et reipublicae constituendae caussa* ‘for the purpose of making laws and organizing the state’: this is the formula used for L. Cornelius Sulla (#86, 82), with the state in need of sweeping constitutional reforms.

Key questions in relation to these *caussae* include: how the formulaic Latin of the *caussae* should be understood and translated; how the *caussae* appear in the narrative sources, and what that usage can tell us about the *caussae*; why new *caussae* emerged in the mid-fourth century, and whether that represented a significant change in the usage and functionality dictatorship; and whether the *caussa* was at all relevant before, during, or after the dictatorship in question.

**ISSUES TRANSLATING THE CAUSSAE**

One problem with the *caussae* is that it is easy to misunderstand the phrase as defining the term and contents of the subsequent dictatorship, the period of action between accession and abdication. The *caussae* did not, in fact, describe the *tasks* performed by the dictator or the parameters governing the active term of a dictatorship, but the *conditions* under which a dictator was appointed—as seen above under Q. Fabius’s *interregni caussa*. A closer look at the wording of the *Fasti* notices will reinforce this key distinction.

The Latin formula “*caussa* + genitive gerundive” does not translate well into English; ‘for the purpose of’ is a kind of crude shorthand. The Latin gerundive, also called the future passive participle, implied an existing condition that required action to be undertaken. The formula *dictator . . . clavi figendi caussa* might be more accurately translated as ‘dictator . . . [appointed] on account of there being a need for the driving of a nail’. This is consonant with the idea that the records that resulted in the *Fasti* were notations of *accessions* to office, not terms of office.\(^\text{11}\)

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\(^{11}\) Bodel 1995, 282. Like the calendar, the *Fasti* were associated with Janus, in whose month the consul entered office (by the late Republic). Martial called him creator and father of the *Fasti* (8.2.1) and referred to accession to office as entry into the *Fasti* (8.66.9–12, 11.4.5–6): see Taylor and Holland 1952. The connection with Janus, god of gates, transitions, and by association time, accords with the idea that each notice in the *Fasti* is a record of the act of accession, not a commemmoration of an entire year. Rüpke
Further problems of translation bedevil the formula “rei gerundae caussa”. Both res and gero are among the least specific of Latin words; the phrase rei gerundae caussa must have meant to be open-ended and unrestrictive, though rei gerundae caussa is more muscular than the customary English translation ‘for the purpose of conducting affairs’ might suggest.

The verb gero ‘carry’ can also mean ‘conduct’ or ‘undertake’, but with the original sense of ‘carry’ transmitting a connotation of bearing a burden and a responsibility. As the construction gerere bellum ‘wage war’ is common enough in Latin as to be idiomatic, gero might be construed with a military flavor in the dictatorial construction as well; but a martial footing for rei gerundae caussa fails to reflect comprehensively either the circumstances of the inciting crises or the actions undertaken by the ensuing dictatorships. Many dictators appointed rei gerundae caussa went to war; many others did not.12

Gerere rem might still hypothetically construe like gerere bellum—‘wage government’, perhaps? In fact gerere rem is not unusual. It crops up more than once in Plautus:

\[
\text{PLAUTUS AMPHITRUXO 1.1, LL. 236–237}
\]
\[
\text{sed fugam in se tamen nemo convortitur / nec recedit loco quin statim rem gerat;}
\]
But for all that no one turned himself to flee nor withdrew, / but rather standing his ground each did his duty.

Though the setting in this case is military (the redoubtability of Amphytrion’s Thebans in battle with Teleboans), “rem gerat” contextually carries the meaning ‘accomplished his duty’. Livy mentioned caussae only if to was not rei gerundae, but he did use the expression in another context, describing L. Papirius Cursor (cos. 293) as being joyful in combat thanks to both his temperament and his confidence he could successfully resolve the matter at hand.13 Thus resolution is a key connotation of the expression. A more familiar

argued that all late-Republican Fasti derived from a single model the purpose of which was to record specific milestone events (Rüpke 2011, 87-108).

12 Mommsen identified the dictatorship rei gerundae caussa explicitly with military command, which is incorrect (Mommsen Röm. Staatsr. 2.140 = Appendix E, M37); as stated, not all dictators rei gerundae caussa went to war. The error is sometimes repeated in modern literature: Hartfield 1982, 17, 99; Lintott 1999, 110.

13 “Ceterum illud memoriae traditur, non ferne alium ducem laetiorem in acie visum seu suopte ingenio seu fiducia bene gerundae rei”: Livy 10.42.6. Similarly, “...atque his diuinis humanisque rebus gestis dictatura se abdicavit”: Livy 5.23.7.
form, *res gestae* ‘acts undertaken’ (or ‘deeds done’), carries exactly the sense of necessary measures performed under the burden of official responsibility, both military and domestic, that is suggested by the connotations of both *res* and *gero*. Thus a more useful version of the formula *rei gerundae caussa* might be something along the lines of ‘[appointed] on account of there being tasks needing to be undertaken’ or ‘needing to be completed’.

This interpretation underscores the nonspecific nature of dictatorship *rei gerundae caussa*: ‘tasks needing to be undertaken’ might, truthfully, describe the circumstances prefatory to any dictatorship. It does, however, help clarify the distinction from the other *caussae*. The plural *rei* ‘tasks’ is suggestive. The other *caussae* mostly describe the need for one, specific task to be undertaken: when there was a need to drive the gods-propitiating nail, the dictator appointed to meet that need had one task and one task alone before him, driving that nail; after that, he was done with what he had been called upon to do. But when there was an unusually dire war looming with the Samnites, the dictator who was appointed as a result of that threat took responsibility for removing that threat, an endeavor that typically required a long series of tasks starting with suspending business, conducting a levy, organizing and training troops, and so on. Likewise, getting to the bottom of a corruption scandal or quashing a movement around a seditious demagogue involved assuming a burden to resolve a danger to the Republic, a burden that might involve a string of measures and responses, and so *rei gerundae caussa* was appropriate.

**THE CAUSSAE IN THE NARRATIVE SOURCES**

The tripartite notices of the accessions of dictators—dictator; *magister equitum*; *caussa*—seeped through into the narrative histories incompletely but with consistency. In Livy notice of the *magister equitum* always appears alongside that of his dictator, and sometimes in other sources as well, even the Greeks.\(^{14}\) The *caussa*, on the other hand, followed only

\(^{14}\) For example, "κατὰ δὲ τὴν Ἰταλίαν Ῥωμαῖοι πολιορκοῦντες ἐνδέκατον ἐτος Βήιος κατέστησαν αὐτοκράτορα μὲν Μάρκον Φούριον, ἵππαρχον δὲ Πόπλιον Κορνήλιον", Diod. Sic. 14.93.2, regarding the first dictatorship of M. Furius Camillus (#13, 396); similarly Zon. 7.26 D, with reference to L. Papirius Cursor (#44, 325).
if the conditions requiring the appointment had not been stated—and never in the case of
rei gerundae caussa. Thus the accession of C. Claudius Centho (#79, 213) in Livy:

LIVY 25.2

Comitiorum consularium iam appetebat tempus; sed quia consules a bello intentos auocare non
placebat, Ti. Sempronius consul comitiorum caussa dictatorem dixit C. Claudium Centonem.
ab eo magister equitum est dictus Q. Fulvius Flaccus.

The time for the holding of consular elections approached; but because he did not want
to draw the consuls away from conducting the war, the consul Ti. Sempronius named
C. Claudius Centho dictator on account of there being a need for an assembly to hold
elections. He named Q. Fulvius Flaccus his magister equitum.

More typical for compression-loving Livy was the dictator and magister equitum named
together as the action began. Thus the notice for A. Cornelius Cossus Arvina (#45, 322):

LIVY 8.38.1

Insequenti anno, Q. Fabio L. Fuluio consulibus, A. Cornelius Aruina dictator et M. Fabius
Ambustus magister equitum, metu grauioris in Samnio belli—conducta enim pretio a finitimis
iuuentus dicebatur—intentio diletu habito egregium exercitum aduersus Samnites duxerunt.

The next year, in the consulship of Q. Fabius and L. Fulvius, for fear of more serious
war against the Samnites—it was being said that they were hiring soldiers from
neighboring lands—the dictator A. Cornelius and the magister equitum M. Fabius
Ambustus, having conducted a particularly vigorous levy, led an excellent army against
the Samnites.

There is a lacuna in the Fasti Capitolini in this year, so we do not know what the
Augustan sages who constructed it reckoned as a caussa for A. Cornelius’s dictatorship.
Livy passed along a second tradition that A. Cornelius did not fight the Samnites at all in
322, and was on the books as a dictator because the consuls were too busy fighting to
conduct the Roman games. The Fasti triumphales had the consuls triumphing rather than
the dictator, and scholars with an opinion on the matter have preferred a hypothetical
ludorum faciendorum caussa to A. Cornelius. Livy seems to have judged A. Cornelius more
likely to have been put in charge of the war, having been twice consul and already earned
a triumph against the Samnites in the previous war.

15 Livy 8.38.4–5, 8.40.1–2.
16 Mommsen Röm. Staatsr. 2.140 n. 7; Bandel 1910, 92; RE 4.1294, #122, s.v. Cornelius;
Discussion of both (a) the reliability of the *caussae* as reported to us and (b) their usefulness in describing the conditions appertaining prior to the appointment of a dictator is handicapped by the shortcomings of the sources. The damaged condition of the *Fasti* means not only that entire annual notices are missing but also that a notice for a dictator that has survived will sometimes be missing a chunk of the entry—not infrequently the *causa*. The labor of assessing the *caussae* and filling in the gaps\(^{17}\) is hampered by an unanswerable question: whether the catalog of *caussae* that are not *rei gerundae*—what we might call the “one-task” or “specialized *caussae*”\(^{18}\)—is finite and complete, despite the holes in our evidence and the fact that several are known from single instances only. Since Livy tended to notice specialized *caussae* and omitted the phrase and concept *rei gerundae caussa*, we are left to assume that any dictatorship on which both *Fasti* and extant Livy are silent with regard to *causa* was probably *rei gerundae caussa*. We should not forget that this conditioning may be in error for any given instance of unknown *caussae*.

The extent to which speculation is involved is best presented in tabular form. In this table, “conjectural” are *caussae* not in the *Fasti* but discernable from narrative sources.

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\(^{17}\) Scholarly verdicts on questionable *caussae* are collated in the full dictator list in Hartfield 1982, 310–518.

\(^{18}\) Since the *rei gerundae caussa* came first, and the later arrivals are connected to a specific task, it is possible to consider the other *caussae* as a specialized form of the *rei gerundae caussa* rather than as novel categories: so, for example, Jahn 1970. Since the *caussae* pertain to the *tumultus* and the call, rather than to the ensuing dictatorship, this particular distinction is not helpful to the understanding of the operation of the dictator in office.
Table 1. Clear and Conjectural Caussae

<table>
<thead>
<tr>
<th>Caussa</th>
<th>Clear in Fasti</th>
<th>Conjectural</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>rei gerundae caussa</td>
<td>16</td>
<td>33</td>
<td>49</td>
</tr>
<tr>
<td>comitiorum habendorum caussa</td>
<td>13</td>
<td>11</td>
<td>24</td>
</tr>
<tr>
<td>comitiorum habendorum et rei gerundae caussa</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>clavi figendi caussa</td>
<td>3</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>seditionis sedendae et rei gerundae caussa</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>feriarum constitutendarum caussa</td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Latinarum feriarum caussa</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>ludorum faciendorum caussa</td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>interregni caussa</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>senatus legendi caussa</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>legibus faciendis et reipublicae constituendae caussa</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>None</td>
<td>2</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Unreconstructable</td>
<td>4</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>40</strong></td>
<td><strong>51</strong></td>
<td><strong>91</strong></td>
</tr>
</tbody>
</table>

We can assert that the vast majority of dictatorships, well over half (with second place far behind), are *rei gerundae caussa*, but this assertion relies on conjecture. Two thirds of the *rei gerundae caussa* assignments—constituting a third of all dictatorships—are, with varying degrees of confidence, guesswork based in part on Livy's notice being *caussa*-mum.

The many kinds of actions undertaken by dictators in the narrative are not reliably consonant with known *caussae* and therefore are problematic in supplying missing ones. Holding elections is one of the specialized *caussa*, but a number of dictators appointed *rei gerundae caussa* across the period of the archaic dictatorship are reported as holding elections.\(^\text{20}\) T. Manlius Torquatus (#81, 208) was appointed to hold elections and games,

\(^\text{19}\) The *Fasti* seems to deliberately omit a *caussa* for M. Claudius Glicia (#67, 249), who was forced to resign immediately on being appointed. M. Minucius Rufus (#75, 217) seems to have been given equal powers to the incumbent dictator, Q. Fabius, but was not recorded in the *Fasti* as a dictator per se and was not given a *caussa*.

\(^\text{20}\) These include M. Furius Camillus (#20, 367); C. Iulius Iullus (#28, 352); L. Papirius Cursor (#44, 325); M. Iunius Pera (#77, 216).
but his caussa is not comitiorum habendorum et ludorum faciendorum caussa but rei gerundae et comitiorum habendorum caussa.²¹

There is a temporal distribution of the caussae as well. Arguing the nature of any given dictatorship, much less the evolution of the dictatorship, from the caussae fails to take into account the nature of the information the caussae give us. This, I believe, is largely limited to the likelihood of Rome’s need being met by a single action (the specialized caussae) or a series of actions (rei gerundae caussa). For a discussion of the transformation of the dictatorship, the caussa tell us mainly that the naming convention changed: not that dictators from the mid-fourth century were now being appointed for a single task, but that it became possible to specify that a dictator was being appointed for a single task. For what dictators did and how that changed over time, the caussae are not enough.²²

THE INNOVATION OF NEW CAUSSAE

One of the problems with relying on the caussae to characterize the dictatorship is that they tend to give the impression that the office proceeded in its original form for the first half of the archaic period, only to suddenly start to mutate, halfway through the fourth century, into several different new kinds of dictatorship. This impression mischaracterizes both the functionality and the development of the archaic dictatorship.

As far as we can tell, the dictatorships were uniformly rei gerundae caussa up through 368. Then the rei gerundae caussa are interrupted with occasional recourse to more specialized caussa. The first occurrences of the other attested caussae appear to be as follows:

²¹ Livy 27.33.6–11.
²² Attempts to explain the shift in the dictatorship through degradation of the caussae are occasionally found in the literature; this forms a part of the argument in Hartfield 1982, which diminishes that study’s usefulness. The dictatorship did not sink from a vibrant youth into a decrepitude of menial tasks; one of the best-known warrior dictators was appointed in 217. Sentiments like “all the genuine dictators of the early Republic are rei gerundae causa. Their later restriction to tasks such as holding elections is a sign of the decline of the office” (Ridley 1979, 307) value some sort of perceived purity and muscularity in the rei gerundae caussa dictatorships.
Table 2. *Caussae* First Occurrences

<table>
<thead>
<tr>
<th>Caussa</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>seditionis sedendae et rei gerundae caussa</td>
<td>368</td>
</tr>
<tr>
<td>clavi figendi caussa</td>
<td>363</td>
</tr>
<tr>
<td>comitiorum habendorum caussa</td>
<td>349</td>
</tr>
<tr>
<td>feriarum constituendarum caussa</td>
<td>344</td>
</tr>
<tr>
<td>ludorum faciendorum caussa</td>
<td>322</td>
</tr>
<tr>
<td>Latinarum feriarum caussa</td>
<td>257</td>
</tr>
<tr>
<td>interregni caussa</td>
<td>217</td>
</tr>
<tr>
<td>senatus legendi caussa</td>
<td>216</td>
</tr>
<tr>
<td>legibus faciendis et reipublicae constituentae caussa</td>
<td>86</td>
</tr>
</tbody>
</table>

This way of looking at the *caussae* gives two different misleading impressions: (a) that dictatorships were understood to have been of a consistent nature up through 368; and (b) from 368 on new, more utilitarian “kinds” of dictatorship were periodically invented, more restricted and focused and therefore to a certain extent “smaller” than the catchall *rei gerundae caussa* dictatorships. Both of these impressions are essentially false, though the shifts in the *caussae* can partly inform our understanding of the dictatorship’s evolution.

Seditionis Sedendae et Rei Gerundae Caussa

In the first few dictatorships there is indication that the dictatorship was devised to resolve crises that were in each instance both *domi militiaeque*. But in 439 (L. Quinctius Cincinnatus, #5) came a dictatorship entirely directed toward the suppression of an insurrection. This was the same kind of *tumultus* that brought about the dictatorship of 368 (P. Manlius Capitolinus, #19), which was is formally described as *seditionis sedendae et rei gerundae caussa* in the *Fasti*. Though the details differ—the 439 story had a charismatic popular leader who stood against L. Quinctius as a nemesis, an element not present in

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23 The first instance in FC, though Livy implied this *causa* for M. Fabius Ambustus (#29, 351) and L. Furius Camillus (#30, 350), Livy 7.22.10; 7.24.11.

24 Mommsen scorned these *caussae* as inferior, allowing him to claim the dictatorship *rei gerundae caussa* as the true dictatorship, connected with field command: Röm. Staatsr. 2.140 = Appendix E, M37.

25 There are a number of reasons to strongly doubt the authenticity of L. Quinctius’s dictatorship in 439; these were carefully detailed in Hartfield 1982, 327–331. But our
the story of 368 as it was handed down to us—the crisis is the same: \textit{stasis} caused by extreme antagonism between the aristocracy and the masses.

First, L. Quinctius might have been formally named \textit{dictator seditionis sedendae et rei gerundae caussa} in 439: the \textit{Fasti} are missing for this year. The fact that Livy mentioned no \textit{caussa}\textsuperscript{26} makes for a queasy “default” of \textit{rei gerundae caussa}; but, uncharacteristically, Livy gave no \textit{caussa} for P. Manlius in 368\textsuperscript{27} despite the explicit innovation in the \textit{Fasti}. Either way, in terms of the specific actions required of these dictators there is no reason to distinguish functionally between the narrative stories of L. Quinctius in 439 and P. Manlius in 368.

Second, there were actually two sets of dictators and \textit{magistri equitum} appointed to deal with the uprising of 368. The first dictator, the famous M. Furius Camillus (#18), resigned suddenly with his subordinate for reasons that were variously reported.\textsuperscript{28} Since the insurrection was still a real danger, a suffect dictator, P. Manlius, was appointed. The \textit{Fasti} notices recorded for both M. Furius and P. Manlius are extant: M. Furius was listed as \textit{rei gerundae caussa}, while P. Manlius, the suffect, was \textit{seditionis sedendae et rei gerundae caussa}—to deal with the exact same crisis. Our ability to take the \textit{caussae} as characteristic of the functioning or parameters of the dictatorships is consequently damaged by the supposed first innovation in the \textit{caussae}.

\begin{footnotes}

\footnote{Livy 4.13.11–12. See also Dion. Hal. \textit{Ant. Rom.} 12.2.1; Cic. \textit{Sen.} 56.}

\footnote{Livy 6.38.10, 6.39.1.}

\footnote{Livy 6.38.9–13. Livy favored the version that found a flaw in the election, though, unusually in cases of vitiation, M. Furius was able to get a law on military service passed before resignation, according to the \textit{Fasti}.}

\end{footnotes}
In 363, Rome, beset by flood and pestilence, felt an urgent need to propitiate the gods. L. Manlius Capitoline Imperiosus (#21) was appointed to drive a nail in the temple wall.\textsuperscript{29} According to the story, this response was chosen because old men recalled a prior occasion on which a dictator had likewise propitiated the gods by driving a nail.\textsuperscript{30} Though it is our first attestation of a dictator \textit{clavi figendi caussa}, L. Manlius’s mandate to drive a nail was remembered not as an innovation but as an iteration.

That earlier dictator is difficult to identify. Q. Servilius Priscus Fidenas (#7, 435) was described as having been appointed to meet combined Veian and Faliscan armies, whose standards had been planted near the Colline Gate;\textsuperscript{31} but this was also in a time of ongoing pestilence so great that the Sibylline Books had already been consulted.\textsuperscript{32} (This epidemic caused Rome’s vulnerability; their Veian and Faliscan neighbors sought to take advantage.) If the remembered past nail-driver was an actual dictator, Q. Servilius is the likeliest candidate.\textsuperscript{33} But the backstory Livy related for the 363 nail-driving is confused; it is also possible that the recollection was of a chief magistrate (\textit{praetor maximus})\textsuperscript{34} driving the nail, and the worthies of 363 decided a dictator as being the “chiefest” magistrate

\textsuperscript{29} Livy 7.3.3-8. It was, we are told, an ancient practice to drive an iron nail to hold in a calamity at the the place where it might break out (cf. Plin. \textit{HN} 28.17, where the practice was described as a cure for an epileptic). The annual nail, similarly, held in the previous year’s calamities collectively, whereas the special ceremony undertaken by the dictator \textit{clavi figendi caussa} was designed to confine a particular disaster. Livy conflated the two when discussing the first dictator appointed for this purpose (Livy 7.3; Cohen 1957, 305–306). See also Momigliano 1930; Cohen 1957; Brennan 2000, I.21.

It may be noted here that although \textit{clavus} has other meanings besides ‘nail’, both Livy’s account and the story of a nail-driving tradition in Pliny support the understanding of a literal nail being used in the ritual.

\textsuperscript{30} Livy 7.3.3.
\textsuperscript{31} Livy 4.21.8–10.
\textsuperscript{32} Livy 4.21.5–7.
\textsuperscript{33} Another is A. Postumius Tubertus (#9, 431), also faced with a threat (from Aequi and Volsci) in time of plague.
\textsuperscript{34} Less likely to be an otherwise unattested magisterial title than a state of relative \textit{imperium}; see Appendix H.
possible and therefore, the ultimate standing of the ritual-taker indicating ultimate respect for the gods, having a stronger propitiatory effect.

Hartfield, reasonably enough, treated those *caussae* characterized by “religious intent and ceremonial demands” as a group, bucketing together *clavi figendi caussa*, *feriarum constituendarum caussa*, *ludorum faciendorum caussa*, and *Latinarum feriarum caussa*.\(^{35}\) This is not helpful in understanding utility. The dictatorships *clavi figendi caussa* were motivated by the stated desire to have the propitiation conducted by the magistrate with the highest possible *imperium*, in order to show the utmost respect for the divine; this dictatorship represented an escalation above the consuls, who were present and might otherwise have performed this deed. The need was for a dictator instead of a consul. Religious games and festivals, by contrast, were normally undertaken by consuls, and dictators with those *caussae* were appointed to stand in for absent magistrates; these dictators were essentially acting consuls. The main difference between L. Manlius in 363 and possible earlier nail-drivers was that in this case there was no coincident military threat.

*Comitiorum Habendorum Caussa*

The most common specialized *caussa* in the archaic period was the *comitiorum habendorum caussa*. The first attested case in the *Fasti* is T. Manlius Imperiosus Torquatus (#31, 349). But there was a possible earlier instance: T. Quinctius Poenus Capitolinus Crispinus (#23, 361) was appointed to hold elections according to Licinius Macer, though Livy preferred older histories that had T. Quinctius fight a Gallic war not otherwise attested.\(^{36}\)

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\(^{35}\) Hartfield 1982, 133 and generally 133–194.

\(^{36}\) Livy 7.9.3. The Gallic war might be from Claudius Quadrigarius (Gell. NA 9.13.4–20). Polybius omission of this war in his list of Rome’s encounters with the Gauls (Polyb. 2.14–2.35, esp. 2.18) has been used to doubt the historicity of this dictatorship, or at least that it was a military one: Bandel 1910, 55-56; Belock 1926, 69; Walbank 1967, 1.185-186. It is also possible that Polybius’s sketch was not exhaustive, or indeed wholly accurate. Polybius’s point in this section, that Rome in the 230s and 220s was burdened by long-building fear of Gallic invasion, has recently been challenged: see discussion in Eckstein 2012.
Dictators had been conducting elections on top of their other duties at least since 367. At the end of the dictatorship of C. Marcius Rutilus (#26, 356), after he had successfully turned back an Etruscan attack on the Roman salt works, Livy implied that “it would have been normal” for the dictator to hold elections at this point, but the nobles refused to allow a plebeian dictator to do so and instead installed a succession of interreges, the ultimate result of which was the election of two patrician consuls despite a tribunician veto. The difference in 349, if not 361, was that once again that there was not a coincident military and/or domestic threat.

The caussa was narrower than the older rei gerundae caussa, but the resulting dictatorships were not. The designation comitiorum habendorum caussa was never a legal restriction: at least two of these dictators performed additional tasks. The main controversies associated with these dictatorships involved the extent to which they demonstrated manipulation of the system, in particular (a) in the mid-fourth century, by briefly trying to game the elections in favor of patrician consuls, with mixed results, and (b) by leading the comitia in the direction of electing the dictator’s own magister equitum.

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37 M. Furius Camillus (#20): Plut. Cam. 42.5.
38 “Quia nec per dictatorem plebeium nec per consulem comitia consularia haberi volebant et alter consul Fabius bello retinebatur, res ad interregnum redit”: Livy 7.17.
39 Q. Fulvius Flaccus (#80, 210) also appointed commands in Etruria; P. Sulpicius Galba Maximus (#84, 203) also heard cases in Italy.
40 M. Fabius Ambustus (#29, 351), Livy 7.22 (unsuccessfully); L. Furius Camillus (#30, 350), Livy 7.24. C. Iulius Iullus (#28, 352) was accused of this in Livy 7.22, but election-holding was not his mandate or caussa (he was supposed to fight Etruscans).
41 The magister equitum was elected consul under dictatorships comitiorum habendorum caussa five times: the dictators involved were T. Manlius Imperiosus Torquatus (#50, 320), C. Claudius Centho (#79, 213), M. Livius Salinator (#82, 207), P. Sulpicius Galba Maximus (#84, 203), and C. Servilius Geminus (#85, 202). Dictators appointed rei gerundae caussa who also conducted elections, these resulting in election of the magister equitum as consul: M. Iunius Pera (#77, 216); possibly C. Sulpicius Longus (#55, 312)—it is not clear whether he conducted elections, but his magister equitum was one of the next year’s consuls.

The argument could be made that it became customary in the late third century for dictators named comitiorum habendorum caussa to appoint a leading candidate for the consulship as one’s magister equitum, indicating the needed man for the future just as a consul did when choosing a dictator for the new; but the dictator’s endorsement still smacks of gaming the election.
But in the third century the dictatorship comitiorum habendorum caussa, as opposed to interregna, was the preferred means of handling elections in the absence of consuls.\textsuperscript{42}

\textbf{The Relevance of the Caussae}

For the caussa to be an actual restriction on the dictator’s functioning while in office, we should attempt to pinpoint a moment in which a caussa was formally and legally imposed on the dictator.

Because the caussa is mentioned with the appointment in the annalists’ histories, there is an apparent formulaic attachment of the caussae to the dictatorship in most ancient and modern literature, such that the words “dictator rei gerundae caussa” seem to represent a unitary idea associated with the appointment. Nonetheless, it is never been clear whether the caussae were (a) merely the explanation for the appointment of a dictator provided afterward by the priests recording the annals on which our histories were based (i.e., “in this year so-and-so was appointed dictator, so that he might drive the nail”); or (b) part of the customary naming of the dictator by the consul (i.e., “I appoint so-and-so as dictator, for the purpose of driving the nail”), perhaps even as part of his title (i.e., “I appoint so-and-so as dictator-for-driving-the-nail”); or, perhaps less likely, (c) part of the wording of the investment of the dictator with imperium by the comitia curiata.

If it was part of the appointment process, the likeliest time the caussa might have been formally introduced into the appointment of a dictator was the vote of imperium by the comitia curiata, as part of a formula describing the imperium being invested in the new dictator. But imperium is imperium. One either had the power to command Roman citizens, or one did not. There is no record of imperium being made conditional or constrained other than as maius relative to that of other magistrates.

\textsuperscript{42} Hartfield 1982, 195–246.
An alternative moment in the process might be during the consul’s vigil during the night of his nomination of a dictator, with the consul including the nature of the dictatorship while communing with the gods for approval to appoint a dictator. But (a) there is no evidence of this in the descriptions we have of the appointment vigil, and (b) a violation of the parameters under which the consul sought the gods’ approval would absolutely have triggered vitiation, not grass-roots outcry, which, as we will see, was the only path of reaction to a dictator abusing his authority.

There is in fact absolutely no evidence whatsoever that the *caussae* were relevant to anything but the records.

The nature of the change in the *caussae* over the archaic period is that the *caussae* were being made more specific, though *rei gerundae caussa* continued to be used. Why this should be is an interesting question, and the answer is not clear. It is not even agreed who took responsibility for the phrasing of the official *causa*: it may have been part of the formal public announcement or investment, or it may have been the opinion of the priest recording the event afterward in the annalistic record; there is no way to tell.\(^43\) But understanding the shifting of *caussae* bears only indirectly on how the dictatorship was actually used and how it evolved over the fifth, fourth, and third centuries.

Because they are one of the three elements every dictatorship notice should, customarily, have had, the *caussae* have become intrinsic to our modern understanding of the office and have served as the primary attribute by which dictatorships have been organized, categorized, and studied. Unfortunately, the *caussae* are of little usefulness in supplying a taxonomy of dictatorships for three reasons. First, the *caussae* describe the conditions prevailing at the time of the appointment, *not* the actions or portfolio of the resulting dictatorship, nor did they limit the actions a dictator could undertake. Second,

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\(^{43}\) Neither Mommsen nor Hartfield, plotted the evolution of the *caussae*, effectively addressed this question. The closest Hartfield came was to describe the *causa* as “the primary duty intended for the dictator by the senate” (1982, 1a), which assumed, incorrectly, that the senate was consistently involved in calling for a dictator. The narrative histories, including Livy and Dionysius, never discuss the *caussae* per se.
more than half of the *caussae* are supplied by conjecture because they are missing from the record. Third and most importantly, a taxonomy in which more than half of the subjects fall into a category that compared to the specificity of the remainder might as well be labeled “other”—one that translates loosely as “to get done what needs doing”—is manifestly of little value. Dictators appointed *rei gerundae caussa* turned back invasions, quashed insurrections, stanched mutinies, enacted reform through legislation, investigated corruption, swept aside debt, celebrated public games, and even held back or facilitated the tide of plebeian representation. A taxonomy in which all of these actions are glommed under a single vague umbrella category, describing neither what was done nor what could not be done and overlapping with the more specific categories, is meaningless. The *caussae* do little to help us understand how the untrammeled power of the dictatorship, which everyone who ever wrote about the dictatorship has been at pains to emphasize, functioned within a government in which all power was carefully circumscribed. They also do little to explain how 85 men given untrammeled power ended up not abusing that power at all.

The dictatorship was not constrained by standing constitutional limitations on the office but by the *mandate*, the term used hereinafter: the one, specific thing which this extraordinary magistrate must do that the sitting magistrates are insufficient for, and which must be resolved in order for the dictatorship to subside. Each dictatorship in the three-century history of archaic dictators involved the dictator confronting that need, resolving it if possible, and then resigning. A taxonomy of mandates is therefore what is required in order to gain insight into the conduct and evolution of the dictatorship.
As the *caussae* are a poor guide to the ways the dictatorship was used during the archaic period, let us instead devise a new means of characterizing dictatorships. The starting place will be the premise that each dictator was appointed to resolve a specific problem or crisis for which the incumbent ordinary magistrates were insufficient. This was the dictator’s mandate; his responsibility was to resolve the need that had created him. This mandate, as will be argued throughout this study, provided both the purpose to which he cleaved and the limits of his power; upon its resolution he resigned.

A theory and a taxonomy of those mandates would therefore seem to be a useful basis for discussing the uses of the dictatorship during its three hundred years of prevalence. As mandates were not recorded as such by the Romans, being rather a conceit developed by us for the purpose of understanding the dictatorship, our only option for determining mandates is to examine the stories in the narrative of the dictatorship: what led to each dictator’s appointment, what he did while in office, and under what circumstances (i.e., after the completion of what tasks) he resigned.

The narrative history of the dictatorship is consistent in presenting the dictators as working exclusively toward completing a specific, pressing task, whether it was “defeat the approaching Sabine army” or “pacify the angry mob” or “preside over consular elections”. Careful study allows us to attempt to distill distinct kinds of mandates from the narrative history based on tasks performed in office.

As we are defining the mandates ourselves, the methodology must be clear. First, the *tumultus* or crisis that spurred the call for a dictator should correspond to the dictator’s actions in office; any deviation should be considered anomalous and must be examined. Second, reports in the narrative of popular or senatorial objections to the dictator’s actions

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44 Mommsen correctly noted this as the primary distinction between a consul and a dictator, and that this restriction of competence was the “essence” of the dictatorship: Mommsen *Röm. Staatsr.* 2.140 = Appendix E, M36, though he also then linked the mandate with the *caussae* (M37).
as being not in accordance with what he had been appointed to do (as opposed to hostility
born of insurrection) are indicators of the mandate through perceived deviation from it.
In the case of vitiated or otherwise aborted dictatorships, we must go with what we know
about why they were appointed. The *caussa* are to be used only when there is no narrative
information, and when the *caussa* is something other than the generic *rei gerundae*.

The perceived mandates are organized in tabular form on the following page.

The diversity is striking. Not only were dictators called upon to meet a wide variety
of emergencies, but the ongoing evolution of the Roman Republic invoked new kinds of
dictator-level contingencies and left behind old ones. A shift in the approach to conflict is
also suggested by the preeminence during the first half of the archaic period of engaging
a dictator when faced with multiple enemies converging on Rome (a situation where a
common commander would be an advantage), while in the second half the most common
dictatorships involved the dictator standing in for the consuls at Rome while they waged
war in different theaters (where a common commander would not be an advantage).
Table 3. A Taxonomy of Mandates

<table>
<thead>
<tr>
<th>I. Dictator needed instead of current consuls/consular tribunes</th>
<th>Count</th>
<th>First</th>
<th>Last</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Internal crisis at Rome</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. danger of insurrection</td>
<td>2</td>
<td>439</td>
<td>385</td>
</tr>
<tr>
<td>2. plebeian secession/refusal to levy</td>
<td>3</td>
<td>494</td>
<td>287</td>
</tr>
<tr>
<td>3. election crisis</td>
<td>5</td>
<td>368</td>
<td>350</td>
</tr>
<tr>
<td>4. propitiation of the gods (floods, pestilence, famine)</td>
<td>4</td>
<td>363</td>
<td>263</td>
</tr>
<tr>
<td>b. Isolated military threat to the city of Rome</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. special enemy</td>
<td>4</td>
<td>390</td>
<td>332</td>
</tr>
<tr>
<td>2. multiple enemies</td>
<td>10</td>
<td>496</td>
<td>334</td>
</tr>
<tr>
<td>3. mutiny</td>
<td>1</td>
<td>342</td>
<td>—</td>
</tr>
<tr>
<td>4. weakened by prior disaster</td>
<td>1</td>
<td>431</td>
<td>—</td>
</tr>
<tr>
<td>5. weakened by divided leadership</td>
<td>2</td>
<td>426</td>
<td>418</td>
</tr>
<tr>
<td>c. Ongoing war in defense of Rome</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. special enemy</td>
<td>4</td>
<td>320</td>
<td>313</td>
</tr>
<tr>
<td>2. alarm caused by major defeats</td>
<td>8</td>
<td>396</td>
<td>216</td>
</tr>
<tr>
<td>d. Anticipated military threat in the context of civil disquiet</td>
<td>3</td>
<td>497</td>
<td>339</td>
</tr>
<tr>
<td>e. Threat to Roman ally</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. military</td>
<td>6</td>
<td>437</td>
<td>302</td>
</tr>
<tr>
<td>2. civil</td>
<td>1&lt;sup&gt;45&lt;/sup&gt;</td>
<td>320</td>
<td>314</td>
</tr>
<tr>
<td>Total:</td>
<td>7</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>II. Dictator as acting consul or other official</th>
<th>Count</th>
<th>First</th>
<th>Last</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Standing in for absent/ill/dead consuls/consular tribunes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. holding elections</td>
<td>20</td>
<td>349</td>
<td>202</td>
</tr>
<tr>
<td>2. giving games</td>
<td>2</td>
<td>322</td>
<td>257</td>
</tr>
<tr>
<td>3. holding elections and giving games</td>
<td>1</td>
<td>208</td>
<td>—</td>
</tr>
<tr>
<td>4. military</td>
<td>2</td>
<td>325</td>
<td>312</td>
</tr>
<tr>
<td>b. Standing in for censors</td>
<td>1</td>
<td>216</td>
<td>—</td>
</tr>
<tr>
<td>Total:</td>
<td>26</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No information</td>
<td>5</td>
<td>320</td>
<td>219</td>
</tr>
</tbody>
</table>

<sup>45</sup> The dating of C. Maenius's actions in Campania is given as both 320 and 314. It is probable from the narrative that there was one dictatorship, but he’s in the Fasti under both years, so I have an entry under both years in Appendix A (#48 and #53), the latter tagged under this mandate and the former under “no information”.

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I. a. 1. **Danger of insurrection:** This category involves popular leaders marshaling the discontent of the masses against the aristocracy. Dealt with by pacifying the demagogue and/or placating the plebs, sometimes by instituting reform.

2. **Plebeian secession/refusal to levy:** The people refuse obedience to the state’s order to register for service even as Rome faces direct attack from a nearby enemy. The movement is not under the direction of a charismatic leader but stems from collective plebeian disaffection, so resolution through the decapitation of the movement (by removing the leader) is not an option and normally comes through the rallying effect of installing a dictator, sometimes with the dictator attempting conciliation as well.

3. **Election crisis:** Normal elections impeded by the actions of plebeian tribunes, in the context of the conflict over plebeian access to the consulship; resolution comes through reforms initiated by the dictator. Alternatively, the conservative faction calls for a dictator for the purpose of either preventing the election of consuls or preventing plebeians being elected consul.

4. **Propitiation of the gods:** Disasters and portents cause fear that the gods need to be placated; resolution involves religious ritual.

b. 1. **Isolated military threat to the city of Rome — Special enemy:** The army threatening Rome is more potent, or more feared, than Rome’s usual enemies; resolution involves saving Rome from this danger by defeating or deflecting the enemy.

2. **Multiple enemies:** Actual armies from two or more enemies are close to Rome and threaten to attack it directly; resolved by defeating the enemies, often by dividing legions among the dictator and the consuls.

3. **Mutiny:** Rome faces internal military threat from an army of disaffected Roman soldiers; resolution requires ameliorating the mutineers’ grievances.

4. **Weakened by prior disaster:** Rome’s confidence of victory is compromised by some other preceding disaster (natural, political, or military) that depleted available forces and had a disastrous affect on morale. Resolution involves rallying the Romans followed by defeat of the enemy.

5. **Weakened by divided leadership:** Rome’s victory is threatened by conflict between the consuls or the consular tribunes pursuing incompatible or conflicting plans, resulting in reduced capacity to fight as well as popular anxiety and
loss of morale. Appointment of a dictator directly resolves both problems, at least for the purposes of conducting and concluding the current war.

c. 1. *Ongoing war – Special enemy:* These dictatorships seem to result not from a spike in anxiety at Rome but as a means of handling a large, ongoing war against a much-feared enemy. A primary strategy in the Second Samnite War.

2. *Alarm caused by major defeats:* Rome’s prosecution of a war to protect its territory (rather than to directly defend the city of Rome) is suddenly derailed by one or more major defeats; resolution comes by restoration of confidence through a solid victory, with or without conclusion of the overall ongoing war.

d. *Anticipated military threat in the context of civil disquiet:* Rome received word that enemies are combining against Rome at a time when there is already widespread anxiety over civil conflicts.

e. 1. *Military threat to Roman ally:* This category involves anxiety at Rome caused by turmoil in another city allied with Rome or an important Roman possession, weakening Rome’s overall stability and thereby posing an *indirect* threat to the city of Rome; this must be considered separately from the public emotions involved in a direct threat to Rome itself. Dealt with by defending the affected location, normally through military intervention.

2. *Civil threat to Roman ally:* Disruption arises in territory important to Rome; dealt with through investigation and tribunal or military intervention.

II. a. 1. *Standing in for the consuls – holding elections:* The consuls are unable to hold elections, so a dictator holds them instead; in these cases there does not seem to be an effort to bring about a particular outcome (cf. I.a.3. “election crisis”).

2. *Giving games:* If games must be held when the consuls are at war or otherwise unavailable, dictator might hold them instead. (II.a.3. combines these two.)

4. *Military:* A planned campaign by one of the consuls is held up by the consul falling ill; with the other consul already engaged elsewhere, a dictator is appointed to replace the sick consul.

b. *Standing in for censors:* On this occasion there was a need for an emergency census in order to replenish the senate after a several costly defeats.

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*No information:* About certain dictatorships there is not enough information to speculate as to the causes of their appointment or their actions in office.
This taxonomy delineates a wide range of uses for the office of dictator. But they are all alike in one central respect: dictators were appointed to perform vital tasks that the ordinary magistrates were not in a position to do. Sometimes neither of the consuls was the man to get the job done; sometimes the choice of dictator inspired the Romans where the consuls could not; sometimes the consuls were ill, far away, or dead.

The mandates also provide us insight into the constitutional arc of the dictatorship in a way the caussae could not. The consul appointed the man for the task at hand, not as a delegate of the ordinary state or of himself, but (a) on behalf of the city of Rome, and (b) as an alternative to the ordinary state. The dictator’s job was to eliminate the need for himself, so that things could return to normal. Thus, the dictator’s true mandate was to return Rome to normal government. To do that, the task must be resolved, and he must resign.

These were not legal structures. They were customs established through precedents set by the first dictators. Every single dictator but one over the long three centuries of the archaic period, and even arguably including Sulla from the first century, operated within this paradigm, and the one exception—the dictator who tried to exceed his mandate—was successfully pressured to resign in shame. Adherence to the mandate lay in the interplay between potent custom and a moral imperative both to resolve the need and to reestablish the ordinary, elected state.
...the extent of the power that the dictator possesses is by no means indicated by the title—for the dictatorship is an elective tyranny.

THE MYTHOLOGY OF THE DICTATORSHIP IN CLASSICAL WRITINGS

ANCIENT EPITOMES OF THE DICTATORSHIP CONTRADICT THE NARRATIVE HISTORY

On occasion, ancient authorities paused in their discourses on other matters to describe the nature and functioning of the archaic dictatorship. One of the most serious barriers to our understanding the archaic dictatorship is that these ancient summaries of the office are not descriptive of it, but are instead reactive and prescriptive. Consequently, we must firmly separate ancient descriptions of the dictatorship, on the one hand, from the stories that describe specific dictators and the actions attributed to them, on the other. These categories are hereinafter referred to as the epitomes and the narrative of the dictatorship.

The extent to which the epitomes do not match the narrative accounts of the actions and abilities of actual dictators is striking. In fact, the consolidated classical overview for this office is at odds with the narrative at almost every point. Sometimes the discrepancy between epitome and narrative can be observed even within the same author. There is no significant summary of the dictatorship by a classical authority that does not diverge from the ordinary operation of the archaic dictators as delineated in the narrative.

The specific points on which the epitomes and the narrative differ will be discussed extensively. In terms of our understanding of the functioning of the archaic dictatorship, the discrepancies range from the incidental to the crucial. Cassius Dio asserted that dictators could not be appointed to operate beyond Italy;¹ not only was there no rule

¹ Cass. Dio 36.34.
against doing so, there was in fact at least one extra-Italian dictator. The epitomes assert that dictators were limited to a term of office “no longer than six months”; yet this is problematic in two ways: first, this assertion that the dictatorship expired after six months is not supported in the narrative; and, second, the idea of the dictatorship as a magistracy bounded by time, like consuls and praetors, betrays a fundamental misunderstanding of an office that was, in fact, bound to a mandate.

Why the dissonance between the summaries and the narrative of its actual practice? Why would ancient authors have one idea of the dictatorship in the abstract, while the histories of the dictators themselves tell a different story? The distortion present in each epitome is subjective and specific to the author in question, and so is best discussed on a case by case basis, but we can identify factors that shed light on the contradictions.

First, most of our authors were writing about what was for them the distant past. Cicero, holding forth in the mid-first century BCE, lived in a very different Rome from that of the centuries in which dictators were routine. His Republic, already breaking down, no longer functioned like that Republic had. Even Polybius, writing much closer to the archaic period, inhabited a post-Zama world in which Rome and Italy were secure and the destruction of Carthage and Corinth were within Rome’s power and purview. Even with details at hand, shifting to abstract principles involves framing one’s interpretations according to how one has been trained to see the world as it exists in one’s own time. The principle is familiar to students of Homer: His tales of the Bronze Age events long past were couched in familiar, Iron Age terms.¹

Second, for most of our writers the dictatorship was colored and skewed both by its 120-year desuetude and by the anomalous dictatorships of L. Cornelius Sulla and C. Iulius Caesar. Anyone writing after either of these incarnations would have difficulty discerning

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² Most notably: “ne amplius sex menses”, Cic. Leg. 3.3.9; “μη πλείονα χρόνον ἐξαμήνου”, Dion. Hal. Ant. Rom. 5.70.4; “οὔτε ἐπὶ πλείω χρόνον ἐξαμήνου κατεστήσαντο”, Cass. Dio 36.34.

³ For discussions of Homer as situated in the period of its reduction to writing see, e.g., Kirk 1976; Morris 1997; Raaflaub 1998; Osborne 2004.
the nature of a form of dictatorship that operated complementary to, and in harmony with, the system of ordinary magistrates and the regular functioning of the Republican state.

Third, and perhaps most important, historians narrate their evidence, but argue their beliefs. Thucydides’s account of the Greeks’ attitude toward Athens during the Peloponnesian War is a good example. Thucydides frequently returned to Athenian ambition and aggression throughout his work even as his own recounting of events consistently undermined this theme. “The news columns in Thucydides, so to speak, contradict the editorial Thucydides,” observed de Ste. Croix, “and the editor himself does not always speak with the same voice.” Thucydides “harps constantly on the unpopularity of imperial Athens,” which was “undoubtedly the conception he himself honestly held. Nevertheless, his own detailed narrative proves that it is certainly false.” The same phenomenon can be observed here—most remarkably in authors in whom both narration and abstract assessment can be found. Polybius asserted that the ordinary magistracies were suspended under a dictatorship, yet provided evidence in his narrative that this was not the case. Dionysius indicted the Romans as a free citizenry who, out of sheer perversity, chose to subject themselves to tyranny, even as he admitted in his next breath that no dictator before Sulla abused his power at all. His attempt to describe the dictatorship conceptually evoked his own visceral horror of an institutionalized supermagistracy with total power, regardless of whether that power or position was ever actually used to abridge the freedom of the Roman public.

Curiously, this major evidentiary problem, the dissonance between epitome and narrative, helps us to address our other evidentiary problem, the lateness of our documentary evidence. Summarizing the dictatorship in retrospect, ancient writers considered how the dictatorship added up in the context of their world. Ask a well-informed present-day American what the presidency is, and the answer will be conditioned by recent presidencies, particularly their accomplishments and abuses, heavily informed

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4 de Ste. Croix 1954, 2, 3. On the subject of bias in ancient writing, especially in authors like Tacitus who explicitly claimed to be free of it, see also, e.g., Vogt 1936; Luce 1989.
by abstractions of what the presidency should be because of personal and subjective reactions to those recent high and low points and other experiences. But the narrative of what the presidents did will describe a different office, one that differs from the encapsulations both because the office has changed repeatedly between its inception and today, and because of the disconnect between “should be” and “was”. Both the encapsulation and the narrative, carefully examined individually and in relation to each other, will provide insight into the role that the presidency has played in American history and what it has meant to the American identity, an American’s understanding of his or her relationship with the federal government, and so on.

Likewise, the dictatorship. The encapsulations and the narrative contradict each other; we can understand why, but the challenge is to use them together to gain insight into what the Romans understood to have been the nature and role of the dictatorship in their own history, and in bringing into being the world they found around them.
THE DICTATORSHIP AS CHARACTERIZED BY THE EPITOMES

Exploration of the dissonance between epitomes and narrative proceeds as follows. The chief epitomes will be provided, and the claims made in them briefly summarized; these claims will be collated into a single list of myths. The resonance of these myths in the secondary literature will be traced. Finally these myths will be systematically examined and dispensed with, each in turn, through comprehensive evaluation of available evidence.

Note therefore that in this chapter only the claims of each epitome are discussed; while they may be flagged here as being misrepresentative of the actual archaic dictatorship, the contradictory evidence itself is postponed.

Once the claims of the epitomes have been set aside, we will be free to develop and justify our own characterizations of the nature, functioning, and role of the dictatorship.

POLYBIUS ON Q. FABIUS MAXIMUS

The earliest extant classical discourse on the dictatorship is a brief summary of the office from Polybius. It is part of a short preface to his narrative of the actions of Q. Fabius Maximus Verrucosus (#74, 217) while dictator.

Polybius here emphasized the dictator’s superior standing compared to the consul: (a) 24 lictors instead of 12 (corresponding with statements elsewhere that the dictator had the power of the two consuls); also, (b) consuls need the senate’s cooperation in carrying out
their plans, but dictators are not so encumbered; that in fact (c) the other magistracies are abolished during the dictator’s tenure, bar plebeian tribunes.

The strategic framework of Polybius’s narrative will provide insight into why Polybius might have said what he did. Setting out to explain to Greek audiences Rome’s rise to power, the historian began not with Aeneas or Romulus but with the First Punic War—the inception of Rome’s expansion beyond Italy, the dawn of its provincial empire, and the crucible of its evolution from local dominion to world power. In Polybius’s tale the dictatorship was in its latest stages, and Q. Fabius as dictator-cum-generalissimo, in a time when most dictators were appointed to hold elections, was an anomaly.

Consequently Polybius’s exaggeration of the dictatorship’s preeminence was tactical, and accomplished a vital rhetorical function. The comments come as a brief aside in Polybius’s narration of Hannibal’s thrust into Italy in the wake of Lake Trasimene, and enlarge on the Romans’ panicked response to the disaster, which was take the now unusal step of appointing Q. Fabius as an old-fashioned, military-mandate dictator. Polybius was striving to convey the Romans’ collective valor and empowerment as it overcame an urge toward hysterical despair after Trasimene and rose to the emergency by taking a specific and critical step: naming a superior man to a superior office.

The context of Polybius’s brief and entirely parenthetical remarks on the dictatorship, which he made contingent on an elaboration now lost to us, was the immediate military need, in this emergency, for an αὐτοκράτωρ στρατηγός—literally, “a general who is his own master.” What was urgently required was a supreme commander who, in the wake of a calamity in which consuls had failed Rome, not only would not be subject to the hindrances that beset consuls, but also would not be hindered by consuls themselves. This emphasized a kind of superior authority that later Romans would have called maius imperium with respect to the other magistrates, as well as an enviable freedom of action with respect to the consuls. Polybius’s phrasing revealed his intent: in setting aside the ordinarily

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5 Polybius had detailed consular unsuitability and mistakes, particularly for C. Flaminius (e.g., 3.80, 82, 84).
tangled and incestuous state of affairs that normally prevailed and that had failed to protect
the city from the menace of Hannibal, Rome had dramatically strengthened its position
through the bold act of concentrating authority in a great man suited to the role, freed to
do what was necessary to save Rome.

CICERO’S DREAMS OF THE IDEAL REPUBLIC

The best-known, and most insidious, classical passage describing the dictatorship is
Cicero’s unfortunately concise epitome in De Legibus:

CICERO DE LEGIBUS 3.3.9

Ast quando duellum gravius discordiaeve civium escunt, oenus ne amplius sex menses, si senatus
creverit, idem iuris quod duo consules teneto, isque ave sinistra dictus populi magister esto.
Equitatumque qui regat habeto pari iure cum eo quicumque erit iuris disceptator.

But when serious war or civil discord shall occur, one man, for no longer than six
months, were the senate so to have decreed, will hold the same authority that the two
consuls hold, and, the auspices being favorable, shall be named master of the people.
And he shall have a magister equitum, of comparable authority with he whoever shall be
arbitrator of the law.

Here, in a pronouncement the formality of which is signposted with archaic language, Cicero put forward his own idea of the prototypical dictatorship. He delineated its most
important components: (a) the circumstances requiring a dictator, namely war or civil
dissension; (b) his term of office, a maximum of six months; (c) his power, equal to that
of two consuls; (d) his nomination, via senatorial decree; (e) his functioning as magister
populi, which is to say, commander of the citizens-in-arms; and (f) a lieutenant, the magister
equitum, who held power equal that of the city’s chief of justice. In the late Republic this
function was associated with the urban praetor, but Cicero’s phrasing was generic.

6 Archaisms in this passage include escunt for erunt, duellum for bellum, oenus for unus, etc.
In De Re Publica, Cicero used archaic Latin sparingly but judiciously for passages of
importance and solemnity, or which referred to the early history of Rome, to be
contrasted with his use of colloquialism to denote lively conversation (so Bréguet 1964);
likewise with De Re Publica’s sequel treatise, De Legibus.

7 The arithmetical expression of one dictator equalling two consuls suggests Cicero had
in mind the literal manifestation of imperium, the lictor with his fasces—the dictator had
24, equal to those attending both consuls.
Because it seemed succinct, thorough, considered, and complete, this nutshell rundown has always been the obvious starting point for every scholar’s explication of the dictatorship, ancient, medieval, and modern; yet it is not a description of the dictatorship in any era but a reaction and a prescription. It is not a workable rubric for understanding the actual dictatorship at all. Every item in Cicero’s précis is at best a gloss and at worst a misrepresentation of the archaic dictatorship. Because it is from Cicero modern authors have consistently treated this passage as of highest authority, these authors all somehow having forgotten that De Legibus was Cicero’s promulgation of the hypothetical laws and constitution for the ideal republic proposed in De Re Publica. That Cicero was declaiming on the ideal state in the Republic was stated outright in several passages, and likewise in the sequel De Legibus.10 Even leaving aside surrounding passages that describe theoretical limits on Republican magistracies that are in accordance with neither ancient practice nor Cicero’s own recent experience, these statements of a goal of evoking the theoretical ideal should be proof enough that nothing in De Legibus should be taken at face value as a concrete description of the actual workings of the Republican constitution in any era.

Cicero may have believed the dictator should be constrained to six months and installed via senatorial decree, and that his powers should equal the two consuls’, the inference being that it should not exceed them and that the dictator ought to represent the simple

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8 For example, Mommsen Röm. Staatsr. 2.133. In his chapter on the dictatorship, Mommsen cited this one passage from Cicero’s epitome in his footnotes no fewer than five times.

9 E.g., “…quae est mihi habenda de optimo civitatis statu”: Cic. Rep. 1.46,70.

10 “Quam brevi, frater, in conspectu posita est a te omnium magistratum descriptio, sed ea paene nostrae civitatis, etsi a te paulum adlatum est novi”: Cic. Leg. 3.5.12. See Keyes 1921; Wheeler 1952; Asmis 2008; Doglanov 2008. “In De Legibus, although Cicero uses Roman institutions as the basis for his laws and even takes over chapters of the Twelve Tables, he is professedly deriving a code of ideal statutes from first principles. This allows him scope for innovation, and, even though at one point he claims that he is only reproducing as statute what had been mos, unwritten norms, in his ideal early Republic, in practice there are important alterations to the constitution which change its balance”: Lintott 1999, 225–26, with elaboration 226–32.

Cicero’s intent in De Legibus has long been recognized: a late-19th-century Latin specimens handbook even titles this section “Cicero’s Compendium of Legislation for his Ideal State” (Cruttwell and Banton 1879, 138).
substitution of one executive for two. But the processes and boundaries of the office in reality were another matter altogether, and simply are not to be derived from Cicero’s idealized prescriptions for an *optima civitas*.

Modern historians’ misinterpretations of this passage have been compounded by a genuine mistake of comparatively recent origin. One item sometimes included as a part of Cicero’s *De Legibus* thumbnail is, in fact, an error. A phrase belonging to the following topic on *interregna*, “*reliqui magistratus ne sunto,*” was mistransposed onto the end of the dictator paragraph in one 19th century edition of *De Legibus*, giving its readers, and readers of texts derived from this edition, the impression that Cicero was also saying that other magistracies were to be suppressed during the dictator’s tenure.\(^\text{11}\) Awareness of Polybius might have encouraged this spurious attribution, but it is unsupported by the narrative.

Early in *De Re Publica* Cicero laid out a rationale for a free populace nonetheless seeking refuge in autocracy:

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**CICERO DE RE PUBLICA 1.40 (63)**

*But just as he who sails, when the sea suddenly begins to become rough, and he who is ill with burdensome affliction, cry out for the aid of one man, so while our people in peace and with regard to domestic affairs rule themselves and menace, reject, admonish, and appeal against their own magistrates, in war they submit to them as to a king; for there is more strength in safety than in caprice. Indeed, in more serious war we have even consented to be in the power of a single magistrate having sole command without colleague, whose name reflects the vigor of his power. For while indeed the dictator is so called because he is appointed, in our books,\(^\text{12}\) Laelius, you see that he is addressed as “master of the people.”*

The expression “*valet salus plus quam libido*” is probably the closest we can get in classical literature to a philosophical justification for the dictatorship. Oddly, however, the phrase

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\(^\text{11}\) The next passage concerns what is to happen if Rome were to lack both consuls and dictator; in *that* case there shall be no magistrates, the auspices devolved instead on the senators, who were to name an *interrex* from among themselves. For a discussion of the *reliqui* mistake and its ramifications, see Keyes 1917, 301.

is provided to explain the value of consuls and dictators enjoying the unchallenged authority of kings: the exigencies of war trumped popular sovereignty and answerability of magistrates.\(^\text{13}\) This passage has fostered a modern perception of the dictatorship as having been invented to repair, in times of exceptional military peril, the pitfalls of divided command through the appointment of a generalissimo. History, which tells us both of nonmilitary dictators and of dictators themselves undermined by divided command, does not bear out this etiology of the dictatorship, any more than it does Cicero’s explanation here of Rome’s earlier acceptance of kings.

This passage also reinforced the idea that the other magistracies were suppressed. Already in the De Legibus quote we have seen Cicero describe (in an idealized republic) the dictator as having been invested with the power of the two consuls, leading to the logicians’ argument that the consuls surely would not also still have the power of two consuls, and therefore must have been deprived thereof; on top of that we have had the reliqui mistake feeding the latent impression of consular nullification; now here in the De Re Publica quote we have not sumnum imperium or maximum imperium but omne imperium, allowing a conclusion that dictators enjoyed not paramount power but total power.\(^\text{14}\) But Cicero’s point here was again a theoretical one and involved the advantages of turning to one man in an emergency instead of two; omne imperium ‘the whole command’ must be contrasted with the divided command of two consuls, and just as consuls may have officers of lesser imperium under them when in command of armies, so omne imperium does not preclude the retention of the consuls and praetors, still with the authority to command but subordinated to the dictator.

Beyond his utopian prescription, there are a few other hints of what Cicero thought of the real-world dictatorship, all colored by the experience of Sulla and, at the end, Caesar. For example, the dictatorship cropped up early in the first Philippic:

\(^\text{13}\) Another passage in De Re Publica, 2.32,56, discussed the invention of the dictatorship, ten years into the Republic, as similar to kingship but part of the aristocracy’s program to keep power in their own hands.

\(^\text{14}\) For example, both the “power of two consuls” argument and the use of omne imperium were employed by Keyes (1917, 301) to argue that the consulships were suspended during a dictator’s tenure.
...for my speech hastens to a singular accomplishment of M. Antonius: he utterly removed from the state the dictatorship, which lately had taken on the might of regal power. We [the senate] did not even discuss it. He brought, already drawn up, the resolution he wanted passed, and once it had been read we submitted to his authority with the greatest zeal and gave thanks to him in most fulsome words by another resolution.

Leaving aside Cicero’s ironic tone for a moment, that phrase “dictaturam, quae iam vim regiae potestatis obsederat” warrants a closer look. These seven words, subjective and malefic though they are, nonetheless helpfully communicate to us two aspects of Cicero’s perception of the dictatorship, both important to our study. First, Cicero asserts that iam, which is to say, under the freshly dead C. Iulius Caesar, the dictatorship had taken on regal power; guided in part by Cicero’s indictment of Antonius’s dictatorial method of dispensing with the dictatorship, we can say that by vis regiae potestatis Cicero refers not so much to an established seat at a pinnacle of power in vertical hierarchy with other magistrates but to arbitrary autocracy, with Caesar newly stripping away through capricious fiat the circumscriptions that had once been inherent in the dictatorship. Second, both iam and obsederat tell us that Cicero knew that the dictatorship had been transformed in recent memory, and that its customary use in earlier times did not involve arbitrary autocracy. Cicero knew that archaic dictators were not autocrats who ruled Rome like kings or Caesari (or Antonii). Cicero’s rebuke of Antonius is also useful in a third way: it starkly illustrates how, after Caesar, the new rulers Antonius and Octavian found they did not need the battered, cast-down cloak of the dictatorship to wield exactly the kind of power Caesar had.

Tantalizingly, in 54 BCE Cicero promised to treat his brother to a full epistolary blow-out on many matters, including the dictatorship, upon Cicero’s return to Rome from Tusculum.15 But his next letter did not expound on the dictatorship, though he noted the

15 “Romam cum venero, quae perspexero scribam ad te et maxime de dictatura, et ad Labienum et ad
boni were disquieted at the bruited prospect of one for Cn. Pompeius. The observation is mildly ironic, given that alarm among either the nobility or the masses was, during the archaic period, one of the necessary prerequisites for the appointment of a dictator.

One other Ciceronian reference to the dictatorship in the abstract may be noted here. Whatever he thought of the office in practice, it was as dictator that the imaginary Scipio of Cicero’s Republic was promised the ability to put the state to right:

CICERO DE RE PUBLICA 6.12

Nam cum aetas tua septenos octiens solis anfractus reditusque converterit, duoque ii numeri, quorum uterque plenus alter altera de causa habetur, circuitu naturali summam tibi fatalem confecerint, in te unum atque in tuum nomen se tota convertet civitas, te senatus, te omnes boni, te socii, te Latini intuebuntur, tu eris unus, in quo nitatur civitatis salus, ac, ne multa, dictator rem publicam constitutas oportet, si impias propinquorum manus effugeris.

For when your age shall have accomplished seven times eight revolutions of the sun, and your fatal hours shall be marked out by the natural product of these two numbers, each of which is esteemed a perfect one, but for different reasons,—then shall the whole city have recourse to you alone, and place its hopes in your auspicious name. On you the senate, all good citizens, the allies, the people of Latium, shall cast their eyes; on you the preservation of the state shall entirely depend. In a word, if you escape the impious machinations of your relatives, you will, as dictator, order the Republic as it needs to be.

As a nineteenth-century editor of this passage noted:

As a nineteenth-century editor of this passage noted:

The veil which the ghost of the elder Africanus throws over the future destinies of Scipio is very delicate. Scipio actually died at the age of fifty-six, for he did not escape the impious machinations of his relatives, and many supposed that he was poisoned by his wife, who was the sister of Tiberius Gracchus, who raised such disturbances at Rome.17

In any event, as part of a mystical prophecy Cicero was free to imagine an idealized dictatorship as the means by which a disordered state might be restored—just as had, only a few decades before, L. Cornelius Sulla.

16 “Rumor dictators iniucundus bonis, mihi etiam magis quae loquuntur. Sed tota res et timetur et refrigescit. Pompeius plane se negat velle...”, Cic. Q. Fr. 3.8.4 (Loeb no. 26, 3.6.4).

17 Barham 1842, vol. 1, n. 16.
DIONYSIUS'S INDICTMENT OF THE ROMAN PEOPLE'S SELF-ENSLAVEMENT

Like Polybius, Dionysius gave the dictatorship a once-over at the point of the office’s first emergence in his narrative, in this case T. Larcius Flavus (#1, 497). His outline of the reasoning he understood to have been involved in launching the dictatorship exposed his manifest prejudice against the office and those who midwifed its creation:

DIONYSIUS OF HALICARNASSUS, ANTIQUITATES ROMANAE 5.70.1–5

év toiautē dh katalástasei tōn koinōn ὑπαρχόντων skopoussa ὣ boullh, dì ou málista diaprázei tròpos muðhēn ēti nevterišai tōn dhmōtikou, ēkoin tēn mēn ὑπατικῆν ἔξουσιān anelevēn kakata tō parōn, ētērann dē tina arχēn ἀποδεῖξαι polēmōn tē kai eirēnhs kai pantōs ēllou prágmatoσ kurian, autokratōra kai anupnevūthion, οὖν ἄν bouleūšetai kai prāzē, chrōnou δ' ēinai métron tē nēa arχē mēnas Ex, metā dē tēn ἔξαμην αὐθίς ἄρχεν τοὺς ὑπάτους. tā δ' ἀναγκάσαντα αὐτὴν ἐπὶ τῷ καταλύσαι τῷ τυραννικῷ πόλεμον αὐθαίρετον ὑπομεῖναι τυραννίδα πολλαμένῳ kai ἀλλα ἦν, ύπερ ἀπαντα δ' ὁ κυρωδεῖς ύψων ἐνος τῶν ὑπάτων Ποπλίου Οὐαλερίου τοῦ κληθέντος Ποπλικόλα νόμος, ύπερ οὐ κατ' ἁρχάς ἔφην, ὅτι τάς τῶν ὑπάτων γνώμας ἀκύρους ἐποίησε ... ἐλογιζετο δή μένοντος μὲν κυρίου τοῦ νόμου τοῦδε μηδὲν ὑπηρετήσει ἀναγκαζόμενος ταῖς ἀρχαῖς τοὺς πένητας καταφρονοῦντας ώς εἰκὸς τῶν τιμωρίων, ὡς οὐ παραχρήμα ὑφεξεῖν ἐμέλλον, ἀλλ' ὅταν ὁ δῆμος αὐτῶν καταψηφίσῃ, ἀναιρεθέντος δ' αὐτοῦ κατά πολλάν ἀνάγκη τά κελευόμενα ποίησεν ἄπαντας, ἵνα δὲ μηδὲν ἐναντιωθεῖσιν οἱ πένητες, εἰ τὰς αὐτῶν καταλύοι τόν νόμον ἐκ τοῦ φανεροῦ, τῆν ἱσοτύρανον ἄρχην ἔκρινεν ἐπὶ τά πράγματα παραγαγεῖν, ἢ πάντας ἔμελλεν ἔφεξεν ύψω ἑαυτῇ τοὺς νόμους, καὶ γράφει προσβούλευμα, δ' οὖ παρακροσσαμένη τοὺς πένητας καὶ τὸν βεβαιοῦσαν τὴν ἐλευθερίαν αὐτοῦ νόμον ἄνελούσα ἐλαζέν. ἦν δὲ τὸ προσβούλευμα τοιοῦτο: Λάρκιον μὲν καὶ Κλούλιον τούς τότε ὑπατέοντας ἀποδέχαται τὴν ἐξουσίαν, καὶ εἰ τὶς ἅλλος ἄρχην τινα εἶχεν ἡ πραγμάτων τινῶν κοινῶν ἐπιμέλειαν: ἕνα δ' ἀνδρα, ὅν ἄν ἦ τε βουλή προαίηται καὶ ὁ δήμος ἐπιψήφισε, τὴν ἀπάντων ἔξουσιαν παραλαβόντα ἄρχειν μὴ πλείονα χρόνον ἐξαμήνου, κρέιττονα ἐξουσίαν ἔχοντα τῶν ὑπάτων. τούτω ἄνγοισιν, ἦν ἔχει δύναμιν, οἱ δημοτικοὶ ψηφίζοντα κύρια εἶναι τὰ δώσαντα τῇ βουλῇ: ἦν δ' ἀρα ἢ κρείττων ἄρχῃ τῆς κατά τοὺς νόμους τυραννίς: τὴν τε αἴρεσιν τοῦ μέλλοντος ἄρχειν τοῖς ἐκ τοῦ συνεδρίου συνεχώρησαν αὐτοῖς ἐφ' ἑαυτῶν βουλευομένοις ποίησαναί.
that it rendered invalid the decisions of the consuls. The senate reasoned that while this law remained in force the poor could not be compelled to obey the magistrates, because, as it was reasonable to suppose, they would scorn the punishments which they were to undergo, not immediately, but only after they had been condemned by the people, whereas, when this law had been repealed, all would be under the greatest necessity of obeying orders. And to the end that the poor might offer no opposition, in case an open attempt were made to repeal the law itself, the senate resolved to introduce into the government a magistracy of equal power with a tyranny, which should be superior to all the laws.

And they passed a decree by which they deceived the poor and, without being detected, repealed the law that secured their liberty. The decree was to this effect; that Larcius and Cloelius, who were the consuls at the time, should resign their power, and likewise any other person who held a magistracy or had the oversight of any public business; and that a single person, to be chosen by the senate and approved of by the people, should be invested with the whole authority of the commonwealth and exercise it for a period not longer than six months, having power superior to that of the consuls. The plebeians, being unaware of the real import of this proposal, ratified the resolutions of the senate, although, in fact, a magistracy that was superior to a legal magistracy was a tyranny; and they gave the senators permission to deliberate by themselves and choose the person who was to hold it.

I’ll refer to this passage as the “inception” quote. Here Dionysius listed the original and essential characteristics of the office: (a) the dictatorship was the elites’ solution to a fear of disturbances by the masses and of a destabilizing and advancing erosion of the authority of the consuls; (b) the installation of a dictator meant the temporary abolishment of consular power and involved a prefatory resignation of both consuls, all other magistrates, and all other public officials; (c) the new office had jurisdiction over war, peace, and “every other matter” (i.e., he could act on any matter, presumably not limited to the crisis that had led to his appointment); (d) the dictator’s power was superior to all laws (i.e., he was not subject to a veto); (e) the dictator was unaccountable for his actions (i.e., could not be impeached or subjected to provocatio); (f) the dictator’s term of office was

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18 The Valerian law alluded to here is the one providing for provocatio: it provided, as Dionysius went on to detail, for trial before punishment, the right of appeal to the people, security until proven guilty, and capital punishment for violators of these provisions (Dion. Hal. Ant. Rom. 5.70.2; Livy 2.8; Cic. Rep. 2.31).

19 The translation used is Cary 1940. Note, however, that I disagree with Cary’s translation of “αὐτοκράτορα” as ‘possessed of absolute power’: in the context of collegial government, Dionysius’s emphasis here was on his standing alone, i.e., that he was immune from collegial intercessio, not on what is usually meant by “absolute power”, just as “ἀνυπεύθυνον” referred to his unanswerability, i.e., immunity from provocatio.
capped at six months, after which executive authority reverted to the consuls; (g) the
dictator was chosen by the senate and ratified by the people.

The dogmatic rationale that Dionysius provided—that the consulship was rendered
ineffective by the establishment of the right of provocatio, and so the senate reacted, in the
ideological sense of the word, by fabricating a new magistracy whose power was unaffected
by it—is self-contradictory and difficult to credit. Imagine the scenario: We, the senate,
dismayed at the debilitation of the consulship, so let’s abolish it—for six months, and
then go back to using the debilitated consulship? We, the senate, want to dupe the
commons into giving up their sovereignty—so let’s ask them to vote themselves into
impotence and pass a law explicitly abolishing all the elected magistrates in favor of a
senate-appointed autocrat? We, the senate, are certain our collective will must prevail in
Rome—so let’s cede all authority to a single individual, who will then be unfettered and
unanswerable either to the people or to us, thereby creating both the immediate conditions
for autocratic tyranny potentially at the expense not only of the commons but even of the
nobility, and, worse yet, a precedent for future, ungovernable iterations? These motivations
conflict badly with both the self-interest of the senatorial parties and the context of events
related before and after this by Dionysius himself.

Dionysius then delineated their criteria for any nominees (the “criteria” quote):

**DIONYSIUS OF HALICARNASSUS, ANTIQUITATES ROMANAE 5.71.1**

μετὰ τοῦτο πολλὴ ζήτησις ἐνέπιπτε τοῖς προεστηκόσι τῆς βουλῆς καὶ πρόνοια περὶ
tοῦ παραληψομένου τὴν ἥγεμονίαν. ἔδοκε γὰρ αὐτοῖς δραστηρίου τ’ ἄνδρός εἰς τὰ
πράγματα δεῖν καὶ πολλὴν τῶν πολεμικῶν ἁγώνων ἐμπειρίαν ἔχοντος, πρὸς δὲ
tοῦτος φρονίμου τε καὶ σώφρονος καὶ μηδὲν ὑπὸ τοῦ μεγέθους τῆς ἐξουσίας ἐπὶ
tὸ ἀνόητον παραχθῆσομένου: ὑπὲρ ἅπαντα δὲ ταῦτα καὶ τάλλα ὅσα δεῖ προσέιναι
στρατηλάταις ἀγαθοῖς ἄρχειν ἐγκρατῶς εἰδότος καὶ μηθὲν μαλακὸν ἐνδώσοντος τοῖς
ἀπειθοῦσιν, οὐ μάλιστα ἐν τῷ παρόντι ἐδέοντο.

After this the leading men of the senate devoted much earnest thought to searching for
the man who should be entrusted with the command. For they felt that the situation
required a man both vigorous in action and of wide experience in warfare, a man,
moreover, possessed of prudence and self-control, who would not be led into folly by
the greatness of his power; but, above all these qualities and the others essential in
good generals, a man was required who knew how to govern with firmness and would
show no leniency toward the disobedient, a quality of which they then stood particularly
in need.
Further down, Dionysius interrupted his account of the first dictatorship to appraise the office that had been created:

**DIONYSIUS OF HALICARNASSUS, ANTIQUITATES ROMANAE 5.73.1–2**

Οὗτος πρῶτος ἐν Ῥώμῃ μόναρχος ἀπεδείχθη πολέμου τε καὶ εἰρήνης καὶ παντὸς ἄλλου πράγματος αὐτοκράτωρ. ὅνομα δ᾽ αὐτῷ τίθενται δικτάτορα, εἶτε διὰ τὴν ἐξουσίαν τοῦ κελευθείν, ὅτι θέλοι, καὶ τάττειν τὰ δίκαια τε καὶ τὰ καλά τοῖς ἄλλοις, ὡς ἄν αὐτῷ δοκῆ: τὰ γὰρ ἐπιτάγματα καὶ τὰς διαγραφὰς τῶν δικαίων τε καὶ ἀδίκων ἡδίκτα οἱ Ῥωμαίοι καλοῦσιν: εἶτε ὡς τινες γράφουσι διὰ τὴν τότε γενομένην ἀνάρρησιν, ἐπειδὴ οὐ παρὰ τοῦ δήμου τὴν ἀρχὴν ἐχθρόμενος κατὰ τοὺς πατρίους ἔδιδεν, ἂν ἔφη ἄνδρος ἀποδειχθεῖς ἐνός. οὐ γὰρ ἐγώντο δεῖν ἐπιφθονὸν ὄνομα καὶ βαρὺ ἔθεσθαι τινὶ ἀρχῇ πόλιν ἐπιτροπευούσῃ, τῶν τε ἀρχομένων ἔνεκα, ἰδία μηθὲν ἐπὶ ταῖς μισουμέναις προσηγορίαις ἐκταράτωνται, καὶ τῶν παραλαμβανόντων τὰς ἀρχὰς προνοίᾳ, μή τι λάθωσιν ἢ παθόντες ὑπ᾽ ἑτέρων πλημμέλες ἢ δράσαντες αὐτοὶ τοὺς πέλας, ὅν τῇ ἔργῳ ἔφη τοιαύτα δυναστεῖα: ἐπεὶ τὸ γε τῆς ἐξουσίας μέγεθος, ἥς ὁ δικτάτωρ ἔχει, ἦκιστα δηλοῦται ὑπὸ τοῦ ὀνόματος: ἐστὶ γὰρ αἱρετῆ τυραννίς ἢ δικτατορία.

Larcius was the first man to be appointed sole ruler at Rome with absolute authority in war, in peace, and in all other matters. They call this magistrate a dictator, either from his power of issuing whatever orders he wishes and of prescribing for the others rules of justice and right as he thinks proper (for the Romans call commands and ordinances respecting what is right and wrong edicta or "edicts") or, as some write, from the form of nomination which was then introduced, since he was to receive the magistracy, not from the people, according to ancestral usage, but by the appointment of one man. For they did not think they ought to give an invidious and obnoxious title to any magistracy that had the oversight of a free people, as well as for the sake of the governed, lest they should be alarmed by the odious terms of address, as from a regard for the men who were assuming the magistracies, lest they should unconsciously either suffer some injury from others or themselves commit against others acts of injustice of the sort that positions of such authority bring in their train. For the extent of the power which the dictator possesses is by no means indicated by the title; for the dictatorship is in reality an elective tyranny.

This will be referred to as the “elective tyranny” quote. Here Dionysius called attention to the following characteristics of the dictator: (a) he had sole oversight of the Romans in public affairs both military and domestic, with fiat was unfettered; (b) he was also the sole judge and jury; (c) he was appointed by one man, not elected; (d) the office was given a mild name to belie its absolute power, since to do otherwise would insult both occupant and a free citizenry; yet (e) he occupied an “elective tyranny,” the word “elective” in English referring here not to election of magistrates but to a free people perversely

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20 The translation used is Cary 1940.
Dionysius followed up on the “elective tyranny” remark:

In a sequel to this passage, at the end of his discussion of T. Larcius’s dictatorship, Dionysius followed up on the “elective tyranny” remark:

DIONYSIUS OF HALICARNASSUS, ANTIQUITATES ROMANAE 5.77.1–4

This passage is a translation from Greek to English. The original text is in Greek, and the translation provides a natural reading of the document.
so the Romans then perceived for the first time what they had along been ignorant of, that the dictatorship is a tyranny.\textsuperscript{21}

I’ll refer to this as the “enviable example” quote.

This word \textit{tyranny} in these passages is problematic. In the Greek world, tyrants were by and large agents of the people, leaders of populist factions taking power extraconstitutionally to mitigate the oppression by the oligarchy, as with Cypselus in Corinth, Cleisthenes of Sicyon, Peisistratus in Athens, and so on. Tyrants were notorious, not for \textit{ruling} unaccountably (they were accountable to their factions, requiring them to suppress their opponents), but for achieving office anarchically: what prototypical preclassical Greek tyrants had in common was being put up extralegally by an aggrieved segment of the populace as an alternative to the prevailing, oligarchic system.\textsuperscript{22} So how, then, did Dionysius construe \textit{αἱρετὴ τυραννὶς}, given that he’s describing the installation of a mechanism for the legal and systematic appointment of an official magistrate whose \textit{raison d’être}, according to him, included suppression of the masses?

Missing the point, Kalyvas made a case for Dionysius having radically reappraised the word \textit{tyrannos} to mean arbitrary rule by consent.\textsuperscript{23} Giving a traditional definition as “a particular form of rule over unwilling subjects, against the law, and in the service of the private interests of the ruler”,\textsuperscript{24} the unwilling subjects being those of factions other than that which illegally imposed the tyrant on the polis, Kalyvas went on to say that Dionysius subtracted the first while retaining the other two. This is clearly false. There is nothing illegal about the dictatorship; on the contrary, Dionysius was at pains to point out that the dictatorship came about through recommendation of the senate and vote of the popular

\textsuperscript{21} The translation used is Cary 1940.
\textsuperscript{22} Arist. \textit{Pol.} 1313a.34–1314a.30. On the evolution of word and phenomenon among the Greeks see Andrewes 1963; Ferrill 1978; Rosivach 1988; Parker 1998. Anderson 2005 has argued that \textit{tyrannoi} were not illegitime but mainstream and as oligarchic as “orthodox” leaders. Mitchell 2006 emphasized the connection for classical Athenians between tyranny and oligarchy as both antithetical to democracy (cf. Thuc. 6.53.3, 6.60.1); similarly Jordović 2011. The most recent comprehensive work of Greek tyranny is Lewis 2009.
\textsuperscript{23} Kalyvas 2007, 419–423.
\textsuperscript{24} Kalyvas 2007, 422.
assembly, as good an example of the ideal operations of the Republican constitution as one can find. As for the private interests of the “ruler,” they are nowhere to be found: according to Dionysius, the office originated in the service of the senate’s interests in oppressing the masses, and T. Larcius’s interests or motivations were relevant neither to his appointment nor to his actions in office. Indeed, as Dionysius pointed out with raised eyebrows, T. Larcius inexplicably declined to oppress the masses in any way.

Dionysius’s astonishment in the “enviable example” passage, that this precedent took hold to such an extent that no one thought to abuse the dictatorship until Sulla, is to be laid alongside the office’s absolute power in the “elective tyranny” passage, and reveals that Dionysius saw Sulla not as subverting the dictatorship but rather as laying bare its true nature, finally disillusioning the Romans centuries after its inception.²⁵ Dionysius, who posited that the origins of the office lay in a deliberate resort to oppression on the part of the ruling class, could not explain the lack of tyranny from tyrants other than by observing that Larcius set a precedent by being good; but his assertion that Sulla was the first to act according to the true nature of the dictatorship prompts us to wonder what held back all of Sulla’s scores of predecessors from succumbing to ambition, pride, or lust for glory with such perfect, and indeed inhuman, effectiveness. The only way this makes sense is if Dionysius’s premise of absolute, unfettered power, as expressed in the “elective tyranny” passage, was wrong.

Moreover, Dionysius argued that the dictatorship’s unblemished execution caused it to be increasingly regarded as the ideal solution to Rome’s gravest crises. In fact, not only did the dictatorship fall into surcease immediately after Zama, but over the course of the third century, the culminating century of its use during the archaic phase, the dictatorship shifted in character: third-century dictators were increasingly called more for single actions like driving the annual nail, holding elections, and conducting games than to save the Republic from violent destruction. The dictators set against Hannibal were the notable,

and terminal, exceptions—and Zama was won by a proconsul, not a dictator. Repeated successful invocation of the dictatorship eventually caused it to be used less, not more.

Returning to one of the threads of his dictatorship origin story (the “inception” quote), Dionysius in the “enviable example” passage added a further characteristic of the dictator: that (f) during his tenure the other offices were “abolished.” According to Walbank this is an error directly influenced by Polybius’s mistake, more to the point, even in Dionysius this was at odds with his own details of the first dictatorship, and any hint of it was absent from his narrative of the second and subsequent dictatorships.

ZONARAS AND THE KING BY ANOTHER NAME

The twelfth-century writer Ioannes Zonaras closely followed Cassius Dio, and so preserved much now lost from Dio’s work. While we do not have Dio on the origins of the dictatorship, Zonaras’s version is assumed to reflect what Dio originally had to say. As with Dionysius, Zonaras’s account of the first dictatorship included an aside that served both to explain the office and pass judgment on the Romans who instituted it:

ZONARAS 7.13

Αὖθις δὲ πολέμου παρὰ Λατίνων κατὰ Ῥώμης κεκινημένου, οὐκ ἤθελον οἱ πολλοὶ τὰ ὁπλὰ λαθεῖν, ἀποκοπὴν τῶν χρεῶν ἀξιοῦντες γενέσθαι. καὶ διὰ τούτο καινής τινα ἀρχὴν ἐπ’ ἄμφιάσεως αὐτοῖς τότε πρώτον οἱ δυνατοὶ κατεστήσαντο; δικτάτωρ ὁ ταύτης ἦδομένος ὄνωμασθαι, ἦδοντα δὲ πάντα ἐξ ίσου τοῖς βασιλεύσι. τὴν μὲν γὰρ τὸν βασιλεῖας ἐπωνυμίαν διὰ τούς Ταρκυνίους ἐμίσησαν, τὴν δὲ ἐκ τῆς μοναρχίας ὑφέλειαν ἅλλην, ὡς πολυ ἰσχυοῦσης ἐς τὰς τῶν πολέμων καὶ τῶν στάσεων περιστάσεις, ἐν άλλῳ ταύτην ὄνοματι εἰλοντό. ἦω μὲν οὖν, ὡς εἰρηντακαί, ἡ δικατορία κατὰ τὴν ἐξουσίαν τῇ βασιλείᾳ ἰσόρροπος, πλὴν ὅτι μὴ ἐφ’ ὑπόν αὐτῆς τοῖς βασιλεύσι ἀρχὴν ἓνεκεν τῶν ἂν ἀφελεύσατο τῷ τῆς δικτατορίας ἐπίτηδες ἢ δικτάτωρ ἐν εἴσουτοι, εἰ μὴ ἀπεκτάτευσατο ἐμελλεν, οὖτε ἐκ τῶν...
When a new war was stirred up on the part of the Latins against Rome, the populace demanded that there should be a cancellation of debts, and refused to take up arms. Therefore the nobles then for the first time established a new office to have jurisdiction over both classes. Dictator was the name given to the man honored with this position, and he possessed power equal in all respects to that of the kings. People hated the name of king on account of the Tarquins, but desiring the benefit to be derived from sole leadership, which seemed to exert a potent influence amid conditions of war and revolution, they chose it under another name. Hence the dictatorship was, as has been said, so far as its authority went, equivalent to the kingship, except that the dictator might not ride on horseback unless he were about to set out on a campaign, and was not permitted to make any expenditure from the public funds unless the right were specifically voted. He might try men and put them to death at home as well as on campaigns, and not merely such as belonged to the populace, but also men from the knights and from the senate itself. No one, not even the tribunes, had the power to make any complaint against him or to take any action hostile to him, and no appeal could be taken from him. The office of dictator extended for a period of not more than six months, in order that no such official by lingering on in the midst of so great power and unhampered authority should become haughty and be carried away by a passion for sole leadership. This was what happened later to Julius Caesar, when, contrary to lawful precedent, he had been adjudged worthy of the dictatorship. 29

Zonaras’s formulation, while in accord with other epitomes, is also distinctive. He asserted (a) that the dictatorship was the nobles’ reaction to a levy strike by the plebs over debt, which has some relation to the version in Dionysius (though a levy strike better describes the circumstances of the third dictatorship). Zonaras’s account involved creating a new office that had “jurisdiction over both classes”—as if the existing magistracies did not. This begins to make sense if Zonaras followed Dionysius in seeing the consulship as being compromised and, consequently, no longer having proper “jurisdiction” over both the nobles and the plebs. Zonaras might also have been looking ahead to the establishment of plebeian tribunes, which arrived not long after in his narrative. 30

29 The translation used is that of Cary 1914.
30 Zon. 7.15.
Second, Zonaras (b) explicitly equated the dictatorship with monarchy, referring to the dictator as a king “by another name” and the dictatorship “equivalent to the kingship”—though with a long list of exceptions. At first blush this suggests that the creators of the dictatorship were trying to reinstate the Tarquinian monarchy; but the remarks on Caesar at the end of this passage suggest the monarchy Zonaras had in mind might have been the one contemplated for Caesar in the weeks prior to his assassination. The allusion to sole leadership might simply mean that dictators and kings were both forms of one-man rule, providing the advantage of single command in military situations—a need that might arise internally or externally (“war and revolution”). But a king was not a solely military figure, and “jurisdiction over both classes” and the power of life and death both at home and in the field indicated authority beyond that of a legion general.

Third, the first two of the exceptions to the dictatorship’s equivalence to a king are distinctive. The first, that (c) a dictator could not ride a horse, has a few additional mentions elsewhere in the narrative of the dictatorship. The second is even more peculiar: (d) a dictator could not access public funds without legislation. This would have been a significant restriction on the dictator’s free hand to respond to an extreme emergency, and, given any capable politician’s potential capacity to use this hold on the purse-strings against any dictator (or, at least, any dictator without unlimited personal resources), it is incompatible with the dictator’s supposed uncircumscribed power and unanswerability as described in the usual terms later in the passage: (e) the power to exert capital force over any citizen regardless of class, within Rome as well as in the field, (f) immunity from complaint or hostile action (impeachment and veto), and (g) immunity from appeal (provocatio), all of which continued Zonaras’s contrast to the kingship.

The final difference between kings and dictators, Zonaras observed, was that (h) dictatorships were limited to six months, a statement made in order to show the abnormal nature of Caesar’s rule. This, he explained, was a means of preventing a lust for tyranny that might arise in an individual possessing such “unhampered power”—though, again, there is no indication why this lust might not arise within a period of six months, or what
sanctions prevented a dictator from attempting to hold onto his power for more than six months if the lust were to somehow develop.

The last comment is also a bit strange: it sounds as though Zonaras thought that the Romans should have known better than to have made Caesar dictator, contrary to their own long precedents. This is, perhaps, a sidelong acknowledgement that one of the most important components of the dictatorship was the consul’s selection of the needed man, an aspect that was not in operation for Caesar’s accession to power.

**Pomponius on Summa Potestas**

There is little in the Digest that related to the dictator, apart from a thumbnail in the sections on origins of the law.

_Digest (Pomponius) 1.2.18–19_

_Populo deinde aucto cum crebra orerentur bella et quaedam acriora a finitimis inferrentur, interdum re exigente placuit maioris potestatis magistratum constitui: itaque dictatores proditi sunt, a quibus nec provocandi ius fuit et quibus etiam capitis animadversio data est. hunc magistratum, quoniam summam potestatem habebat, non erat fas ultra sextum mensem retineri. Et his dictatoribus magistri equitum inunegabantur sic, quo modo regibus tribuni celerum: quod officium fere tale erat, quale hodie praefectorum praetorio, magistratus tamen habeabantur legitimi._

Then, with a growth in population, as wars were growing frequent and some were waged with abnormal ferocity by neighboring peoples, sometimes under pressure of events it was decided to establish a magistrate with greater power: Accordingly, dictators were put in office from whom there was no right of appeal and to whom even the capital penalty was entrusted. It was not lawful for this magistrate to be kept in office longer than six months, since he held supreme power.

And these dictators were required to have _magistri equitum_ in just the same way as kings had tribunes of the Celeri. This office was substantially the same as that of the present day prefects of the praetorian guard, the magistrates in question being, however, considered state officials.

This contains elements seen in other epitomes and in modern works that rely on them, but not in the narrative: (a) an origin arising out of military necessity; (b) the dictator had total power, including exemption from _provocatio_ and access to capital punishment; and (c) an explicit cap at six months, to prevent someone with that much

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31 The _tribuni celerum_: three deputies to the king who commanded the kings’ special bodyguard: Livy 1.59.8, 1.15.8.
power being in office too long. The next passage, on the *magister equitum*, aligned dictators with the kings and the emperors, both of whom were assisted by similar lieutenants.

In this passage we get an evocative phrase, *summa potestas*, to stand alongside Cicero’s equally redolent *omne imperium*. *Summa potestas* conveys the idea of the ultimate capacity of the state, which is to say, supreme power; later writers, Hobbes for example, used *summa potestas* to describe the indivisible power of an absolute sovereign. The phrase cropped up in Varro’s etymology of *dictator* and associated terms:

**Varro De Lingua Latina 5.82**

*Dictator, quod a consule dicebatur, cui dicto audientes omnes essent. Magister equitum, quod summa potestas huius in equites et accensos, ut est summa populi dictator, a quo is quoque magister populi appellatus. Reliqui, quod minores quam hi magistri, dicti magistratus, ut ab albo albatis.*

The ‘dictator’ [was so called] because he was named by the consul, [the dictator being] he whose dictum all heeded. The ‘*magister equitum*’, [so called] because his was the supreme command over the cavalry and the reserves, just as the dictator had supreme command over the people, on account of which he was also called ‘master of the people’. The remaining officials, because they were masters of lesser stature than these, were called ‘magistrates’—just as ‘white-clad’ derives from ‘white’.

So according to Varro, the dictator, with his subordinate, were the ones with *summa potestas*, and the other magistrates were *minores* by comparison.

In fact the story Pomponius told is remarkable in that the worthies of the early Republic set out to meet an emerging need for a leader with “greater power” (*maior potestas*)—and ended up creating a Leviathan somehow invested with “supreme power” (*summa potestas*) instead. In fact, the dissonance between *maior* and *summa potestas* in this passage aptly illustrates the disconnect between the total, unanswerable power attributed to dictators in these epitomes, on the one hand, and the actual mandate-bound functioning of the dictatorship delineated in the narrative history, on the other.

**Festus on Provocatio and Optima Lex**

The dictatorship arises in Festus under the heading *optima lex*.

**Festus p. 198M**

*Optima lex... in magistro populi faciendo, qui vulgo dictator appellatur, quam plenissimum posset jus ejus esse significabat, ut fuit M’. Valerio M. f. Volusi nepotis, qui primus magister*
populi creatus est. Postquam vero provocatio ab eo magistratu ad populum data est, quae ante non eta, desitum est adjici 'ut optima lege' ut pote imminuto jure priorum magistratorum.

[The phrase] “highest law” [signified,] in the appointment of a master of the people, who is called “dictator” by the commons, an authority as broad as possible, such as it was for M’. Valerius M.f. Volusius n., who was the first dictator to be appointed. But after the right of appeal from this magistrate to the people was given, which had not formerly been so, “ut optima lege” was no longer added, since the powers of the early dictators were now restricted.

In other epitomes there was often an implicit contrast between the customary workings of the archaic dictatorship through 202, on the one hand, and the perversions of Sulla and Caesar in the first century, on the other. Here, however, we get a reference of changes in the dictatorship during the archaic period itself: namely, that until the application of provocatio to the dictatorship with the passage of lex Valeria in 300 the dictator enjoyed ius plenissimum, but subsequently this was no longer true, and his diminished authority was acknowledged by dropping the phrase ut optima lege from the customary wording.

What formal action originally included this phrase, then did not include it? Was this the elusive lex de dictatore creando? The formula for the granting of imperium? The wording, optima lex, does not seem to mean “the best law” exactly; so sussing out what it was intended to mean in an archaic context might be helpful. The other major citation of optima lex with early-Republican roots was also a formula for the appointment of an official, namely the chief pontiff’s “taking” of a new Vestal, as reported by Fabius Pictor by way of Gellius:

**Gellius Noctes Atticae 1.12.14**

“Sacerdotem Vestalem, quae sacra faciat, quae ius siet sacerdotem Vestalem facere pro populo Romano Quiritibus, uti quae optima lege fuit, ita te, Amata, capio.”

“As she who is most worthy in accordance with the law, who might perform the rites that it is right for a priestess of Vesta to perform for the Roman people, the Quirites, so accordingly I take you, Beloved, as priestess of Vesta.”

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32 There are occurrences in classical Latin in which it did mean something like “most excellent law,” with regard to the objective merits of a particular piece of legislation: so for example Cic. Sest. 135, Pis. 37, both commending the lex Julia repetundarum.

33 “uti quae optima lege fuit”: No one has agreed on a translation of the optima lex clause in this passage, because optima ‘best’ could agree with lege ‘law’ or with quae ‘she who’. But to me the whole thing only makes sense if it is read as “she who is best (most worthy)”, with “by the law” modifying that.
In the Vestal formula we have the antiquated phrase *uti quae optima lege fuit*, similar to that reported for the early dictators, *ut optima lege*; moreover the dictatorial *ut*, mysterious in isolation, looks more promising as part of an *ut . . . ita* ‘as…so’ construction like that of the Vestal formula. But the meaning of *uti quae optima lege fuit* has been not been resolved to the satisfaction of all. Encouraged by the unit *optima lex* reported in Festus, one might take *optima* as an ablative modifying *lege*, so that the meaning is ‘who is [suitable] in accordance with the highest law’; conversely, one might prefer *optima* as a nominative agreeing with *quae fuit*. The sense here is clearly that the woman in question is best or most worthy, and that religious law required that only the most worthy be chosen as Vestal priestesses, so we should, all things being equal, prefer the interpretation in which *optima* describes the woman, not the law.

Unfortunately this means that while the possibility of an *ut . . . ita* construction in the formula for the appointment of a dictator becomes more viable by example, *optima* obviously cannot have referred to the worthiness of a she-dictator. More than that, the thrust of Festus’s notice was that the phrase had to be abandoned because the absoluteness of the dictatorship was degraded by the application of *provocatio*; the Vestal formula described the qualities of the woman being taken in to the Vestal fold, but if Festus was right *ut optima lege* described not the qualifications of the dictator-designate but the operations of the dictator or the parameters of the dictatorship.

Thus the passage in Festus is normally taken to mean that the original formula for the appointment of the dictator accorded him the greatest authority in the state, perhaps even the total authority of the state, on an analogy with *optimum ius*, which referred to the complete body of rights associated with membership in the Roman state (individual or municipal). ‘Best’ is here being construed in the direction of ‘most complete, perfect’, making *optima lex* not dissimilar to Pomponius’s *summa potestas*. Festus would therefore be

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34 See Brouwers 1933 for a discussion of the Vestal formula.
35 For the connection between *optima lex* and *optimum ius* see for example Adam, Boyd, & Da Ponte 1843, 143; Georgescu 1968. For *optimum ius* = ‘complete body of rights’ see for example Ortolan 1896, 137.
understood to say that the dictator originally had the complete legal capacity of the Roman state within his purview, but that with the advent of provocatio against dictators the tribunes, being empowered to administer this appeal, were enabled to act by a legal authority independent of the dictator.

In any event the concept of a dictator appointed optima lege is presented as being in contradistinction, according to this passage, to the circumscription imposed by the introduction of provocatio and its application to the dictatorship. The thorny question of provocatio and the dictatorship will be discussed later, with attention to whether, theory aside, the applicability of provocatio can be detected in the actual narrative history. For the moment let us note that any longstanding tradition of a period of time in which the consuls were subject to provocatio and the dictators were not might inform the annalists’ tendency to depict early dictatorships as the senate’s recourse in times of popular unrest.36

**Other Descriptions of the Dictatorship**

*Cassius Dio on Cn. Pompeius’s Command*

The three greatest epitomes of the dictatorship, those of Polybius, Cicero, and Dionysius, are brief, deeply flawed, and problematic as guides to the understanding of the office’s origins, normal functioning, and contemporary standing. As it turns out, other general summaries are even more cursory and even less reliable.

Consider the speech that Cassius Dio had Q. Lutatius Catulus (cos. 78) give on Cn. Pompeius’s proposed command against the pirates in 67:

*Cassius Dio 36.34*

EI γάρ τοι καὶ παρά τάς ἐπετησίους ἀρχὰς ἀνάγκη τις εἰ̂ η ἔτεραν ἐλέσθαι, ἔστι καὶ τούτου παράδειγμα ἀρχαῖον. Λέγω δὲ τὸν δικτάτορα. Καὶ τούτον μέντοι τοιοῦτων ὅντα, οὔτε ἐπὶ πᾶσι ποτὲ τοῖς πράγμασιν οἱ πατέρες ἡμῶν, οὔτε ἐπὶ πλείω χρόνων ἔξαμήνου κατεστήσαντο. ὡστε' εἰ μὲν τοιοῦτον τινὸς δείσθε, ἔξεστιν ύμιν, μήτε παρανομήσασι μήτ' ὀλιγώρως ὑπὲρ τῶν κοινῶν βουλευσαμένοις, δικτάτορα εἴτε Πομπήιον εἴτε καὶ ἄλλον τινά προχειρισάσθαι, ἐφ' ὃ μήτε πλείω τοῦ τεταγμένου χρόνου μήτε ἔξω τῆς Ἰταλίας ἀρξῃ. οὐ γάρ ποι ἄγνοείτε ὅτι καὶ τοῦτο δεινῶς οἱ

36 So Staveley 1955, 428.
Yet if there is a need to choose another in addition to the annual officials, there is for this, too, an ancient precedent—I refer to the dictator. However, because this official held such power, our fathers did not appoint one on all occasions, nor for a longer period than six months. Accordingly, if you require any such official, you may, without either transgressing the laws or forming plans in disregard of the common welfare, elect Cn. Pompeius himself or anyone else as dictator—on condition that he shall not hold office longer than the appointed time nor outside of Italy. For surely you are not unaware that this second limitation, too, was scrupulously observed by our forefathers, and no instance can be found of a dictator chosen for another country, except one who was sent to Sicily and who, moreover, accomplished nothing. But if Italy requires no such person, and you would no longer submit not only to the fact of a dictator but even to the name (as is clear from your anger against Sulla), how could it be right to create a new kind of command, and that for three years and over more or less everything, embracing matters both within Italy and without?

Dio’s version of Q. Lutatius cannot be taken at face value as representative of attitudes in the 60s BCE. For one thing, the animosity toward even the title dictator is arguably anachronistic before Caesar’s ultimate perversion of it and subsequent assassination.37

Here Dio selected, as relevant to the matter at hand—the proposal for Cn. Pompeius’s extraordinary commission—three rules of the dictatorship “scrupulously observed” by “our fathers”. They were: (a) they did not appoint dictators on all occasions, implying that dictators were reserved not merely for emergencies but for exceptional emergencies or for emergencies of a particular character; (b) dictators served no longer than six months; and (c) dictators were strictly circumscribed to Italy.

The first restriction, while vague, is reasonable as far as it went. The second, a hard and fast six-month cut-off for all dictatorships, is not supported by the narrative of the dictatorship, and moreover might even be Dio, knowing better, having his fictionalized Q. Lutatius exaggerating the rigidity of time limits for his audience in hopes of binding up Cn. Pompeius. The third rule, restriction to Italy, risibly got both the most emphatic insistence and an explicit refutation, which, however, Dio implied did not count.

37 For an in-depth discussion of Catulus’s “Philippic” in Dio, see Rodgers 2008.
Dio’s allusion to the “anger against Sulla,” to which Catulus probably would not have alluded in this context, suggests, like Cicero’s remark about the dictatorship having been exercised in a kingly way “lately”, that the first-century dictatorships were deviations from the archaic form, and reminds us that, Polybius excluded, our classical sources saw the archaic dictatorship through the taint of Sulla, Caesar, and the civil wars that tore down the system of which the dictatorship had once been an integral and functioning part.

Tacitus on Kings and Dictators

Tacitus, describing the view taken of Augustus’s rule by his subjects at his death, made a very brief and passing characterization of the dictatorship by implication:

\[\text{TACITUS ANNALS 1.9}\]

\textit{non regno tamen neque dictatura sed principis nomine constitutam rem publicam; mari Oceano aut amnibus longinquus saeptum imperium; legiones, provincias, classis, cuncta inter se conexa; ius apud civis, modestiam apud socios; urbem ipsam magnifico ornatu; pauc\ae admodum vi tractata quo ceteris quies esset.}

Yet he organized the state under the name not of monarchy nor of dictatorship but of Principate. The empire had been contained by the ocean and the furthest rivers; the legions, the provinces, the fleets, the whole of the empire were bound together; there was justice among citizens and honorable treatment of allies; the city itself was splendidly embellished; the extremely rare occasions of force were in the service of peace.

We ought not read too much about the dictatorship from a fleeting remark on a different subject, especially as much of what Tacitus said about Augustus was prologue to an indictment of Tiberius. Nonetheless Tacitus did suggest that the attributes he ascribes not to Augustus personally but to the Principate—the expanse of empire, the sprawling unity of identity and rule, justice for citizens and allies, elevation of the capital, and restraint in the use of force—were to be contrasted with the qualities and capacities of both kings and dictators. One can but yearn for his accounting of Caesar’s rule.
EPITOMAL MYTHS IN SUMMARY

The epitomes of the dictatorship found in the works of classical authors contain a set list of recurring assumptions and conceptions that jibe poorly with the narrative of the dictatorship that has come down to us. Collectively they illustrate our most famous authors’ capacity to separate their reactions to the office in abstract, especially in the wake of its abuse in the first century, from their own understandings of how the archaic dictatorship operated in practice. The ancients’ presentation of the dictatorship has produced a mythology entirely separate from its history.

The chief of these problematic ideas, present in one or more of the characterizations of the office discussed above and reverberating forward through most subsequent characterizations of the dictatorship, can be rephrased as follows:

- The dictator was all-powerful, assuming the complete power of the Republican state.
- The other magistrates were suspended or forced to resign during a dictator’s term of office.
- An important check was his limitation to a term no longer than six months.
- Dictators were chosen or nominated by the senate.
- The dictatorship was designed to be a tool of repression.
- The dictatorship was devised or employed as a solution to the problem of divided command.
- The dictator was entirely unaccountable, being unsusceptible to the checks imposed on other magistrates. These would include right of appeal (provocatio); collegial veto; tribunician veto; and subsequent prosecution.
- The dictatorship was a military office, created to exert force against foreign enemies or to crush civil discord.
- The office was given a misleadingly mild name in order to hide its true power.
- The original or real name of the office was magister populi, which signified the dictatorship’s autocratic power.
- The dictator replaced, and so had power equal to, two consuls, as symbolized by his double allotment of lictors.
• Dictators were limited to Italy.
• Dictators were not permitted to ride a horse.
• The power of the office was not abused before Sulla.

These misconceptions, and others that arise solely in the secondary scholarship, will be either discarded or revised in the remainder of this work.
Indess stehen diese verschiedenen Zweckbestimmungen nicht mit einander auf gleicher Linie, sondern die feldherrliche Befugniss ist durchaus die vorwiegende, ja in gewissem Sinn die einzige und wesentliche Competenz des Dictators.

However, these different purposes [the other caussae] are not on the same level; rather sole military command is the predominant and, in a certain sense, the sole and essential competence of the dictator.

MISREPRESENTATION OF THE DICTATORSHIP   
IN SECONDARY SCHOLARSHIP

Modern insight into the dictatorship has been further hindered by the fact that secondary scholarship has either misrepresented the office or ignored its importance in the Republican system. Influential works whose conclusions in relation to the dictatorship are not supported by the narrative evidence, most notably the case with Mommsen’s fundamentally flawed assessment in Römisches Staatsrecht, share blame with the bulk of secondary studies of Republican Rome that marginalizes or omits the vital role played by the dictatorship even from in-depth analysis of the Republican constitution.

The following sections explore the assessments of 19th-, 20th-, and 21st-century scholarship. The Roman dictatorship was discussed by medieval and early modern authors as well, among them Machiavelli, Spinoza, and Rousseau, as part of their discourses on the nature of state and society; their judgments of the dictatorship and how they relate to the themes of the present study are, for reasons of space, postponed to Appendix F.
MOMMSEN’S DICTATORSHIP

No one person has had a greater effect on the modern understanding of the dictatorship than the preeminent 19th-century Roman-history scholar Theodor Mommsen. For better and for worse, Mommsen’s theories have underlain most subsequent discussion of the dictatorship, and ensuing scholarship has been in large part tacit or explicit reaction to his conceptions. Generally Mommsen’s insights have been tremendously helpful in understanding the Roman world and mindset, but where they went astray diligent and repeated efforts have been required to disentangle them from the historical consensus.

Mommsen’s comprehensive assessment of the Roman constitution, the three-volume masterwork *Römisches Staatsrecht*, published between 1871 and 1888, quickly became the foundation for all future discussions of the Romans’ theory and practice of government. In this, he set a durable precedent for the treatment of the dictatorship within larger discussions of the Republican system: in the course of this nearly 3,000-page treatise on the detailed methodology and workings of the Roman constitution, Mommsen segregated his discussion of the dictatorship into a single 16-page chapter, and otherwise expended no effort to integrate the dictatorship into broader theoretical conceptions of how and why the Roman system developed the way that it did. For Mommsen, as for most modern scholars, the dictatorship was the odd-colored egg in the Republican nest. Because it did not mesh with the core Republican ideals of collegiality, elective magistracy, annularity, and accountability, the dictatorship was dealt with in isolation, as if it were an inexplicable

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1 The 2009 Cambridge University Press reproduction of the original *Römisches Staatsrecht* imprints by S. Hirzel, is used herein, cited as Mommsen *Röm. Staatsr*. The original publications, part of Marquardt and Mommsen’s larger series *Handbuch der Römischen Alterthümer*, were dated 1871, 1874, 1875, 1887, and 1888 (volumes 2 and 3 were both divided into two parts, but retained continuous pagination within volumes).

2 The index entry for *Diktatur* points to only seven locations in the entire work outside the chapter devoted to the dictatorship (2.563, 2.703, 3.617, 3.1218, 3.1229, 3.1240–41). These mentions are uniformly incidental, and most pertain to the precedents for the Principate provided by Caesar’s anomalous dictatorship.
intrusion into an otherwise harmonious system; within the confines of this one chapter, Mommsen attempted to force conformity onto the dictatorship where he could.

*Römisches Staatsrecht* has yet to be translated into English.\(^3\) Because of its importance to the historiography of the dictatorship, a paraphrased summary in English of the chapter on the dictatorship has been provided in Appendix E, with the paragraphs numbered for reference (starting with M1) and the page numbers from the original German edition along the right margin. The discussion below uses the paragraph numbers provided in Appendix E. In the discussion below, as with the epitomes, the emphasis is on stating Mommsen’s assertions and exposing contradictions in logic and consistency; because some of his mythology overlaps with that of the epitomes, to avoid repetition discussion of the evidence from the narrative that disproves Mommsen’s most problematic claims is again postponed to the next chapter.

Mommsen’s approach to understanding the Roman constitution was (a) fundamentally legalistic, and (b) disposed to extrapolation of forms from later times onto earlier. These methodologies were noticed and commented upon from the first publication of *Römisches Staatsrecht*.\(^4\) Both practices are not without flaws, particularly in exploration of the

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\(^3\) Some of the observations present in the *Römisches Staatsrecht* dictatorship chapter were given in very abbreviated form in his *Römische Geschichte*: See Mommsen 1908, 1.325–26. An authorized translation was made into French.

\(^4\) “Once more, the *Staatsrecht* has been marked throughout by its juristic character. The legal aspect of institutions and transactions has all along been prominent in the eyes of the author. He is always looking for legal grounds or drawing legal inferences…”: Richards 1888, 357. Mommsen’s characterization of the senate’s role *de jure* and *de facto* treats the latter as “usurpation of functions constitutionally belonging to the executive or the popular assemblies” (Hardy 1889, 59), which is revealing of Mommsen’s partiality to the former.

Renouncing theoretical reconstruction and “taking his stand on what is attested by complete historical evidence, he traces institutions backwards into times less distinctly known, never however suffering any considerable gap to intervene between his data and the inferences drawn from them”: Hardy 1889, 58. “He is fond of arguing back from the usages or the terms of a known period to the usages of a prehistoric period: e.g., of arguing from what is known to have existed in the late republic to what must have been existing in the early republic; or of arguing from the powers of the first consuls to those of the traditional kings. Very often this argumentation is sound, but not so often as he wants to use it”: Richards 1888, 356.
dictatorship. Mommsen, whose forte was jurisprudence, sought legal foundations for the characteristics of the Roman system, and then looked for conformance to and violations of these constitutional dictates. My study of the dictatorship, conversely, has led me to believe that the form and practice of the dictatorship was governed not by laws or abstract legal theory but by practical application of precedent; I would even go so far as to say that this would be a useful approach to the examination of the Republican state in general.\textsuperscript{5}

Similarly, it goes without saying that extrapolation backwards from well-attested late Republican forms, while much better grounded than some other modes of theoretical reconstruction, is fraught with problems, since the Republic demonstrably evolved significantly over its five centuries of existence. The problem intensifies for the dictatorship, since not only did this magistracy exist only in perverted form in the late Republic (Mommsen called Sulla’s and Caesar’s offices a new invention), but the reasonably well-documented dictatorship of the late third century was changed just from earlier in the third century, even more so from its origins in the fifth.

Mommsen’s baseline throughout the \textit{Römisches Staatsrecht} was the idea that the consulship was a direct continuation of the monarchy, as deliberately weakened by annularity, collegiality, and \textit{provocatio}. It is not surprising, therefore, that Mommsen’s treatment of the dictatorship was governed by the office’s relation to the consulship and the monarchy, and the relevance of the three restrictions imposed on the consulship.

The dictatorship chapter’s first major thesis was that the dictator was not an innovation arising in isolation, but was, like the consulship, an integral part of the original Republican constitution (M4), and further that the dictator was, in fact, an extraordinary colleague of the consuls and the praetors (M28).\textsuperscript{6} The first part of this followed from the dictatorship being known to have originated at the beginnings of the Republic, but, unlike

\textsuperscript{5} See also the observations by Polybius, the emperor Claudius, and others on the Roman reliance on precedent and adaptation discussed above in the Introduction.

\textsuperscript{6} \textit{“die Dictatur nicht für sich eingeführt, sondern ebenso wie das Consulat von Haus aus ein integrierender Bestandtheil der republikanischen Gemeindeverfassung Roms gewesen ist”: Mommsen \textit{Röm. Staatsr.}, 2.127 (M4). \textit{“Seiner Amtsgewalt nach ist der Dictator im Allgemeinen Dictator aufzufassen als außerordentlich eintretender College der Consuln und Präto ren”: 2.137 (M28).}
later innovations, the introduction of the dictatorship was not grounded in clearly attested or attributed legislation.\(^7\) The more important part of the assertion for Mommsen, that the dictator was actually the consuls' and praetors’ colleague, he supported by a systematic set of proofs. The term *praetor* originally descriptively applied to all three offices; the insignia of the three were likewise the same, differing only in the number of lictors—halved for praetors, doubled for dictators (M28). The annals’ silence on the dictatorship’s origin was explained if it was integral with the consulship; as was the identity of the soldiers’ oath, which was sworn not to the commissioning general but to the consular college (M29). The dictator, according to Mommsen, was appointed by cooptation, as was routine with priestly colleges and attested among magisterial colleges when not enough colleagues received a majority (M30). The dictator’s term could not survive with the consuls’, just as the praetors’ term ended on the same day as the consuls’ (M31, M46). The authority of the three offices was the same, differing, as symbolized by the allocation of lictors, only in degree: the praetor had the same *imperium* as the dictator, but *minus*, likewise the dictator’s *imperium* was like the consuls’, but *maior* (M28, M33).

There are a number of problems with this colleague argument, not least the fact that it is not useful in understanding the nature or implementation of the dictatorship as an emergency office. It begins with a logical fallacy regarding the missing legislation—perhaps the most blatant example of “arguing from silence” to be found in Roman historiography. The remaining supports are collectively an exercise in bending evidence to a theory.

The cooptation idea is a stretch. Until at least the late Republic the pontiffs and augurs could fill their own vacancies rather than resorting to election, and the stated reasoning for this—that this allowed the pontiffs to choose, or “take,” the best-qualified or most appropriate person from among the citizens, rather than subjecting the process to the ambitions and demagoguery that might come with elections\(^8\)—has some resonance with

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\(^7\) The law of creation alluded to in Livy 2.18 comes with neither content nor a proper name including its rogator. Mommsen concluded from this that the priestly annals were silent on the birth of the dictatorship (M3).

\(^8\) Dion. Hal. *Ant. Rom.* 2.73.3; see also Livy 40.42; Cic. *Amic.* 25, *Brut.* 21; Cass. Dio 44.53.7.
the appointment of the dictator by the consul allowing the consul to choose the right man. But the concept did not carry over to magistrates.

First, the filling of vacancies occurring during the term of collegial elective magistracies was never accomplished by cooptation; vacancies for elective offices were filled by the election of a suffect magistrate. Second, whereas cooptation was accomplished by the other members of the college directly, not just by one of the members, the dictator was always appointed by one consul, without reference to the other consul.

Third, seeing the appointment of a dictator as “filling a vacancy” in the college of consuls is a truly contorted and unhelpful way of seeing the invocation of an emergency magistracy to deal with a crisis with greater effectiveness than the ordinary magistrates. The dictatorship, functionally, was not a third curule chair that normally was unfilled; it was an alternative to the normal way of doing things, an implementation of constitutional second system that was in place for when the standing system of ordinary annual magistrates was not the best means of resolving a particular emergency. If the dictator were just another consul, except for the fact that he could give consuls orders, his existence would be pointless; rather, the dictator—who was unelected, bound not by time but a mandate, and without a colleague—was in nature and function a fundamentally different way of putting people in charge and of accomplishing a particular executive task than the elected, annual-termed, collegial consul.

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9 The only uses of cooptation with elected officials had to do with elections that did not result in the right number of candidates; there is one case each for tribunes and consuls in Livy. It was not employed in these instances to allow the members of a college to choose their own members rather than open the vacancy to election; rather, it was employed to complete an election that had been conducted unsatisfactorily.

Moreover, the citations relating to cooptation of pontiffs and augurs and the first-century efforts to shift certain offices to elective and back create a sense of there having been two distinct, mutually exclusive kinds of collegial offices: elective and cooptive.

10 True even for political use, if the occasion of the tribunes was any precedent (“ab iis qui creati essent cooptari collegas iuberet”, Livy 3.64).
Finally, as Brennan pointed out, the dictator cannot be a colleague of the consuls, since they operated under different auspices: the dictator had his own auspices, separate from those originating with the election of the consuls.¹¹

Underlying Mommsen’s discussion of imperium here, as occasionally elsewhere throughout Roman historiography, is a sense that imperium could be quantified. In Mommsen’s breakdown of the praetor-consul-dictator “college”, it was almost as if the consul got a full dose of imperium, the praetor half, and the dictator a double dose, like the three bears’ bowls of porridge. Thus the dictator, by virtue of having more imperium, was more powerful. But imperium does not quantify. Either you have the right to compel citizens to your will, or you do not. You cannot order men into battle a little bit, or half as much as someone else. The sole significance of imperium minus and imperium maior was in determining subordination. The relative imperium of praetors, consuls, and dictators established only that a dictator’s orders superseded a consul’s, as a consul’s would a praetor, should they conflict; it did not demonstrate increasing potencies of power, as if the dictator were infused with a greater quantity of executive brawn than his fellow magistrates.

The Goldilocks theory of imperium is also unhelpful in demonstrating the sameness of the three offices, since it must be propped up by explanations of how dictators and consuls exercised their imperium in different ways. As the lictors were physical manifestations of imperium, saying an official had fewer lictors and that he had inferior imperium is the same observation twice—though the insignia were not the same among the three magistracies: the dictator had axes in his fasces within the precincts of Rome, the consuls and praetors did not.¹² But there is nothing to say that three officials that have been granted imperium were therefore the same in nature and, what is even more of a reach, must be colleagues. On the contrary, given their explicitly divergent functions in the Roman system, it could be more easily argued that the possession of imperium was the only thing praetors, consuls,

¹¹ Brennan 2000, 1.41. For the dictator’s auspices, see Appendix H, s.v. auspicia.
¹² Dion. Hal. Ant. Rom. 5.75.2. Elimination of secures within the city after the expulsion of the kings, Plut. Publ. 10.2, 10.5. Secures within the city representing tyranny under the decemviri: Livy 3.36.4.
and dictators had in common. The ability to compel citizens was an intrinsic necessity of a magistracy with both military and civil responsibilities; that it should be an attribute of the three Roman executive magistracies proves only that they were, in fact, all executive magistracies. The main advantage of collegiality in the Republican constitution was to allow for collegial intercession. But the dictator was immune from collegial intercession by his supposed colleagues, the consuls, by virtue of his superior *imperium*, as Mommsen himself observed (M61). The shared applicability of the word *praetor* is unedifying: of course all early executive officials could be described with the Latin word “leader” before it was fixed as the title of the junior magistracy.

For Mommsen, the key differences between the dictatorship and the consulship, despite their shared origin and collegial nature, were explained via his second major thesis regarding the dictatorship, which was that the dictatorship was intrinsically military in nature, attributes, and function. This assertion is unexpected on first read, as Mommsen started out in this chapter recognizing the capacity of the dictatorship to resolve crises both domestic and military, noting the presence of both in Livy’s account of the first dictatorship and even twice quoting the emperor Claudius’s evenhanded “*in asperioribus bellis aut in civili motu difficiliore*” (M3 and M36). But after establishing the dictator as a colleague of the consul, Mommsen pursued an argument that the dictatorship was, unlike the consulship, a military office.

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13 For Mommsen on collegiality, which he depicted as (in the case of the consuls) two equally empowered supreme rulers fully capable of operating independently and who, in case of collision, neutralized each other, see Mommsen 1908, 1.318–19; *Röm. Staatsr.*, 1.59–88.

14 The etymology, per Lewis and Short 1879, is from *praeeo*: i.e., *praee* ‘before’ + *eo* ‘to go’, i.e., ‘precede, lead’; making *praetor* literally mean ‘leader’. On the emergence of the praetorship as a distinct office see Brennan 2000. That said, the use of *praetor* to refer to the dictatorship seems not to be attested other than in the *praetor maximus* passage in Livy 7.3 (referred to by Mommsen in M5). That incident, however, seems to have worked sort of the other way around: i.e., a *praetor maximus* was needed, and the Romans said to each other, “Well, our ‘highest leader’ would be a dictator, right?” See Appendix H, *s.v. praetor maximus*. 
He began by noting that while the restriction of its “competence” was alien to the consulship, such a restriction to a particular matter was inherent to the dictatorship (M36), shown by the various *caussae* associated with the dictatorship. But these were not all on the same level; the preponderance were military, and in a certain sense this was “the unique and essential competence of the dictator” (M37). The supports for this followed. Not only were the “other kinds” of *caussae* not to be found before 363 BCE; but the dictator who was had the first, specialized “other” kind (*clavi figendi caussa*) claimed the right to make war anyway, demonstrating that this right was probably inherent to the office and was not removed by the qualification of competence (M38). The six-month term limit reflected the campaign season and bespoke a military character, according to Mommsen (M42, M47), as did the original title, *magister populi*, since correlation with *magister equitum* makes clear it meant “commander of infantry” (M42). Finally, two rules peculiar to the dictatorship conveyed its military nature: the dictator must appoint a *magister equitum*, and he might not ride a horse without dispensation—the latter identifying him as the infantry commander, mounted infantry commanders being, he asserted, in those days unknown (M43). The holding of both command of the infantry and sole command of the whole campaign was, he said, unique to the dictator (M44).

Mommsen went on to argue that the military nature of the dictatorship made it distinct from the consulship: the consulship was a civil office, while the dictatorship was deprived of civil competence, its authority rooted in the field (M39). In this way, the consuls continued the monarchy, which was primarily a civil office (M40). As illustration, the dictator’s second-in-command on campaign was not a consul, but the specially appointed *magister equitum*; consuls, meanwhile, was by comparison so inferior an officer that he went to war not with a *magister equitum* but with a quaestor (M44). Consuls needed

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15 “Indess stehen diese verschiedenen Zweckbestimmungen nicht mit einander auf gleicher Linie, sondern die feldherrliche Befugniss ist durchaus die vorwiegende, ja in gewissem Sinn die einzige und wesentliche Competenz des Dictators”: Röm. Staatsr., 2.140–41.
16 The dictator referred to is L. Manlius Capitolinus Imperiosus (#21, 363). See the case study, p. 137 below.
the senate’s help in accomplishing their designs and were beholden to its messengers, he said, but a dictator relied only on himself, as Polybius had observed; he was, in Dionysius’s words, “lord of war and peace” (M54; M57). Even the name used by Polybius and the Greeks, *autokrator strategos*, reflected both the office’s martial nature and its independence from the senate (M55). A dictator, according to Mommsen, was freer than a consul to declare war, to the point of almost depriving the people of this right (M56); he could raise any number of legions, where a consul, he said, was limited to four without senatorial approval (M57); he did not have to account for his funds, again unlike a consul (M58).

This distinction between consuls, as civil officers, and dictators, who were military in nature, explained for Mommsen why consuls were routine and dictators were rare, as even in warlike cities peace was normally the rule; and why consuls were two and dictators one, since in peace concord between two equals is possible, but war requires unified command—though it was necessary to install a commander-in-chief only in case of “serious military threat”, as the formula went (M41). Mommsen speculated that this distinction represented the oldest and sharpest divide between *imperia domi militiaeque* (M39): the consul had military *imperium* only in the field, but the dictator of necessity had military *imperium* everywhere, making the Roman dictatorship not unlike modern martial law (M51).

It was the military character of the dictatorship, Mommsen added, that made the dictator always immune from *provocatio* with respect the people, just as the consul was when at war (M49, M51), and from *intercessio* with respect to the tribunes of the plebs, given that *intercessio* was an urban, civil law and so “alien” to the dictatorship (M52).

Let us begin with the *caussae*. Mommsen rightly noted that all the dictators before 363 were *rei gerundae caussa*; but he then resorted to sophistry. Carving off the more specific dictatorships as inferior, which left only the original, more regularly used *rei gerundae caussa* on the table, he then remarked that the “field-command authorization” (“die feldherrliche Befugnis”) was preponderant and was, in fact, the unique and special competence of the

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17 Polyb. 3.87.7 (Polybius’s epitome, discussed above); Dion. Hal. *Ant. Rom.* 5.73 (likewise).
dictator. The unwary reader will identify *Befugniss* with *caussa*, and therefore *die feldherrliche Befugniss* with the original, predominant, and superior *caussa* as identified by Mommsen in the previous sentence, *rei gerundae caussa*. But *rei gerundae caussa* was most emphatically not the same as a command in the field; a quick trip to Appendix A will reveal that most, but by no means all, of the dictators before 363 went on campaign, but the crisis was at home on several occasions. Only five years before the first non-*rei gerundae caussa* dictator (that we know of), the emergency requiring the appointment of two *rei gerundae caussa* dictators in succession involved a constitutional crisis over plebeian access to the *imperium*. The *rei gerundae caussa* was not the “military” dictatorship, it was the “major crisis” dictatorship; to pretend otherwise in the way that Mommsen did is to mislead the reader.

Worse, Mommsen entirely misunderstood or misrepresented the point of the story of L. Manlius’s dictatorship in 363. L. Manlius, though appointed to drive the nail, did indeed attempt to drum up a war, pretending he had a right to do so as dictator. What Mommsen did not relate was that he didn’t get away with it and was forced to resign in disgrace. Far from proving that the right to make war was intrinsic to the dictatorship, and that the mandate did not truly restrict the dictator, L. Manlius’s dictatorship is, if anything, the most solid evidence of the opposite: L. Manlius may have thought dictators had a right to make war, and that the reason for which he had been appointed did not matter, but he was quickly disabused of both these notions. His abortive deviation was the only substantial overreach of power by a dictator during the archaic period. After L. Manlius, no dictator attempted to make war when his mandate was otherwise, period.

The six-month term limitation was not solid even for Mommsen; the dictatorship did not in fact automatically lapse or force the dictator to stand down and go home after six months, since he noted that the dictator probably remained in command if suitable relief did not arrive in time (M48). More to the point, as again Mommsen emphasized, the

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18 M. Furius Camillus IV‡ (#18, 368), replaced by P. Manlius Capitolinus§ (#19, 368), who defused the crisis by appointing a plebeian *magister equitum*.
19 Livy 7.3.9.
dictatorship ended in a consistent way, which is that resigned on completion of his task, not after a set period of time (M45). The lapsing of the dictatorship with the term of his consular “colleague” also does not hold up logically, given the dictator’s separate auspices.

The original title of the office may or may not have been magister populi. But if the story of the first dictatorship has any merit—that it arose out of a sense of domestic turmoil incited by the mistreatment of prostitutes by some Sabine youths—then a broader conception of the dictatorship than “commander of infantry” was present from the start. Even in a military crisis, it seems odd to turn from a consul or praetor, who in the field functioned as general in command, to an all-powerful generalissimo—then call this commander-in-chief by the title “commander of infantry.” Would not that be like appointing a field marshal, then calling him “the colonel” or “the lieutenant-general”? Perhaps the office became more powerful later and retained an old title; but Mommsen’s assessment of the dictatorship includes the assumption that its most important attributes—or, at least, the most important attributes of the dictatorship rei gerundae caussae—were founding principles present from the beginning and explanatory of its original devising.

My point is that in situations both domestic and military, the dictatorship from the outset referred to something broader than magister populi, which would tend to reduce the significance of that title in characterizing the nature of the dictatorship; and there is very little to say that the dictatorship was not known as the dictatorship from the beginning, as will be discussed in due course. Moreover, in the extant literature magister populi is used invariably to refer to the dictator, not to anyone who actually commanded the infantry. I would argue that to the extent that it survived, if it did survive at all in any meaningful way, the term magister populi was probably more like an idiom, a phrase that had taken on its own meaning (viz., “dictator”); though it may have served to remind Romans of the dictator’s capital power even within the pomerium.

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20 See “The Moment of Inception” below, page 305.
As for αὐτοκράτωρ στρατηγός: it is clear that the Greeks meant by this only that the dictator was sole leader when he served as commander of Rome’s military forces, as opposed to the two consuls. It was not used or represented as a formal title in either Greek or Roman contexts, but was a functional description of a commander-in-chief, a “general who is his own commander.” To suggest that this Greek term had at its core the sense that the occupant was legally free from interference by the Roman senate is to surpass the meaning of the Greek texts to which Mommsen referred. It is also misleading to imply, as Mommsen seems to have intended to do, that αὐτοκράτωρ στρατηγός was the way in which dictator was routinely translated into Greek:21 the Greeks, Polybius included, preferred ὁ δικτάτωρ.22 The Greek scholars knew, in other words, that dictator was a technical term referring to an office unlike anything they had. The term αὐτοκράτωρ στρατηγός was reserved for military contexts, Greek and Roman alike, where it was important to emphasize a general’s sole command.

It is true that a dictator always appointed a magister equitum, and in war this individual functioned as his second-in-command—though not always as commander of cavalry. Even more so than magister populi, which was at a very early date superseded by a more useful title, magister equitum stopped meaning “commander of cavalry” from the first dictatorship, in which the dictator did not go to war and the magister equitum did not serve in a military capacity, either as commander of cavalry or otherwise.23 From the first dictatorship onward, magister equitum meant solely and exactly “the dictator’s lieutenant”. The mention of the dictator’s inability to ride a horse is an odd fit here; it turns out that if there was such a taboo, it applied only within the city, not, contrary to Mommsen’s supposition, in the field, but even if there were such a rule in the field, while it might indeed link the

22 For example, Polyb. 3.87.8; App. Hann. 12; Diod. Sic. 12.80.7; Dion. Hal. Ant. Rom. 5.73.2, 10.24.2, 12.4.1; Cass. Dio 36.34; Plut. Cam. 34.1, 39.2, Fab. 4.1; Jos. AJ 14.199, 14.211. See Appendix H, s.v. αὐτοκράτωρ στρατηγός.
23 Livy 2.18.9–11.
dictatorship to the infantry, it is not compelling evidence that the dictatorship was inherently military. If anything, dictators being always mounted, even in the city, would be better proof of the office’s military *bona fides*.

The characterization of the consulship as fundamentally civil, in contradistinction to a fundamentally military dictatorship, is bizarre. Presenting the consuls as if they were administrators who went on campaign with quaestors instead of proper lieutenants is ridiculous. The Romans went to war constantly during the Republic, especially during the period of the archaic dictatorship, and mostly did so under consuls. Of the great victories and gains in territory that helped pave the way for Roman domination of Italy, only the conquest of Veii was remembered in the later histories as having been down to a dictator (and that only after a long war); the rest of it was largely accomplished by consuls, proconsuls, and the like. This is no surprise: dictators were appointed in emergencies, and their goal was to return Rome to normal; it was up to the consuls to wage aggressive war—which explains the interest and involvement of the senate Mommsen remarked on, given that the conflicts involved under consuls were more complicated than mere prevention of catastrophe. For a classic example we need look no further than the Hannibalic War: the dictator Q. Fabius Cunctator saved Rome, but it was the proconsul P. Cornelius Scipio that won the war at Zama. Rome’s primary military leader was always the consul, and the reverse was also true: one of the primary functions of the consul—some would say the primary function—was to lead Rome’s armies. The jurisdiction *domi* and routine responsibility for urban civil justice, at least in the mid-to-late Republic, if anything belonged to the praetors, not the consuls, busy as they often were with affairs *militiae*.

The quote from Dionysius is, in my opinion, ill-applied (M56). In his own footnote, Mommsen gave the quote more fully:“πολέμου τε καὶ εἰρήνης καὶ παντὸς άλλου πράγματος αὐτοκράτωρ”, ‘sole ruler of war and of peace and of every other matter’. In the body of the text, Mommsen lopped off the third term (“*Herrn über Krieg und Frieden”*) to make it appear as though Dionysius were commenting on the dictatorship’s control of all things martial, commanding both the beginnings and ends of wars. But this was not what Dionysius was
getting at: as we have seen, this passage comes in the middle of a long diatribe in which Dionysius was lambasting the Roman citizens for creating an office by which they blunted their freedom as free citizens by placing justice and all other matters in the hands of an unanswerable tyrant. Mommsen’s misuse of this quote might be more forgivable had not he done the exact same thing with the Claudius quote he had already used twice in its full form, lopping off the civil half of the dictator’s purview so that it would now better support a portion of his argument that the dictatorship was a military office (M41).

Next, Mommsen laid out the argument that while in peacetime two consuls were capable of running things together, war required unity of command—only to contradict himself, admitting that in ordinary circumstances the consuls were perfectly capable of handling war as well, and the unity of command offered by the dictatorship was necessary only in severe cases. To call the dictator’s power in the city, where he retained the axes in the fasces, a military imperium and compare it to modern martial law does not really describe the dictator’s position within the city. “Martial law” today describes the army taking control of civic institutions; but dictators did not bring legions under arms into Rome to take control of the operations of the state and the city, an innovation that was ultimately left to the consul L. Cornelius Sulla. The dictator retained the axes within the city, representing his power to put citizens to death; but within the bounds of the city this was a judicial capacity, not a military one. The one occasion on which it was arguably employed involved a fugitive evading a charge of treason.

Finally, the dictator’s immunity from provocatio and intercessio are important matters to discuss. But these immunities are not best explained by provocatio and intercessio being civil and urban and therefore “alien” (“fremdes”) to the dictatorship, as if dictators were somehow bred out there in the camps, or were anything other than officials of the city of Rome.

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24 Sulla’s assumption of the dictatorship after a second march on Rome may well have connected these kinds of brutal, armed executive actions with the dictatorship in general for first-century commentatators who knew little about how dictators had operated in the fifth through third centuries. But he was not dictator at the time.

25 L. Quinctius Cincinnatus (#5, 439). Livy 4.13.12-16.1; Dion. Hal. Ant. Rom. 12.1-12.4; Zon. 7.20; Val. Max. 5.3.2, 6.3.1; Flor. 1.17.26.7; Cic. Sest. 143, Phil. 2.26, Rep. 1.6.
Dictators were called for by the senate or people, appointed by the consul, and granted *imperium* by the *comitia curiata*; they were agents of the Roman commonwealth, empowered in its service domestically and militarily. Dictators summoned and presided over meetings of the tribal and centuriate assemblies and of the senate—in the normal way, not as generals stomping into the city and ordering matters to their will by fiat; they promulgated and passed laws, again in routine adherence to ordinary civil practices identical to the processes consuls and praetors used; they presided over the elections of consuls using exactly the same procedures as consuls and *interreges* when presiding over same; they conducted civil investigations into corruption and official misconduct; they reviewed the census and completed senatorial rolls; they gave games and celebrated festivals; they vowed and dedicated temples in the city of Rome and took auspices on behalf of the city of Rome. Nothing about the civil, urban Roman state was “alien” to the dictator.

Mommsen’s first two theses, that the dictatorship was collegial with the consuls and that it was intrinsically military, combined in an interesting way when he broached the dictatorship’s relation to the monarchy. On the one hand, its military nature made it distinct from the monarchy and its continuation, the consulship; for him the dictatorship originated as an expansion of the consulship, not as an extension of the monarchy (M60). On the other hand, if the consulship was a weakened monarchy, a strengthened consulship created something like a monarchy again; and the dictatorship was strengthened by undoing the specific restrictions that made it weaker than the monarchy—*provocatio*, election of magistrates instead of appointment, and collegial intercession. (M61). As a rule in history, Mommsen observed, removing a monarchy left open the capacity for it to resurface in time of distress, temporarily and under another name (M62).

Though its ties to the monarchy are shrouded beyond safe speculation, I do not believe it is useful to characterize the dictatorship as “temporary monarchy”, whatever that means. Whatever else it was, the Roman monarchy was two things the dictatorship was not: elective, and open-ended. (It was also, by Mommsen’s own logic, inherently civil.) More to the point, the king was the ordinary magistrate of his time, dealing with whatever befell
Rome at home and militarily on any given day. That makes the monarchy a poor analogue for an emergency official tasked with the resolution of a specific crisis.

Mommsen’s third major thesis regarding the dictatorship was that it fell into disuse when the things that made it distinctive—appointment rather than election and immunity from provocatio and intercessio—were removed by relentless popular activism against an office hated by the masses. The dictatorship, Mommsen wrote, was from the outset considered hostile to a free state (M63); whereupon the fight did not rest until the immunities of the dictatorship were eroded away, at which point the office lost its meaning and disappeared (M19, M50, M53, M63). The office was not abolished, however, and remained constitutionally latent—leaving Sulla an imprimatur under which to enforce the conservative reaction he stood for; but Sulla’s and Caesar’s dictatorships were radically different in legal basis and operation (M65).

The idea that the dictatorship was hated and feared by the Roman people throughout its three centuries of active use does not hold water. Yes, there are a couple of memorable mentions in the annalistic histories of how the dictatorship conceptually struck terror into the populace, who watched in horror as the lictors passed with the axes in their fasces; but from at least the third dictatorship on, and there are signs of it even earlier, the dictatorship when implemented at home was an instrument of moderation and even reform in the Republic. Some of the most radical and populist legislation, from the cancellation of debts to the binding of all Romans to plebeian legislation, was carried by dictators. There was certainly never a drive to open the dictatorship to election; the assembly choosing a dictator in 217 was an act of desperation in the absence of consuls after the disaster at Lake Trasimene, and if it were going to have provided any precedent, that prospect probably would have been scotched by the assembly’s panicked elevation of the magister equitum to co-dictator not long after, which resulted in fiasco and had to be undone and repudiated by the humiliated object of the legislation himself. The reasons for the abandonment of the dictatorship lie in the shifting nature of the Roman state and empire, not in some imagined campaign to defang the hated office of the dictatorship.
Overall, Mommsen’s characterization is both overly schematic and curiously inconsistent. At its heart are competing assertions that are baldly contradictory: the dictator was a consul except with more *imperium*, yet he was military through and through and therefore nothing like that civil administrator, the consul. Even where it is not outright misleading, very little of Mommsen’s conception of dictatorship is consistently supported by, or provides the most useful interpretation of, the source materials available. The comprehensive unhelpfulness of Mommsen’s analysis of the dictatorship is a welcome reminder that the scholar seeking insight into the institutions of the ancient world is best served by starting, not with the giants of the secondary literature, but with careful and methodical examination of the classical evidence.
TREATMENTS OF THE DICTATORSHIP IN MODERN SECONDARY LITERATURE

A very small number of modern studies have dealt seriously and at length with the subject of the dictatorship.

GOLDEN ON THE DICTATORSHIP AS CRISIS MANAGEMENT

Notable among recent relevant published works is Gregory K. Golden’s Crisis Management During the Roman Republic (2013). The author studied such key crises as the Second Punic War, the upheavals relating to the Gracchi and to Marius and Sulla, the conspiracy of Catiline, and the turmoil around Caesar’s dictatorship in an effort to delineate the Romans’ ideas of what constituted a crisis and their processes for responding to one, both in theory and in practice. His overall conclusions were that the Romans did not develop a peaceful institutional mechanism to deal with internal crises relating to conflicts of power, possibly because the senate reserved that privilege to themselves, possibly because it was not in their nature to resolve matters other than by use of force; that this left them without a commonly accepted final arbiter within the system; and that the Roman system not only relied heavily on its magistrates and tribunes, but further depended on those officials, “who had fundamental powers that were in theory unlimited,” willingly restraining themselves from exercising such power.\(^{26}\)

Golden’s discussion of the dictatorship was within this context; the overview is that it had the potential to function as this peaceful internal arbiter, but it was not consistently used in this way and was abandoned before the shattering conflicts of the late Republic.\(^{27}\) He defined “crisis” somewhat broadly as “a situation in which a decision maker, or a group designated as the decision makers within a community, perceives a threat to itself or to things upon which the decision maker places very high value (core values)” that must be addressed within a short time frame to avoid negative impact, possibly to the

\(^{26}\) Golden 2013, 215–220.

\(^{27}\) Golden 2013, 220.
point of destruction.\textsuperscript{28} He then stepped through Roman responses to such crises, starting with the dictatorship, which he described as a mechanism whereby “the state was to hand over all power to a single, extraordinary executive official”; unfortunately for my purposes, Golden then chose to immediately restrict his review of the invocation of this office to “military-security crises”, deliberately electing to ignore dictators appointed for other reasons.\textsuperscript{29} Thus his characterization of the office, explicitly following Hartfield (1982), as a play in three acts—appoint an \textit{magister equitum}, lead the army to battle, then come home and resign, his task completed—and as the response to “the need for unified executive authority in the face of urgent military threats” is naturally incomplete.\textsuperscript{30} After taking Camillus’s dictatorship during the sack of Rome as a case study, Golden reviewed important instances of dictators appointed to meet crises relating to military threats and internal insurrections from 390 to 202.\textsuperscript{31} Generally reluctant to make concrete assertions regarding most of this period given his lack of faith in the evidence, he did note that from frequency of invocation alone the “central importance of the office in the functioning of the early Roman state” was obvious.\textsuperscript{32} In the latter part of the chapter he dwelt in closer detail on dictator-related events during the Hannibalic War.

In the context of his primary interest, the internal crisis within the city of Rome, he stated that during the fourth century, at least, the Roman ruling classes “saw the dictatorship as an office they could resort to in order to face an internal dispute.”\textsuperscript{33} More broadly, he concluded that in the early Republic, the Romans’ primary response to crisis was to turn to executive leadership, but that this changed in the third century and the senate began to stop fobbing off crises on executive magistrates and to assert itself as a

\textsuperscript{28} Golden 2013, 4.
\textsuperscript{29} Golden 2013, 11.
\textsuperscript{31} Golden 2013, 13–40.
\textsuperscript{32} Golden 2013, 24.
\textsuperscript{33} Golden 2013, 23.
“primary crisis decision-making authority”; by the time of the Hannibalic War, the senate’s leadership in handling crisis management was established.  

In retrospect, this gives an impression of the dictatorship as almost a primeval force, belonging to a misty time before the senate found its role in Roman affairs and populated by legendary figures like Camillus and Cincinnatus, with later, historical dictators like Fabius relics of an executive time in a senatorial world. There is a certain tragic element to looking at the dictatorship this way: as Golden observed, it had the potential to become a means of resolving internal conflict. If it had evolved into a powerful impartial arbiter, later breakdowns might have been prevented; though since Golden suspected the early dictatorship as being a tool of the nobles, perhaps it was compromised from the beginning.

Golden attempted a broader discussion of Republican process of establishing a state of emergency as a part of the call for a dictator. Unfortunately, in order to present arguments later about the dictatorship prefiguring the state’s formal finding of a tumultus in late-Republic crises, he chose to insist on such formal declarations prefatory to the appointment of dictators, which was not characteristic of the process at all during the archaic period. He was hemmed in by two passages in Cicero: one equated tumultus with serious war, Cicero stating that all tumultūs were wars, but not all wars were tumultūs; another asked the senate for a state of tumultus to be decreed and the iustitium proclaimed, which Golden took as the model for the whole of the Republic. It should have been clear to Golden that just because the lawyer-turned-consul Cicero asked the senate for a formal declaration on this occasion in 43 that a tumultus existed, so that he could leverage

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34 Golden 2013, 207–09.
35 Golden 2013, 42–86.
36 Cic. Phil. 8.2–3.
37 Cic. Phil. 5.31. A senate declaration that a formal state of tumultus existed did have two precedents extant in the narrative history. (a) Relating to northern uprisings in 194, “ob eas res tumultum esse decrevit senatus”, Livy 34.56.11. This declaration was used as the basis for an emergency levy, whereby the general was permitted to enlist any man he men on his line of march (Livy 34.56.13): Golden 2013, 60. (b) In response to Catiline, Cass. Dio 37.31.1; Sall. Cat. 59; Golden 2013, 83.
it as a legal basis to act against Antony, does not mean that this was the institutionalized process for all the major wars for all the previous five centuries.

As a result, in his chapter on *tumultus* Golden ended up becoming overly schematic and legalistic, looking restrictively for formal declarations of a state of emergency in circumstances leading up to major wars—though he kept having to say, over and over again, that an actual declaration was not mentioned in the narrative history and could only be inferred based on the actions taken by the senate, consuls, dictators, and governors.\(^{38}\) On at least four occasions, Golden referred to subjective conditions of disruption for which Livy used the descriptive word “*tumultus*” and drew from that an inference that Livy’s word choice, alongside war-related actions of the state, suggested a formal declaration of *tumultus*.\(^{39}\)

From Golden’s point of view, the most useful legacy of the dictatorship was that it regularized (a) the finding of a *tumultus*, an association that is extremely tenuous and unsupported by his own evidence; and (b) the use of the *iustitium* (suspension of business),

\(^{38}\) E.g., “it is reasonable to assume that a state of tumult was formally declared”, 53; “We rarely get a formal statement…. Another good example of that….”, 53; “a strong circumstantial case to be made for arguing that a formal *tumultus* declaration was passed”, 57; “might have been declared”, 58; “was most likely declared”, 58; “fairly clear” but “not explicitly stated”, 59; “more than likely that a state of *tumultus* was decreed, or at least recognized to exist by the senate”, 65; “we have to infer it [a formal declaration] from Livy’s notice that an emergency levy was held”, 68; “hints of another *tumultus*”, 69; “a *tumultus* might have been declared”, 70; “may have been used”, 70; “may have made use of the *tumultus* decree, or at least measures that can be tied to a state of *tumultus*”, 70 (Golden here unnecessary tied *tumultus* and *iustitium*, two separate concepts only the latter of which is supported for the archaic dictatorship); “although none of the sources record the fact, it seems quite likely that a formal state of *tumultus* was declared”, 77; “a *tumultus* was in all likelihood formally declared”, 81; “a likely situation where a *tumultus* was declared …. We do not have an explicit statement”, 82.

which dictators did indeed regularly employ.\textsuperscript{40} Both of these, as Golden went on to argue more effectively, became crucial components of Rome’s response to internal crises in the second and first centuries.\textsuperscript{41} The rise of the senate’s authority in crisis management and the increasingly formalized declaration of \textit{tumultus} and \textit{iustitium} together culminated in the \textit{senatus consultum ultimum},\textsuperscript{42} which played a central role in the late Republic.

**HARTFIELD’S ANALYSIS OF THE SHIFT IN CAUSSAE**

One of the more influential works on the dictatorship in the last half-century is an unpublished doctoral thesis, Marianne Hartfield’s 1982 dissertation, \textit{The Roman Dictatorship: Its Character and its Evolution}. Hartfield’s study has been cited in several important published works,\textsuperscript{43} in part because it developed a consistent and well-argued approach to understanding the dictatorship, and also because nearly half of its bulk was given over to a useful and detailed catalog of the reported and extrapolated dictatorships, with exhaustive itemization of the classical sources and reviews and analysis of modern scholarship for each iteration of the office.\textsuperscript{44}

Hartfield expressed her core argument as follows. After observing that scholarship both ancient (exemplified by Cicero) and modern (standardized by Mommsen and not changing much since) emphasized the potency of the dictatorships \textit{rei gerundae caussa} (or “rgc”) and cast later \textit{caussae} as a diminution of the office, Hartfield continued:

These modern theories thus suggest that the appearance of \textit{caussae} other than \textit{rgc} neither altered nor restricted the meaning of the presumably all-encompassing \textit{rgc}. Such modern generalizations in no way evaluate the purpose and importance of the younger and more specific \textit{caussae}. The approach of this study will diverge markedly from

\textsuperscript{40} See Appendix H, \textit{s.v. iustitium}.
\textsuperscript{41} This comprises two major sections of the work: pages 42–86 (\textit{tumultus}) and 87–103 (\textit{iustitium}).
\textsuperscript{42} Golden 2013, 104–149.
\textsuperscript{43} For example, Stewart 1998; Brennan 2000; Beck 2011; Pina Polo 2011; Golden 2013; Drogula 2015.
\textsuperscript{44} Hartfield 1982, 308–518. Hartfield’s catalog formed the starting point for my own, presented in Appendix A. I also follow her practice of referring to dictators by catalog number, though it should be noted that my numbering system differs from hers (the reasons for this are detailed in the headnote to Appendix A).
previous scholarship. The focus herein will be away from the dictatorship as a well-formed, legally-articulated institution that other modern analysts heretofore describe. New, specific functions will be seen to emerge with time and become reflected in the many causae expressed in the sources. Never conceived by the Romans as unvarying in form or function, the dictatorship evolved and changed in response to numerous historical circumstances. … More than an examination of causae, duties, and requisite powers, this is in fact an analysis of the evolution of responsibilities and effectiveness of a constitutional office.45

Hartfield segmented her study into dictators rei gerundae caussa before 367; dictators rei gerundae caussa between 367 and 216; and election- and religion-tasked dictators, followed by a chapter on the disappearance of the dictatorship. Her appendices treated such interesting side-topics as age as a factor for non-rgc dictators, dictator-carried legislation, the caussa of Q. Hortensius, and the odd interregni caussa of Q. Fabius Verrucosus.

For her first phase of dictators rei gerundae caussa before 367, she concluded that this designation signified a broad spectrum of duties and powers. Though these dictatorships had a military cast, since even the ones that involved domestic strife often had a military component (e.g., refusal to levy), Hartfield accepted that the other magistracies were “in abeyance” and that therefore the dictator, as Rome’s only active magistrate, also subsumed civil authority and “possessed all the rights and powers of the regular annual magistrates” and so might conduct elections, exact justice, carry legislation, and convene the senate.46

In the 360s, however, there was a trend toward greater differentiation and a new specification of duties for Roman magistrates. This allowed more focused dictatorships to develop, particularly those geared toward meeting a religious need (including driving the nail, holding religious festivals, and supervising sacred games) or a need relating to the holding of elections; the dictatorship having proved unreliable as a means of the elite determining the outcome of an election, shifted from “consideration about future consuls to problems with the current consuls”.47 Though nothing legally prevented a dictator from performing other duties, these focused dictators were held to a specific task by “the weight

45 Hartfield 1982, 3, 4.
46 Hartfield 1982, 74. Her footnote on the “rights and powers” statement is to Ogilvie 1970, 281.
47 Hartfield 1982, 228.
of custom”. 48 After 367, dictators rei gerundae caussa retained the breadth of power of the previous period and continued to be focused on “an enemy problem”, but the emergence of the other caussae for various specific tasks tended for channel the responsibilities of dictators rei gerundae caussa toward narrower and narrower kinds of threats; 49 while the ways in which the masses were increasingly finding new avenues for the voicing of their concerns and for the pursuit of justice reduced the kinds of nonmilitary domestic tasks that dictators rei gerundae caussa might previously have been called on to perform in Rome. 50

Meanwhile, promagistracies were proving more useful for tasks that might previously have been given to dictators rei gerundae caussa. Electoral use of the dictatorship increased in the third century but then ended after the Second Punic War. Hartfield, after discarding most of the prominent theories for the falloff of the previously increasing appointment of dictators comitiorum habiendorum caussa, observed that in the second century consuls were recalled from the field to hold elections: since dictators were appointed on “Roman ground,” consuls further afield than Italy would have to return to Italy anyway to appoint a dictator, and if they were doing that they might as well hold elections themselves; the proliferation of promagistrates and extra praetors in the field made a consul’s temporary absence from a siege or campaign more feasible. 51 The need for appointment on Roman ground by consuls, combined with that proliferation of commanders and the narrowing of the dictatorship rei gerundae caussa in the fourth and third centuries, helped explain the drying up of traditional uses of the dictatorship.

Hartfield’s conclusions noted that classical literature and modern analysis alike assumed that the dictatorship was an immutable thing with set, defined characteristics; but was in fact both inherently flexible and subject to adaptation as conditions in the Republic changed. 52 The mid-fourth-century movement to focus the Roman magistracies

51 Hartfield 1982, 260–64.
52 Hartfield 1982, 270–74.
was a major turning point for the dictatorship: the advent of specialized *caussa* showcased the dictatorship's flexibility, but according to Hartfield the narrowing demarcations had the ironic effect of degrading the all-purpose utility the dictatorship had been created for, and so the dictatorship became a less useful tool for the senate and ruling class.

Hartfield’s analysis is well-argued and insightful. In a number of respects her observations are of great value in the present study: specifically, her emphasis on the flexibility of the dictatorship, her analysis of the mid-fourth-century shift, and her explanation for the desuetude, which holds water much better than most other theories.

Apart from certain problematic adherences to the epitomes and Mommsen (notably her acceptance that the other magistracies were “in abeyance”), the main limitation of Hartfield’s study is her reliance on the *caussae*. Her study is rooted in the rise and transformations of the *caussae*, and when it goes into more detail on the contextual circumstances of individual appointments and the actions of specific dictators these observations are still brought back to conclusions regarding the *causa* in question. I have argued that the *caussae* are of limited usefulness in analyzing the dictatorship: first, the predominance of the *rei gerundae caussa* and the variety of tasks performed by dictators so designated makes the *rei gerundae caussa* and the *caussae* in general unhelpful in accurately categorizing the dictatorships; second, the *caussae* reflect the conditions at the time of appointment, not during the dictator’s term of office; most of all, I believe that to effectively study what dictators did, we must study what they were remembered as having done. Hartfield’s work is a valuable contribution to the scholarship of the dictatorship, but fundamentally it is a study of the *caussae*, with the limitations entailed thereby.

Another dissertation sometimes referenced by later works, this one by Fritz Bandel, was privately published in 1910. Die Römischen Diktaturen was not a discourse on the dictatorship but rather an earlier attempt to catalog the dictatorships found in the ancient literature, from 501 (the date assigned to T. Larcius Flavus here) to 202, plus a few words on Sulla and Caesar.53 In the brief forward, Bandel summarized the dictatorship as follows:

53 Bandel was among those modern sources consulted and cited by Broughton’s *MRR* and
Ein Diktator wurde in Rom von einem der beiden Konsuln ernannt, wenn das Konsulat, die kollegiale Form der obersten Staatsregierung, versagte, d. h. in besonders ernsten inneren oder äußeren Krisen, wo es darauf ankam, die oberste Staatsleitung bis zur Beseitigung der Gefahr als unbeschränktes, unverantwortliches Imperium in einer einzigen Person zu vereinigen.\(^{54}\)

A dictator was appointed in Rome by one of the two consuls when the consulship, the collegial form of supreme state government, failed: i.e., in particularly serious internal or external crises, where uniting the supreme state leadership to neutralize the threat mattered more than the risk of unrestricted, irresponsible imperium in a single person.

From its initial position of dangerous power, however, the dictatorship was diminished over time, Bandel suggested: it was restricted to specific transactions, and used for less and less important functions. This view, however, was dependent on the caussae rather than on analysis of the actions being taken by dictators. By the time of the Second Punic War, the fact that even in so dangerous a crisis only two of eleven dictators were appointed for warfare proved the dictatorship “abgelebt ist und in die modernen Verhältnisse nicht mehr hineinpaßt”, that is, was “worn out and no longer matching modern conditions”;\(^ {55}\) the significance of the dictatorship of Q. Fabius Verrucosus in 217, for example, was that despite Q. Fabius’s own reactionary nature, the decay of customs and inappropriateness of the office was evident.\(^ {56}\) Overall, his line of reasoning largely followed close to Mommsen, as when, for example, Bandel noted that “die sullanische und die cäsarianischen Diktaturen” were so sharply divorced from the original office as to share only the name.\(^ {57}\) The discussion under each dictator summarized and compared the notices in the main classical sources along with relevant points from modern scholars (largely Mommsen).

\(^ {54}\) Bandel 1910, 2.
\(^ {55}\) Bandel 1910, 2–3, 126.
\(^ {56}\) “Die Bedeutung dieser Diktatur liegt darin, daß sie zum ersten Male, trotz der reaktionären, völlig vom altpatrizischen Geist erfüllten Persönlichkeit ihres Inhabers die Zeichen des Verfalles dieses auf die altrömischen Verhältnisse zugeschnittenen und daher der jetzigen Zeit nicht mehr passenden Amtes deutlich aufweist, wie sie bei den späteren Diktaturen dann immer mehr zu Tage treten”: Bandel 1910, 127.
\(^ {57}\) Bandel 1910, 3; cf. Mommsen Röm. Staatsr. 2.152, 2.704.
BRENNAN’S PROBLEMATIC ASIDE ON THE DICTATORSHIP

A recent brief glance at the dictatorship by a respected author went completely off the rails in the course of its two meager paragraphs. In an early section of his masterful and much-needed 2000 examination of the praetorship, Corey Brennan reviewed some of what he called the antecedents of that office, including the dictator and *magister equitum*, with an eye to better understanding how the Republic balanced *imperium* and collegiality.\(^{58}\) Under “The Dictator”, he briefly summarized the conditions of this “emergency chief of state”—he was named by the consul, appointed his *magister equitum* and carried his own *lex de imperio*. The magistrates remained in office under his orders, and while his immunity from appeal was debatable, it was clear other magistrates could not veto his actions.

He then proceeded to focus exclusively on the military nature of the dictatorship, like Golden entirely omitting mention of any other use of the magistracy. Beginning with the startling pronouncement that “the ancient sources are unanimous in adducing military exigencies for this office,”\(^{59}\) he went on:

> This traditional view finds support in the fact that the dictator and *magister equitum* in all periods had a term limit of six months,\(^{60}\) the approximate length of a campaigning season. It is not difficult to see how a prolonged military emergency could force the Romans to alter their initial arrangements of two consuls with equal power. In a crisis, indecision or a stalemate between the consuls obviously would be dangerous; what is more, Rome had powerful enemies on several fronts, and circumstances could require more than two magistrates with *imperium*.\(^{61}\)

From this speculative and unsupported assessment, Brennan left the dictatorship itself and embarked on a technical discussion of the nature of the dictator’s *imperium maius*, again focusing entirely on the basis on which the consuls were “expected to serve in a position of tactical subordination to the dictator” in the field, and a close look at the number and meaning of the dictator’s *fasces*, again in relation to *imperium*.\(^{62}\) From Brennan’s discussion,

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\(^{58}\) The section on the dictatorship is Brennan 2000, 1.38–49.

\(^{59}\) His only citations for this are the dictatorship chapter in Mommsen *Röm. Staatsr.* and, weirdly, Ridley 1979.

\(^{60}\) Brennan’s footnote here references not a classical source but Mommsen *Röm. Staatsr.* 2.143 = Appendix E, M46.

\(^{61}\) Brennan 2000, 38.

\(^{62}\) Brennan 2000, 38.
one would never know that there were ever dictators who did not lead legions into battle, the consuls at their heels; even Mommsen, despite being at pains to emphasize the military character of the office, never went that far. In its representation of the dictatorship as military office originating primarily as a solution to the potential for disagreement among the consuls, Brennan’s interpretation of the purpose, nature, and implementation of the dictatorship is misrepresentative and fundamentally wrong.

**DROGULA ON PROVOCATIO AND PROVINCIA**

Drogula’s promisingly titled *Commanders and Command in the Roman Republic and Early Empire* had a number of incidental mentions of dictators and an ancillary paragraph on the dictatorship in isolation from his constitutional discussions, as is typical in secondary scholarship. In this, the author told of the combination of domestic upheaval, external threat, and degraded authority of the consuls in bringing about a need for “a new, emergency magistrate, a dictator who was invested with extraordinary authority for a period of not more than six months”.\(^\text{63}\) Drogula noted the lack of colleague and the immunity from *provocatio*, stemming from employ of *imperium* within the *pomerium*.

In an interesting departure from the typical treatment of this subject, Drogula framed the discrepancies in the evidence on this score as the dictator having the prerogative to choose to ignore appeals, rather than the right itself being suspended, and then discussed the dictator’s use of *imperium* in the city.\(^\text{64}\) But, tellingly, this aside on the dictatorship only occurred in the context of things the senate could do to resolve an emergency, and from the dictatorship Drogula then went on to discuss the *senatus consultum ultimum*.\(^\text{65}\)

In a later chapter, Drogula intriguingly posited that the dictator was an “extraordinary provincial commander”, his task-oriented mandate a crucial precedent for *provincia* and provincial governors.\(^\text{66}\) This was explored in depth and led to a number of notable

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\(^{\text{63}}\) Drogula 2015, 118.

\(^{\text{64}}\) Drogula 2015, 119.

\(^{\text{65}}\) Drogula 2015, 118, 121.

\(^{\text{66}}\) Drogula 2015, 161–180. This insight is one of the keys to the desuetude and will be
conclusions, including that writers in the wake of Sulla and Caesar depicted a “frightening level of absolutism that was anachronistic to the early republic,” and that in fact the office was not “as powerful or remarkable” as later tradition would have it, its main usefulness being in the ability to quickly conjure an additional magistrate.\textsuperscript{67} Though not completely in line with my own conclusions, this was a fresh and valuable take on the dictatorship.

\textsuperscript{67} Drogula 2015, 179–180.
DISPLACEMENT OF THE DICTATORSHIP IN MODERN REPUBLICAN SCHOLARSHIP

In general, modern secondary literature relating to the Roman Republic has tended to assume that the dictatorship was the result of a need for a single military commander in the otherwise collegial Republic, given free reign but circumscribed by a six-month term limit, and otherwise anomalous to the normal operations of the Republic. Ehrenberg’s summary is typical:

The wisdom of the institution is obvious. Its chief aim was to provide a single military leader in times of emergency, the *dictator rei gerundae caussa*, without endangering the unmonarchical or even anti-monarchical nature of the *republica*. The dictatorship was therefore limited to a maximum extension of six months, while, on the other hand, it provided power originally free from *provocatio* and *intercessio*, overriding all other *imperia* everywhere and all the time.68

Brennan’s trust in Mommsen on the dictatorship, as seen in the preceding section, is characteristic of modern scholars in general. To a remarkable extent, secondary treatment of the dictatorship has followed Mommsen in addressing the office in isolation from larger theoretical discussions of the Republican system, even in works ostensibly devoted to involved and comprehensive discussion of Republican government, and in endlessly repeating unexamined mythical attributes of the office deriving not from the narrative but from the epitomes. Notices of the dictatorship in modern literature are, and this is meant literally, much, much more likely to contain the words “six months” than any account of what a dictator actually did.

Modern discussion has adhered, with rare exceptions, to one of the following tropes:

(a) a one-sentence mention in a rundown of Republican state structure, typically disclaimed as an emergency expedient to avoid collegial conflict in war;

(b) a paragraph thumbnailing its powers, ancillary to and independent of a larger discussion of the constitution;

(c) incidental mention of specific appointments without discussion of the office;

68 Ehrenberg 1953, 122–23.
(d) inclusion among collective lists of magistrates with certain capacities, without elaboration; or
(e) comments restricted to the antics of Sulla and Caesar.

As a rule, scholars of the Republican state have not attempted to devise theories of its constitution that allow for both circumscribed, annual, collegial ordinary magistrates, on the one hand, and frequent resort to unfettered, mandate-bound dictators, on the other. The dictatorship has been elbowed aside in academic discussion of the Roman constitution as an aberration, both inexplicable and unimportant for understanding the Republic.

The ancillary thumbnail has been the most common means of dispensing with the anomaly of the dictatorship, employed even in texts devoted to Roman political history. An archetypical example might be the three sentences in Kunkel’s *Introduction to Roman Legal and Constitutional History*, which arise in the context of collegiality and its ramifications:

In situations of crisis, of course, the dangers of collegiality could be excluded by the appointment of a dictator; and each consul could make such an appointment. The dictator in his turn could nominate a commander of cavalry (*magister equitum*) as his assistant. For the duration of his office, which was limited to six months and in any case ended with the going out of office of the consul who had nominated him, the dictator possessed the highest military and civil powers, while the *imperium* of the consuls was in abeyance (Polybius 3.87.7) or was only exercised insofar as the dictator permitted it.\(^69\)

Kunkel had imbibed most of the key myths of the classical epitomes and Mommsen’s troublesome chapter: (a) that the dictator existed as a specific antidote to “the dangers of collegiality”; (b) that the office was constrained by a six-month term; (c) that it was likewise constrained by the tenure of the appointing consul; and (d) that the *imperium* of the existing magistrates was “in abeyance” during the dictatorship.

Further examples follow of how the dictatorship has been addressed in important works treating the Republican state, noted chronologically.

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\(^69\) Kunkel 1973, 16–17. Kunkel had a footnote here: “The dictator system is regarded by many modern authors as the original republican system of government, which was revived in later times for emergencies.” The “many authors” Kunkel alluded to here were not specified.
Abbott’s History and Description of Roman Political Institutions gave an ancillary thumbnail;\(^{70}\) his other mentions were few, brief, and entirely incidental. Kunkel had the ancillary thumbnail excerpted above, and nothing else. The relevant chapter in the Cambridge Ancient History had an ancillary thumbnail,\(^{71}\) accompanied by a discussion of its origins and function which so heavily emphasized the unreliability of information about the fifth century as to imply studying the stories told about dictators would not contribute to an understanding of the early Republic,\(^{72}\) a position with which I strongly disagree. Subsequent CAH references in other chapters were incidental or collective.\(^{73}\)

Lintott’s seminal Constitution of the Roman Republic avoided the problem of how the dictatorship fit in with the governing principles of the Republic. Instead, Lintott narrowed in on certain very specific points: the primary and secondary confusion over its origin; whether the office endured beyond that of the nominating consul; the persistence of other magistrates during the dictator’s term; suspension of provocatio; and post-term prosecution. Other notices were incidental or collective.\(^{74}\) After a typical one-sentence mention, Brennan’s “Power and Process Under the Republican ‘Constitution’” hurried on to the tribune of the plebs.\(^{75}\) Southern’s Roman Army: A Social and Institutional History had only an ancillary thumbnail, despite the value to be had from a discussion the military role of dictators.\(^{76}\) Stewart’s Public Office in Early Rome: Ritual Procedure and Political Practice mentioned the dictatorship entirely incidentally.\(^{77}\) Amazingly, Hölkeskamp’s magnificent Reconstructing the Roman Republic entirely omitted the dictatorship.\(^{78}\)

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\(^{70}\) Abbott 1911, 182–183.
\(^{71}\) Drummond 1989, 173; slightly more fully 191.
\(^{72}\) Drummond 1989, 191–192.
\(^{73}\) Cornell 1989a, Cornell 1989b, and in fact the balance of CAH vol. 7.
\(^{74}\) Lintott 1999, 109–113.
\(^{75}\) Brennan 2004, 38. His other mention was collective.
\(^{76}\) Southern 2007, 64.
\(^{77}\) Stewart 1998.
\(^{78}\) Hölkeskamp 2010.
In North’s otherwise comprehensive chapter on “Constitution of the Roman Republic,” the typical one-sentence mention was condensed down to seven words introduced parenthetically.\textsuperscript{79} Two pages later the dictator was cited in a table as the only person immune to the tribunician veto, with no interest in why this might be or what this tells us. Most tellingly, the dictatorship was mentioned nowhere else in the 737-page parent volume, a new and exhaustive analytical exploration of the Republic.\textsuperscript{80}

Pina Polo had a chapter on the dictatorship, but—not surprisingly given his subject, the civil functions of the consuls—it was not about the dictatorship itself but on the consul’s role in appointing a dictator and a few exceptional cases, all from the late third century.\textsuperscript{81} The larger questions of a consul’s relationship to the dictator were unbroached. The various authors in Consuls and Res Publica: Holding High Office in the Roman Republic together mentioned the dictatorship a couple dozen times, but each of these references was incidental and in the context of some other topic, none staying on the subject of the dictators past the end of a sentence.\textsuperscript{82}

Occasionally, even brief, misleading treatments offer useful insights. Thus Develin:

\begin{quote}
The dictatorship could be used for religious purposes, for holding elections, for other extraordinary purposes, but most especially to concentrate imperium in the hands of one man for military purposes (rei gerundae causa). Since it did bestow upon an individual unlimited power, it is perhaps strange that it should have been used so often, but this is testimony to the trust which the governing order could generally place in its members.\textsuperscript{83}
\end{quote}

This points toward one of the themes of this study, which is that the dictator was entrusted by the people to resolve a particular problem, and that trust was born in part from his selection as the best man to do so. Following Mommsen in wrongly equating rei gerundae causa with military command undermined Develin’s observations.

\textsuperscript{79} “The supreme power lay with the consuls (or the dictator, in case of emergency)…”: North 2010, 263.
\textsuperscript{80} Rosenstein and Morstein-Marx 2010.
\textsuperscript{81} Pina Polo 2011, 188–191.
\textsuperscript{82} Beck 2011.
\textsuperscript{83} Develin 1985, 32.
Even modern primary-source collections can be problematic. The revised edition of Lewis and Reinhold’s collection on the Republic and the Augustan age, for example, had only one reading on the dictatorship—from the Byzantine epitomator Zonaras—and a headnote including both misleading statements (an “extraordinary magistracy for military emergencies” possibly created as a “class weapon against plebeians”) and outright mistakes (that Sulla’s and Caesar’s dictatorships were both “held for life”).

Textbooks

Textbooks on Roman history, while of necessity treating complex subjects briefly, have reduced the dictatorship to invisibility in Roman affairs, while kings, tribunes, and proconsuls, priests and publicani, are fleshed out in function and deed.

Cary and Scullard had an ancillary thumbnail but otherwise avoided the subject even when discussing the magistracies’ relationships with the ruling class. Despite claiming to “tell the story of the rise of Rome from its origins as a cluster of villages” to the unifying empire of the Mediterranean, The Oxford History of the Roman World never discussed the office at all, even when referring to Sulla’s “brief dictatorship” and his legacy, which was not contextualized in terms of the office he assumed to the slightest extent; the section on Caesar’s dictatorship, which is even called “The Dictatorship”, said nothing about the office or even Caesar’s abuse thereof. The sole mention in Mackay’s Ancient Rome: A Military and Political History was an ancillary thumbnail. A shoddy index suggests Bringman’s History of the Roman Republic did not treat the dictatorship at all bar Sulla and Caesar, but in fact he had a one-sentence mention. Le Glay et al.’s History of

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85 Cary and Scullard 1975, 63.
86 e.g., Cary and Scullard 1975, 97–99.
87 J. Griffin 1986, 1.
88 Rawson 1986, 52.
89 M. Griffin 1986, 97–103.
90 M. Griffin 1986, 116–118.
91 Mackay 2004, 28.
92 Bringman 2007, 42.
Rome had a decent thumbnail paragraph\textsuperscript{93} but then the office was not mentioned again until Sulla, and then only incidentally.\textsuperscript{94} Ward et al.’s brief thumbnail paragraph overemphasized the six-month time limit and the similarity to “royal tyrants”;\textsuperscript{95} the two other mentions before Sulla were incidental, and the statement about Sulla’s dictatorship—that it revived an office “held only once since the middle of the third century”—is, shockingly, dead wrong.\textsuperscript{96} The ensuing statement that the appointment “legalized Sulla’s subsequent murders, confiscations, and other atrocities” likewise wrongly implied that dictators were legally permitted to undertake any action whatsoever, including “atrocities.”

Boatwright et al.’s \textit{The Romans} did better than most: the paragraph that begins “In times of emergency, the Romans resorted to the dictatorship, an office with extraordinary powers” avoided most pitfalls, though the six-month rule was included; the authors said the consuls “remained in office, but served under the dictator’s command,” which is more accurate than to depict their offices in abeyance;\textsuperscript{97} but the dictatorship was still presented as isolated and unimportant. The remaining mentions were incidental or collective,\textsuperscript{98} and in discussing Octavian’s path to power the authors problematically noted that he opted to present himself as “a princeps who was \textit{primus inter pares}, first among equals, rather than as \textit{rex} or \textit{dictator}, this emphasizing civil rather than military power.”\textsuperscript{99} The implication that the dictator’s power was military in nature, in contradistinction to Augustus’s Principate, is misleading. Nagle’s introduction of the office was to mention “the dictatorship (a temporary emergency magistracy)” being opened to plebeians in 356;\textsuperscript{100} later, in the context of Roman strategies for keeping good generals in command despite a system characterized

\begin{itemize}
\item \textsuperscript{93} Le Glay et al. 2005, 51.
\item \textsuperscript{94} Le Glay et al. 2005, 128.
\item \textsuperscript{95} Ward et al. 2009, 58.
\item \textsuperscript{96} Ward et al. 2009, 179. The reference is to Q. Fabius Verrucosus in 217; presumably the authors thought only \textit{rei gerundae caussa} dictators counted.
\item \textsuperscript{97} Boatwright et al. 2012, 45.
\item \textsuperscript{98} Boatwright et al. 2012, 49, 54, 55, 59, 71, 104, 186, 306.
\item \textsuperscript{99} Boatwright et al. 2012, 310.
\item \textsuperscript{100} Nagle 2013, 79.
\end{itemize}
by enforced annual rotation (these options including *iteratio* and *prorogatio*, for example), he usefully discussed dictatorship as an additional option regularly resorted to in the fourth century. Though insightful, this also positioned the dictatorship as a military expedient. This point of view was reinforced when Nagle discussed Sulla’s accession:

In 82 B.C. Sulla had himself appointed dictator with special powers for reestablishing the state (*dictator rei publicae constituendae* [sic]). The ancient office of dictator had been used in the past in cases of emergency when the threat to the state was from the outside, but now the threat to Rome was from inside the state itself.

The phrase “special powers” is misleading: Sulla was dictator, and reconstituting the state was his *causa*; he had full authority to resolve the crisis that had resulted in his appointment, in this case the breakdown of the state in consequence of a revolutionary coup d’état. But worse yet was the characterization of archaic dictatorships as only ever having been pointed at external threats, so that Sulla’s redirection of the office and its powers inward was a perverse deviation. This is absolutely incorrect, and betrays a base misunderstanding of the office and its role in the emergence and growth of the Republic.

The upshot of all this is deeply troubling. Unschooled by textbooks on the true role and nature of the dictatorship, beginning students of the Republic are left to couch any references to it in terms of what assumptions of their own they have at hand; inevitably these will be shaped by their awareness of repressive modern autocrats and, if other studies of the classics are involved, by the Greek tyrants, both of which are unlike the Roman dictatorship in every way. More disturbingly still, as their studies proceed to an advanced level, ignorance or misunderstanding of the dictatorship is unlikely to be ameliorated by even the latest and most respected scholarly treatments of the Republican state.

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101 Nagle 2013, 84.
102 Nagle referred to to Sulla as a “dynast”, like Caesar and Octavian (205, 207), even though there is no evidence Sulla intended to create a monarchy or any other form of successive dynasty (whether by blood or other form of succession), and plenty of evidence against it.
103 Nagle 2013, 207.
aranti quattuor sua iugera in vaticano, quae prata quintia appellantur, cincinnato viator attulit dictaturam et quidem, ut traditur, nudo, plenoque nuntius morarum: “vela corpus,” inquit, “ut perferam senatus populique romani mandata.”

As he was plowing his four-acre property on the Vatican, the land now called the Quintian Meadows, and indeed, it is said, stripped nude, a summoner brought Cincinnatus his commission as dictator; and after considerable hesitation the messenger said, ‘Clothe yourself, so I may deliver the mandates of the senate and people of Rome’.

CASE STUDIES

Important elements of the archaic dictatorship are best illustrated by the stories of specific dictators, which include both illustrative prototypes and instructive exceptions. Key stories of both types are gathered here so that they may be referred to with reduced repetition in later discussion, and to provide examples of the different ways the dictatorship was used while highlighting its constituent precedents and principles.

THE FIRST DICTATOR

T. Larcius Flavus (#1, 497)

Here’s what Livy reported for the inception of this mighty office:

LIVY 2.18.2–4

Eo anno Romae, cum per ludos ab Sabinorum iuuentute per lasciuiam scorta raperentur, concursu hominum rixa ac prope proelium fuit, paruaque ex re ad rebellionem spectare videbatur. Super belli Sabini metum id quoque accesserat quod, triginta iam coniurasse populos concitante Octauio Mamilio satis constabat. In hac tantarum expectatione rerum sollicita ciuitate, dictatoris primum creandi mentio orta.

In this year at Rome, as a result of prostitutes being wantonly carried off during the games by Sabine youths, a gathering of men came to blows and were on the verge of armed battle, and it seemed like out of this trifle an insurrection might emerge. On top of the Sabine conflict, unease had also been developing on account of widespread

1 Grammatically the anxiety (metus) goes with super (i.e., ‘on top of the anxiety over the Sabine conflict’), but it is followed by id quoque accesserat ‘it was aggravated as well’, and the ‘it’, given especially the repeated reference to unease in the following sentence (tantarum), refers to the general state of anxiety: this was fostered by the disruption over the Sabine prostitutes and heightened by rumors being spread of a possible Latin
reports that Octavius Mamilius had been lately agitating the peoples of thirty cities into an alliance.\(^2\) With the state disturbed by such a level of anxiety, suggestions arose for the first time that a dictator should be appointed.

Leaving aside the delicious irony of Roman indignation at Sabines supposedly carrying off Roman women during the games, this account tells us a great deal about Livy’s assessment of the conditions that brought about the dictatorship. The extemporaneousness of the dictatorship’s origins, as revealed here, is remarkable. Two incitements are mentioned. The first is a fracas over a handful of disputed prostitutes. The second sounds more serious—an alliance of thirty cities—but if we look closely at the text we see that there was no actual alliance. What Livy said is that the ex-king’s son-in-law, Octavius Mamilius, was trying to bring about an alliance. Livy also did not say he was successful, and in point of fact nothing came of Mamilius’s machinations that year. There was no present and substantive Latin threat yet, and the dictator took no action toward the Latins at all, either diplomatic or military. Rome didn’t fight the Latins at Lake Regillus until at least a year later, and no further mention is made of Mamilius or the Latins until then.

The innovation of the dictatorship arose from a minor disruption and the rumor of a possible alliance. Compared to later, more terrifying threats Livy’s *parva res* ‘trifle’ seems apt. The instigating crisis, as here described, is not as momentous as one might expect for the inauguration of the dictatorship.

Though vague on the exact year of the innovation,\(^3\) and unlike Livy not at all disinclined to hold forth on what he thought was the real purpose and meaning of the office, Dionysius still managed to make the Romans’ moment of first resort to a dictatorship seem almost as impulsive as Livy did.\(^4\) The context depicted by Dionysius was agitation by the commons over rising debt, complicated by a new law that had, said

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\(^2\) Octavius Mamilius of Tusculum was a prominent Latin figure (Livy 1.49) who took in his exiled father-in-law, Tarquin Superbus (2.15). He was one of the commanders against the Romans at Lake Regillus (2.19–20).

\(^3\) See Appendix G, *s.v.* “Dating the Earliest Dictatorships”.

\(^4\) Dion. Hal. *Ant. Rom.* 5.70.1, quoted in full above in the discussion of Dionysius’s epitome, p. 60.
Dionysius, limited the consuls’ punitive powers. The senate was described as having been so vexed by this clipping of the consuls’ wings that they rashly resolved to scrap the entire apparatus of elective magistracy—not only the consulships but all offices with any executive authority whatsoever—in favor an autocracy far more absolute and dangerous to liberty than the one Rome had only just thrown off.

There are some key points of accord between the two authors. Both Livy and Dionysius agreed that the single most important factor in shaping the future of the archaic dictatorship was the precedents laid down by the first dictator, T. Larcius Flavus. In both authors, the way that the office was activated, executed, and disposed of over the successive three centuries was heavily in conformance with how it was done the first time.

Before doing anything else, according to both Livy and Dionysius, T. Larcius appointed a *magister equitum*:

**DIONYSIUS OF HALICARNASSUS, ANTIQUITATES ROMANAE 5.75.2**

εὐθὺς μὲν οὖν ἀμα τῷ παραλαβεῖν τὴν ἐξουσίαν, ἵππαρχην ἀποδείκνυσι Σπόριον Κάσσιον, τὸν ὑπατεύσαντα κατὰ τὴν ἐβδομηκοστὴν ὀλυμπιάδα. τούτο τὸ ἔθος ἐως τῆς κατ᾽ ἐμὲ γενεᾶς ἑφυλάττετο ὑπὸ Ῥωμαίων, καὶ οὐθεὶς εἰς τόδε χρόνου δικτάτωρ αἱρεθεὶς χωρὶς ἰππάρχου τὴν ἀρχὴν διετέλεσεν.

As soon as Larcius had assumed this power, therefore, he appointed as his *magister equitum* [hipparchon] Sp. Cassius, who had been consul around the seventieth Olympiad. This custom has been observed by the Romans down to my generation and so far no dictator has done without a *magister equitum*.

Though Dionysius’s assertion that no dictators operated without a *magister equitum* requires slight modification, T. Larcius’s making appointment his first act provided the template and precedent perhaps most consistently followed by all subsequent dictators. There is no recorded case in the narrative where a dictator is described as undertaking anything at all without first having seen to the installation of a *magister equitum*. At the same time, there is no indication of any law requiring the presence or appointment of a *magister equitum*: it was a matter of custom and precedent, rigorously adhered to. From this point on every dictator, with extremely rare and anomalous exceptions that, as with exceptions from the norm in general relating to the dictatorship, themselves demonstrate the rule, would start his dictatorship with the appointment of a *magister equitum*, so soon...
after accession to office that a *magister equitum* was already in place even in cases where the dictatorship was vitiated before the dictator could act as a result of religious issues with the consul’s nomination.

Thenceforward the idea of a dictator without a *magister equitum* would be an anomaly akin to Janus without a second face or Hercules without his club. When one considers that the primary (for Livy) or only (for Dionysius) pretext for the appointment of a dictator was domestic unrest, the necessity of choosing a *magister equitum* as right-hand man is particularly remarkable. It suggests that the Romans understood that a strong subordinate was the key to effective one-man command.

Three attributes of the inceptive dictatorship in Livy’s account called out the dictator’s pure freedom of action, one physical and the other two constitutional:

*Livy 2.18.8–10*

*Creato dictatore primum Romae, postquam praeferri secures uiderunt, magnus plebem metus incessit, ut intentiores essent ad dicto parendum; neque enim ut in consulibus qui pari potestate essent, alterius auxilium neque provocatione erat neque ullam usquam nisi in cura parendi auxilium. Sabinis etiam creatus Romae dictator, eo magis quod propter se creatum crediderant, metum incussit. Itaque legatos de pace mittunt.*

With the first dictator created at Rome, after they saw the axes borne before him, a great dread fell upon the masses, so that they were more intent on his commands being obeyed; for there was aid to be had neither from a colleague, as with the consuls who held equal power, nor from a right of appeal, nor from anything anywhere except careful obedience. Among the Sabines as well the dictator created at Rome instilled dread, as they believed he had been appointed to deal with them. Accordingly, they sent messengers of peace.

First, the physical manifestation was the *secures*, the executioner’s axes in the lictors’ *fasces*, which later tradition said were not borne within the *pomerium* after the days of the kings except by dictators. They were understood to represent not just symbolic power but the physical and legal capacity to mete out death by fiat. Second, his lack of a colleague

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5 Dion. Hal. *Ant. Rom.* 5.75.2, 10.24.1; Staveley 1963, 464–465. Compare consuls and their *fasces*: e.g., Cic. *Rep.* 1.62, 2.53, Livy 2.7.7 (in the city) and 24.9.2 (outside the city). The axes were also said to have been carried by the second set of ruling *decemviri* (Livy 3.36.3; Dion. Hal. *Ant. Rom.* 10.59.3), serving as code for a claim to regal authority. Dionysius sniffed that the axes were installed more to inspire terror than for actual use.

6 For the axes, and not the *fasces*, as positive symbols of *imperium*, and so applicable to consuls and dictators alike outside the *pomerium* but dictators alone within it, see
eliminated the arresting capacity of an equally empowered peer. Third, his actions were not subject to appeal.\textsuperscript{7}

The very appointment of a dictator provoked a powerful reaction in the populace (and in non-Romans as well) that needs to be understood separately from the actual parameters of a specific dictator, or of the dictatorship generally. Consider the Sabines. Why should a dictator terrify them more than a consul, both being Roman officials with complete \textit{imperium} outside Rome? Did they fear an unfettered leader would drive his terrified army to otherwise unattainable extremes of merciless barbarism?\textsuperscript{8} In any event it was the Sabines’ own dread of the Roman dictator that T. Larcius was remembered as having been harnessed in order to restabilize relations with the Romans’ troublesome neighbors.\textsuperscript{9}

T. Larcius also firmly established that a dictator resigned when he had completed his task, the resolution of the crisis that had brought about his appointment.\textsuperscript{10}

\textsuperscript{7} Livy held that \textit{provocatio} was in place to rein in the consuls as early as 509, a claim modern historians view with considerable skepticism. For now what is important is that the annalist narratives described the early dictators as being free of an important and reassuring restriction that bound the ordinary magistrates.

\textsuperscript{8} It is debatable whether the Sabines were here represented as fearing the idea of an army led by dictator, a Roman army under a strong commander of any kind, or T. Larcius in particular. The second option has some merit as it appears elsewhere in Livy’s accounts: e.g., the mere presence of the consul Ap. Claudius Caecus’s Roman army cowed certain Etruscan cities that were meditating war in 296, Livy 10.18.5.

\textsuperscript{9} Livy said that negotiations led to disagreement over an indemnity that led to a declaration of war, but nonetheless a truce held for the rest of the year (Livy 2.18.10–11); Dionysius, accenting the same beats slightly differently, had T. Larcius conduct a levy and arayed the army in the field, but managed to bring about a truce, portraying the dictator as believing that a great general prevents war if possible (Dion. Hal. \textit{Ant. Rom.} 5.76.1–4).

\textsuperscript{10} Livy’s briefer account of T. Larcius’s dictatorship did not mention how his magistracy was ended; but Livy furnished his version of the same precedent eventually. Livy had M.’ Valerius Maximus (#3, 494) resign after the senate refused to heed his advice, saying he would not be a dictator to no purpose (2.31.10); this might be read as resigning in protest rather than abdication on completion of his task. The second dictator disappeared after his triumph (Livy 2.20.13), and the fourth dictator was presented as wanting to resign, but was convinced to stay on to preside over a trial, whereupon he immediately resigned (Livy 3.29.6–7). It is not until the dictatorship of A. Postumius Tubertus (#9, 431) that a custom of resigning after completion of the job, especially immediately after a triumph in the case of a military mandate, is made explicit in Livy (4.29.4), but Dionysius has been making it clear throughout that dictators resigned at
These things having been accomplished, the man led his forces home from the field, and before all the term of his office was completed, having conducted elections, he laid down his magistracy.

Just as precedent made it incumbent on the appointing consul to choose the right dictator, so that such a choice was what continued to happen throughout the Republic, so the earliest dictators effected a custom and an expectation that dictators resigned once they had completed their task, and at the earliest possible moment.
The trusted man

M.’ Valerius Maximus (#3, 494)

The third dictator story in the narrative locked in many crucial precedents, including the bedrock conviction that the dictatorship was to be not about power and oppression.

The need for a dictator in that year had again both external and internal characteristics, namely the plebs’ resistance to a levy against a looming threat from the Aequi and Volsci. The two approaches to handling the crisis were represented by the fire-eating Ap. Claudius Sabinus (cos. 495), avowed enemy of the plebs and advocate of harsh measures, and M.’ Valerius Maximus, venerable and respected by the populace at large. Livy and Dionysius emphasized how Ap. Claudius and M.’ Valerius symbolized the choice between oppression and conciliation, and that the consuls and the more tenured senators favored the latter while hotheaded young nobles backed Ap. Claudius. Crucially, the plebs, while inclined in the abstract to see the dictatorship as an instrument of their own oppression (and this was Ap. Claudius’s intent), were mollified by the choice of M.’ Valerius as dictator. The combination of man and office elicited greater credence in M.’ Valerius than in the regularly elected consuls P. Servilius and Ap. Claudius:

LIVY 2.30.6

Edictum deinde a dictatore propositum confirmavit animos, Servili fere consulis edicto conueniens; sed et homini et potestati melius rati credi, omissa certamine nomina dedere.

An edict proposed next by the dictator bolstered their spirits; it agreed closely to one made by the consul Servilius, but, placing greater faith in both the man and the powers [of his office], they abandoned opposition and submitted their names.

Pursuing the same theme of et homo et potestas, Dionysius had M.’ Valerius, in his speech to the fractious plebs, explain that the absolute power of his office made him more trustworthy than the promise-breaking consuls, because no one would be given absolute power that was not both capable and honorable:

DIONYSIUS OF HALICARNASSUS, ANTIQUITATES ROMANAE 6.40.3

tοῦτο ως οὐ δικαίως ἂν ὑποπτεύοιτε καὶ περὶ ἐμοῦ, δυσιν ἄν τοίοδε μάλιστα πιστωσάμην, τῷ τε μὴ ἂν ἔμοι τήν δουλήν εἰς τοῦτο τὸ λειτουργῆμα, ἐτέρων ὅτινων τῶν ἐπιτηδειοτέρων, τῷ φιλοδημοτάτῳ δοκοῦντι εἶναι καταχρήσασθαι: καὶ τῷ μή
That you can have no just grounds for entertaining the same suspicions of me also, I can convince you chiefly by these two considerations: first, that the senate would never have made the mistake of employing me, a man regarded as the greatest friend of the people, when there are others better suited to it, and second, that they would not have honored me with an absolute magistracy by which I shall be able to enact whatever I think best, even without their participation.

It may seem counterintuitive to modern minds that in the story of M.’ Valerius the Roman commons soberly bestowed their gift of faith not on their duly elected magistrates—whose potentially oppressive power was carefully circumscribed by annual service, collegiality, and other safeguards—but on the all-powerful, unelected autocrat with a king’s axe-bearing lictors, cheerfully submitting to his call to arms where they had scornfully spurned the very same call, to meet the very same need, from the elected consul P. Servilius. And faith is the key concept here: all versions of the tale agreed that the levy on the plebs was accomplished not through the imposition of the dictator’s power, or even the threat of it, but because despite the abstract threat posed by the dictatorship they trusted M.’ Valerius more than they trusted the consuls. If they had not, the alternatives were spelled out plainly in the tale, and they were catastrophic: on the one hand, the Volsci and Aequi were rampaging, unhindered by the needed Roman army, and on the other, vicious repression at the hands of the would-be tyrant Ap. Claudius would tear Rome apart. It was not M.’ Valerius that saved Rome in this hour, or even the resort to a dictator, but the people’s faith in M.’ Valerius as dictator, and the consul’s wisdom in choosing him.

This story also provides the model for immediate selection of the magister equitum:

DIONYSIUS OF HALICARNASSUS, ANTIQUITATES ROMANAEE 6.40.1

After Valerius had assumed office and had appointed Quintus Servilius, brother of that Servilius who had been the colleague of Appius in the consulship, to be his magister equitum, he summoned the people to an assembly.

M.’ Valerius triumphed over the Aequi and Volsci but found the class divide intractable, thanks to patrician stubbornness. Rebuffed by the senate, he resigned:
“non placeo” inquit, “concordiae auctor. Optabitis, mediusfidius, propediem, ut mei similes Romana plebis patronos habeat. Quod ad me attinet, neque frustrabor ultra ciues meos neque ipse frustra dictator ero. Discordiae intestinae, bellum externum fecere ut hoc magistratu egeret res publica; pax foris parta est, domi impeditur; priuatus potius quam dictator seditioni interero.” Ita curia egressus dictatura se abdicavit.

“I am not welcome,” he said, “as an agent of concord. I swear, you’ll very soon be wishing the Roman plebs had patrons like me. As far as I’m concerned, I will neither deceive my fellow citizens further, nor will I be dictator to no purpose. Internal discord and foreign war brought about the state’s need for this magistracy; peace has been procured afield, but at home it has been blocked. I will endure the uprising rather as a private citizen than as dictator.” And so, on having exited the curia, he renounced his dictatorship.

Livy here was having M.’ Valerius explicitly state the dictatorship paradigm. He had been appointed dictator to deal with two concurrent crises, one foreign and one domestic. The former had been dealt with handily enough, but the latter has been effectively prevented by the patres’ obstinate intransigence. In his judgment his mandate had been addressed as much as was possible. Consequently, he resigned. From this point onward, it was an understood responsibility incumbent on the office-holder that fulfillment of the mandate meant renunciation of the dictatorship.

The third dictatorship enshrined critical precedents involving the choice of dictator, the inseparability of the magister equitum, and earliest resignation immediately on the dictator’s assessment of the mandate’s fulfillment or impossibility. The urgency of earliest abdication was a crucial delimiter of the dictatorship for the next three centuries, but the precedent for consuls in the selection of dictators should not be ignored: it was the consul’s responsibility to choose not according to faction or class, but according to Rome’s need.
L. Quinctius Cincinnatus’s dictatorships were famous for different reasons. In the first, he was supposedly called from the plow (and returned to it forthwith on renouncing the office), becoming an eternal, and literal, symbol of Roman humility. The second dictatorship resulted in the bloody death of a rebel leader right in the heart of the city.

In 458, according to a story related by many ancient authors,¹² L. Quinctius (cos. 460) was engaged in rustic labor on his farm, following his gaunt oxen wearing nothing but a loincloth (or less), when a delegation of senators arrived from Rome with news he had been appointed dictator by popular demand to deal with a sudden setback in the ongoing war with the Sabines. Hastening to put on a toga to receive his guests, he was informed that Rome was in need of him. He departed forthwith in the boat provided for him, levied a new army, defeated the Sabines, triumphed, and resigned at the earliest opportunity, all within 16 days. He did not covet power or the wealth that might come with it; on the contrary, he abjured it, and acted according to his own truth—that he was instead most content with his poverty and his simple four-acre farm.¹³

The story was told almost as a parable, with Dionysius, Livy, and others calling attention to its moral content.¹⁴ L. Quinctius was granted the immense power of the dictatorship; his reaction was to use it to save Rome and then renounce it and return to his humble plow as quickly as possible. As the characterization of L. Quinctius Cincinnatus comprised the desiderata not only of the ideal Roman but the ideal dictator, it is useful to examine what made Cincinnatus great in the eyes of legend.

¹² Cic. Sen. 16, Fin. 2.4,12; Livy 3.26.9–11; Plin. HN 18.4; Flor. 1.5; Eutr. 1.17; Veg. Mil. 1.3; Cass. Dio 5.23.2 = Zon. 7.17. Dionysius had the story of being called from the plow both for his consulship of 460 (Dion. Hal. Ant. Rom. 10.17/3–5) and then again for his dictatorship of 458 (10.24.1–2), L. Quinctius grumbling on both occasions that his field would now go unsown, risking his family’s food supply.


¹⁴ “Operae pretium est audire qui omnia prae divitiis humana spernunt neque honori magno locum neque virtuti putant esse, nisi ubi effuse afluant opes”: Livy 3.26.7; Dion. Hal. Ant. Rom. 10.25.3.
In agris erant tum senatores, id est senes, siquidem aranti L. Quinctio Cincinnato nuntiatum est eum dictatorem esse factum.

In those days there were senators—which is to say, elders—on their farms; indeed L. Quinctius Cincinnatus was at his plow when he heard that he was to be made dictator.

Spes unica imperii populi Romani, L. Quinctius trans Tiberim, contra eum ipsum locum ubi nunc naualia sunt, quattuor iugerum colebat agrum, quae prata Quinctia uocantur. Ibi ab legatis—seu fossam fodiens palae innixus, seu cum araret, operi certe, id quod constat, agresti intentus—salute data in uicem redditaque rogatus ut, quod bene uerteret ipsi reique publicae, togatus mandata senatus audiret ...

The one hope for the Roman people’s domain, L. Quinctius, used to cultivate the four acres of land across the Tiber, opposite the place where the dockyards are now, that are now called the Quinctian Fields. There the legates of the senate found him either digging a ditch or at his plow, but in any event intent at his farm-work. After exchanging greetings they asked him to put on his toga so that, good fortune be to himself and to the state, he might hear the senate’s will.

I am led to relate these particulars for no other reason than to let all the world see what kind of men the leaders of Rome were at that time, that they capably worked their own lands, led frugal lives, did not chafe under honorable poverty, and, far from aiming at positions of royal power, actually refused them when offered. For it will be seen that the Romans of today do not bear the least resemblance to them, but follow the very opposite practices in everything—with the exception of a very few by whom the dignity of the commonwealth is still maintained and a resemblance to those men preserved. But enough on this subject.15

L. Quinctius was a legendary prototype of the ideal Roman leader, and it was for his being at his own plow at an advanced age, toiling away in nothing but a loincloth and cap according to Dionysius, that he was remembered. But this bucolic tableau—the old consular standing in the mud of his four-acre farm, pulling on a toga so that he might receive the summons of the senate in a more dignified state—was remembered as being both outdated and representative of an ideal that was later less obtainable. Why was

15 The translation used here is Cary 1937, slightly modified.
Cincinnatus at his plow remembered so vividly? Every word of his legend told of a man to whom wealth, leisure, and the seeking of glory were so foreign as to be incomprehensible. Even in his old age he saw neither comfort nor fame as his due. To be Roman was to toil on behalf of one’s family, until the moment came where the state asked for a span of labor on behalf of the nation. This early dictator was famous forever afterwards because distilled in him was the ideal character of a Roman man. It was the unique admixture of experience, background, and character that made L. Quinctius, in that moment, *spes unica imperii populi Romani*. He was called to be dictator to save the Roman state because that combination of factors made him and only him the needed man.

The immensity of the office served to demonstrate the Roman virtue of L. Quinctius; and when it was remarked that no dictators abused the office before Sulla, it was to say that all of its occupants, the mighty fathers of Rome and ancestors of the latter-day Romans, had met the same fearsome challenge of unlimited power and had duly demonstrated their Roman worth. The senate might have had its commoner-hating extremists, and consuls might not always have had the faith of the people, but when a Roman was called to the dictatorship, he proved that to be Roman was to be untempted by absolute power.

This power was signified by a rare reference to an early dictator having twenty-four lictors and with axes in their *fasces*:

DIONYSIUS OF HALICARNASSUS, *ANTIQUITATES ROMANAЕ* 10.24.2

When he drew near, they brought to him horses decked with magnificent trappings, placed beside him twenty-four axes with the rods and presented to him the purple robe and the other insignia with which aforetime the kingly office had been adorned.

The kingliness here referred more to the axes than the number: axes in the *fasces* were associated with a capital form of *imperium* that on the expulsion of the kings was banned within the *pomerium*, but which was attributed to the dictators and to the *decemviri*. 
The dictator was named in Rome, providing an early instance of a consul recalled for that purpose when it was heard that the other consul had been trapped by the Sabines.\footnote{Dion. Hal. \textit{Ant. Rom.} 10.23.5.} In this case the consul was summoned for consultation, but the consul appointed the dictator in Rome, and it is difficult to imagine the summoning of the consul not anticipating the appointment taking place in Rome were the outcome of the consultation an agreement that a dictator be appointed; if no consultation had been thought necessary, a letter might have been sent to the consul where he was, with the appointment to be made there, as was done on other occasions.\footnote{Livy’s version is that there was a consensus that C. Nautius Rutilus was unsuited to the task of extricating the beleaguered consul, and L. Quinctius Cincinnatus was put forward as a dictator (Livy 3.26.6).}

The dictator was not permitted to resign immediately on resolving the threat from the Sabines. In 461, an ex-tribune named M. Volscius had made a public accusation against one of the most prominent of the patricians, Caeso Quinctius,\footnote{Son of the dictator. Confusingly, Livy did not name him in full, stating instead “\textit{Caeso erat Quinctius}” (3.11.6), i.e., that Caeso belonged to the Quinctian \textit{gens}. An older scholastic tradition of referring to him as “Quinctius Caeso” (e.g., Latte 1936, 26) seems to have been supplanted by a reading of “Caeso Quinctius” (e.g., Vasaly 1999, 513), which is better in accordance with the text. This reading is further supported by the attestation of a Caeso Quinctius L.f. Cn.n. Claudus \textit{sic} [?]Flamininus} in the \textit{Fastì} (cos. 271), for whom see Badian 1971. the young man we met earlier who was famous for his great stature and strength and for his ferocious spirit. M. Volscius accused Caeso of killing M. Volscius’s elder brother during a brawl in the Subura the previous year, shortly after a pestilence. Caeso, facing public outrage, went into voluntary exile and the trial was abandoned. But two years later, M. Volscius himself was summoned to trial for perjury, as in the interim it had become widely known that M. Volscius’s brother had been confined to his sickbed as a result of the pestilence, and had died of the disease, not from the application of Caeso’s mighty fist; and further that Caeso himself had not been in Rome but had been at the front, all of which was attested by many witnesses. Nonetheless, the tribunes successfully blocked M. Volscius’s trial all through 459 and again in 458.
The implication in Livy is that matters would have continued thus indefinitely, the tribunes being determined to prevent the prosecution of M. Volscius despite his widely believed guilt. So when L. Quinctius had taken care of the threat posed by the Aequi and the Sabines, and was preparing to resign, he was asked to preside over the perjury trial, despite his conflict of interest. He did so; the tribunes were too in awe of the dictator or his office to interfere, and M. Volscius was quickly condemned and sent into exile. L. Quinctius then resigned, having held office for just over two weeks.¹⁹

Viewed coldly, L. Quinctius does not look like the right man for the trial of M. Volscius; indeed, a consul deliberately choosing the father of Caeso Quinctius to preside over M. Volscius’s condemnation could easily have been thought provocative. It’s also remarkable that this strange-fitting second mandate comes as coda to a dictatorship the commencement of which was remembered more than any other for the aptness of the chosen man to meet Rome’s need. But the dissonance is illusory. L. Quinctius was not only a hero who had just saved Rome, at a time when the consuls had spectacularly failed to do so, the awe that stilled the tribunes from interceding against L. Quinctius’s presiding over the trial being not merely for the office but for the man; he was also so purely Roman than he could be trusted to be just even in a case involving his son. He dispensed justice and resolved a persistent crisis, then stood down from this second, unasked-for mandate.

The need for a dictator in 439 was for danger of insurrection relating to misuse of the grain supply by the agitator Sp. Maelius:

L. Quinctius Cincinnatus II (#5, 439)

Then Quinctius said that the criticism of the consuls was unmerited; hampered as they were by the law of appeal that had been carried to diminish their imperium, they were far from having so much power by their magistracy as will to have settled this matter according to its severity. There was a need for a man who was not only strong but also free, unbound by the laws. He therefore proposed that he name L. Quinctius dictator, for he possessed a will equal to great power.

In this very useful passage, three different kinds of power were being discussed, and with careful distinction: the power to act (potestas); the legal authority to act (imperium); and strength of will (animus). The consul’s point, as presented by Livy, was that he himself had a desire to act proportionately to the threat to the Republic posed by the malefactors, but his legal authority to do so was circumscribed. The holder of the office had the unrestricted legal authority (imperium), and therefore the power (potestas), to do what was necessary; the person to hold this office must be as great in strength of will (animus) as the office is great in power, which pointed to L. Quinctius Cincinnatus, who all agreed was possessed, despite his great age, both of more wisdom and of more courage than “all the rest”.

L. Quinctius’s magister equitum, C. Servilius Ahala, summoned Sp. Maelius to appear before the dictator and gave chase when he fled, killing him to prevent his escape. This remains the only instance of a dictator exercising capital justice in Rome, and it is reasonably clear that Sp. Maelius died because he refused the summons of the dictator

20 The consul, T. Quinctius Capitolinus.
and fled, spurring C. Servilius to attempt to apprehend the fugitive. The intent had been to bring Sp. Maelius before the dictator for a judicial proceeding, which very rarely resulted in formal execution among Romans.  

It is important to note that the dictator’s summons was not as a military commander. It was in his civil, judicial capacity that L. Quinctius had Sp. Maelius haled before him:

LIVY 4.14.3

missus ab dictatore Seruilius magister equitum ad Maelium “vocat te” inquit, “dictator”. Cum pauidus ille quid vellet quaereret, Seruiliusque causam dicendam esse proponeret crimenque a Minucio delatum ad senatum diluendum, tunc Maelius recipere se in cateruam suorum, et primum circumspectans tergiuersari, postremo cum apparitor iussu magistri equitum duceret, ereptus a circumstantibus fugiensque fidem plebis Romanae implorare...

Sent by the dictator, the magister equitum Servilius said to Maelius, “The dictator summons you.” When that man, trembling, asked what he wanted, and Servilius stating the cause to be that he was to answer and resolve the charge lodged by Minucius with the senate, then Maelius fell back among his men, and at first looking around for a means of evasion, at last, when a lictor was about to lead him away at the command of the magister equitum, torn from the bystanders he fled, calling on the Roman plebs to support him...

Dionysius’s account is explicit that the dictator was conducting a civil proceeding:

DIONYSIUS OF HALICARNASSUS, ANTIQUITATES ROMANAE 12.2.4–6

εἰσηγγέλθης χθὲς εἰς τὴν βουλήν, ὦ Μαίλιε, νεωτέροις ἐπιχειρεῖν πράγμασιν, ἵσως οὐκ ἀληθῶς: οὐδενὸς γὰρ ἀξίων ἀπὸ τῆς αἰτίας προκαταγιγνώσκειν. ταύτην ἐξετάσαι τὴν μήνυσιν ἥ Βουλή προελομένη δικτάτορος ἔφησε δεῖν τοῖς πράγμασιν, ὡς οὐ τὸν ἐλάχιστον τῶν κινδύνων τρέχουσα, καὶ ἀπέδειξε τῆς ἐξουσίας ταύτης κύριον Λεύκιον Κοίντιον Κικιννᾶτον, ὃν οἶσθα δήπου καὶ σὺ κράτιστον ὁ πατρικίων καὶ δίς ἡ ἐκείνη ἀνεπιλήπτως τετελεκότα τὴν ἀρχήν. οὗτος ὁ ἀνὴρ δικαστήριόν σοι καθίσαι καὶ λόγον ἀποδοῦναι βουλόμενος ἀπέσταλκεν ἡμᾶς, ἐμὲ τὸν ἅμα τοῖσδε τοῖσδε ἄξονας, σε ἀσφαλῶς ἐπὶ τὴν ἀπολογίαν... εἰ δὲ μηδὲν ἀδικεῖν πέποιθας, ἢ καὶ λέγε τὰ δίκαια πεποίησαι, ὃς ἴθι καὶ ἐκποδῆσαν ἄλλην ἀδίκην πρόφασιν ὁμοειδέαν ἐκποδῆσαν...  

“An act of impeachment was brought against you yesterday before the senate, Maelius, for attempting revolution; perhaps the charge was false, for it is not right to prejudge anyone by the charge alone. The senate, having decided to investigate, declared that the situation required a dictator, since they were running no slight risk; and they invested with this authority Lucius Quinctius Cincinnatus, who, as you yourself are

23 It’s not clear whether Sp. Maelius was being charged with perduellio, though the “charge lodged by Minucius,” the official in charge of grain, involved Sp. Maelius assembling weapons at his house and haranguing the people there, actions which were taken as a conspiracy to “contrive a kingdom” (Livy 4.13.8–9). On capital punishment in the Roman Republic see Gaughan 2010, 90-108.
doubtless aware, is the best of the patricians and has twice already discharged the duties of this magistracy in an irreproachable manner. This man, desiring to set up a court to try you and to give you an opportunity to defend yourself, has sent us—me, the magister equitum, together with these men here—to conduct you in safety to make your defense. If you are confident you have done no wrong, come and offer your justification before a man who loves his country and will not wish to put you out of the way either because of general ill will toward you or any other unjust ground.”24

It has generally been understood that the magister equitum acted as an agent of the dictator’s imperium and auspices, to the extent that the controversy of Sp. Maelius’s execution devolved on whether the dictator had capital authority within the pomerium, a question hotly debated both at the time and afterward.25 These stories illustrated that the imperative with regard to the dictatorship was choosing dictators in terms not only of experience but also of Roman virtue.

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24 Translation is that of Cary 1940.
THE MAN WHO CAUSED MUTTERING

A. Cornelius Cossus (#16, 385)

A. Cornelius was appointed to fight the Volscians, but the patrician populist M. Manlius Capitolinus and his supporters reckoned he would be brought to bear against the debt-agitated plebs before long. Livy, however, specified that any domestic agenda involved in the appointment involved not the oppression of the masses, but the specific threat posed by a single, alarming renegade:

Livy 6.11.9–10

bellum itaque Volscum, grave per se, oneratum Latinorum atque Hernicorum defectione, in speciem causae iactatum, ut maior potestas quaeretur; sed nova consilia Manli magis compulere senatum ad dictatorem creandum. creatus A. Cornelius Cossus magistrum equitum dixit T. Quinctium Capitolinum.

Accordingly the Volscian war, itself serious and made worse by the defection of the Latins and the Hernici, was thrown out as the pretext for greater power being sought; but the revolutionary plans of Manlius more strongly impelled the senate to call for a dictator to be named. A. Cornelius Cossus was appointed, and he named T. Quinctius Capitolinus his magister equitum.

There was unrest as a result of the debt crisis, which was affecting even the rich; but the tumultus, the danger to the Republic that provoked a call for a dictator, was the seditious demagoguery of M. Manlius.26 A. Cornelius’s mandate was to remove the threat posed by this one dangerous man. The distinction is important: anti-plebeian extremists were represented in the narrative as espousing a more brutal approach to unrest among the masses, but dictators appointed in times of civil strife in Rome did not use their power to assert the dominance of the ruling class.

When A. Cornelius did turn to the domestic turmoil after dealing with the Volscians, his behavior was controversial. He arrested M. Manlius; then, triumphing for his victory over the Volscians, stood down.27 The plebs were reluctant to speak up for M. Manlius at the time of the demagogue’s arrest. It is worth looking at this passage in detail:

26 For more on the trial of M. Manlius and Livy’s relation of it see Wiseman 1979.
27 Livy 6.11–6.18.
nullius nec oculi nec aures indignitatem ferebant; sed inuita sibi quaedam patientissima iusti
imperii ciuitas fecerat, nec adversus dictoriam uim aut tribuni plebis aut ipsa plebs at tollere
oculos aut hiscere audibant. coniecto in carcerem Manlio satis constat magnam partem plebis
uestem mutasse, multos mortales capillum ac barbam promisses, obuersatamque vestibulo
carceris maestam turbam. dictator de Volscis triumphauit, inuidiaeque magis triumphus quam
gloriae fuit; quippe domi non militiae partum eum actuque ad ciue non de hoste fremebant;
unum defuisse tantum superbiae, quod non M. Manlius ante currum sit ductus. iamque haud
procul seditione res erat; cuius leniendae causa postulante nullo largitor voluntarius repente
senatus factus Satricum coloniam duo milia ciuium Romanorun deduci iussit. bina iugera et
semisses agri adsignati; quod cum et paruum et paucis datum et mercedem esse prodendi M.
Manli interpretarentur, remedio irritatur seditio. et iam magis insignis sordibus et facie reorum
turba Manliana erat, amotusque post triumphum abdicatione dicturiae terror et linguam et
animos liberauerat hominum.

None could bear to see or hear his humiliation. But the state with the greatest
submission to lawful power had made for itself something insuperable, so that neither
the tribunes of the plebs nor the plebs themselves dared raise their eyes or open their
mouths against the dictatorial power. Once Manlius was thrown in prison it is said
that a large portion of the plebs changed their clothing [for mourning clothes], many
men let grow their hair and beards grow, and a dolorous crowd accumulated around
the entrance to the jail. The dictator triumphed over the Volsci, and the triumph was
more of odium than of glory; they growled that in truth it was born at home, not in
the field, a feat against citizens, not an army, and that so great an exultation of pride
lacked but one thing—M. Manlius was not led before the chariot.

By now matters were hardly short of sedition, toward the amelioration of which, with
none having demanded it, the senate suddenly ordered made a colony at Satricum of
2,000 Roman citizens, each receiving two and a half iugera of land. This, being both too
small and given to too few and being understood to be a bribe to betray M. Manlius,
as a remedy only inflamed the unrest. Now the Manlian crowd of partisans was quite
noticeable by their soiled mourning clothes and countenances, and the terror having
withdrawn after the triumph with the abdication of the dictator both the tongues and
spirits of men were freed.

Several points are clear from this encounter. First, the plebs were indeed momentarily
intimidated, but again by fear of the abstract capacity of the office, not by any tyrannical
action by the dictator. Second, the dictator was not functioning as a tool of the aristocracy;
the elite acted independently and were driven to damage control, first with bribes of land
as seen here, and later with the repudiation of the arrest. The dictator stood apart.

Though this dictatorship has been cited as an instance of the dictatorship being used
as repression, A. Cornelius’s actions in arresting the renegade not only were not oppressive
in intent or execution but actually had the reverse effect, serving to incite the masses to
mass civil disobedience. The people proudly wore the unifying badges of mourning clothes
and untamed hair, assembling for anti-senatorial demonstrations. While A. Cornelius was
still in office it took the form of muttering and passive demonstrations (“dirty garments
and dejected looks”), but afterward direct action to undo the dictator’s actions was
initiated.\textsuperscript{28} No one dared to gainsay the dictator—not, I believe, because they were terrified
that A. Cornelius would have a lictor put an axe through their head, but because it was
customary to refrain from acting against a sitting dictator, especially as his tenure was
likely to be extremely brief and he would therefore be gone soon enough.

The unrest soon verged on outright sedition, according to Livy; only the senate’s
reversing the dictator’s incarceration of M. Manlius averted an uprising. Not at all cowed,
the plebs spoke out scornfully against not only the nobles but the dictator too, behind
their hands while he was in office and openly after he stood down. The rebel leader was
freed. He made the following remark \textit{after} A. Cornelius had been set against him:

\begin{quote}
\textit{Livy 6.18.14}

\textit{solo aequandae sunt dictaturae consulatusque, ut caput attollere Romana plebes possit.}

Dictatorships and consulships must be leveled to the ground, in order for the Roman
plebeians to be able to raise their heads.
\end{quote}

For M. Manlius, the dictatorship, far from being especially oppressive, was clearly of
a kind with the consulship: in other words, it was a magistracy with authority over the
masses, an example of power controlled by the few at the expense of the many.\textsuperscript{29}

Livy did not say the people were “deeply submissive” to dictators; he described them
as deeply submissive to “public authority”, a habit ingrained enough with them that
derence had become customary. Yet even with the treatment of M. Manlius by the
dictator, bypassing the usual judicial process, the citizenry was not so deeply submissive
as to be unable to act out its anger in a very public and visible way; they endured until A.
Cornelius resigned a few days later, and then the work began to ensure that M. Manlius

\textsuperscript{28} Livy 6.16.2–8.

\textsuperscript{29} It was the consulship that was usually the main target of these kinds of speeches in
Livy: e.g., “Iam plebs, praeterquam quod consulum nomen haud secus quam regum perosa erat…”,
Livy 3.34.8.

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was dealt with in a way the senate and people considered more just. Eventually the *comitia centuriata* convicted him of treason and he was hurled from the Tarpeian Rock.\(^\text{30}\)

It was dictatorial power in the abstract that chilled the plebs’ actions, yet that fear was anchored to A. Cornelius’s temperament. Livy described his arrest of M. Manlius in terms that emphasized the man’s choice to act harshly. The specific fear was that *that* dictator, A. Cornelius, would do the same to them. This fear ended when he resigned.

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\(^\text{30}\) Livy 6.20.
Exactly one ambitious dictator tried to do more than what he had been named to do.

The story related by Livy involved not just an emergent pestilence but an intransigent one. It arrived in 365 and in its first season carried off a censor, a curule aedile, three tribunes of the plebs, and a corresponding chunk of the population, as well as the aged M. Furius Camillus, called here Rome’s second founder.\(^{31}\) In the following year, as the epidemic continued to rage, the city anxiously tried to curry divine favor with a *leclisternium*, or banquet to the gods; after that the people devolved further into superstition, attempting to distract and disarm the gods by resorting to the innovation of theatrical plays (“*ludi scaenici*”), Livy commenting that this was odd for a warlike people—as if the Romans were surprised to find themselves watching plays instead of circus games.\(^{32}\) After a lengthy discourse on the types of plays prevalent in those days, Livy described the state of unrest and fear caused by plague’s persistence into a third year:

> **LIVY 7.3.1–4**
>
> Nec tamen ludorum primum initium procurandis religionibus datum aut religione animos aut corpora morbis levavit; quin etiam, cum medios forte ludos circus Tiberi superfuso irrigatus impedisset, id vero, velut aversis iam dis aspernantibusque placamina irae, terrem ingentem fecit. Itaque Cn. Genucio L. Aemilio Mamercum iterum consulibus, cum piaculorum magis conquisitio animos quam corpora morbi adficerent, repetitum ex seniorum memoria dicitur pestilen
tiam quandam clavo ab dictatore fixo sedatam. Ea religione adductus senatus dictatorem clavi figendi causa dici iussit; dictus L. Manlius Imperiosus L. Pinarium magistrum equitum dixit.

Nonetheless the introduction of plays originated to give expiation freed neither minds of religious fear nor bodies of disease. In fact, while the plays were in the midst of being performed an overflowing of the Tiber actually flooded the circus; this event, as though the gods were now turning away and rejecting this means of conciliating their anger, produced great fear. Accordingly, in the consulship of Cn. Genucius and, for the second time, L. Aemilius Mamercus, when people’s minds were more concerned with finding a means of propitiation than their bodies were with disease, it was recalled by old men that a pestilence had once been alleviated by the driving of a nail by a dictator. Carried along by this superstition, the senate ordered that a dictator be named for the purpose of driving the nail; L. Manlius Imperiosus, having been appointed, named L. Pinarius his *magister equitum*.

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\(^{31}\) Livy 7.1.7–10.

\(^{32}\) Livy 7.2.3.
Pausing to discuss driving the nail at Rome and elsewhere, Livy now told of L. Manlius’s attempt to conjure a war against Rome’s current antagonist, the Hernici.

LIVY 7.3.9

Qua de causa creatus L. Manlius, perinde ac rei gerendae ac non solvendae religionis gratia creatus esset, bellam Hernicum adfectans dilectu acerbo iuventutem agitavit; tandemque omnibus in eum tribunis plebis coortis seu vi seu verecundia victus dictatura abiit.

While appointed for this purpose, L. Manlius, as though he had been appointed rei gerendae and not for the discharge of a religious action, called up men of military age in a harsh levy intending war with the Hernici. In the end, with all the tribunes of the plebs rising against him, whether overcome by force or by shame he retired from his dictatorship.

Not entitled to wage war after all, the dictator resigned in disgrace.

This case illustrates several key principles. First, dictators could not do as they liked; they were expected to cleave to the task for which they had been appointed. Second, the tribunes did not hesitate to rise up against him in fury as soon as he stepped beyond these boundaries, demonstrating that these boundaries were an understood part of the office and the dictator was not in a position to intimidate any accusers with the unbridled power of his office outside these boundaries. Third, this story has been used to characterize the dictatorship rei gerundae caussa as inherently military. Since plenty of dictators rei gerundae caussa had nonmilitary mandates, a different conclusion must be drawn: namely, that rei gerundae caussa was used for crises that would involve a series of actions; the other caussae developed out of an interest in identifying dictatorships that were bound to a single task.

This dictatorship is a good indicator that the dictator’s true mandate was to return Rome to its ordinary government. The war against the Hernici was probably needed; it was in fact carried out by the consuls of the following year. L. Manlius’s sin was not starting a spurious war. It was also not abusing a single-task caussa: even dictators named with the open-ended, multi-task rei gerundae caussa adhered scrupulously to the mandate they were given on being raised to the office, doing only what they were put on office to resolve. L. Manlius’s abuse of power, therefore, lay in not restoring the ordinary government after having fulfilled his mandate.
Just as the typical dictator was successful as a result of a melding of the needed powers with the needed man, meeting paramount authority with exceptional nature, the office and the person; so too L. Manlius failed through the inverse, a combination of abuse of power and flawed character. Despite having abandoned his projected war and resigned his office in disgrace, one of the tribunes pursued a prosecution of him, and the reasons were as much to do with his personality as his actions.

Livy 7.4.1–4

Neque eo minus principio insequentis anni, Q. Servilio Ahala L. Genucio consulibus, dies Manlio dicitur a M. Pomponio tribuno plebis. Acerbitas in dlectu non damno modo civium sed etiam laceratione corporum lata, partim virgis caesis qui ad nomina non respondissent, partim in vincula ductis, invisa erat, et ante omnia invisum ipsum ingenium atrox cognomenque Imperiosi; grave liberae civitati.... Criminique ei tribunus inter cetera dabat quod filium iuvenem...

Nonetheless, at the start of the following year, the consulship of Q. Servilius Ahala and L. Genucius, the tribune of the plebs M. Pomponius laid an accusation against Manlius. He was hated for the harshness of his levy, in which were endured not only civil penalties but even mutilation of the body, some having been lashed with switches for not responding to their names, others led off to prison; and above all he was hated for his cruel nature and his cognomen Imperiosus, which was an offense to liberty. ... The tribune charged him, among other reasons, on account of his young son...

Livy hereupon embarked on the story of how L. Manlius had releged his son, T. Manlius Torquatus (cos. 347, 344, and 340; dict. #27, 353; #31, 349; #50, 320), to seclusion and manual labor in the country because he was supposedly uncouth and slow of speech, with the possible additional motivation of shielding him from military and public service; and how the son, angry at being the focus of additional infamy for his father because of these charges relating to his sequestering, went to the tribune M. Pomponius’s house and made him swear at knifepoint not to conduct a trial of his father. When it became known what the son had done, it was said to have reflected well on the son’s piety despite having a cruel father; so that the arraignment against L. Manlius was dismissed, and the supposedly brutish son, far from being penalized for shoving a knife in a magistrate’s face, was elected military tribune.33 From there Titus was shortly to become a celebrated warrior and leader of men, and, perhaps ironically, even more severe with his own son, to the

33 Livy 7.4.4–5.9.
extent that a father’s unsparing punishment was in later generations called “Manlian” on account of Titus, not Lucius.\footnote{Livy 4.29.6, 8.7.1. A descendant, also named T. Manlius Torquatus, was dictator in 208.} For our purposes, the upshot of this colorful story is that the planned prosecution of L. Manlius subsequent to his dictatorship was derailed and did not come to fruition, robbing us of pretty much the only significant test of a tribune’s power to punish an ex-dictator through public trials.

The end of L. Manlius’s dictatorship and his subsequent prosecution was also related by Cicero, in a discussion of oaths, using much the same words as Livy:

CICERO DE OFFICIIS 3.31, 112

\begin{quote}
L. Manlio A. f., cum dictator fuisse, M. Pomponius tr. pl. diem dixit, quod is paucos sibi dies ad dictaturam gerendam addidisset; crimina batur etiam, quod Titum filium, qui postea est Torquatus appellatus, ab hominibus relegasset et ruri habitare iussisset. Quod cum audivisset adulescens filius, negotium exhiberi patri, accurrisse Romam et cum primo luci Pomponi domum venisse dicitur.
\end{quote}

M. Pomponius, a tribune of the plebs, brought an indictment against L. Manlius, son of Aulus, because he had added a few days for himself so that the prosecution of his dictatorship be extended. He further charged him with having banished his own son Titus, afterward called Torquatus, from the company of men, and with requiring him to live in the country. When the young son heard he was the cause of his father’s trouble, he hastened to Rome and, it is said, at first light went to the house of Pomponius.

Valerius Maximus also told the same story as part of a discussion of filial piety:

VALERIUS MAXIMUS 5.4.3

\begin{quote}
L. Manlio Torquato diem ad populum Pomponius tribunus pl. dixerat, quod occasione bene conficiendi belli inductus legitimum optinendi imperii tempus excessisset quodque filium optimae indolis iuuenem rustico opere grauatum publicis usibus subtraheret. id postquam Manlius adulescens cognouit, protinus urbem petit et se in Pontoni domum prima luce direxit.
\end{quote}

The tribune of the plebs Pomponius had called L. Manlius Torquatus\footnote{The agnomen Torquatus was acquired by the son, Titus; it was derived from the \textit{torc}, or chain, he famously took from a Gaul of Herculean proportions he had killed, Livy 7.10.13; see also Carter 2008.} before the people, because he had exceeded the time his \textit{imperium} may be rightfully maintained in order that he might bring about a well completed war, and because he had withheld his son, a man possessed of a very good nature, from association with the public, oppressed through farming labor.\footnote{The author mentioned T. Manlius’s rustic exile again at 6.9.1, adding the detail also mentioned in Livy that in his youth he was considered “mentally dull and obtuse” (“\textit{Manlius Torquatus adeo hebetis atque obtuni cordis inter initia iuuentae existimatus}”).} Once the young Manlius heard about this, he set out to travel to the city and at first light made his way to the house of Pomponius.
This well-known story about the strange adolescence of a famous fourth-century hero is found in other places as well, though not always including the references to the circumstances of L. Manlius’s dictatorship or the charges against him. Livy declined to stipulate “extending his dictatorship” explicitly as one of the charges put against L. Manlius, saying only that the dictator was hated and that the tribune charged him with more than one offense, one of them involving the treatment of his son Titus; but in relating the same story, Cicero and Valerius named two charges: the confinement of his son, and the extension of his dictatorship. Liberties have been taken with English translations of the wording used in relation to the latter; but especially since he was only in office a day or two, it is clear that L. Manlius was to be accused not of remaining in office beyond some set term, but of remaining in office after he had discharged the duty for which he had been appointed and after which, according to long-established custom, he should have foresworn his imperium and resigned.

37 For example, Sen. Ben. 3.37.4.
38 Cicero’s “quod is paucos sibi dies ad dictaturam gerendam addidisset” has been rendered as “for having extended the term of his dictatorship a few days beyond its expiration” (Miller 1913, 392), for example, even though the Latin does not mention “expiration” at all. The corresponding passage in Valerius Maximus, “legitimum optinendi imperii tempus excessisset”, can be translated along the lines of “he had stayed in office beyond the term permitted by law” (Walker 2004, 178); but legitimus means both ‘lawful’ and ‘legitimate, proper, just, appropriate’, and there is no evidence that an assembly ever sat to pass any law circumscribing the term of the dictatorship temporally, whether to six months, or according to caussa, or in any other way.

It is possible that the grant of imperium by the comitia curiata was restricted by time or act; but there is no evidence of that either, and the emphasis on abdication in this case and in all dictatorships suggests that imperium for a dictator worked the same way as for elected magistrates: namely, that it endured until the office-holder stood down from his office. It might have been a religious law; but then the augurs would have been involved, as they were in cases of vitiation for transgressions of religious law during the nomination.

39 It might be argued in retrospect that L. Manlius was no longer dictator once he had accomplished his mandate, and so liable to prosecution as a sort of usurper from the lapsed of office onward. But there is no evidence for the lapping of the dictatorship at all, and very little for it ending by any means other than abdication. From M. Valerius Maximus (#59, 302), who retook the auspices on assuming a new mandate against the Etruscans (Livy 10.3.5), we have indication that the lapse of mandate and associated auspices did not automatically dissipate the dictator’s magistracy. On driving the nail, L. Manlius fulfilled his mandate; while M. Valerius got a new mandate via a second
According to Livy, what the tribune planned, and what Titus prevented, was a convening of the *concilium plebis* for the purpose of publicly accusing L. Manlius of these misdeeds. It is hard to see how this could have been a criminal trial in the normal sense: there might have been a crime involved in sequestering the son in such a way as to prevent him from performing his public service, but it is evident the tribune’s intent was to pillory L. Manlius for the social offense of mistreating his son, and the plebeian council was to have been called upon to publicly and formally censure him for his bad behavior toward the youth. As for the dictatorship: everything in the narrative indicates that dictators resigned at their own discretion. L. Manlius, therefore, was to have been called to account for his betrayal of precedent and for what might have been a very dangerous new one.

call from the people, L. Manlius had no call and no mandate.
THE DEFIANT POPULIST

Q. Publilius Philo (#37, 339)

The inter-order acrimony over plebeian access to the consulship in some ways intensified once the plebeians actually gained a foothold on the office. In 339 the consuls of the year were Ti. Aemilius Mamercinus and Q. Publilius Philo, both plebeians. Q. Publilius was already becoming prominent among the anti-elites, having been the first plebeian praetor, and he had a storied career ahead of him; Thomas Arnold called him “the most distinguished commoner of his time.”

The consuls were fighting the Latins on separate fronts, Ti. Aemilius on the “Fenectane Plains”, Q. Publilius at the Latin city of Pedum, which was leading a coalition also including Tibur, Praeneste, Velitrae, Lanuvium, and Antium. When Ti. Aemilius wrapped up his victory and was accorded a triumph, Q. Publilius, according to Livy, abandoned his more protracted fight at Pedum in order to return to Rome and demand a triumph as well, using the occasion to vilify the senate to the people in a way that seems very Late Republic. The senate, disgusted by this behavior, required a dictator of Ti. Aemilius in order that the war with the Latins might (a) be completed, and (b) by someone other than these two plebeians. Ti. Aemilius, no friend of the conservative elite though not as outspoken as his colleague, named Q. Publilius in a gesture of pure defiance:

LIVY 8.12.12

hinc alienatus ab senatu Aemilius seditiosis tribunatibus similem deinde consulatum gessit. nam neque, quoad fuit consul, criminari apud populum patres destitit, collega haudquaquam aduersante quia et ipse de plebe erat ... et postquam senatus finire imperium consulibus cupiens dictatorem aduersus rebellantes Latinos dici iussit, Aemilius, [tum] cuius fasces erant, collegam dictatorem dixi...

So Aemilius was estranged from the senate and thenceforward conducted his consulship in the manner of a seditious tribune. As long as he was consul he badmouthed the senate to the people, and his colleague, himself a plebeian, did nothing to stop him. ... And when the senate, seeking to restrict the consuls’ power, demanded a dictator be named against the rebellious Latins, Aemilius, who held the fasces, appointed his colleague dictator.

40 Arnold 1840, II.282.
41 Livy 8.12.1–14.
At this point in the story, Pedum and the Latin war fall away, and the dictator instead was described as taking up a string of populist reforms:

LIVY 8.12.14–16

Dictatura popularis et orationibus in patres criminosis fuit, et quod tres leges secundissimas plebei, adversas nobilitati tuli: unam, ut plebiscita omnes Quirites tenerent; alteram, ut legum, quae comitiis centuriatis ferrentur, ante initum suffragium patres auctores fierent; tertiam, ut alter utique ex plebe—cum eo ventum sit ut utrumque plebeium fieri liceret—censor crearetur.

This dictatorship was popular both on account of speeches bringing accusations against the senate and because three laws most favorable to the plebs and disadvantageous to the nobility were carried: one, that bound all citizens to laws passed by the plebs; another, that laws before the centuriate assembly be first ratified by the senate; and the third, that one of the censors be chosen from the plebs, since they had gone so far as to allow both to be plebeians.

This dictatorship had been called for by the senate with a specific intent, but according to the story that intent was not an actual crisis threatening the state but a punitive maneuver against plebeian consuls. The consul heeded the call—but did not appoint the dictator with the senate’s agenda in mind. Instead, he named a man who could meet an entirely different and very real chronic crisis, the restricted voice of the plebeian commons. A populist, plebeian dictator was in a better position to carry reforms than consuls constantly at loggerheads with the senate, as Q. Hortensius demonstrated again in 287.

The consul’s appointment, in other words, was the defining point of the nomination. He must choose the man with the right characteristics for the crisis at hand, which required him, and only him, to assess what the dictator was needed for. A side effect of this was for the appointing consul to act as a kind of ratification for the call, which

42 It sounds odd for Livy to describe this measure as populist. One interpretation is that the intent described here was to ensure that the senate’s patrum auctoritas be published for all bills, not merely the ones that were a priority for the senate to encourage or hinder, and so make the senate’s recommendation routine and emphasizing the senate’s responsibility to ensure the religious legality of a law (Williamson 2009, 305).

According to Twyman, this measure of Philo’s should be viewed, especially from a later first-century perspective, in the context of a closely related lex Maenia de patrum auctoritate tentatively dated to the following year, requiring that the senate give their patrum auctoritas with regard to elections before voting and not after, when it could be used to invalidate the results (Twyman 1984, 292; Cic. Brut. 55).
originated with the senate or the people. The process of appointing dictators was not without checks and balances after all.

As with L. Manlius, the sequel to this story involved Q. Publilius being the focus of an attempt to prosecute him out of personal hatred as much as for any actions he had committed, this time despite the glory and popularity he had earned. Frustratingly, the mention in Livy of Q. Publilius’s trial and acquittal is so cursory that it is hard to tell what charges he was tried on, or whether they had anything to do with the events of his dictatorship, though the nobles’ hatred arguably derived from the reforms Q. Publilius rogated while dictator. This mention of Q. Publilius’s prosecution and exoneration was an aside to the account of C. Maenius (#53, 314), another enemy of the nobles, being accused of corruption by the conservative elite and proudly standing down from his dictatorship to successfully defend himself (another case study; see below). The implication was that Q. Publilius’s indictment was of the same sort—politically motivated, involving accusations of corruption, and ultimately bogus. We can safely conclude that a spurious corruption trial a quarter-century later, while in motivation deriving no doubt from animosity then generated, should not be construed as an effort to charge Q. Publilius for his dereliction of responsibilities as dictator, leaving L. Manlius’s trial-that-never-was as the only attempted prosecution of a dictator for violation of the mandate.

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43 Livy listed Q. Publilius Philo (cos. 339, 327, 320, 315; pr. 336; dict. 339; mag. eq. 335; cens. 332) among the greatest of Rome’s generals of his time during his diatribe about Alexander, Livy 9.17.8.

In 358 the dictator C. Sulpicius Peticus (#25), previously twice consul and a triumphator in 361 against the Hernici, had decided on a strategy of attrition as the best way to deal with a Gallic invasion. The result was collective grumbling that escalated to a soldiers’ assembly to protest the dictator’s inaction, presented to him, tactfully but aggressively, as a reproach for doubting their courage. C. Sulpicius was concerned about the precedent of an army balking at their commander’s orders—especially those of a dictator—and pushing their own course of action on him; but he also feared the prospect of deteriorating discipline if he persisted with his strategy. The second factor seemed compelling. C. Sulpicius ordered an attack on the Gauls that resulted in a great victory, a triumph, a lot of gold booty, and a precedent for soldiers willing to rebuke a dictator.⁴⁵

A little over three decades later, L. Papirius Cursor, consul for the first of five times in 326 and already the most distinguished soldier of his day, was appointed dictator in 325 to replace a suddenly ill consul at the head of an army preparing to fight the Samnites.⁴⁶ Ambiguous auspices wrong-footed his initial campaign, and when L. Papirius returned to Rome to retake them, his young magister equitum, the future dictator and five-time consul-to-be Q. Fabius Maximus Rullianus (#52, 315), disobeyed orders to stay put and rashly charged the Samnite line.⁴⁷ After coming within a hair’s breadth of disaster, Q. Fabius was nonetheless able to conjure a victory and extensive spoils, of which he informed the senate in a dispatch over his own name.⁴⁸ Furious as much at an attack on the “majesty” of the dictatorship as at a breach of military discipline at a time when the auspices were in doubt,⁴⁹ L. Papirius haled Q. Fabius before the army, accusing him of

⁴⁵ Livy 7.12–7.15; Frontin. Str. 2.4.5.
⁴⁶ Livy 8.28, 8.29.9.
⁴⁷ Livy 8.30.1–10; Val. Max. 3.2.9.
⁴⁸ Livy 8.30.9–10.
⁴⁹ Livy 8.32.4.
violating the paramount authority of the dictator.\textsuperscript{50} L. Papirius’s claim of \textit{summum imperium} for the dictator seems sweeping, though even here “ultimate authority” was not positioned as the freedom to do anything but rather an expectation that the other magistracies, themselves endowed with \textit{imperium} duly sanctioned from the gods via sacred auspices, would submit to his \textit{dictum}. The dictator’s power was described not as obviating all other power, but as a superior authority to which those Rome’s sanctioned officials submitted.

That said, look at the venue and context of the dictator’s pronouncement. L. Papirius was not merely making a statement of Q. Fabius’s culpability prefatory to meting out some ruthless punishment. He was presenting his case to his soldiers, almost as if it were a point of view of which his auditors needed to be convinced, or at least that they had a right to hear. This took place after Q. Fabius had already harangued the men at length on the subject of L. Papirius’s jealous wrath, presenting the unintended form of prosecution and defense. The tenor and substance of the dictator’s speech was not depicted as an imperious pronouncement from on high, but a rebuttal to a subordinate’s mutinous tirade based on important principles of discipline, before a listening citizen-soldier body. The dictator’s notification and explanation of his indictment did not constitute answerability: he did not submit his decision to his men, either as soldiers or citizens.

After L. Papirius spoke, Q. Fabius addressed the soldiers again, defending himself. When L. Papirius cut the debate short and ordered the lictors to seize Q. Fabius and strip him for the usual punishment of scourging and beheading,\textsuperscript{51} Q. Fabius fled to hide among the unruly young \textit{triarii} hoplites at the rear of the informal gathering. At this point, according to Livy, L. Papirius’s overbearing behavior had alienated the army, who had much to gain from the booty and prestige of Q. Fabius’s victory, but they were reacting differently according to rank; the front-line \textit{hastati} and \textit{principes} were loudly pleading with

\begin{flushright}
\textsuperscript{50} Livy 8.32.3.
\textsuperscript{51} While Livy did not make explicit what punishment was in store, he did have L. Papirius order the lictors to strip Q. Fabius and make ready the \textit{virgas et secures} ‘rods and axes’ (Livy 8.32.10). Frontinus said more plainly that Q. Fabius faced both scourging and beheading (Frontin. \textit{Str}. 4.1.39).
\end{flushright}
L. Papirius to spare Q. Fabius, while the *triarii* in the rear were shouting threats and imprecations at the dictator. Either way, L. Papirius could not make himself heard, nor could he execute his punishments. The assembly ended with the fall of darkness.

Further humiliations awaited the dictator. Q. Fabius escaped in the night and convened the senate, evidently on his own authority as *magister equitum*;\(^2\) but what action he intended is unclear, as L. Papirius soon appeared and again ordered his lictors to seize Q. Fabius, ignoring the senators’ calls for him to defer action. Q. Fabius’s father, a senator, intervened, standing to plead for his son. Finding L. Papirius unmoved, as he had been unmoved by the army and by the senate, the elder Fabius, accusing the dictator of pride and cruelty, requested the ancient right of *provocatio* via the tribunes of the plebs. L. Papirius warned the tribunes that they would be making themselves responsible for both the criminal insubordination of the *magister equitum* and the damage to military discipline and the majesty of the dictatorship. Before the “dismayed” tribunes could act—or in the face of their inaction—the people now began to entreat L. Papirius to spare Q. Fabius.

In the final turn, the elder Fabius invoked *provocatio*, but it is remarkable just how it came to fruition. First, the tribunes were called upon to act for the people.

\[^2\] Livy 8.33.3–4.
whether you will submit to an appeal to which a Roman king, Tullus Hostilius, submitted.

L. Papirius was forced to defend the needs of the state against sentiment.

LIVY 8.34.1–2, 6

Stabat cum eo senatus maiestas, favo populi, tribunicium auxilium, memoria absentis exercitus; ex parte altera imperium inuiictum populi Romani et disciplina rei militaris et dictatoris edictum pro numine semper observatum et Manliana imperia et posthabita filii caritas publicae utilitati iactabantur. ... 

maiestas imperii perpetuane esset non esse in sua potestate: L. Papirium nihil eius deminuturum; optare ne potestas tribunicia, inuiolata ipsa, uiolet intercessione sua Romanum imperium neu populus in se potissimum dictatore uim et ius dictaturae exstinguat.

He [Q. Fabius] had on his side the support of the august and venerable senate, the sympathy of the people, the protection of the tribunes, and the remembrance of the absent army. On the other side were pleaded the unquestioned sovereign power of the Roman people and all the traditions of military discipline, the dictator’s edict which had ever been regarded as possessing divine sanction, and the example of Manlius who had sacrificed his affection for his son to the interests of the State. …

Whether the supreme authority of the dictator was to remain unimpaired did not depend on him; he, L. Papirius, would do nothing to weaken its power. He sincerely hoped that the tribunes would not use their authority, itself inviolable, to violate by their interference the sovereignty of the Roman government, and that the people to whom the appeal had been made would not extinguish in his case the power of the dictator and the authority of the dictatorship alike.

This thing, provocatio, one of the most cherished topics of Roman constitutional scholars, is not here a legal instrument, some mechanism by which plebeian tribunes fought aristocratic oppression. Here, rather, it was appeal to the people in its rawest form. The citizenry begged L. Papirius for clemency; and it was to this that the dictator acceded, because doing so would not create a diminution of the dictator’s power to perform the will of the people going forward. Faced with a direct, but informal, request from the Roman people themselves, L. Papirius elected to rescind his orders for Q. Fabius’s execution:

LIVY 8.35.1–7

Stupentes tribunos et suam iam uicem magis anxios quam eius cui auxilium ab se petebatur, liberauit onere consensus populi Romani ad preces et obtestationem uersus ut sibi poenam magistri equitum dictator remitteret. tribuni quoque inclinatam rem in preces subsecuti orare dictatorem insistunt ut ueniam errori humano, ueniam adolescentiae Q. Fabi dare; satis eum poenarum dedisse. iam ipse adulescens, iam pater M. Fabius contentionis obliti procumbere ad genua et iram deprecari dictoris. tum dictator silentio facto ‘bene habet’ inquit, ‘Quirites; uicit disciplina militaris, uicit imperii maiestas, quae in discrimine fuerunt an uilla post hanc diem essent. non noxae eximitur Q. Fabius, qui contra edictum imperatoris pugnauit, sed noxae damnatus donatur populo Romano, donatur tribuniciae potestati precarium non iustum auxilium ferenti. uiue, Q. Fabi, felicior hoc consensu ciuitatis ad tuendum te quam qua paulo ante insultabas victoria; uiue, id facinus ausus, cuius tibi ne parens quidem, si eodem loco
The tribunes were dumbfounded, more troubled now on their own account than on his, for whom their help was being solicited; but the Roman People relieved them of their burden of responsibility, when they turned as one man to the dictator, and entreated and adjured him to remit for their sake the punishment of the master of the horse. The tribunes, too, fell in with the prevailing mood, and earnestly besought Papirius to allow for human frailty, to allow for the youth of Q. Fabius, who had suffered punishment enough. Now the young man himself, now his father M. Fabius, forgetting all contention, threw themselves down at the dictator’s knees and attempted to avert his anger.

Then said the dictator, when silence was obtained, “It is well, Quirites. The discipline of war, the majesty of government, have got the victory, despite the danger that this day would see the end of them. Q. Fabius is not found guiltless, seeing that he fought against the orders of his general; but, convicted of that guilt, is granted as a boon to the Roman people, is granted to the authority of the tribunes, who plead for him but can bring him no legal relief. Live, Q. Fabius, more blest in this consent of your fellow citizens to save you, than in the victory over which, a little while ago, you were exulting! Live, though you dared a deed which not even your sire would have pardoned, had he been in the place of L. Papirius! With me you shall again be on good terms when you will; for the Roman people, to whom you owe your life, you can do nothing greater than to show that you have learned what this day clearly teaches—to submit in war and in peace to lawful authority.”

L. Papirius pronounced himself satisfied that justice was achieved and discipline reaffirmed, deftly turning his reversal into a gracious testimony to his own authority.

The upshot of L. Papirius’s attempt to punish his magister equitum is complex, because it bears on military discipline as well as the singular position of a dictator with respect to his troops and the Roman commonwealth. L. Papirius explicitly invoked the majesty of the dictatorship, acutely conscious that he was responsible for protecting an institution profoundly shaped by precedent. What is fascinating is the extent to which this story demonstrates two contrasting sides of the dictator’s “answerability”. First, appeals to the dictator’s decision consisted not of legal maneuvers or formal constitutional measures, but rather of informal emotional appeals to the dictator’s sensibilities, which he balanced against his personal convictions with regard to justice, military command, and the need to protect the dictatorship from harmful precedent. Second, an informal, emotional appeal by the Roman citizenry was effective in convincing the dictator to commute his punishment, suggesting that an emphasis on legalistic concepts like provocatio can obscure
the extent to which the dictator was appointed on behalf of Rome and served in order to save and protect it; even if he were truly perfectly immune to legal actions, the needs of the people were what created him and were ongoing factors in his decisions and actions.

The unpleasant showdown between L. Papirius and Q. Fabius had a sequel. In 310, in the wake of crippling reverses against the Samnites and with a looming threat from Etruscans as well, the consul Q. Fabius Maximus Rullianus was called on to name a dictator. The obvious choice, unfortunately for Q. Fabius, was the hero L. Papirius Cursor.

LIVY 9.38.9–13

nec, quin Cursor Papirius diceretur, in quo tum summa rei bellicae ponebatur, dubium cuiquam erat. Sed nec in Samnium nuntium perferri omnibus infestis tuto posse nec uiuere Marcium consulem satis fidebant. Alter consul Fabius infestus priuátim Papirio erat; quae ne ira obstaret bona publico, legatos ex consularium numero mittendos ad eum senatus censuit, qui sua quoque eum, non publica solum auctoritate mouerent ut memoriam simultium patriae remitteret.

…nor was there any doubt that Papirius Cursor, who was understood to be the greatest in matters of war of those times, would be named. But they [viz., the senate] were sufficiently confident neither that it was possible to safely send a messenger into Samnium, where all was hostile, nor that the consul Marcius was still alive. The other consul, Fabius, was privately hostile to Papirius; that this rancor might not stand in the way of the public good, the senate elected to send him a delegation made up from among the ex-consuls so that by their authority as well as that of the state they might move him such that for the sake of the nation he might set aside the memory of hostile encounters.

Q. Fabius heard the delegation in silence, eyes cast down, but that night he appointed L. Papirius. In the morning the consuls thanked him for doing the right thing in the face of “extraordinary agony”. Livy’s melodramatic staging aside, it is clear that the point of this story, told by Dio as well, was that appointing the right man was essential, and that the consul’s responsibility in this regard overrode all other considerations.

53 C. Marcius Rutilus Censorinus, wounded in battle against the Samnites (Diod. Sic. 20.26.3-4; Livy 9.38.4-8). The senate at this point had only the exaggerated reports of losses mentioned immediately before this excerpt.

54 “Cui cum ob animum egregie uictum legati gratias agerent, obstinatum silentium obtinuit ac sine responsu ac mentione facti sui legatos dimisit, ut appareret insignem dolorem ingenti comprimi animo”: Livy 9.38.14.

55 Cass. Dio fr. 36.26. Note that this does not necessarily derive solely from Livy: for the fourth and third centuries the modern tradition regarding Dio is that he made use of various sources more or less objectively (Schwartz 1959). Dio added the detail that Q. Fabius gained “greatest renown” in consequence of his noble action (“εὐκλείαν ἐκ τούτου μεγίστην ἔλαβεν”).

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C. Maenius (#53, 314)

C. Maenius (#53), the man whose captured ships’ beaks from the battle of Antium gave the Rostra its name, was charged as dictator with resolving corruption within the Campanian nobility. He was appointed for his unblemished reputation:

LIVY 9.26.14

“...neque enim, quod saepe alias, quia ita tempora postulabant rei publicae, qui bello clarissimus esset, sed qui maxime procul ab his coitionibus uitam egisset, dictator deligendus exercendis quaestionibus fuit.”

“...nor indeed was it necessary to select a dictator for the purpose of conducting investigations he who was greatest in war, as often otherwise, because the times so demanded for the state, but he who conducted his life furthest apart from these conspiracies.”

The story suggests his intimidating presence was also being called upon:

LIVY 9.26.7

Ingens erat magistratus eius terror; itaque siue timoris seu conscientiae ui, Calavii, Ovius, et Novius—ea capita consciationis fuerant—priusquam nominarentur apud dictatorem, mors haud dubie ab ipsis conscita iudicio subtraxit.

Great was the dread of his magistracy; thus, whether out of fear or compunction, the Calavii, Ovius, and Novius, those who had headed the conspiracy, before allegations could be lodged with the dictator, death, undoubtedly self-inflicted, withdrew them from the proceedings.

This passage might suggest the guilty party’s horror at facing any dictator. But if a weak or corrupt individual had filled the post, rather than the irreproachable consular and censor C. Maenius, would the miscreants have been so certain of the hopelessness of their situation, and so quick to turn to suicide as the only means by which their dignity might be salvaged? C. Maenius was chosen exactly because he was that kind of Roman who was so far above reproach as to literally strike fear into the hearts of conspirators and malefactors from the sheer quality of his standing. Like M. Valerius Corvus (#35), chosen

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56 During his consulship in 338, Livy 8.14.12; Plin. HN 34.20.
57 Viz., C. Maenius’s term of office as dictator, not the dictatorship generally.
in reaction to a mutiny because he would use “haec imperiosa dictatura” not to crush enemies but to resolve the crisis, he was the right man for this need.

Having successfully quashed the Campanian conspiracies, C. Maenius followed further leads involving shady schemes to obtain office in Rome. The implicated nobles, with no allies among senators or tribunes, in desperation brought charges of corruption.

Livy 9.26.11–12

Inde nobilitas, nec ii modo in quos crimen intendebatur sed uniueri, simul negare nobilium id crimen esse quibus, si nulla obstetur fraude, pateat uia ad honorem, sed hominum nouorum; ipsos adeo dictatorem magistrumque equitum reos magis quam quaesitores idoneos eius criminis esse intellectusque ita id esse simul magistratu abissent.

The nobles then declared, not merely the ones implicated but all of them together, that the charge did not lie against the nobles, who unless fraudulently obstructed had free access to the path of honors, but against new men: it was more fit that the dictator himself and his magister equitum answer such charges than arbitrate them, and they would understand this to be the case as soon as they stepped down from their offices.

The dictator scorned the idea of private citizens impeaching the dictator, but resigned to fight the accusations:

Livy 9.26.17–18

“...in nos inruerunt, et priuatis dictatorem poscere reum uerecundiae non fuit; — ut omnes di hominesque sciant ab illis etiam quae non possint temptari ne rationem uitae reddant, me obuiam ire crimini et of erre me inimicis reum, dictatura me abdico.”

“Against us they have not blushed, even as private citizens, to demand the dictator not shrink from answerability. In order that all gods and men know that while these men attempt even the impossible in lieu of accounting for their lives, I am ready to face these charges and present myself to answer my enemies, I renounce my dictatorship.”

This was later recalled as an act of humility:

Livy 9.34.14

“Nuper intra decem annos C. Maenius dictator, quia, cum quaestiones seuerius quam quibusdam potentibus tutum erat exerceret, contagio eius quod quaerebat ipse criminis obiectata ab inimicis est, ut priuatus obuiam iret criminii, dictatura se abdicavit.”

“Not long ago, within the last ten years, the dictator C. Maenius, who while conducting an investigation more rigorously than was safe for certain powerful men was charged by his enemies with being tainted by that which he was investigating, renounced his dictatorship in order to contest the charges as a private citizen.”

There are two or three possibilities here. First, charges could not legally be brought against a dictator, and so for C. Maenius to clear his name it was necessary to for him to resign so that there could be a day in court. C. Maenius said seeking to impeach him was
attempting the “impossible”; but did this mean it would be impossible to bring charges against a dictator, or that it would be impossible to find guilt in C. Maenius?

Second, C. Maenius may have thought it more proper to meet his accuser on equal footing, rather than parading into court with 24 lictors as almighty dictator, especially as it was his personal integrity, rather than malfeasance as dictator, that was at issue. (He was being accused, not of improperly conducting the investigation, but of moral perfidy.) The growing sense throughout the present study that there is little support for constitutional “rules” regarding the dictatorship undermines the first possibility; Livy’s characterization of C. Maenius’s choice as an act of humility suggests the second.

The third possibility is that these were not legal charges at all such as would be resolved before a jury, but public slanders of the sort leveled against L. Papirius when he sought to exercise his right of justice against his disobedient magister equitum. In that case C. Maenius might have resigned to fight for his honor in the court of public opinion.

There was, however, a trial before the consuls, at which he was “thoroughly acquitted,” the nobles’ evidence against him having completely broken down. In any event, C. Maenius’s action itself may have established a precedent deflecting legal action to after the dictator’s term in office, while reinforcing the emphasis on the moral character of the office-holder.

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58 Livy 8.34.1–3.
59 “rei facti aduersus nobilium testimonia egregie absoluuntur”: Livy 9.26.6. The trial was alongside his magister equitum.
The one notorious dictatorship in which the “wrong man” does seem to have been appointed hinges on character—but not the dictator’s. The narrative history had M. Claudius Glicia (#67, 249) being forced to resign because he was unsuitable. Unfortunately we have only the epitomator’s “sortis ultimae hominem” and the Fasti’s extremely unusual observation that he was a scribe by which to measure his shortcomings.

*M CLAUDIUS C F GLICIA QUI SCRIBA FUERAT DICTATOR COACT ABDIC*

M. Claudius C. f. Glicia, who was a scribe, dictator; forced to resign

A man of the “last order” might mean (a) that he was of low economic standing, sors being read as ‘rank’; perhaps a member of the head count or, perhaps, a freedman; or (b) that he was the lowest moral caliber, sors being read as ‘kind’. Legend had it that the consul P. Claudius Pulcher deliberately appointed the wrong man out of furious resentment at the senate’s having recalled him from the Carthaginian war. Whether it was low status or low character is immaterial: P. Claudius would have viewed a man of the lower classes as being unsuitable, and so appropriate for the joke, precisely because he was lacking in the essential qualities of the noble elite—not money but breeding; or, to put it another way, the essential qualities of a man (virtus).

In both the Fasti and Livy’s epitomator, M. Claudius was coactus abdicare ‘forced to resign’. Though as with L. Manlius pressure was presumably brought to bear personally

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60 Livy Per. 19.2.
61 Over the sacred chickens: Suet. Tib. 2; Per. 19.2; Val. Max. 1.4.3; Polyb. 1.51; Gell. NA 10.6.4; Cic. Nat. D. 2.3.
62 Cf. Flor. Epit. 2.2.6, in which Ti. Gracchus intimidated fellow tribune C. Octavius into resigning (“adeoque praesenti metu mortis exterruit, ut abdicare se magistratu coegeretur”). Other examples of intimidation resulting in resignation: Cic. Cat. 4.3, where he noted the senate’s forcing the conspirator P. Cornelius Lentulus Sura to resign his praetorship (“quod P. Lentulum se abdicare praetura coegistis”); Suet. Claud. 29.2, in which L. Junius Silanus Torquatus, Claudius’s daughter’s fiancé, was obliged to resign the praetorship and then to kill himself (“abdicare ... morique ... coactus”).
and socially, this construction, because it does not refer to ouster by some constitutional or religious mechanism not requiring the action of M. Claudius himself (abdicare being an act performed by no one other than him), preserves the idea that, barring vitiation resulting from the augurs’ censure of the consul’s nomination rituals, formal divestiture from the dictatorship could only be accomplished by renunciation at the dictator’s sole discretion.
In June of 217 the battle of Lake Trasimene in Etruria left 15,000 Romans dead including the ill-fated consul C. Flaminius, another 10,000 scattered, and Hannibal’s way opened to Rome. Imminent envelopment of the city seemed certain when 4,000 horse sent as reinforcements by the other consul, Cn. Servilius Geminus, from his position on the Adriatic coast at Ariminium (Rimini), were cut down by Hannibal’s general Maharbal, with half the force killed and the rest captured. The news reached Rome three days after reports of Trasimene, casting an already desperate city into anguish.

A consensus developed that a dictator was needed; preparations for consular elections were set aside. Polybius said the call for a dictator resulted from the senate realizing circumstances required them to act “more radically” (μειζόνως) than usual; Livy noted that there had not been a military dictator in some time. Unfortunately, it had long been established that only a consul, or a magistrate invested with the powers of a consul, could appoint a dictator, and Rome was deprived of both consuls, one being dead and the other 150 miles away, pinned down by Hannibal’s coastward march. It was therefore decided to appoint of a dictator by the unorthodox means of a law passed by the assembly. The dictator so elevated was Q. Fabius, veteran commander and august patrician from a
celebrated family. He had already been twice consul (in 233, with a triumph, and in 228) and once dictator (to hold elections, perhaps in 219).

One might wonder why a suffect consul to replace C. Flaminius was not installed at this point who might appoint a dictator in a way that did not contravene custom, especially as a suffect consul, M. Atilius Regulus, was created later in 217.69 A suffect consul would have had to have been elected by the comitia centuriata, and while that body, in the absence of a consul or a dictator, could have had to have been convened by a praetor (the praetor M. Pomponius was present in all versions of the tale, solemnly informing the shocked Romans of the defeat at Trasimene)70 or an interrex, convening the comitia centuriata for the purpose of electing a suffect consul, followed by the passage of the lex curiata and the taking of auspices, followed again by the new consul’s vigil, nomination, lex curiata, and auspices involved in creating a dictator, must have been less attractive to the terrified Romans than that of convening the tribal assembly for the purpose of passing legislation.71 There was no difficulty constitutionally; the people were sovereign, not the consuls.72 The impediment was that electing a dictator violated of centuries of tradition.

Livy believed this irregular process meant Q. Fabius was not a proper dictator, only someone invested with the powers of one:

LIVY 22.31.8–11

Omnium prope annales Fabium dictatorem aduersus Hannibalem rem gessisse tradunt; Caelius etiam eum primum a populo creatum dictatorem scribit. Sed et Caelium et ceteros fugit uni consulti Cn. Seruilio, qui tum procul in Gallia provinci a aberat, ius fuisse dicendi dictatoris; quam moram quia exspectare territa iam clade ciuitas non poterat, eo decursum esse ut a populo crearetur qui pro dictatore esset; res inde gestas gloriamque insignem ducis et augentes titulum imaginis posteros, ut qui pro dictatore [creatus erat, dictator] crederetur, facile obtinuisse.

Nearly all of the chronicles record that Q. Fabius conducted matters against Hannibal as dictator; Coelius even writes that he was the first dictator appointed by the people.

69 Livy 22.25.16; FC.
70 Plut. Fab. 3.4; Livy 22.7.8; Polyb. 3.85.8. That a prateor, as holder of auspicia maxima, could convene a contio in lieu of a consul, at least by the time of the late Republic: Cic. Fam. 10.12.3.
71 It is not explicit which body passed the law to make Q. Fabius dictator; but the law to give M. Minucius dictatorial powers was put before the concilium plebis (Livy 22.25.17).
72 On this see, among many others, Millar 2002.
But both Coelius and the rest avoid the fact that only the consul Cn. Servilius, who at that time was absent far away in the province of [Cisalpine] Gaul, had the right to appoint a dictator. Terrified by the recent disaster the people, unable to endure so great a delay, resorted to electing an acting dictator; thereupon that leader’s deeds and great renown (and additions by his descendants to his *imago* inscription) easily led to he who was appointed as acting dictator being remembered as a dictator.73

Curiously, our sources suggested that Q. Fabius’s *magister equitum* was elected at the same time, as great a deviation as election of a dictator, if not a greater.

Livy 22.8.6

*quod nunquam ante eam diem factum erat, dictatorem populus creauit Q. Fabium Maximum et magistrum equitum M. Minucium Rufum;...*

The people did what have never been done before that day: they appointed Q. Fabius Maximus dictator and M. Minucius Rufus *magister equitum*.

Livy was prone to telescoping things, so this wording might not necessarily mean “the people also appointed M. Minucius”; but Polybius said this explicitly.74 Plutarch, perhaps disbelieving Polybius on the subject, just as explicitly disagreed.75 M. Minucius was an ex-consul (in 221) and apparently an ex-dictator as well,76 but was not as experienced as Q. Fabius and, judging from subsequent events, associated with a different crowd politically. If the choice was imposed on Q. Fabius by the masses it might at least explain why the dictator had a *magister equitum* so out of sympathy with his own strategies and tactics.

One of Q. Fabius’s first acts was to summon the surviving consul before him without consular trappings. Appian presented Cn. Servilius’s humiliation as deprivation of the consulship resulting from the appointment of a dictator:

Appian *Hannibalic War* 12

> ἕως ἀφίκομενος Φάβιος Μάξιμος ὁ δικτάτωρ Σερουίλιον μὲν ἐς Ῥώμην ἔπεμπεν ὡς οὔτε ὑπάτον οὔτε στρατηγὸν ἔτι ὁ δικτάτορος ἡρημένου...

When the dictator Q. Fabius Maximus arrived [at camp], he sent Servilius back to Rome, since with a dictator in office he was neither consul nor commander...

73 L. Coelius Antipater “and the rest” of Livy’s authorities aside, there are at least two eulogial inscriptions that describe Q. Fabius as “dictator bis”: CIL 11.01828 (p 1274), CIL 06.40953.

74 “ἀμα δὲ τῷ δικτάτῳ κατέστησαν ἵππαρχην Μάρκον Μινύκιον”: Polyb. 3.87.9.

75 Plut. Fab. 4.1.

76 To hold elections, but the date is uncertain. Apparently vitiated because of the squeak of a shrew-mouse (*sorex*) as he was appointing his *magister equitum* (Plut. Marc. 5.4).
Several considerations pertain to the interpretation of this passage. First, Appian’s comments sound as though they might be a general summation of the mechanics of Roman magistracy in the presence of a dictatorship; but this case was unique and anomalous. Second, the customary Greek word for consul was not a transliterated term as was sometimes used for dictator (δικτάτωρ) but a vaguer word denoting overall leadership, ὕπατος ‘highest’ or, more loosely, ‘chief’. The sense of Appian’s aside here was that with a dictator in the field the consul Cn. Servilius was now the highest leader neither of Rome nor of its armies, which was certainly true. Third, the same incident when told elsewhere in greater detail had Q. Fabius forcing Cn. Servilius to present himself as a privatus explicitly as part of a larger scheme to, on the one hand, elevate the military dictatorship after a period of disuse and, on the other, discredit the consuls who preceded him—thereby relieving the armies of suspicion of cowardice in the wake of catastrophic defeats.

**Plutarch Fabius 4.2**

...καὶ τοῦ ἑτέρου τῶν ὕπατων ἀπαντώντος αὐτῷ τὸν ὑπηρέτην πέμψας ἐκέλευσε τοὺς ῥαβδούχους ἀπαλλάξαι καὶ τὰ παράσημα τῆς ἀρχῆς ἀποθέμενον ἰδιώτην ἀπαντᾶν.

...and when the remaining consul set out to meet him, he [Q. Fabius] sent his legate to him with orders that he come to him as a private citizen, having dismissed his lictors and set aside his insignia of office.

In isolation this might be interpreted as Q. Fabius making sure that Cn. Servilius followed custom and set aside the symbols of his now-vacated office. But everything in Plutarch’s relation of Q. Fabius’s actions on taking office tells the opposite story: that Q. Fabius sought out unusual and indeed extraordinary expressions of the majesty of his office in order to preemptively tamp down popular second-guessing of the military strategies he was about to pursue, which he expected to be controversial. In the same chapter Plutarch had the new dictator, in his second act (after appointing his magister equitum), seeking an unprecedented exemption from an ancient law forbidding army

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77 As part of the same program Plutarch has Q. Fabius go on to castigate the previous consuls for having neglected their religious duties (Plut. Fab. 4.3–5, 5.1); this smear campaign is also described by Livy (22.9).
commanders from riding a horse in the field;\textsuperscript{78} Plutarch explained this as Q. Fabius endeavoring to make literal his elevation above soldiers and the people (the reason mounted commanders had been banned by the law to which Q. Fabius was seeking an exception). The request correlated with Livy’s assertion that Q. Fabius needed to remind Romans of the grandeur of an office that had not been recently employed in its aspect as emergency commander-in-chief.\textsuperscript{79} Q. Fabius did not order Cn. Servilius’s \textit{actual resignation}, but rather staged a public display of the consul’s, and by extension Rome’s, complete and necessary subjugation to the ultimate power of the dictator.\textsuperscript{80}

The ordinary magistrates continued to function under Q. Fabius, and to exert both power and \textit{imperium}. Livy had the urban praetor M. Aemilius Regillus present and active in Rome, charged with arranging Q. Fabius’s religious commitments while the dictator was away fighting Hannibal, and working with Q. Fabius to manage the city’s propitiations of the gods as indicated by the Sibylline Books; another passage had Q. Fabius formally vowing a temple to Venus Erycina while a second temple, to Mens, was vowed by another praetor, T. Otacilius Crassus.\textsuperscript{81} The surviving consul, Cn. Servilius, took charge of the vital maritime defense of Ostia and the coast.\textsuperscript{82} Both Livy and the \textit{Fasti Capitolini} had Q. Fabius overseeing elections for a suffect consul, M. Atilius Regulus, to replace C. Flaminius, who had been killed at Lake Trasimene.\textsuperscript{83} Given what a hassle the \textit{contiones} always were and the fact that Rome was engaged in an all-consuming war, installing \textit{purely notional} suffect consuls was an inexplicable waste of time if the annual magistracies were null and void during Q. Fabius’s dictatorship.\textsuperscript{84} The election of M. Atilius during Q.

\textsuperscript{78} Plut. \textit{Fab.} 4.1.
\textsuperscript{79} Livy 22.11.
\textsuperscript{80} Livy 22.11.
\textsuperscript{81} Livy 22.9.11, 22.10.10, 22.33.8.
\textsuperscript{82} Livy 22.11.7.
\textsuperscript{83} Livy 22.25.16. The \textit{Fasti Capitolini} inscription has for 217, in part: |Cn Servilius P f| Q n Geminus C Flaminius C f L n II in mag in proelio occisus est in eius l f e M Atilius M f M n Regulus II |(Cn. Servilius P.f.| Q.n. Geminus; C. Flaminius C.f. L.n. II, killed in battle while in office; elected in his place, M. Atilius M.f. M.n. Regulus II.’
\textsuperscript{84} On the election of suffect consuls, see for example Livy 2.8.4. Like consuls, suffect
Fabius’s dictatorship only made sense if he was meant to be an actual consul, with an actual consul’s powers and duties.

dictators and suffect magistri equitum were appointed via the same process as that by which were “ordinary” dictators.
THE “CO-DICTATOR”

M. Minucius Rufus II (#75, 217)

Yearning for a decisive defeat of Hannibal that would restore some sense of security, the Romans became disenchanted with Q. Fabius, who was playing a long game scrupulously avoiding the kind of pitched battle that had so far worked out disastrously for the Romans. Minucius, who had been writing home to inflame anti-Fabian sentiment, was by autumn emboldened to defy Q. Fabius’s orders and seize an opportunity for offensive action while Q. Fabius was back in Rome. From Minucius’s friends the people received an “exaggerated account” of Minucius’s success, which led to a vote that M. Minucius be given equal powers with the now-unpopular Q. Fabius.

The wording of M. Minucius’s elevation is worth looking at closely. A speech stirring up the plebs, calling M. Minucius a hero and Q. Fabius a coward and even a traitor, was given by the tribune M. Metilius, M. Minucius’s kinsman; the proposal was put forward by the ex-praetor, C. Terentius Varro (whom Livy took some time to deride in an aside as the meanest sort of rabble-rouser). Livy treated this bill as a plebiscite and explicitly stated that the debate took place in the plebeian council; Polybius said only that “all” were disappointed by the caution of Q. Fabius and so “they” unprecedentedly made M. Minucius equal to him. Plutarch likewise had the generic “οἱ ἄνθρωποι” vote that M. Minucius should be equal to the dictator, but also had the patrician Q. Fabius speaking directly to the assembled citizens in response to M. Metilius, which, if true, would indicate that the vote must have been before the tribal assembly, not the plebeian council.

85 Polyb. 3.103.1; likewise Plut. Fab. 8.3 (λόγος μείζων).
86 Polyb. 3.103.1–4; Livy 22.25, 28.40; App. Hann. 12; Plut. Fab. 7.3, 8.1–10.1.
87 Livy 22.25.10.
89 “διὸ καὶ τὸν μὲν Φάβιον ἠτίωντο καὶ κατεμέμφοντο πάντες ὡς ἀτόλμως χρώμενον τοῖς καιροῖς, τὸν δὲ Μάρκον ἐπὶ τοσοῦτον ἡξὺν διὰ τὸ αυτοκρατηρίους ὡστε τότε γενέσθαι τὸ μηδέποτε γεγονός, αὐτοκράτορα γὰρ κάκεινον κατεστησαν”: Polyb. 3.103.3–4.
90 Plut. Fab. 9.1–3. According to Livy, Q. Fabius left town immediately after holding elections and discharging his religious obligations, and was informed of the result of the assembly while en route to camp via senatorial despatch. This, in turn, might
The wording of the plebiscite is not extant, but the senate informed Q. Fabius, by now departed, “de aequato imperio”;

Livy had them made equal in both ius ‘authority’ and imperium. While M. Minucius temporarily became Q. Fabius’s “rash colleague,” Livy did not call him dictator, co-dictator, or anything but magister equitum.

All of the stages of M. Minucius Rufus being made co-dictator with Q. Fabius underlined how much of a breach of custom this was:

LIVY 22.25.10

Quas ob res, si antiquus animus plebei Romanae esset, audaciter se laturum fuisse de abrogando Q. Fabi imperio; nunc modicam rogationem promulgaturum de aequando magistri equitum et dictatoris iure.

For these reasons, if the Roman plebs were still possessed of their ancient mettle, he would have boldly brought about the termination of Q. Fabius’s command; as it was, a more moderate motion was put forward that the authority of the magister equitum and the dictator was to be made equal.

His boasting emphasized how unequal, hitherto, had been the magistri equitum:

LIVY 22.27.3

‘illum in rebus asperis unicum ducem ac parem quaesitum Hannibali, maiorem minori, dictatorem magistro equitum, quod nulla memoria habeat annalium, iussu populi aequatum in eadem civitate, in qua magistri equitum uirgas ac secures dictatoris tremere atque horrere soliti sint.’

“He who in direst circumstances was sole leader and equal to the hunt for Hannibal is, by command of the people, made equal, superior with subordinate, dictator with magister equitum, which is unprecedented in history, and in this state, in which the masters of cavalry were wont to quake and shiver at the rods and axes of dictators.”

The case of Q. Fabius and M. Minucius was unique: M. Minucius was emboldened to intrigue for his own elevation only in the wake of the devastation of Trasimene and Cannae, in which Q. Fabius’s apparent hesitation could seem tantamount to treason. Q. Fabius was later given a speech complaining about the division of the dictator’s powers in an “unheard-of innovation,” emphasizing the authority that lay with the dictator alone.

Polybius’s account also flagged the innovation:

explain why Appian had the shared command be the result of a senatorial resolution (App. Hann. 12). The senate was also out of sympathy with Q. Fabius’s long game (Plut. Fab. 7.3–4) and may well have supported the anti-Fabian legislation.

91 Livy 22.26.7.
92 Livy 22.27.8.
93 Livy 28.40.
For they invested that person with sole command, having been persuaded he would quickly end the conflict; and so two dictators were assigned to one field of action, the first time ever such a thing had come to be at Rome.

If we are considering whether M. Minucius was given the title of dictator or simply given the authority and imperium of a dictator, we should note that the first clause, describing the legislation, had M. Minucius given αὐτοκράτορα, a kind of power (in this context, “unsubordinated command”) rather than a title; the second, talking about this new state of having two dictators, described not the legal situation but rather the effect. Plutarch did not call him dictator, but agreed he shared Q. Fabius’s powers.

Polybius did not say that the Romans had made two dictators to rule over themselves, or to control the whole power of the Republican state. The phrase “δύο δικτάτορες ἐγενόνεισαν ἐπὶ τὰς αὐτὰς πράξεις” clearly referred to the dictator’s present mandate, the imminent threat posed by Hannibal after Lake Trasimene. Polybius was aware that the dictator’s authority was focused on the problem that had caused him to be appointed—his mandate. What was problematic about this unprecedented situation was the thing to which Polybius drew our attention: not the coexistence of two dictators, or more accurately two men with dictatorial authority, but rather two such men assigned to the same mandate.

Plutarch emphasized an additional motive for M. Minucius’s promotion: Q. Fabius, in Rome for sacrifices and to elect the suffect consul, left the city to return to the army at the earliest moment, and he let it be known that one of the reasons for this was that he was in haste to punish his magister equitum’s disobedience. The traditional punishment for disobedience, especially by a magister equitum to a dictator, was death by scourging and beheading; the disturbed populace (or, at least, M. Minucius’s faction) was, according to Plutarch, motivated both to protect M. Minucius by desubordinating him to Q. Fabius, and to empower him to save the state from Q. Fabius’s dangerously negligent strategies.
After his next ill-advised offensive proved a deadly blunder, M. Minucius realized his own folly, repudiating his command and humbling himself before Q. Fabius. This reinforced a lesson that, according to Polybius, was at this point as obvious to the soldiers and citizenry of Rome as it was to himself and his readers.94

**POLYBIUS 3.105.8–9**

To those who were actually engaged it was quite clear that Minucius’s rashness had wrought only disaster, and that Fabius’s caution had again, as before, secured their safety; while those in Rome saw clearly and indisputably the difference between the farseeing prudence and cool calculation of a general and the recklessness rashness and bravado of a soldier.

Once a chastened M. Minucius submitted personally to Q. Fabius, calling him “father” according to one story, the dictator was appeased and the war proceeded with no further internal disruptions.95 There was also a knock-on short-term effect: the next time a dictator told his magister equitum to stay put and not try anything while he was off in Rome, the magister equitum did as he was told.96

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94 Livy 22.30; Plut. Fab. 13.5.
95 Livy 22.25, 22.30; Plut. Fab. 9.1; Sil. Pun. 7.736–750. App. Hann. 13 and Cass. Dio. 57.17 have Minucius laying down his command (sc. as co-dictator), not making clear he resumed his subordinate position; Polyb. 3.106.1 has “the dictators” in office to year’s end. Called him “father”: Livy 22.30; cf. Sil. Pun. 7.736–750 (“genitor”).
96 Livy 23.19.
THE ANGRY CENSOR

M. Fabius Buteo (#78, 216)

After Trebia, Lake Trasimene, and Cannae, the senate was dangerously depleted. The last censorship had been in 220, and, it being impossible to elect new censors under such conditions, it was decided to appoint an ex-censor as dictator to resolve the problem, even though there was a dictator already in the field fighting Hannibal (M. Iunius Pera, #77).

The surviving consul, C. Terentius Varro, was briefly recalled, and he appointed M. Fabius Buteo (cos. 247), the oldest living ex-censor, as a second dictator.  

LIVY 23.22.11

Qui ex Apulia relictō ibi praesidio cum magnīs itineribus Romam redisset, nocte proxima, ut mos erat, M. Fabium Buteonem ex senatus consulto sine magistro equitum dictatórem in sex menses dixit.

[C. Terentius], leaving a garrison there, returned from Apulia by forced marches and the next night, according to custom, appointed M. Fabius Buteo dictator for six months without a magister equitum.

The phrase ut mos erat ‘according to custom’ referred not the stipulations of the dictator’s appointment but to the appointment being undertaken at night. In fact appointment without a magister equitum was most certainly not according to custom; and a restriction to six months would have been just as anomalous. In fact, it is hard to see how the consul, whose role was ordinarily solely to name the dictator (performing the same role as an election for ordinary magistracies), could have stipulated any conditions for the dictatorship, including the lack of magister equitum.

M. Fabius considered his dictatorship an abomination, an opinion he loudly shared:

LIVY 23.23.1–2

Is ubi cum ictoribus in rostra escendit, neque duos dictatores tempore uno, quod nunquam antea factum esset, probare se dixit, neque dictatorem sine magistro equitum, nec censoriam uim uni permissem et eidem iterum, nec dictatori, nisi rei gerendae causa creato, in sex menses datum imperium.

97 Livy 23.22.3, 23.22.10–11; FC; Plut. Fab. 9.4.
98 These restrictions were not mentioned in Plutarch’s brief notice, which was an aside on the subject of two dictators on the elevation of M. Municius. The FC has “M Fabius M f M n Buteo dict sine mag eq senat leg caus[s]a”.

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At this Fabius ascended the rostra with his lictors and announced that he approved neither of two dictators at once, which had never been done before, nor of a dictator without a magister equitum, nor of the censorial powers vested in one man or for a second time, nor of an imperium given for six months to one not appointed rei gerundae caussa.

Despite these objections, M. Fabius thereupon completely and thoroughly resolved his mandate and resigned, just like every other dictator. M. Fabius conducted his duties so well and so admirably that despite his efforts to prevent any fuss he was escorted home by a congratulatory throng.99

M. Fabius’s objections to his own appointment were to having two dictators at once, having a dictator without a magister equitum, having a single man vested with the censors’ authority, having an ex-censor reposted to the censorship, and having a nonmilitary dictator receive six months’ imperium. The objection in all cases was that these actions were unprecedented, and, worse, opened the possibility of creating precedents—very bad ones.

This speech emphasized the extent to which the dictator was thought of inseparably with the magister equitum. The Fasti here have “dictator sine magistro equitum senatus legendi caussa”, and in his narrative Livy followed suit with a terse statement that the consul named M. Fabius “sine magistro equitum dictatorem” where he would normally have concisely named the magister equitum. We should note that the notices were not conceived in terms of “X named Y dictator” with the dictator in the predicate, which would suggest “sine magistro equitum” as modifying a notional verb dixit—that is, with sine governing the nomination; rather the form was “Y was dictator”, dictator being a nominative appositive, and the sine clause modified not the nomination but the dictator’s serving in that office. In other words, the phrasing of the formulaic notice tells us only that M. Fabius served without a magister equitum, not whether he was named with this stipulated as an imposed precondition.

Livy’s wording—“M. Fabium Buteonem ex senatus consulto sine magistro equitum dictatorem in sex menses dixit”—had the senatorial resolution modify dixit in the same way that the senatorial “call” did in other Livian notices. Here, then, “ex senatus consulto” meant that the

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99 Livy 23.23.7; 23.23.8.
senate asked the consul to name a dictator, leaving it unclear whether the two stipulations were suggested by the senate or demanded by the consul.

How would such stipulations have been imposed? And, with M. Fabius objecting, as he reportedly did publicly and in no uncertain terms, how would any stipulations have been enforced? A six month’s imperium could theoretically have been worded in the law presented to the curiae, but the dictator himself appointed the magister equitum once he was already installed in office. There is nothing in the three centuries of narrative to suggest that dictators ever even consulted with anyone as to the choice of subordinate. Was there a formula for the taking of auspices by the consul for the nomination, or for the granting of imperium to the dictator by the curiae, that somehow formally constrained the actions undertaken by the dictator once he was installed and operating under his own auspices? If so, then this story about M. Fabius Buteo would be our only indication that the operation of the dictatorship after nomination and the grant of imperium might have been in any way subject to any external restraints other than in the ways we know of: namely, the application of those religious laws pertaining to the nomination that could trigger vitiation, and the two ironclad but nonlegislative customs of (a) the mandate constraining the dictator’s actions and (b) the resolution of the mandate creating an obligation to resign. It seems most likely the senate’s resolution contained these restrictions, not binding but carrying the weight of the senate’s authority in time of crisis.

Livy seems to have implied that it was customary, by the end of the third century, for the dictator’s imperium to be bestowed differently for those appointed rei gerendae caussa and for those with single-task dictatorships. Nonetheless this speech does not say that all dictators appointed rei gerendae caussa were given a six-month imperium; what it says is that (a) six-month terms were not customary for dictatorships that were not rei gerendae caussa, and (b) on this occasion M. Furius was nonetheless given a six-month imperium, which, according to the story, he found to be an irresponsible invitation for him to stick around after he had conducted his census and enjoy his powers until they expired, a prospect that he found dismaying to the point of repulsion. If he had been appointed to fight a war or
quell an insurrection, a fixed *imperium* of six months might have been justifiable; but in this case it was another of the betrayals of custom committed via his appointment.

The nature of this limitation may in fact have had nothing to do with precedents involving the dictatorship, but rather with precedents involving the censorship. Normally during this period, the two censors were installed for eighteen months.\(^1\) The senate’s admonition that he complete his job within six months might have been expedite the replenishment of the senate and perhaps head off a dictator modeling his term on the censorship and persisting for a year and a half.

M. Fabius Buteo’s objections were not practical—he was not upset that there was too much work for one man alone to do, as proven by the whiplash alacrity with which he performed the replenishment of the senatorial rolls before resigning at the earliest possible moment, to the general amazement of the senate and citizenry. All of these unprecedented repudiations of centuries of precedent were dangerous to the Republic—including the dictator operating alone, even if he was just redrafting the senatorial rolls. If M. Fabius, presented here as a man of deep principles, had believed that concurrent dictatorships were actually impossible or illegal, he would have both said so and refused or renounced his appointment. Instead he accepted the actual mandate as being necessary and proper, but that it was critical for him to be on record as stating that the circumstances of his own appointment with another dictator installed and without a colleague created a vile and dangerous precedent that should never be repeated. The strongest wording he could conjure was “I do not approve”, and he was speaking more in warning to posterity that to the Romans before him beneath the Rostra.

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\(^{100}\) Livy 4.24, 9.33.
MYTHS ABOUT THE DICTATORSHIP EXAMINED

The following sections discuss claims about the dictatorship, both ancient and modern, that are not adequately supported by the evidence.

The first set of myths are closely related, involving the idea that the dictator, supposedly, could command anyone and require anything, eclipsing and suppressing the other officials of the state. On examination this idea is composed of two separate concepts: *summa potestas*¹ and *maius imperium*. In fact there is no support for the idea that the dictator had the total power of the state; the state kept functioning while the dictator solved the problem associated with his mandate, and was subordinated to him only in terms of the execution of his mandate. We must clarify nature of the dictator’s *imperium maius* and the nature of the dictator’s power with respect to the state, followed by discussion of the Roman symbols of power: (a) the visible and concrete, such as the *toga praetexta*, the curule chair, and lictors with *fasces*, with or without *secures*; (b) capacities to perform certain actions, such as the ability to convoke the assembly and summon citizens; and (c) immunities and restrictions, such as susceptibility to or exemption from *provocatio*.

¹ Various expressions and shadings of this idea are expressed by Cicero (“*omne imperium*”) and Pomponius (“*summa potestas*”) in their epitomes), and phrases like “sole and absolute authority” (Plut. *Fab.* 3.5) and “commander with absolute powers” (Polyb. 3.86.7) in Greek explanations of the dictatorship.

See also Mommsen *Röm. Staatsr.* 2.131 = Appendix E, M14, where he assumed that only one person should have been able to have held “the highest possible authority”—even though the rest of his chapter emphasized not *summum* but *maius imperium*. 
THE MYTH OF THE STRONGER IMPERIUM

Misconceptions concerning the dictator having more power than the other magistrates or supreme power involve, at base, a misunderstanding of Roman *imperium* and its application to the dictators. It therefore behooves us to discuss *imperium* and its slippery permutation, *imperium maius*.

*Imperium*, as the word suggests, was a capacity to command, convene, and compel citizens on behalf of the commonwealth. Its exact nature, boundaries, and use have been the subject of debate. “In spite of its importance … no adequate definition of *imperium* survives from antiquity,” noted Drogula as he broached his own study of the nature and bounds of *imperium*. As a result, “the modern understanding of the term has been assembled by modern scholars,” and not without fundamental disagreements.  

In this study we will construe *imperium* as essentially binary: either one was invested with *imperium*, by means (at least theoretically) of a grant via a law passed by the curiate assembly, or one was not. It was distinct from *potestas*, the customary powers inherent to an office gained in consequence of election by the centuriate assembly or, in the case of a dictator, appointment by the consul; *imperium* was invested in an individual in a separate action of the most ancient *comitia*, the curiate assembly. A consul or dictator would need both *potestas*, the heritage of what their predecessors did, and *imperium*, the *populus*-derived right to compel citizens, to operate; but they were separate concepts.  

*Imperium* could be reshaped in two important and practical ways: (a) *imperium* invested in an elected magistrate could be deliberately caused to persist beyond the term of the magistracy (*prorogare*); and (b) one official’s *imperium* could be considered superior to another’s (*imperium maius*). The former does not concern us directly here, since, as the dictator’s time in office was at his own discretion, there are no instances of a dictator’s

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2 Drogula 2007, 419. Sometimes *imperium* has been described in terms of the inheritance of the power of the Roman kings, as in Cic. Rep., 2.21, 2.33, *Leg*. 3.8; Tac. *Ann*. 11.22; Mommsen *Röm. Staatsr*. 2.150–151 = Appendix E, M60–61. As the extent to which *imperium* represented the ruling power of the kings only further confuses already muddied waters, I will focus on how *imperium* operated under the Republic.
power being prorogued beyond his term of office, though prorogation plays a role in the desuetude. How imperium maius was understood to work by the Romans who invoked it is still a divisive topic and will be treated in detail presently.

**The Granting of Imperium**

Though it is far from well documented, the sense that we get from the narrative is that after the consul appointed the dictator via the taking of auspices, the comitia curiata then formally granted imperium to the dictator, just as it did with consuls. Mention of the formal process of conferring imperium is even rarer in the dictatorial narrative than with the ordinary magistrates, and occurs only when there is a hitch in the proceedings.

The only relatively extensive discussion of the process in extant Livy involves the inauguration into his second dictatorship of L. Papirius Cursor (#56, 310); typically, the story arises only because there was a problem. According to Livy, conferring imperium involved the new dictator himself carrying the resolution through the comitia curiata:

Livy 9.38.15–39.1

Atque ei legem curiatam de imperio ferenti triste omen diem diffidit, quod Faucia curia fuit principium, duabus insignis cladibus, captae urbis et Caudinae pacis, quod utroque anno eiusdem curiae fuerat principium. Macer Licinius tertia etiam clade, quae ad Cremeram accepta est, abominandum eam curiam facit. Dictator postero die auspiciis repetitis pertulit legem...

His putting of a lex de imperio before the curiate assembly was broken off by an unfavorable omen: the first curia that would vote, the Faucia, was marked by two calamities, the capture of the city and the Caudine peace, both having occurred in years where this curia was first to vote. (Licinius Macer adds a third calamity, the Cremara.) On the next day, the dictator, having sought new auspices, carried the law...

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4 “Comitia curiata, quae rem militarem continent...”, Livy 5.53.16; “consuli, si legem curiatam non habet, attingere rem militarem non licet”, Cic. Leg. agr. 2.12,30. However much of a formality it became by the end of the Republic, the Romans can be understood as viewing the lex curiata de imperio as an essential and substantial grant of power, designed as a check on popular election. Allen 1888 argued against Mommsen’s claim that the lex curiata was a mere obligation, arguing rather that it was “a necessary act, and did really confer the imperium” (7) and, following Cic. Leg. agr. 2.11,26, “an opportunity for the people to reconsider their action in the election of magistrates” (15); the former is reasonable, but, in the category of dictators, unfit individuals were removed religiously by vitiation. See also Develin 1977.
From this, it seems clear that appointment to office conveyed to the new dictator the right to take his own auspices. If the procedure described here was the same with consuls (and it is confirmed that it was), then elevation to the consulship and appointment to the dictatorship both placed the nominee in the position to take the auspices for a rogation of a *lex curiata de imperio*, which in turn formally and substantially gave him the *imperium* of the office to which he had been named. The implication is clear: a dictator, like a consul, could not operate without *imperium*, and *imperium* was granted not by election to office but by special vote of the *comitia curiata* on assumption of the office.

Mommsen expressed the view that though the dictator carrying his own *lex curiata de imperio* was a mere formality and not “legally necessary” (i.e., like most of the forms of the dictatorship it was firmly enshrined custom and precedent, not actual law), the practice of self-rogation had the practical effect of causing dictatorships, like consulships, to begin within the city of Rome so that the dictator could take care of this personally.  

While a rogation was itself necessary, it was not *absolutely* incumbent on the dictator to perform his own. However legendary M. Furius Camillus’s recall from exile to the dictatorship during the sack of Rome (#14, 390) might have been, if we are dealing with how later writers understood the rules, the assertion that M. Furius awaited a *lex curiata in absentia* to legitimize his dictatorship is relevant. More usefully, the case of the consul C. Flaminius, who made sure he was inaugurated in camp even though the *comitia curiata* would necessarily have met in Rome, more firmly suggests that a second magistrate could convoke and preside over the *comitia curiata* and rogate the *lex de imperio* on behalf of the first. Still, magistrates taking care of this themselves was the tradition, and C. Flaminius’s disastrous consulship was afterwards called into question over cavalier treatment of customary procedure with profound effects for Rome. Among dictatorships, only M. Furius

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6 Livy 4.46.10; Val. Max. 4.1.2; Cass. Dio 7.25; Mommsen *Röm. Staatsr.* 2.136 = Appendix E, M26.
7 Livy 21.63.5.
8 Livy 22.9.7. See Appendix H, *s.v. auspicia.*
Camillus’s in 390 was specified as not originating at Rome; from what we can tell, even dictatorship arising out of appointment by the consul in camp otherwise involved the dictator himself taking the auspices and receiving the *imperium* at Rome.

As it was ultimately being conferred by the people, the granting of *imperium* was not the sole preserve of the *comitia curiata*; there were occasions on which it was said to have been handled by other assemblies in the case of other magistracies. Unfortunately the granting of *imperium* normally passed silently in that narrative, which means that it is impossible to say whether the *imperium* of a dictator ever derived from a source other than the *comitia curiata*.

The likeliest case is the “co-dictator” M. Minucius Rufus, raised to equality with the dictator by plebiscite. Interestingly Livy spoke of a parity of *ius* ‘legal right’ being voted by the plebeian assembly, not the *imperium* mentioned in the previous phrase—the thing that the tribune dared not try to wrest from Q. Fabius. Perhaps the plebiscite did not address *imperium*. In order to command an army in his own name in the engagements that followed M. Minucius must have possessed both *imperium* and the auspices; otherwise, he would have been still subordinated under the *ductu auspicioque* of Q. Fabius and thereby subjected to him, contrary to the intent of the law elevating him. The right to take his own auspices could have come from the plebiscite in lieu of an election, but the *imperium* might have been accomplished by the assembly or sought subsequently from the *comitia curiata* in a separate ceremony the next morning.

**The Nature of Imperium**

Apart from the nature of *imperium maius*, the main controversy among modern scholars has been the extent to which there were two kinds of *imperium*: *imperium domi*, which can be described as the authority necessary for the civil administration of the city of Rome,

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9 For example, by the plebeian assembly to allow a triumphator to retain *imperium* within the city for the day of the triumph: Livy 26.21.5. The authority of censors was conferred by the *comitia centuriata* (Allen 1888, 5).

10 Livy 22.25.10.
and *imperium militiae*, the authority necessary to make war. The former was represented by lictors without axes, the latter by lictors with axes, indicating that the essential difference was capital—the ability to bring about the death of a citizen. Because the dictator was the only magistrate whose lictors bore axed *fasces* even within the city, the nature of the dictator’s *imperium* has figured largely even for authors otherwise disinclined to substantively address the dictatorship’s relationship with the Republican constitution.

Mommsen followed the distinction to its logical extreme: the dictator was a military office, not a civil one. The consulship, by way of contrast, was a thoroughly civil office.

**Mommsen Römisches Staatsrecht 2.141**

> Wahrscheinlich hat der uralte und scharfe Gegensatz des *imperium domi* und des *imperium militiae* sich zuerst entwickelt an diesem Gegensatz der dictatorischen und der consularischen Amtsgewalt.

Probably the oldest and sharpest distinction between *imperium domi* and *imperium militiae* developed in the contrast between the official authority of the consul and the dictator.

Mommsen’s increasing fixation in the dictatorship chapter on the dictator’s military function being the only one that truly characterized the office, despite his obvious awareness of all the domestic uses to which the office was put (and the military nature of the consulship), undermines his credibility on the *imperium domi/militiaeque* divide. The narrative informs us that the dictatorship was regularly used for any urgent need that the Republic had—to fight an enemy, to defuse a potential insurrection, to interact with the gods, to act on behalf of the consuls in conducting elections or holding games, and so on. The dictatorship, even the dictatorship *rei gerundae caussa*, was manifestly both *domi* and *militiae*. Once one accepts this truth, the idea that the dictator held only an *imperium militiae* becomes an insufficient explanation for both the way the dictatorship operated and its differences from the consulship—which, after all, and it bears emphasizing after reading Mommsen’s almost inexplicable remarks on the civil nature of the consulship, was itself

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11 Appendix E, M39.
12 E.g., “the dictator was foremost and, in a certain sense, *exclusively* the people’s commander-in-chief in war”: Mommsen *Röm. Staatsr.* 2.142 = Appendix E, M40 (italics mine), and continuing in this vein (M41–44).
as much a military office as a civil one. To put it another way, the narrative of how both
these offices were actually used during the Republic makes clear that the consulship and
the dictatorship were both political offices of the same type: namely, executive, with
responsibilities for protecting the stability of Rome’s citizenry and property using tools
both civil and military.

Following on from Mommsen, various scholars subsequently made detailed attempts
to carefully define a dual set of imperia the natures of which were intrinsically different,
one military and one domestic; but many of these schema have, in the words of Staveley,
done “considerable violence to the evidence”.13 The literature and records we have from
the Romans themselves for both the Republic and the Principate used the word imperium
often, not just in the technical sense but metaphorically as well; and neither the practical
nor the metaphorical uses of imperium in the literature supports two kinds of imperia.

The need to reconcile the different implementations of imperium at home and in the
field with the narrative evidence supporting a single concept of imperium has pushed
authors into various corners. Drogula, admitting that it was an uphill battle, set out to fix
the dual-imperium dilemma by attempting to prove that imperium did not exist at all inside
the pomerium—that the authority of consuls, praetors, and even dictators within the sacred
boundary of the city did not involve imperium but rather the potestas inherent in the offices
they held, and that the term imperium therefore described only military command, a
capacity extended to certain officeholders that could command armies.14 The rituals
undertaken by consuls leaving the city to take up command of an army, he argued,
indicated an assumption of imperium beyond the boundaries of the city.15 While Drogula

13 Staveley 1963, 469. For the dual-imperium system see Mommsen Röm. Staatsr. 1.384; De
Sanctis 1929; Vogel 1950; Kunkel 1973, 15. For the contrary position see Staveley 1963.
14 Drogula 2007, expanding on similar opinions in Daube 1969, 3–4 and Mitchell 1990,
135–136.
15 The making of vows on the Capitoline, taking auspices, and assuming military dress
and cloak, as well as reequipping the lictors; Drogula 2007, 435 and n. 117. See Cic. Ps.
55; Caes. B Civ. 1.6; Livy 5.52.15, 41.10.5, 42.49.1-2, 45.39.11, Varro Ling. 7.37; Cass. Dio
53.13.4.
made a number of compelling points, particularly in advocacy for a closer attention to the elusive and under-studied concept of potestas as distinct from imperium, I’m not convinced that the legal concept of imperium was irrelevant to magistrates operating within the pomerium, particularly in discussing dictators. For an example, consider L. Quinctius Cincinnatus’s summons of Sp. Maelius. This was an action compelling a citizen, in this case to appear before the dictator in judgment; and compelling a citizen required imperium.

Imperium was the word used for the operation of executive magistrates regardless of where they happened to be standing, or what color cloak they were wearing; throwing away imperium within the pomerium cannot be the solution to the dissonance created from attempting to reconcile two kinds of imperium with the evidence. We must question Mommsen’s assumption that there were two imperia at all, especially since there seems to be no basis for it apart from the axes, which, while significant, do not require us to assume that the Romans had two different words for executive authority, both spelled “imperium”.

What comes more usefully out of this discussion is the distinction between potestas and imperium, the importance of which Drogula helpfully emphasized.16 Cicero described the “double elections” the Romans engaged in as a deliberate constitutional safeguard:

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\text{CICERO DE LEGE AGRARIA 2.11,26} \\
\text{maiores de singulis magistratibus bis vos sententiam ferre voluerunt. nam cum centuriata lex censoribus ferebatur, cum curiata ceteris patriciis magistratibus, tum iterum de eisdem iudicabatur, ut esset reprehendendi potestas, si populum benefici sui paeniteret.} \\
\text{Our ancestors chose that you should give your votes twice about every magistrate. For as a centuriata lex was passed for the censors, and a curiata lex for the other patrician magistrates, by this means a decision was come to a second time about the same men, in order that the people might have an opportunity of correcting what they had done, if they repented of the honor they had conferred on any one.} \\
\text{The fact that this “repentance” option was not exercised in the case of dictators, so far as we know—problematic dictators were removed by vitiation or, in two cases, pressure to resign—does not diminish the fact that there were separate votes with separate purposes}
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16 Lintott (1999, 95–96) described potestas as the capacities inherent in an office, and imperium as “potestas in its strongest form”. I believe this conflation does us a disservice, and Drogula was right to emphasize the nature of potestas as separate from imperium.
for the magistrates, and that this is most helpfully described by the terms *potestas* and *imperium*. The description of the selection of L. Quinctius Cincinnatus indicated cognizance that office and man were separate considerations in choosing someone with the character and experience needed.

A key distinction between consul and dictator, then, was that each possessed the legal authority to act to compel citizens (*imperium*), but the consul’s legal authority was impeded in a way different from that of the dictator. The impediment, however, was emphatically not in the quality of the *imperium*. Both the consul and the dictator were granted *imperium* in the same way and by the same process. The speech relating to the need for a dictator and for it to be Cincinnatus 17 related the consulship’s incapacity, not to the authority of the office, but to “laws” that “bind” it. The office of the consul was constitutionally susceptible to checks that served to circumscribe the consul’s *potestas*. The consul was not weaker but fettered, whereas the dictator was not encumbered in this way (rather, his *potestas* was encumbered by the restriction to his mandate). These fetters can only have been the three capacities that are constantly mentioned as applicable to consuls but not to dictators: *provocatio*, collegiate *intercessio*, and tribunal *intercessio*. In other words: both the consul and the dictator were invested with the same *imperium*—the authority to compel citizens. *Imperium is imperium is imperium*. The consul’s *potestas* was, however, hedged in by *provocatio*, collegiate *intercessio*, and tribunal *intercessio*; the dictator’s *potestas*, as Livy had the consul T. Quinctius state, was “exsolutoque legum vinclis” ‘unbound by the laws’.

Patently, the dictator had the legal authority to compel a citizen without hindrance within the bounds of Rome, exactly as a commander had in the field; this was the employment of unbound *imperium*. Does this mean the dictator was acting as a general within the bounds of the city of Rome? Not at all. For one thing, there was religious precept that a commander could not operate within the city boundaries. Before the days of Augustus, a magistrate acting as a military commander could not, according to sacred

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17 Above, p. 125.
law, pass the *pomerium* without surrendering that command. A dictator within the *pomerium* could not, by religion, be functioning as a military commander.

The general principle was laid out by Varro and (fortunately for us, as Varro’s work was lost) repeated verbatim by Gellius:

**Gellius Noctes Atticae 13.12.5–6**

*Cum hoc in ea Capitonis epistula legissemus,*

id ipsum postea in *M. Varronis Rerum Humanarum* uno et vicesimo libro enarratus scriptum invenimus, verbaque ipsa super ea re Varronis adscriptimus: “In magistratu,” inquit, “habent alii vocationem, alii prensionem, alii neutrum; vocationem, ut consules et ceteri qui habent imperium; prensionem, ut tribuni plebis et alii qui habent viatorem; neque vocationem neque prensionem, ut quaestores et ceteri qui neque lictorem habent neque viatorem.”

Having read this in that letter of Capito’s, I later found the same statement made more fully in the twenty-first book of Varro’s *Human Antiquities,* and I have added Varro’s own words on the subject: “In a magistracy,” says he, “some have the power of summons, others of arrest, others neither; summoning, for example, belongs to consuls and others possessing *imperium*; arrest, to tribunes of the plebs and the rest who are attended by bailiffs; neither summoning nor arrest, to quaestors and others who have neither a lictor nor a bailiff.”

According to Varro, then, included in *imperium* was the ability to compel citizens to attend upon the magistrate for the administration of justice.

The where dictators were different from consuls in this regard was in the dictator’s ability to find justice by means of execution, as happened unexpectedly with Sp. Maelius. This ability, even in the circumstances—the accused turning fugitive, leading to the use of lethal force by the *magister equitum*—could not be prevented or challenged by either *provocatio* or *intercessio.* The fact that a dictator was one man, whereas the consuls were two (who might disagree), had by itself a demonstrable psychological effect on citizens and even enemies throughout the history of the dictatorship; but it also removed one of the institutional impediments to the consul’s *imperium,* the possibility of collegial *intercessio.*

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18 Gell. NA 15.27; Beard, North, and Price 1998, 1.177–180.
19 The reference is to a man in Augustan times, Antistius Labeo, who refused a summons of a tribune of the plebs, saying that the tribune had the right of arrest but not of summons (Gell. NA 13.12.4).
20 Viz., the “human” portion of Varro’s lost collection *Antiquitates Rerum Humanarum et Divinarum.*
The story of L. Quinctius and Sp. Maelius is open to interpretation. What is important for the present study is the idea, as present in the stories remembered about these events, that the legal authority of the consuls on which the power to act depended was what pertained to the consul’s ability to adequately crush an insurrection, and that this was what was restricted by the citizens’ right of appeal.

Given that the consul’s exercise of imperium was restricted within the city and unrestricted outside of it, allowing one to command an army, the rituals Drogula described as necessary for consuls to take up imperium were, rather, what was necessary to pass from a consul’s restricted civil potestas to unrestricted military command. Imperium was voted by the comitia curiata; it was not, in the days of the archaic dictatorship, automatic; and it was voted once, upon inauguration into office. It was not acquired, assumed, or invoked midway through one’s time in office by making vows, taking auspices, or donning scarlet cloaks, but only once, on accession to magistracy. Consuls, like dictators, acquired imperium at the time of inauguration. Consuls going to war could shed their domestic restrictions with the appropriate solemnities, by which they in essence swore to act in relation to Roman citizens solely as commander to soldier in defense of sacred Rome rather than in a civilian capacity. Their vow that they were acting as commanders affirmed that the laws and customs inhibiting their actions toward free citizens were inapplicable for the duration of their military command, until they discharged the army they had created, after which they re-entered the city and resumed civil authority as affected by the laws that checked it. Dictators possessed civil authority which was unrestricted; this was symbolized, as with the case of the decemviri, by the lictors’ axes normally used only outside of the city.

The employment of executive authority varied according to theater, whether domestic, military, or provincial, but this had to do with the practical exercise of power; a sense of

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21 Discussed further below, but note that it was still understood that the comitia curiata still had to formally act for the granting of imperium even in the late Republic, as in the scandal involving the proconsular imperium of the consuls of 54. Arguments were then being made that, at least in the case of proconsuls, it might no longer be necessary, but this was a matter of hot dispute among legal authorities (Cic. Att. 4.17, Fam. 1.9).
jurisdiction developed so that consuls at home and in the field could operate independently, and later promagistrates had *imperium* that pertained to the *provincia* to which they were assigned. These practical jurisdictions did not correspond to differences in quality between *imperia*. As Ehrenberg observed, “there has been general agreement that each *imperium* is complete, indivisible, and comprehensive in itself, though in practice it may be confined to a certain field of activity, the original *provincia*.”

The *imperium* invested in a dictator turns out to be the same as a consul’s, but with his *potestas* limited in practice and by custom to the dictator’s mandate. It is in this respect that the mandate most closely resembles the later innovation of the proconsular province.

**IMPERIUM MAIUS**

Any discussion of *imperium* during the time of the Republic naturally turns to *imperium maius*—the ability of one magistrate with greater *imperium* to command, or veto the actions of, another magistrate with lesser *imperium*.

It is important to note that, despite a modern tendency to abuse the term as if it were a different, “bigger” or upgraded kind of *imperium*, one was not invested with *imperium maius*; one was invested with *imperium*. A magistracy’s *imperium* was considered *maius quam* another’s only in case of a potential conflict with the other’s *imperium*. The expression *imperium maius* “lacks content until the term of comparison is specified”.

This idea is inherent in the magisterial hierarchy of the Republic. The consul had *imperium maius* with respect to the praetor. Nonetheless, for students of Roman history it is a concept sufficiently associated with the civil wars of the late Republic and the rise of the Principate that in raising *imperium maius* with respect to the early and middle Republic

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22 Ehrenberg 1953, 115, following Leifer 1914, Introduction and Part II.
24 Barnes 1998, 144. Instances involving the use, or absence, of *quam* with *imperium maius* were examined by Paschoud, who concluded that this evidence “*ne rend pas obsolète l'affirmation de Béranger [1953]: la notion absolue d’un pouvoir spécial nommé imperium maius est une fiction*” (Paschoud 2005, 282).
one must resist projecting backward the turbulence and excesses of the first century and
the ways in which figures of that time arrogated power away from the state. For the
archaic dictatorship, the matter is simple: the dictator’s *imperium* was *maius quam* the
consuls’, as well as anyone else with *imperium* (such as praetors).

The model was the relationship between consuls and praetors. According to the
*commentarii augurum*, as summarized by Last, “the relation of a praetor’s *imperium* to the
*imperium* of a consul was that of an *imperium minus* to an *imperium maius*, although, as Messalla
adds, technically the praetors were colleagues of the consuls.” The working relationship
between consuls and praetors, in which the consuls of the Republic did not seem to take
responsibility for the judicial operations of the praetors, suggests not subordination or
subsumation of an inferior’s role, but rather a prioritization of the will of the magistrate
with *imperium maius* in case of conflict among officials with a shared executive role in the
Republic on a topic of mutual concern. In normal conditions, a consul would not
interfere with the actions of a praetor or promagistrate.

This played out differently at home and in the field. In a military situation, a consul
could give orders to a praetor, just as the consul whose day it was to command could give

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25 For example, the *imperium maius* for Pompey (Cic. *Att*. 4.1; Vell. *Pat*. 2.20.3), in order to
be able to command proconsuls in the provinces; similarly proposed for the tyrannicide
C. Cassius (*Phil*. 11.12); and ultimately allowing freedom of action in the provinces for
Augustus (Cass. Dio 53.32.5), Agrippa (P. Köhn 249.7–14), Germanicus (*SC de Pisone patre*;
Tac. *Ann*. 2.43.1), etc. See Grant 1946; Last 1947; Ehrenberg 1953; and Drogula 2015,
360–363 for *imperium maius* under Caesar, Augustus, *et seq*.

Though both Last and Drogula emphasized the newness of *imperium maius* in the late
first century, with Drogula describing it as “not a fully formed idea” in 23 BCE, the
context was its innovative use by Augustus to take precedence in the provinces. Drogula
stipulated its solid Republican pedigree and that it was a valid way for Augustus to gain
the superior position of the dictatorship without a title tainted by Sulla and Caesar.

26 Last 1947, 158. See Cic. *Att*. 9.3.3; Gell. *NA* 13.15.4; Livy 7.1.6.

27 Last 1947, 159; Ehrenberg 1953, 114; *contra* Mommsen (*Röm. Stattsr*. 1.382), who originally
argued from the praetors’ judicial operations and the consuls’ uninvolve in same
that the two magistracies were possessed of different kinds of *imperium* to which
pertained different jurisdictions.

28 There appears to be only one noteworthy case of a consul interceding in a praetor’s
juridical work, told in Val. Max. 7.7.1. More cases exist involving promagistrates, e.g.,
orders to his colleague; the praetor or the other consul thereupon acted on his own authority, as long as a conflict did not develop necessitating the senior consul’s intercession. The consul/praetor model can be taken as our basis for imperium maius.

References to the dictator’s superior imperium include the following passage, in which Livy sought to explain why the consul’s driving of the annual nail was assumed by the dictator in cases of dire emergency.

LIVY 7.3.8

*a consulibus postea ad dictatores, quia maius imperium erat, sollemne cluai figendi translatum est.*

Thereafter, the practice of the nail being driven was passed from the consuls to the dictators, because they had greater imperium.

The dictator’s superior imperium was directly invoked in order to accomplish the specific act of recalling a consul from Sicily:

LIVY 30.24.3

*dictator ad id ipsum creatus P. Sulpicius pro iure maioris imperii consulem in Italiam reuocauit.*

Appointed dictator on account of this, P. Sulpicius by right of his greater imperium ordered the consul to return to Italy.

The same idea is behind the famous description of the office by the emperor Claudius:

CIL 13.1668

*quid nunc commemorem dictaturae hoc ipso consulari imperium ualentius repertum apud maiores nostros, quo in alsi/peroribus bellis aut in ciuili moti dificiliori uterentur?*

Why need I now call to mind the dictatorship, with an imperium stronger even than the consuls’, devised by our ancestors to be made use of in more perilous wars or more difficult civil disturbances?

Gradations in “degree” of imperium were also visually manifested by the number of lictors bearing fasces, as will be discussed shortly.29

*Imperium maius* in the case of consuls and praetors was not a matter of the magistrates being ranked by diminishing power or authority, only by priority given to men with the same authority. Could the same be said of an archaic dictator’s imperium maius with respect to the consul? Was the consul a kind of junior colleague to the dictator, minor but

\[\text{29 Explored by Staveley 1963.}\]
autonomous except in case of conflict? Or was a consul subordinated and subsumed by the
dictator’s *imperium maius*, becoming “something like the dictator’s *legati*”?\(^{30}\) Given that the
exercise of dictatorial power and *imperium* was reshaped by the last two dictators, Sulla and
Caesar, and that this reshaping skewed both ancient and modern perceptions of the
dictator’s *imperium*, it is important to approach this question skeptically, and with an
adherence to the evidence present in the narrative.

Mommsen observed that the authority of consuls and dictators was the same in nature,
but then confused matters by going on to say that the dictator’s had “greater potency”.\(^{31}\) This “Goldilocks theory of *imperium*”, as I called it earlier in this study, gave the impression
that the dictator could have a “bigger” *imperium* than the consuls, as if, were their *imperia*
both anthropomorphized, the dictator’s would be André the Giant alongside the consul’s
Wallace Shawn. This conception of *imperium* coming in different sizes does not fit with the
way *imperium* is described in the sources, as the right to compel citizens. This “greater
potency” approach has led to a good deal of argument in the secondary literature that may
simply be semantic. If *imperium maius* means “more power”, two oxen pulling the plow
instead of one, there is a problem; but I believe it did not mean that.

Brennan’s skepticism regarding the superior *imperium* of the dictator was telegraphed
by the title of the first subsection in his brief chapter on the dictatorship, which was “The
Supposed ‘Imperium Maius’ of the Dictator.”\(^{32}\) Taking as “standard” the view expressed by
Staveley that “the dictator had a more powerful *imperium* and *auspicia* than that of the
consul,” leading to the odd circumstance of a magistrate with lesser *imperium* appointing
one with a greater,\(^{33}\) Brennan proceeded to argue against the dictator possessing “anything
qualitatively greater than consular *imperium*”. The consul, he said, had the king’s *imperium*
and *auspicia*, and in the Roman system there could not be “more” *imperium* than that.\(^{34}\) The

\(^{30}\) Last 1957, 159.
\(^{31}\) Mommsen *Röm. Staatsr.* 2.139 = Appendix E, M33.
\(^{32}\) Brennan 2000, 1.38–41.
\(^{33}\) Lindersky 1986, 2181.
\(^{34}\) Brennan 2000, 1.39. The *summum imperium* of the consuls was stated in Cic. *Rep.* 2.56,
only way imperium can be made to make sense is if it is treated as a binary switch: “yes” you have it, “no” you do not. That means that imperium maius only makes sense as a means of determining whose orders have precedence in case of conflict between two magistrates, both possessed of the indivisible, unresizable capacity called imperium.

Was there a difference between the relative imperium of the dictator/consul relationship at Rome as opposed to in the field? Ehrenberg argued that a dictator’s imperium maius was along the consul/praetor model, at least off the battlefield: “even a dictator would not easily interfere with the praetorian jurisdiction or the consul’s right of convening the senate.” But, despite Last’s assertion that the dictator/consul maius relationship was one of subsumation, the argument that it was rather according to the consul/praetor model can be extended to military contexts as well. As Brennan noted, a consul fighting the same enemy alongside a dictator should not have been able to triumph when the dictator did not if his imperium and auspicia were subsumed by the dictator’s.

Some of the wording in the narrative is ambiguous, such as the hesitation in appointing a dictator in 349 because doing so would place the surviving consul, the well-known L. Furius Camillus, in a position where he was subiciendus to someone else; but that word could describe either kind of relationship. The following quote has also been used to argue full subordination, but it could also refer to the priority given to the dictator over the consuls and praetors, as well as the magister equitum, especially as the context of the speech is in fact such a conflict between dictator and magister equitum:

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Ehrenberg 1953, 123.

Brennan 2000, 1.40.

Livy 7.25.11.

Last 1947, 159. Brennan 2000, 1.39 quoted the passage to observe that Livy was aware of the contradiction of a dictator being thought of as having more than kingly power, “and did not worry much about it.”
Livy 8.32.3

*tum dictator ‘quaero’ inquit ‘de te, Q. Fabi, cum summum imperium dictatoris sit pareantque ei consules, regia potestas, praetores, isdem auspiciis quibus consules creati, aequum censeas necne magistrum equitum dicto audientem esse?’*

Then the dictator said, “I ask you, Q. Fabius, given the utmost imperium of the dictator and the submission to him of the consuls, who wield the kingly power, and the praetors, elected under the same auspices, do you reckon that the *magister equitum* should not likewise heed his command?”

The phrase *summum imperium* jumps out from this passage, especially as the phrase *summa potestas* is (as we have seen) likewise to be encountered in abstract discussions of the dictatorship; but without compelling evidence for escalation beyond the existing consul/praetor model, *summum imperium* is to be considered with *imperium maior* and *minus*, as the superlative against the comparative. If the consul’s is greater than the praetor’s, all that *summum imperium* needs to mean is that the dictator’s is greater still than theirs, and, *ipso facto*, the greatest of *imperia*.

Other passages that describe the dictator making military command assignments to consuls are analogous to military situations in which consuls assigned commands to praetors and consulars;39 even Q. Fabius’s humiliation of the consul Cn. Servilius, was a matter of the dictator assuming command of the armies from the consul, along with relieving the consul of supreme command and his reassignment to a different command under the dictator. There is no real evidence to indicate that a dictator’s *imperium maius* should mean anything more than that the dictator had superior priority in case of conflict between magistrates with *imperium*, and the same ability to arrange battlefield commands and operations with respect to consuls as consuls and consular tribunes had with respect to praetors, their own colleagues, and promagistrates.

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39 Dictator places consul in command of the city’s defenses: Livy 4.27.1. Consular tribune second-in-command to dictator: Livy 4.41.11. Dictator gives orders to the consul’s army: Livy 7.11.8. (This army then operated independently and was “equally successful” with the dictator’s army, according to Livy.) A number of important battles in the early Republic involve wings being placed under the command of ex-consuls. The actions of praetors in command of armies under the overall command of consuls can be traced as far back as the First Punic War, in which, so the Fasti record, A. Atilius Calatinus earned a triumph as praetor in 257 (Brennan 2000, 80–85).
The limited nature of the dictator’s mandate makes nonsense of Last’s implication that the kind of *imperium maius* dictators had was distinct from the consul/praetor relationship and instead involved the dictator taking full responsibility for the entirety of his subordinates’ portfolio. Dictators were appointed to resolve a specific crisis; their purpose was limited.40 Dictators did not exert their authority beyond the crisis they were appointed to resolve; the one dictator who did and was forced to resign proves the rule. Therefore the dictator cannot be understood as having been able to assume total authority over all activities undertaken by all magistrates with *imperium minus* to his, since these activities would have extended far beyond the dictator’s crisis and mandate. The dictator must be understood as having *imperium maius* to the consuls in the same way as the consuls to the praetors, giving priority to the dictator in matters that involved the judgment and actions of both. This means that we can proceed with the simpler model in which there is one kind of *imperium* and one kind of *imperium maius*.

As Ehrenberg put it, “*Imperium maius* is, above all, simply and purely *imperium*, though seen in its relations to other *imperia*.”41 During the Republic, the concept of *imperium maius* arose in order determine whose position had priority in any dispute between more than one individual with *imperium*. In other words, *imperium maius* “established priority or precedence, but did not subordinate one commander to another”—at least, not until well into the Principate, possibly not until the reign of Tiberius.42

This *imperium maius* of the dictator was most useful in the field. Unlike the consuls and consular tribunes, who if they were with the same army had to either take command on

40 Though he arrives at it via a slightly different route—i.e., he did not cite the dictator’s mandate—this is the assertion of Staveley 1963: “It must, therefore, be concluded that in law the *maius-minus* relationship existing between dictator and consul and between consul and praetor was fundamentally the same” (472).
41 Ehrenberg 1953, 115.
42 Drogula 2015, 361. The transition could arguably be associated with the form of *imperium maius* asserted by Caesar, who “concentrated in himself the ultimate responsibilities of the whole government” to the diminution of ordinary and promagistrates: Grant 1946, 412. On Caesar’s *imperium maius* and that of the Principate see also Last 1947, 162–64.
alternating days or formally subordinate themselves to each other, the precedence of command automatically went to the dictator.

References to the *imperium maius* should not, therefore, be considered to mean something like “supreme authority” or “total power”.
SUMMA POTESTAS

What did Pomponius mean when he said the dictator had *summa potestas*? How accurately can this idea be ascribed to the dictator? Did the dictator eclipse the entire power of the state, replacing and disempowering the rest of the magistrates?

*Summa potestas* is a grand phrase, and with Cicero’s *omni imperium* and Livy’s *summum imperium* has helped position the dictator’s power irresistible and all-encompassing. Thanks to Caesar’s misuse of the office and the sweeping powers of the ensuing principate, the idea has long persisted that the Roman dictator possessed full control of the Roman state and could therefore command anything.

The English phrases “absolute power” or “supreme power” now conjures such figures as Louis XIV or men who subsumed the entire will of the state through fear and brutality, like Cambodia’s Pol Pot. But no archaic dictator could have said “l’état, c’est moi”, for three reasons.

First, the dictator’s actions were limited in scope to his mandate—the resolution of the emergency he was named against. The entire narrative of the dictatorship supports this, and the case studies provide vivid examples: M.’ Valerius Maximus was named in a context in which the alternative vision of the dictatorship, tyrannical oppression, was rejected in favor of returning Rome to normal through conciliation and reform, resigning when there was nothing more he could do. L. Quinctius Cincinnatus did what was necessary to resolve the external and internal threats and resigned. Even the brazen Q.

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43 Dig. (Pomp.) 1.2.2.18–19, above p. 70.
44 Cic. *Rep.* 1.40,63; Livy 8.32.3.
46 For the attribution of this idea to Louis XIV, if not the actual words, see e.g. Rowen 1961.
Publilius Philo, who took the consul’s mandate rather than the senate’s, acted within the scope of necessary populist reforms. M. Fabius Buteo did his duty, replenishing the senate at breakneck speed and then divesting Rome of his extraordinary dictatorship. L. Manlius Capitolinus, the rogue, is the exception that proves the rule: departure from his mandate caused the Romans to rear up in horror and consternation, and he quickly retreated and resigned in shame. Not law but powerful precedents strengthened by iteration after iteration circumscribed the dictator’s exercise of power to the resolution of the mandate and the earliest return to the ordinary state.

Second, the operations of the Republican state not having to do with this emergency continued normally without interference from the dictator, apart from anything affected by an edict of *iustitium*. We see this throughout the narrative; the stories of the dictators are not aware of any “abeyance” of the other magistracies, and what has been taken as a counterexample, Q. Fabius Verrucosus’s dictatorship (including his treatment of the surviving consul), actually turns out to show the continued operation of the ordinary state alongside the extraordinary. This makes sense if the extraordinary magistrate was restricted to his mandate. (More on “abeyance” shortly.)

Third, the modern idea of an all-powerful, absolute ruler includes the incumbent continuing in the role indefinitely, either by custom or by force; but the archaic dictator always resigned at the earliest possible opportunity; his ability to remain in office extended beyond his mandate only at the direction to complete of specific further tasks by the senate or the people—in other words, a supplementary mandate. The archaic dictatorship held the trust of the people, and it was a matter of pride and honor that that trust was protected by establishing in precedent, strengthened to iron with every iteration, that the mandate of the dictator limited both his scope of action and his time in office.

C. Iulius Caesar violated all of these precepts, but what that did was violate the dictatorship.\(^47\) Caesar was dictator in name only; his appropriation of the ancient office

\(^47\) It can be argued that *perpetuus* might be viewed as Caesar’s *causa* and, for that matter his mandate. Even if this were allowed, there are still two major considerations: (a) a
for partisan, fiat rule of Rome defied and repudiated the actions and precedents of all 86 dictatorships before his, including Sulla’s. Therefore, to discuss an idea like summa potestas in relation to the dictatorship we must again do what is in this case particularly difficult: discard Caesar, and examine routine use of the archaic dictatorship.

Cicero’s use of a related phrase, omne imperium, should be construed in a more mundane way. Summa potestas, however, seems to convey something more. The term crops up, unsurprisingly, in Hobbes:

**THOMAS HOBBES DE CIVE 5.11, 6.9**

*In omni civitate, Homo ille, vel Concilium illud, cuius voluntati singuli voluntatem suam (ita ut dictum est) subiecerunt, SUMMAM POTESTATEM, sive SUMMUM IMPERIUM sive DOMINIUM habere dicitur. ... Et leges civiles (ut eas definiamus), nihil aliud sunt, quam eius qui in civitate summa potestate praeditus est, de civium futuris actionibus mandata.*

In all states, the Man or Assembly to whose will all have subjected their will (in the manner previously discussed) is said to hold summa potestas, or summum imperium, or dominium. And the civil laws (such as we may define them) are nothing but the commands of him who has summa potestas in the state, having been entrusted with the future acts of the citizens.

A recent translator of _De Cive_, following Hobbes himself when the latter was writing in English, rendered Hobbes’s “summam potestam, sive summum imperium” as ‘sovereign authority, or sovereign power’, ‘sovereign’ describing the _ius imperiandi_ that the citizens have delegated to the ruler, forfeiting at the same time their right to resist. Sovereign power becomes at the same time uncontestable and inalienable, in a way that recalls the dictator’s immunity to _provocatio_ and _intercessio_ alluded to by Pomponius.

The problem comes when the idea of total power is applied practically. The actual operation of the archaic dictatorship shows that the dictator did not hold or, perhaps more importantly, wield the total power of the state. _Summa potestas_ did not refer to the entire perpetual dictatorship would mean that Rome was in permanent danger, which does not align with the nature of the dictatorship as a temporary office; and (b) Caesar was _dictator perpetuo_ for less than two months, and very possibly only one month. Almost all of his acts as dictator were formally _rei gerundae caussa_ or, for his first dictatorship, _comitiorum habendorum caussa_.

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state apparatus. What the narrative does describe is the dictator’s freedom to act unhampered by the restrictions placed on consuls and praetors toward the resolution of the mandate and the resumption of the ordinary state. Acting beyond that was against precedent and, while probably not illegal, was, as L. Manlius’s dictatorship clearly showed, intolerable.

**TWO DICTATORS AT ONCE**

If a dictator assumed the entire executive authority of the state, as classical authors assumed, then having two dictators at once should have been impossible. Yet coinciding dictatorships occurred twice at the end of the archaic period, and while both cases were anomalous they clearly demonstrate that dictators did not, *ex officio*, assume or subsume the entirety of state power.

The case studies give us the story of the first instance of two dictators at once, Q. Fabius Maximus and M. Minucius Rufus. All sources agreed that co-dictators were unprecedented, but none argued that M. Minucius’s command was illegal or a violation of *religio*, which would most certainly have been argued both at the time and again in the histories if there were an actual legal or religious impediment. None of our sources held back from the scourging they saw as due to M. Minucius, and if there were ammunition against his elevation beyond its being an innovation we would have heard about it. Suppose a consul, presiding over elections, tried to get three consuls elected, claiming they were necessary to defeat Hannibal. Imagine the thundering of the augurs, the blanching of senators, the tears of Vestals fearing the vengeance of the gods!\(^{50}\)

Livy reported no grumbling from the priests, no portents, no prodigies—and this is immediately after Q. Fabius had been established as a stickler for religious procedure,

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\(^{50}\) Would doing so have been actually illegal? Since we do not have the text of the *lex Licinia de consule plebeio*, for all we know it specified that on the reinstatement of the consulate one of the consuls be plebeian, not one of the two consuls. That wording is however generally consonant with our sources; see Plut. *Cam.* 42.3, Livy 6.42.9–11, Gell. *NA* 17.22.27, Flor. 1.17, 26.1.
arguing that the catastrophe at Lake Trasimene was the result of C. Flaminius’s failure to observe necessary rituals and sufficiently propitiate the gods\textsuperscript{51} and returning to Rome at an inconvenient moment in the middle of the campaign to make sacrifices.\textsuperscript{52} Every dictatorship that was religiously compromised was immediately voided by the augurs. Empowering two men with dictatorial powers violated no laws, political or religious, and none of our sources made even the slightest hay on this point. The arguments against M. Minucius’s equal command in all of our sources amount to Q. Fabius being right about strategy, and the partisan fools who swayed the madding crowd into raising up the ambitious, hotheaded incompetent to equal status with wise old veteran accomplished nothing except to further worsen Rome’s plight beyond its already desperate state.

There are a limited number of occasions in which a perversion of the dictatorship was viewed with alarm by historians writing about it, as shown in the stories of the rogue L. Manlius and the wrong man M. Claudius Glicia. The doubled-up dictatorial commands of Q. Fabius and M. Minucius was not one of them, and not even because of the anomalous nature of their appointments. What was “wrong” in this episode was not having two “dictators” at once, but that a temerarious fool could be buoyed by the feckless plebs and sordid demagogues into grabbing for the brass ring, and instead nearly took Rome down with him.

For our purposes, what stands out as problematic about having two dictators at once was having two dictators with the same mandate. Putting two emergency magistrates on the same task opened a possibility for the kind of hindrance, in this case through conflicting plans and efforts, that the dictatorship was designed to eliminate; and such conflict and hindrance was in fact the result, as all Rome soon saw.

The case of Q. Fabius and M. Municius might be unique, as both were elected, but there was another occasion in which Rome unequivocally had two proper dictators at once.

\textsuperscript{51} Livy 22.9.7; Plut. \textit{Fab}. 4.3–5, 5.1.
\textsuperscript{52} App. \textit{Hann}. 12, Polyb. 3.94.9, Plut. \textit{Fab}. 8.1, Livy 22.18.
This one, too, took place in the wake of a horrific defeat inflicted by Hannibal, this time Cannae. In the wake of the disaster and attendant evil portents, the senate called for a dictator, as well as a number of other desperate actions, including an expedition to Delphi and four human sacrifices in the forum boarum. The dictator appointed was M. Iunius Pera, cos. 230 (#77), whose levy reached desperately into the purple-togaed youth and thousands of state-purchased slaves. The extent of the crisis after Cannae and, before that, Lake Trasimene, was so great that there was an additional, urgent problem that could not be handled by the ordinary state: the senate was desperately in need of replenishment. Our case study tells how the ex-censor M. Fabius Buteo was appointed to resolve this problem, and he did so and resigned. M. Fabius’s objected to there being two dictators at once, not because it was impossible—obviously, it was not—but because it set a very dangerous precedent. Like L. Papirius Cursor, M. Fabius Buteo knew he was responsible not only for Rome but for the precedents set by his occupancy of the dictatorship.

This dual dictatorship demonstrated beyond doubt (a) that the dictator did not take the whole power of the state, and (b) that it was possible for more than one dictator to resolve separate mandates at the same time.

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53 Livy 22.57.
54 Livy 22.57.9–11.
The Myth of the Other Magistrates’ Suspension

One manifestation of the “total power” myth present even in Republican times was that the other magistracies were actually suspended during a dictatorship, leaving the dictator as the only active curule magistrate of the state. Polybius, in the ur-example of this idea, memorably stated in his epitome of the dictatorship that the other magistracies were nullified by the installation of a dictator, except for the tribunes of the plebs. Polybius was wrong about this, and his mistake was passed down to later writers who repeated it in defiance of their own narratives.

First let us examine Polybius’s “οὗ κατασταθέντος παραχρῆμα διαλύεσθαι συμβαίνει πάσας τὰς ἀρχὰς ἐν τῇ Ῥώμῃ”, the interpretation of which can be muddied by modern readers and in English translation. Plutarch understood it as the magistracies being dissolved, while the tribunate, responsible not to the populus but to the plebs, alone survived. The same idea was repeated elsewhere in Plutarch, notably in his Roman Questions, wherein he described the dictator absorbing only the curule magistracies. From these sources the preconception was adopted into modern scholarship, despite evidence lurking in the narrative that Polybius and Plutarch were incorrect on this point.

The standard reading of the deprivation phrase in Polybius, something along the lines of “all the magistrates in Rome ceasing to hold office on his appointment,” involves διαλύω being rendered with the sense of ‘put an end to, dissolve, destroy.’ The core meaning of διαλύω conveys separation and ending more than destruction: ‘loosen, part asunder,

55 Polybius 3.87.7–8, above p. 52.
56 Plut. Fab. 9.2.
57 Plut. Quaest. Rom. 81.
58 Notably, Kunkel 1973, 17; Hartfield 1982, 74. Mommsen was more temperate: the inferior magistrates did not “cease their functions”, but it was likely that the consuls’ authority was “suspended” within the dictator’s sphere of competence, so that the consuls seldom went to war alongside their dictators (Mommsen Röm. Staatsr. 2.139 = Appendix E, M34–35). As it turns out, this hypothesis is also not borne out by the narrative. Lintott observed that statements about the other magistracies being in abetance did not “correspond with Republican practice”: Lintott 1999, 111, though he repeated Mommsen’s contention that magistrates could not appear before a dictator with their fasces when, in fact, this was unique to Q. Fabius’s actions in 217.
dismiss.’ In a military context it can be used to describe the discharge of an army at the end of a campaign season; socially it suggests a reconciliation of opposing parties in a feud or *stasis*. In Plutarch, what the dictatorship did not do to the tribunes was ἀπόλλυμι ‘destroy’; but what actually happened to the others was καταλῶ ‘dissolve, dismiss, annul’.

Let us specify the target. The phrase αἱ ἀρχαί most likely meant ‘the magistrates’, not ‘the magistracies’. It is not the consulate being nullified by the dictatorship, but the command of the consuls. The sitting consuls were subordinated to a “supreme commander” with greater *imperium*. The subsequent narrative of Q. Fabius’s dictatorship, the context for these brief general remarks on the dictatorship both Polybius and Plutarch, made clear that Q. Fabius’s intent, and capability, was to demonstrate superior authority. His accession involved eliminating the *independent* authority of the other magistrates, not all other authority; and this was mainly an issue because Q. Fabius, and Polybius, were at pains to emphasize the dictator’s supreme authority, as seen in the case study. Q. Fabius’s concern (ironically, given later events) was a need to preemptively remove any conflict between commanders. More concretely, he deprived the consul of the function he was exercising, supreme command, by assuming it himself.

The core of what Polybius needed to get across here was that the dictator was an absolute general (αὐτοκράτωρ στρατηγός = ‘a general under his own command’), and, contingent on his appointment, the *imperium* of the other magistrates, as generals, was subordinated and unable to interfere in his sole command, but not ended or destroyed. To say that the other magistrates were nullified or deprived of power, or even *imperium*, for the duration of the dictatorship is, I think, not well supported by either (a) the taking of Polybius’s words in context or (b) the actual narrative of the archaic dictatorship.

The exemption of the tribune of the plebs would suggest that the deprivation of power involved what consuls and praetors had and tribunes did not—*imperium*. For the installation of a dictator to outright deprive the consuls and praetors of *imperium*, one of two

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59 These sorts of nuances of λύω and διαλύω are explored in Loraux 1987, 102–103.
explanations is possible: either it was in the dictator’s power to destroy someone else’s *imperium*, or the *lex curiata de imperio* by which the dictator was granted power included language that destroyed everyone else’s *imperium* at the same time. Both of these are pretty much impossible to reconcile with what we know about *imperium*.

The first is straightforward. *Imperium* was granted by a *comitia*, representing the Roman people in their sovereign form. It was accomplished by an act of legislation. *Imperium* might be withdrawn by the augurs if a fault were detected in the auspices, or perhaps by the people in rescinding legislation, but never by a magistrate. Even *imperium maius* would have allowed the dictator to command the other magistrate, but not to abolish *imperium* granted by the people by means of legislation.

The second is just as unlikely. If somehow the *lex curiata* by which the dictator was granted *imperium* also voided all other existing *imperium*, we must make a few inconvenient assumptions. First, during dictatorships the narrative routinely described consuls and praetors commanding armies and otherwise performing duties that required *imperium*. This would mean that the consuls were first deprived of *imperium*, then took command of military forces as office-holders without *imperium* of their own but under the dictator’s auspices. Praetors had their own *imperium* but deferred to consuls; *magistri equitum* possibly likewise, with deference to dictators. If the magistrates were truly and literally deprived of their *imperium* under a dictator, this was something else, an elected officer of the state functioning as an *imperium*-deprived *privatus* remotely representing the *imperium* and auspices of the dictator, even in another theater from the dictator, or at home within the *pomerium* with the dictator in the field. However, the grant of one’s own *imperium* was necessary to command an army, which means that we should not see consuls commanding their own

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60 Relieving a magistrate of his *imperium*, like the granting of it, would seem to have required a *lex* passed by of one of the assemblies: Livy 22.25.10, 27.21.1, 29.19.6; for a negative example of a commander illegitimately receiving *imperium* from his troops and not the Roman people at home, Livy 26.2.

61 Mommsen Röm. Staatsr. 2.139 = Appendix E, M34.

62 “*comitia curiata, quae rem militarem continet*”, Livy 5.52.15; “*consuli, si legem curiatam non habet, attingere rem militarem non liceat*”, Cic. Leg. agr. 2.12, 30. In 211, the senate declared L.
armies during dictatorships if the elevation of a dictator destroyed their imperium. Yet it is beyond question that the senior magistrates continued to function during dictatorships and functioned according to their normal duties, including the command of armies under the dictators. To see this one need not even leave the dictatorship of Q. Fabius.

There are enough instances of consuls commanding not just wings under the direct command of dictators but armies under their own command despite the installation of a dictator that only the most interesting examples are necessary. Q. Servilius Ahala (#24, 360) left the consul C. Poetilius Balbus in command of his army, presently engaged against the Tiburtines, and formed a new army of his own to engage the Gauls, while the other consul M. Fabius Ambustus fought the Hernici on yet another front. Shortly thereafter C. Sulpicius Peticus (#25, 358) again engaged the Gauls while a consul, C. Plautius Proculus, fought the Hernici. T. Manlius Imperiosus Torquatus (#27, 353) was made dictator to deal with a threat from Caere that the consuls could not deal with, seeing how they were engaged in their own separate fights with the Tarquinii and the Volscians as Tusculum. L. Papirius Cursor (#44, 325) took up a war with the Samnites allotted to a consul who fell ill, while the other consul carried on with his own, separate war against

Marcius was not legitimately in command of an army in Spain because he had not received the imperium by a lex of the people, Livy 25.37, 26.2. Cf. Cic. Fam. 1.9.25. Botsford (1908, 511) argued that the lex curiata de imperio was not strictly necessary to military command, but his exceptions derived from the post-Sullan period, in which the lex curiata was a more perfunctory matter; yet the lex curiata continued to be the means by which imperium was formally invested in consuls and praetors all the way to the end of the Republic. As Develin pointed out, the holding of the auspices was also necessary to command an army (Livy 22.1.7, 9.39.1; Cic. Div. 2.36.76, Nat. D. 2.3.9), and the lex curiata was necessary for the granting of auspicia publica and thereby potestas (Develin 1977, 54–59).

63 Commanding wings of the dictator’s army: e.g., under A. Postumius Albus Regillensis (#2, 496) at Lake Rigellus, Dion. Hal. Ant. Rom. 6.2.3, Livy 2.19.7.
64 Livy 7.11. While M. Fabius’s engagement might or might not have been concurrent with the dictator’s, C. Poetelius’s definitely was, and Livy had the dictator praise them both.
65 Livy 7.12.
66 Livy 7.19.
the Vestini.\textsuperscript{67} C. Sulpicius Longus (#55, 312) was called on to fight the Etruscans in place of an ill consul, while the other consul continued his contest with the Samnites.\textsuperscript{68}

After a dictator resigned, we know that consuls and praetors operated normally. Dictatorships did not last a fixed period of time; even if there were a six-month cap, and the evidence says there was not, dictators often resigned within days of their appointment. So the suppression of the consuls’ and praetors’ \textit{imperium} by the dictator’s grant of \textit{imperium} could not have been for a set period of time. If the consuls’ \textit{imperium} was revoked at the installation of the dictator, it would have needed to have been restored on the dictator’s abdication by a \textit{lex} passed by the \textit{comitia curiata} or another assembly. Not only was such an event never, ever described or alluded to in the literature, it would have required the magistrates to be physically present in Rome in order to rogate the \textit{lex curiata} and take new auspices, which, on many occasions, they explicitly were not.\textsuperscript{69} In dictatorship after dictatorship, the narrative described normal and continuous functioning of the consulship and praetorship during a dictatorship as before, and after a dictatorship as during.

Q. Fabius humbled the surviving consul for a specific reason, but there was a precedent for this kind of behavior. L. Quinctius Cincinnatus (#4, 458), taking command of a humiliated consular army, rebuked the soldiers and demoted the consul to a subordinate command under the dictator. Livy reported this as the consul resigning his consulship;\textsuperscript{70} but if he retained a command under the dictator, as Livy said he did, it seems more likely that, as in 217, the consul was deprived of his supreme command but not the consulship itself. The latter scenario would have created a vacancy and a need for

\begin{itemize}
\item \textsuperscript{67} Livy 8.29.6–11.
\item \textsuperscript{68} Livy 9.29.3.
\item \textsuperscript{69} Livy 9.38.15 would suggest that the dictator laid his own \textit{lex curiata de imperio} before the assembly of Curies; this would have followed the practice of the other senior magistracies, which would have in turn been derived from the vesting of \textit{imperium} in the king, in which the \textit{rogatio} supposedly consisted of the king personally asking the \textit{comitia} if they consented to his \textit{imperium}, and the \textit{comitia} formally voting in the affirmative (Cic. Rep. 2.13, 25 and 2.17, 31; cf. Livy 2.13, 2.18). See Allen 1888, Botsford 1908, Staveley 1956, Develin 1977. For the auspices needing to be taken at Rome, see Livy 22.1.4–7.
\item \textsuperscript{70} Livy 3.26.2–3.
\end{itemize}
the election of a suffect consul, but this did not take place with respect to either of the consuls in question, even though in the later case a suffect consul was duly elected under Q. Fabius to replace the dead C. Flaminius.

The humiliation of Cn. Servilius fit in perfectly with both of Q. Fabius’s priorities on taking office: to waylay any popular fears of the armies’ cravenness by implicating the consuls, and to reinforce the majesty to the dictatorship, the better to undertake what were bound to be unpopular tactics. Cn. Servilius being made to lay aside his insignia of office by a dictator would be easy to oversummarize or mischaracterize as Cn. Servilius being forced to lay aside the office itself by the fact of a dictatorship, but everything else tells us that this is not the dictator—consul dynamic in this case or any other. Polybius himself later noted that the powers of the consuls of 217, Cn. Servilius and the suffect M. Regulus, were prorogued and that they carried on as proconsuls for 216.\textsuperscript{71}

Tellingly, Dionysius’s strikingly similar account of his next dictator, A. Postumius (#2), had one consul again appointing the other dictator, then serving under him as commander of a fourth of the army. But in this case not only was nothing was said of the senior consul laying aside his office, Dionysius continued to refer to him as “the consul Verginius” throughout the entire story\textsuperscript{72} and to say things like “the consul encamping on the left-hand side and the dictator on the right”.\textsuperscript{73}

Dionysius’s assertion of the abolition of offices can likewise be addressed by the narrative of the dictatorship in which the assertion occurs. We saw in his epitomes that Dionysius had Q. Cloelius, after naming his colleague T. Larcius dictator, thereupon abdicating his consulship, presumably along with all the other magistrates, per an edict Dionysius described which stipulated the resignation of the consuls.\textsuperscript{74} But the sequence of events that Dionysius himself laid out for T. Larcius’s dictatorship does not support

\begin{footnotesize}
\begin{enumerate}
\item Polyb. 3.106.2.
\item “Πῖτος Οὐεργίνιος ὁ ὑπατος”, Dion. Hal. Ant. Rom. 6.5.5; see also 6.2.3, 6.4.3.
\item “τοῦ μὲν ύπατος τῶν ἀριστερῶν προκαθημένου μερῶν, τοῦ δὲ δικτάτορος τῶν δεξιῶν”, Dion. Hal. Ant. Rom. 6.4.3.
\item Dion. Hal. Ant. Rom. 5.72.3, 5.70.4.
\end{enumerate}
\end{footnotesize}
this: Q. Cloelius resurfaced almost immediately in Dionysius’s narrative as commander of one of the four armies sent against the Latins.\textsuperscript{75} If the consul Q. Cloelius renounced anything, it was the supreme command while there was a dictator conducting the war. The most that can be said about Dionysius’s account is that if Q. Cloelius did resign after appointing his colleague dictator—and remembering both his service anyway under T. Larcius and the repetition of this scenario from first to second dictatorship but with the abolition/resignation omitted, this is unlikely—the precedent did not stick and was not followed, despite Dionysius making a point of saying that A. Postumius, the second dictator, followed the all precedents established by T. Larcius.\textsuperscript{76}

That consuls must resign on the appointment of a dictator fails to surface in Dionysius after the first dictatorship, where Dionysius was focused on establishing, at great length and with considerable passion, the dictatorship as an “elective tyranny”. The resignation idea is not present at all in Livy’s accounts of the first two dictatorships or thereafter.

Other passages that might be held up in support the suspension of the other magistracies do not in fact do so. Consider the legendary story of Camillus and the Gauls:

\textit{Livy 5.49.1–2}

\textit{Sed dique et homines prohibuere redemptos uiuere Romanos. nam forte quadam priusquam infanda merces perficeretur, per altercationem nondum omni auro adpenso, dictator interuenit, auferrique aurum de medio et Gallos submoueri iubet. cum illi renitentes pactos dicerent sese, negat eam pactionem ratam esse quae postquam ipse dictator creatus esset iniussu suo ab inferioris iuris magistratu facta esset, denuntiatque Gallis ut se ad proelium expediant.}

But both gods and men prevented the Romans from enduring having been ransomed. For by chance before the unspeakable exchange could be brought to completion, a dispute having delayed all the gold having been weighed out, the dictator arrived and ordered that the gold taken away and that the Gauls stand aside. When they resisted him, citing the agreement that had been made, the dictator denied that, once a dictator was appointed, a pact made by an inferior magistrate could be valid without his sanction; and he warned the Gauls that they should prepare for battle.

Even setting aside the dramatic possibility that this gambit was a bluff on Camillus’s part, there is no call for extrapolating from this that the dictatorship “put all magistracies

\textsuperscript{75} Dion. Hal. \textit{Ant. Rom.} 5.75.4, 5.76.4, etc.
\textsuperscript{76} Dion. Hal. \textit{Ant. Rom.} 6.2.3.
into suspension.” There is no reason to believe that the installation of the dictator affected the *imperium* or the *potestas* of the curule magistrates in any meaningful way other than to subordinate them to the dictator’s command in cases where their *imperium* might conflict—namely, the operations of the dictator in pursuit of his mandate.

Still—if the consuls had lost their independence, and the dictator could impose his will on them, does not that mean that their power was now in the hands of the dictator—all the power of the state, in fact? The answer is no, because the dictator, for reasons already established, was most decidedly not all-powerful.

First, by strict custom the dictator was restricted to his mandate, with the option of a second mandate requested of him as needed. In either case the mandate itself—the parameters within which the dictator could operate—was not his choice; what was at his discretion was how to act to resolve it, and the extent to which it had been resolved. The dictator’s actions were circumscribed by his mandate; a dictator appointed to hold elections, for example, could not decide to get to war or vice versa without being asked to do so by the senate or the people. Meanwhile, the government of Rome continued to function without reference to the dictator in all other areas outside the dictator’s purview. Unless there was a vacancy, absence, or illness requiring a request for the dictator to step

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77 Ogilvie 1970, 738. Ogilvie adds that such “legalistic quibbling is characteristic of Sullan annalists,” which suggests that having Camillus assert that the magistracies were suspended was anachronistic interpolation.

78 Last 1947. Ehrenberg 1953, 115 emphasized that “under normal conditions” a magistrate with maius *imperium*, as a consul with reference to a praetor, would not intrude into the subordinate magistrate’s jurisdiction; but that such intercession was possible if conditions were “not normal,” an appellation that would surely apply to the Gallic occupation of Rome in 390. Cf. Val. Max. 7.7.1; Cic. *Att.* 9.9.3; Gell. *NA* 13.15.4; Livy 7.1.6. See also Staveley 1963; Paschoud 2005.
in, consuls continued to discharge their regular obligations: they held elections, presided over games, assembled the *comitia*, convened the senate, and so on.

Second, our discussion of *imperium* guides us to understand that as the consul and the dictator possessed *imperium*, the dictator’s was considered *maius* than the consul’s, should there be a conflict. Is this the same thing as saying that the dictator nullified, replaced, or suspended the consul’s *imperium* even within the dictator’s purview? The consul’s *imperium* was still intact; but decisions he made could be overridden by the dictator in matters that pertained to the dictator’s mandate, in the same way that the praetor operated independently of the consul unless the consul, with *imperium maius* than the praetor’s, chose to intervene on a matter that touched the consul’s responsibilities and obligations. On matters within the bounds of his mandate the dictator had the final say, while the rest of the Roman state, contingent on the impact of whatever problem had led to the appointment of the dictator, carried on as always, especially in all matters that did not pertain to the mandate.
Dictators bore trappings of power similar to consuls, in significantly different ways.\textsuperscript{79} The most direct representation of the dictator as being equal to two consuls was the attribution of 24 lictors with their \textit{fasces}, twice the number accompanying a consul. In his approach to the nettlesome question of \textit{imperium maius}, Staveley argued that the key to understanding \textit{imperium} was to concentrate on the \textit{fasces}. “It is beyond question,” he wrote, “that there was a necessary connection between \textit{fasces} and \textit{imperium}.”\textsuperscript{80} At the same time, the elements of pageantry reflected in the use of the \textit{fasces}, especially by dictators, should not be overlooked; dictators were aware that one of the tools at their disposal was awe (and fear), and the lictors, \textit{fasces}, and axes were an integral part of that.\textsuperscript{81}

The power of the dictatorship was attested by the \textit{fasces} in two ways: the number of lictors, and the use of axes in the \textit{fasces} within the \textit{pomerium}.

\textbf{THE NUMBER OF LICITORS}

On a handful of occasions it was remarked on that the dictator was preceded by twenty-four lictors, twice as many as a consul.\textsuperscript{82} Both Polybius and Plutarch remarked on Q. Fabius Verrucosus’s double complement of lictors in 217.\textsuperscript{83} Though Polybius had written of Q. Fabius having already done so, by the time Sulla became dictator the office had been moribund for 120 years, and the procession of twenty-four lictors appeared to be a disturbing innovation after generations of consuls preceded by only twelve:

\textsuperscript{79} See also Appendix G, \textit{s.v. “Chair and Toga”}.
\textsuperscript{80} Staveley 1963, 459, citing Livy 1.8.2 (\textit{fasces} as \textit{“insignia imperii”}), Dion Hal. 3.61, and other classical sources (see n. 3). Likewise Linderski 1986, 2179 n. 115, Brennan 2000, 41.
\textsuperscript{81} For the \textit{fasces} as pageantry see Marshall 1984.
\textsuperscript{82} Relevant to this, as mentioned alongside Polybius’s epitome, is Cicero’s assertion that the dictator had the power of two consuls (\textit{Leg.} 3.3.9). Later commentators went so far as to describe the dictator’s twenty-four lictors as “representing the two consuls,” as if executive power were additive and linear: e.g. Peck 1898, \textit{s.v. fasces}.
\textsuperscript{83} Polyb. 3.87.7; Plut. \textit{Fab.} 4.2.
Sulla dictator factus, quod nemo umquam fecerat, cum fascibus XXIII processit.

Sulla, made dictator, was preceded by twenty-four fasces, such as no one had been before.

Livy seldom noticed lictors or fasces in specific quantities;\(^84\) given that the twenty-four dictator lictors are attested elsewhere, it is more likely this epitomized statement reflects only the very real phenomenon that no one in Rome had ever seen twenty-four lictors before.\(^85\) Appian also spoke of Sulla having twenty-four lictors as if it were an innovation that made manifest Sulla’s malevolently regal intent, but this was part of Appian’s long indictment of the dictator’s tyranny:

\textit{Appian Bella Civilia 1.100}

\begin{quote}
αὐτὸς δὲ οἷα δὴ βασιλεύων δικτάτωρ ἐπὶ τοῖς ὑπάτοις ἦν: πελέκεις τε γὰρ ἐφέροντο πρὸ αὐτοῦ, οἷα δικτάτορος, ἐἴκοσι καὶ τέσσαρες, ὁσοὶ καὶ τῶν πάλαι βασιλέων ἡγοῦντο, καὶ φυλακὴν τοῦ σώματος περιέθετο πολλὴν.
\end{quote}

But Sulla, like a reigning sovereign, was dictator over the consuls. Twenty-four axes were borne in front of him as dictator, the same number that were borne before the ancient kings,\(^86\) and he had a large body-guard also.

Legends of Cincinnatus at his plow also included the twenty-four rods and axes (also with comparison to the kings), but apart from Fabius and Cincinnatus no other archaic dictator was remarked upon as having this double-complement of lictors, though the dictator’s lictors were mentioned on occasion.\(^87\) If it were not for Polybius, it would be just possible to propose that Sulla did indeed innovate a complement of twenty-four lictors, and the skewing of the office resulting from Sulla’s and Caesar’s tenures intruded the number into the story of Cincinnatus; but Polybius’s second-century account of Q. Fabius’s

\(^{84}\) The only other reference in Livy to “twenty-four lictors” referred to the combined complement of an early brace of consuls: Livy 2.55.

\(^{85}\) On this see Staveley 1963, 469, who suggested the epitomator was influenced by anti-Sullan propaganda.

\(^{86}\) According to Livy, the kings were preceded by only twelve lictors, in emulation of the Etruscans (1.8).

\(^{87}\) For example, M. Fabius Buteo, attempting to resign in a hurry and vanish into the crowds, dismissed his lictors and abdicated his office the second he completed his work: Livy 23.23.7–9; Plut. Fab. 9.4.
twenty-four makes it certain that this was not the case.\textsuperscript{88} We can be sure that archaic dictators were entitled to twenty-four lictors.

Part of the traditional indictment against Sulla’s perversion of the dictatorship was that he was the first to be preceded by all twenty-four lictors even within the city, the implication being that archaic dictators only employed twenty-four lictors outside Rome, on campaign.\textsuperscript{89} Yet it was also reported that archaic dictators had axes in their \textit{fasces} even within Rome,\textsuperscript{90} and from the very beginning. This leads to the unlikely implication that dictators were preceded by a complement of twelve lictors with axes within the \textit{pomerium}, and twenty-four with axes beyond it. Given the fixed association of twenty-four lictors with the dictatorship in the literature,\textsuperscript{91} it is difficult to imagine a dictator having one quantity of lictors, with axes in their \textit{fasces}, inside the city, and another quantity outside it. Surely someone would have remarked on the dichotomy of the dictator having twenty-four sometimes, and twelve at other times? But apart from the unreliable Lydus, the number of lictors for a dictator in the abstract is always twenty-four.

\textsuperscript{88} Uniquely, Lydus said the dictator (originally?) had all the trappings of the king except the crown, including twelve lictors (\textit{Mag.} 1.37). But this is a late and sloppily unreliable source, especially in his section on dictators, \textit{Mag.} 1.36-38, in which names and actions of dictators were often garbled and conflated. As Staveley has pointed out, Lydus seems to have been transferring the Roman kings’ twelve lictors to the dictators (Staveley 1963, 469), reversing Appian’s mistake (\textit{App. B. Civ.} 1.100). For critical discussion of \textit{De Magistratibus}, see Bandy 1983.

\textsuperscript{89} The idea that Sulla was the first to bring the field complement of twenty-four lictors into the city seems to rely solely on Livy \textit{Per.} 89 and on Lyd. \textit{Mag.} 1.37. Sulla’s innovation was reported as fact by Mommsen (\textit{Röm. Staatsr.} 1.304; 2.137 = Appendix E, M27). \textit{App. B Civ.} 1.100 mentioned Sulla’s twenty-four lictors with axes in the city as being a resurrection of the practice of kings, which is not the same thing as saying he was the first to bring twenty-four lictors into the city. Brennan 2000, 1.42, argued that archaic dictators had only ever used twenty-four lictors in the field, and used only twelve within the precinct of Rome.

\textsuperscript{90} Mommsen \textit{Röm. Staatsr.} 2.137 = Appendix E, M27.

\textsuperscript{91} Polyb. 3.87; Dion. Hal. \textit{Ant. Rom.} 10.24; Plut. \textit{Fab.} 4; \textit{App. B Civ.} 1.100; Cass. Dio 54.1, cf. 43.14. All dictators having twenty-four lictors (in the field, presumably) was the basis for Mommsen’s insistence that dictators were like consuls, except with extra \textit{imperium} (\textit{Röm. Staatsr.} 2.137 = Appendix E, M28). The discrepancy that dictators would have had twelve lictors within the city bounds and so been equal to the consuls would not have bothered him, as he equated the dictator’s operations within the city to martial law (2.147 = M51).
Given the paucity of our evidence, it is theoretically possible that twenty-four lictors attended only military dictators, or perhaps dictators *rei gerundae caussa* (though Sulla was neither). Given what we know of his intentions on assuming the dictatorship, such a tradition would certainly have prompted Q. Fabius to make a point of having twenty-four lictors with axes after so many years without a military dictator. But there is no evidence at all to suggest that different kinds of dictators had different numbers of lictors, or disposed of or acquired a dozen lictors on entering or leaving the city. If such were the case there would very likely have developed some outward indication that some dictators (the ones with twenty-four lictors) were more important than others (the ones that did not)—and there is absolutely no indication in any classical source, whether epitome or narrative, that there was more than one rank among dictators; quite the contrary, all dictators, no matter what the emergency, are placed at the same level of fearsome potency in both epitomes and narrative alike; the attribution of inferiority to single-task dictators belongs to modern scholarship, and Mommsen in particular. We can proceed with the assumption that all archaic dictators were, like Cincinnatus and Fabius, preceded by a double helping of lictors.

One factor sometimes forgotten is that the consul’s *fasces* were subject to rotation: the consuls took turns “holding” the *fasces* month by month (or possibly daily in the field, if they commanded the same army), tacitly tempering the supreme authority they represented.\(^{92}\) The dictator’s *fasces* were not rotated, underlining his capacity for independent action.\(^ {93}\) Oddly, this would have made his power feel more “permanent” than a consul’s despite the temporary nature of his office. It is in this kind of context that assertions that the dictator had the power of two consuls make the most sense: each consul held the *fasces* for only half of his term of office, sharing them with his colleague; the dictator had full possession of the *fasces* without interruption for his entire incumbency.

\(^{92}\) Livy 28.9.10, 22.42.7–9; Festus *Gloss. Lat.* 154L; Taylor and Broughton 1949, 3–13.

\(^{93}\) Brennan 2000, 1.42.
The association of dictators with twenty-four lictors endured past the end of the Republic. In 22 BCE, we are told, pestilence and evil portents drove a delegation to beg Augustus to become dictator, and their appeal included bundling and offering to him twenty-four *fasces*.\(^{94}\) Twenty-four lictors with their rods reflected an extraordinary power, while at the same time the presence of lictors with rods, a continuous trapping of legitimate and sanctioned Roman authority since the days of kings, attested the rock-solid constitutionality of the office and of the office-holder’s authority to act.

**AXES IN THE FASCES**

The second distinction of the dictator’s *fasces* was that the axes (*secures*) representing the power of death over citizens, which from some point early in the Republic were bound into the *fasces* only outside the sacred boundaries of the city, were present in the dictator’s *fasces* even within the precincts of Rome.

Dionysius associated this with the dictator as distinct from consuls; the famous consul P. Valerius Publicola, so the story went, had eliminated *secures* within the city in 508.\(^{95}\)

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\(^{94}\) Cass. Dio 54.1.3. The resonance with the story of Cincinnatus was probably deliberate.

\(^{95}\) Plut. *Publ.* 10.5. The association of rods and axes together was again made with kings (10.2). Dionysius did not mention the axes when P. Valerius himself was in the narrative, but attributed to him the legislation of *provocatio* (Dion. Hal. *Ant. Rom.* 5.70.2).
Freedom from *provocatio* was equated directly with the ability to equip one’s lictors exactly as they were in the field, i.e., with axes in the *fasces*. This was made explicit with the account of the *decemviri*.

Livy 3.36.4

*Centum uiginti lictores forum impleuerant et cum fascibus secures inligatas praeferebant; nec attinuisse demis securem, cum sine prouocatione creati essent, interpretabantur.*

A hundred and twenty lictors crowded the Forum, and before them, bound up in the rods, they carried axes. And indeed the *decemviri* explained that there had been no reason for removing the axe, since the office to which they had been chosen was without appeal.

Their legal authority to act against citizens was unrestricted, just as it was for the commander in the field; a few sentences later Livy noted that this second board of *decemviri* were secretly conspiring to perpetuate their unencumbered “*imperium*” by withholding consular elections.\(^{96}\) Again, the fact that this story purports to relate fifth-century events of arguable authenticity is immaterial: this is a first century document which describes how *imperium* was understood by Romans describing and analyzing their own past. This legal authority to summon, command, and compel was a magistrate’s *imperium*, whether the citizen was under military vows or not; the only difference from the consul lay in the domestic applicability of *provocatio* and *intercessio* as restrictions on the consul’s *potestas*.

Leaving the connection with *provocatio* aside, the presence of twenty-four axes was an intensification of the fearsome but legitimate authority represented by twenty-four *fasces*. It is reasonable to agree with Staveley that successive numbers of lictors and *fasces* represented a physical manifestation of *imperium maior* relationships.\(^{97}\) This meant not that the dictator was twice as powerful as the consuls, but only that his *imperium* was *maius quam* the consuls’; the axes symbolically reflected the dictator’s status as unencumbered by the legal hedges on *potestas* that constrained consuls, and specifically a power to wield capital force within the *pomerium* that was denied consuls—a power of which there is only that one instance in the record, the extemporaneous use of deadly force against Sp. Maelius.

\(^{96}\) Livy 3.36.9.  
\(^{97}\) Staveley 1963, 470.
THE MYTH OF TOTAL UNACCOUNTABILITY

One of the persistently recurring assertions in the epitomes and the secondary literature was that the dictator, unlike ordinary magistrates, was not answerable for his actions in office. Specifically, he was said to have been immune from the Roman citizen’s right of appeal, known as *provocatio*.\(^9^8\)

Such untouchability, if not circumscribed in other ways, would make a dictator theoretically capable of any abuse of power, of any abridgement of legal restrictions. A number of key questions arise in considering the dictators’ answerability. First, were the dictators of the narrative truly unanswerable for their actions while in office, in a way significantly different from consuls and praetors? Second, if dictators were immune from *provocatio*, is that the same thing as unanswerability, or were dictators capable of being held to account for their actions in office in other ways? Third, if dictators were not answerable to the Roman people, did that mean that the dictator had a different constituency than a consul or praetor? Finally, did the answerability of dictators change over the three centuries of regular use, and how did this correspond to changes in the answerability of ordinary magistrates?

THE NATURE OF *PROVOCATIO*

The first difficulty is in understanding exactly what *provocatio* was meant among Romans of the Republican era. In the literature, *provocatio* was more likely to be referred to than to be described in practice, and some of the references have been characterized as misleading or anachronistic by modern historians.

Usually it was framed as a citizen’s right of appeal to the people to actions by the state. The noun *provocatio* ‘appeal’ and the verb from which it derived, *provoco* ‘call out’ in

\(^9^8\) Livy 2.18.8–10, 4.13.11, cf. 2.8.1–2, 3.36.4, 8.33; Dion. Hal. *Ant. Rom.* 5.70.2; *Digest* (Pomponius) 1.2.2.18; Festus *Gloss. Lat.* p. 198M; Mommsen *Röm. Staatsr.* 2.145–47 = Appendix E, M49–50; Ehrenberg 1953, 122; Staveley 1955; Lintott 1999, 111; Brennan 2000, 1.38; Drogula 2015, 119.
the sense of ‘appeal’, were used in the context of the hero/sororicide P. Horatius appealing a judgment of treason (perduellio) laid by the duumviri assigned to his case by the king, Tullus Hostilius. “Provoco!” (“I appeal!”), Horatius was said to have shouted dramatically, whereupon his case was tried “by the people” (ad populum). Though the precedent of appeal to the people of a judgment by the state is established in this story of embryonic Roman legal principles, the use of provocatio in the Horatius case also seems distinct from the later, Struggle-of-the-Orders-tinged appropriation of provocatio as a citizen’s means of action against possible oppression by an agent of the state by taking his case to the citizenry as a whole. Cicero asserted that pontifical and augural books attested a right of appeal to the people from the rulings of the kings while, in his next breath, he was suggesting that the right of provocatio arose as a result of a lex Valeria of 508. This discrepancy has been explained as establishing a firm foundation under the Republic for what had been, under the monarchy, “a precarious privilege without express legal sanction”.

After the story of Horatius, the next reference in the narrative to provocatio, with something closer to the specialized meaning, was to one of the laws attributed to P. Valerius Publicola (cos. 508), the lex Valeria mentioned by Cicero. This law was (very tersely) described as granting appeal to the people against the actions of magistrates.

Livy 2.8.1–2

Latae deinde leges, non solum quae regni suspicione consulem absoluerent, sed quae aede in contrarium uerterent ut popularem etiam facerent; inde cognomen factum Publicolae est. Ante omnes de provocatione adversus magistratus ad populum sacrandoque cum bonis capite eius qui regni occupandi consilia inisset gratae in uolgus leges fuere.

Laws were then proposed which not only cleared the consul from the suspicion of seeking kingly power, but took such an opposite turn that they even made him popular and caused him to be styled Publicola [i.e., the people’s friend]. Above all, the law about appealing from the magistrates to the people, and the one that pronounced a curse on

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99 Livy 1.26.5–14. He was acquitted thanks to tearful testimony by his father (cf. the L. Papirius case study).
100 Cic. Rep. 2.31, 54.
102 Cf. Flor. Epit. 1.9.4. “aduersus injuriam magistratum”, Livy 3.56. See also Dion. Hal. Ant. Rom. 6.43, in which the Valerii took pride in having brought about a law permitting use of “the assembly as a court of justice”.

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the life and property of a man who should plot to make himself king, were welcome to the commons.

Cicero clarified that the lex Valeria extended the right to appeal to all citizens, suggesting that it might have earlier antecedents among certain groups or as an ad hoc allowance.\textsuperscript{103} The gratitude of the people for this extension of privilege to the masses was supposedly such that they were inclined to be less fearful of the appointment of a particular dictator, despite the dictatorship being potentially directed at them, because he was Publicola’s brother (M.’ Valerius Maximus, #3, 494).\textsuperscript{104} Another provocatio law, also known as a lex Valeria, was passed in 300, asserting, or reasserting, this right, and in part because of this apparent replication historians have been questioned the historicity of the 508 version and, in some cases, the 300 iteration as well.\textsuperscript{105}

 Instances of provocatio being invoked in the literature are very rare, though this does not necessarily require that they were as rare in real life. Livy described a supposed leader of disturbances invoking his right of appeal as he was being hauled away by lictors, and a consul almost preventing the appeal, before others prevailed on him.\textsuperscript{106} One remembered case involved one of three reckless Fabii who, sent as ambassadors to Clusium in 390, induced his two brothers to join the Clusians’ war against a Gallic army; the Gauls demanded the instigator be turned over to them, and when the senate, seeking to avoid provoking a war with Gauls, agreed, the man’s father appealed successfully to the people.\textsuperscript{107} What is striking about this case was that it was not, in fact, an appeal adversus magistratus, as Livy had described the law, but against the senate. Still, this creates a pleasing consonance with the theory of sovereignty and maiestas subscribed to in this study, illustrating the converse—that delegation to and trust in magistracies and institutions

\textsuperscript{103} “ne quis magistratus civem Romanum adversus provocationem necaret neve verberaret”: Cic. Rep. 2.31, 54.
\textsuperscript{104} Livy 2.30.5.
\textsuperscript{106} Livy 2.27.12, in 495. The recalcitrant consul was, predictably, Ap. Claudius Sabinus Inregillensis. Another similar case was ascribed to 473, Livy 2.55.4.
originating in the people was the grounds on which was based appeal from these elements in the reverse direction, back to the people.

**THE DICTATOR’S SUSCEPTIBILITY TO *PROVOCATIO***

By placing the *lex Valeria* granting *provocatio* in the earliest days of the Republic, Livy affirmed that it was one of the most elemental and intrinsic components of post-regal Rome and emblematic of the liberty the Romans had achieved in the form of the Republic. It is therefore not surprising that the tension between the dictatorship and *provocatio* also is placed early in Livy’s narrative of the Republic.

Livy seems to have assumed not only that the dictator was not susceptible to *provocatio*, but that this was true going back to the origins of the office. Livy even listed it in his earliest attestation of the attributes of the very first dictatorship.\(^{108}\)

The subject arose during his account of the year 460, in which the suffect consul (and future dictator) L. Quinctius Cincinnatus threatened to name a dictator to break the plebs’ refusal to submit to a levy. This prospect was even more alarming than the rumors then circulating about the consuls’ plans to force the tribunes’ and the plebs’ submission by convoking a meeting of the assembly beyond the one-mile boundary, at Lake Regillus.\(^{109}\)

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\(^{108}\) See “The Moment of Inception”, p. 305 below.

\(^{109}\) A passage in Livy just before this asserted that *provocatio* was limited to within a mile of Rome (Livy 3.20); Dionysius had this one-mile penumbra as the boundary between the summary jurisdiction of a consul as army commander, beyond it, and his civil jurisdiction, subject to appeal, within it (Dion. Hal. *Ant. Rom.* 5.19, 70).
No dictator was appointed in this crisis, which was deferred to the senate (they scotched both the tribunes’ actions and the consuls’ levy); but Livy had laid into the record his first mention of the dictators’ immunity. Livy later held that provocatio was eliminated by the decemviri but restored by a new lex consularis de provocatione that both reestablished the right and ensured that no future magistrate should be installed without being subject to it (“ne quis ullum magistratum sine provocatione crearet”). It might be arguable whether the dictator was a “magistrate” who was “created” in accordance with this law, but the same legislative session also was said to have established that plebiscites were binding on the whole of the citizenry, a reform not normally understood to have taken hold in 449.

In fact, Livy tended to portray the consuls as being subject to provocatio, but not dictators. A decade later our L. Quinctius was appointed dictator to deal with an insurrection precisely because the consuls were hampered by provocatio, whereas a dictator would not be. Was there an ancient, legal justification for the dictator’s stated exemption on this occasion? It seems clear, both from the tale of the lex Valeria and from the story of the clemency of Horatius alluded to above, that the actions of kings were not subject to provocatio. Horatius’s case is the only instance of the right of appeal being exhibited during the regal period, and from Livy’s account this appeal from the duumvirs’ verdict was understood to be a singular boon and at the king’s discretion. One theory of the creation of the dictatorship was that it was a reinstatement of the kingly power, for emergencies only; if so, the dictatorship was not susceptible to provocatio because the king was not, and the dictator was an emergency king. In fact, there is little support for thinking of the dictatorship as a recrudescence of the kingship, which was, in the terms of this study, an elected, open-ended ordinary magistry. The dictator, like an established right of provocatio, was a creature of the Republic. The former’s immunity from the latter must be demonstrated and explained in Republican terms.

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110 Livy 3.55.4–5. See also Cic. De or. 2.48, 199.
111 Livy 3.55.3.
112 The relevant passage is Livy 4.13.11–12; see the case study.
113 Livy 1.26. See also Dion. Hal. Ant. Rom. 3.22.
There was a close association between the axes placed in the fasces and the right of appeal: not only was the rescinding of the axes (within the one-mile boundary) one of the leges Valeriae, but Livy explicitly connected axes in the fasces with an immunity to provocatio in the case of the decemviri.\textsuperscript{114} Those who were not subject to appeal—dictators and decemviri, and such later figures as consuls acting under a senatus consultum ultimum—had the unfettered power of life and death over Romans, made symbolically manifest in the lictors’ axes.

If the first lex Valeria de provocatio in 508 is a false reflection of the one in 300, this would offer the possibility of the dictatorship, with the other magistracies, being subject to the right of appeal only after 300. Mommsen argued that, as there were instances of dictators arguably evading provocatio in 439, 385, 363, 325, and 314, the lex Valeria of 508, if it ever existed, cannot have applied to dictators, but the law of 300 might have imposed susceptibility to provocation onto the dictatorship.\textsuperscript{115} The cases Mommsen mentioned are all among our case studies: L. Quinctius Cincinnatus, whose magister equitum killed a populist leader; A. Cornelius Cossus, who arrested another populist leader, and no one dared question his actions while he was in office; L. Manlius Capitolinus Imperiosus, who tried to exceed his mandate and resigned in shame; L. Papirius Cursor, who insisted on his own right to judge and punish his disobedient magister equitum; and C. Maenius, against whom a lawsuit by the men he accused could only proceed after he resigned. Some of these are glancingly relevant, but it is probably going too far to count cases in which no formal appeal occurred—no cry of “Provoco!”, literal or figurative—as “evading” provocatio, a label that should by rights apply to a situation where appeal was bruited, but failed. The situation with L. Papirius in 325 came closest, in that arguments before the people took place; but that concerned a military commander’s right to discipline an insubordinate officer and therefore does not shed light on intra-pomerium susceptibility to provocatio.

\textsuperscript{114} Livy 3.36.4. That the decemviri were explicitly not subject to provocatio does not imply that provocatio was otherwise normal in the fifth century: Dyck 1998, 567.

\textsuperscript{115} Mommsen Röm. Staatsr. 2.147 = Appendix E, M50.
For our purposes in examining the Romans’ own understanding of the archaic dictatorship, what matters is how the dictatorship was remembered in the narrative of what dictators did and did not do. In the narrative of the dictatorship, the office was remembered as being immune from the dictatorship in principle at a time, in the fifth and fourth centuries, when the consuls (and the senate) were apparently subject to it. Yet the case of L. Papirius makes clear that in practice, dictators were obliged, or considered themselves to be obliged, to take into account the wishes of the people of behalf of whom they operated in pursuing of the fulfillment of their mandate and in protecting the majesty of their office, regardless of how constitutionally binding the will of the citizenry might have been.

**ACTIONS AGAINST EX-DICTATORS**

Another factor to consider concerns whether dictators could be made to answer after their dictatorships for deeds done during their time in office—a kind of appeal after the fact. While *ex post facto* prosecution still involved the dictator’s actions in office being left as a *fait accompli*, retaliatory strikes against ex-dictators could still have a chilling effect on the capacities of dictators, who might spend their time in office worrying about fines or even exile after they stood down; but this does seem to have developed. Three of our case studies are relevant here.

Our best example is the aborted attempt at subsequent prosecution of rogue dictator, L. Manlius Capitolinus Imperiosus; it did not come to fruition, but as argued under the case study this was an act of social censure involving castigation by the plebeian assembly. Lintott referred to such censures as “a form of trial, as a means of putting pressure on a political opponent” by threatening a fine, capital punishments having been consigned to the *comitia centuriata* by the Twelve Tables\footnote{Lintott 1999, 34, 122. On the *privilegia* clause of the Twelve Tables and application to such prosecutions see Bleicken 1959, 352–355; Gabba 1987; Lintott 1999, 151 and n. 13. For impositions of punitive fines by the plebs on unpopular statesmen, see Livy 2.52 (Coriolanus), 4.41, 4.44, 5.12, 5.29, 5.32, 25.3 (vetoed), 43.8.}—that, in other words, these censures were not
strictly speaking part of the judicial process as it existed at the time, but rather was a sort of punitive use of the plebiscite.

The other element implicit in Lintott’s characterization of these censures is the idea that the accused was a present concern of the plebs: that is, that the target of such a censure was someone who was a current enemy of the plebs, not just a past offender, and might continue to act against them. This was not about judgment of past actions, but cessation of threat. Whether L. Manlius was impacted politically or socially by these events is unclear; he faded from view in the narrative after this, though his son T. Manlius and cousin Cn. Manlius continued to hold important offices for many years to come.

The umbrage over the imprisonment by A. Cornelius Cossus of the populist leader M. Manlius Capitolinus resulted in no action was taken against the ex-dictator, but to save face the senate freed M. Manlius so that he could be tried and convicted by the people.

Action against ex-dictators did not have to come from tribunes, as with C. Maenius, who was accused of corruption by the nobles he was investigating while he was dictator and resigned in order to defend himself. He and his magister equitum were tried before the consuls and easily acquitted. Though there are significant differences, prosecutions of dictators after their time in office brings to mind prosecutions of ex-proconsuls after their governorships in the late Republic. Lintott brought up the extortion law, lex repetundarum, in the context of the trial of C. Maenius, asserting that according to that episode and “text” of the lex repetundarum, a dictator and his magister equitum were immune from prosecution while in office but susceptible to retroactive prosecution upon resignation.117 First, I believe this to be a misreading of the C. Maenius story, since what is most to be emphasized is (a) the innovation and desperation of the impeachment and (b) the dictator’s decision to resign in order to aggressively pursue the clearing of his own name—in other words, he saw the subject of the trial as being not any actions he took as dictator, but his reputation as a man. What is more to the point is that the lex Acilia repetundarum was

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117 Lintott 1999, 112.
Gracchan-era legislation dating from ca. 122, and had nothing whatsoever to do with any archaic dictators.\textsuperscript{118}

The only other close call we have is the politically motivated trial of the populist reformer Q. Publilius Philo; it is not clear that the charges related to his reforms as dictator, though the hatred of the nobles clearly did. The vindications of Q. Publilius and C. Maenius—both, if the stories hold any water, sterling men unjustly accused—are in a way not helpful in showing what was feasible if a dictator actually acted illicitly in office. But only L. Manlius acted improperly as dictator, and the action contemplated against him, as much because he was despised as a man as for deviation from dictatorial precedent, seems to have been public censure, not prosecution as we normally employ the term.

If dictators were subsequently answerable at all for their dictatorships, it was not to charges of corruption or the like that might be brought to be brought against regular magistrates. The whole idea of the dictatorship was to give the right man free rein (or, one might say, “free reign”) to resolve a crisis that endangered Rome; with all actions open to him to answer his mandate, it is reasonable to conclude that the only possible crime a dictator could commit was to betray Rome’s trust. Even then, the only efforts to bring Rome’s anger to bear involved popular sanction, not judicial process. As with provocatio, the shape of the dictatorship was defined not by laws but by precedent and custom, and the dictator’s responsibility to this was preserved not by institutional mechanisms but by the dictators themselves, and by the people through social response.

\textsuperscript{118} For more on the lex repetundarum, which essentially gave the equites right of judicial review over office-holders of the senatorial class, see Tibiletti 1953; Badian 1954; Sherwin-White 1982.
The Myth of the Six-Month Term

The idea that dictators served for a term, or a maximum period, of six months, upon which their office lapsed, is a misconception—albeit a persistent and troublesome one, but one that ultimately is not supported by the narrative of the dictatorship.

The mistake has persisted for millennia because regularizing and modularizing the dictatorship helped scholars to understand it. The idea’s persistence was intensified by the apprehension of the office as fundamentally military—the six-month term corresponding, as modern writers have helpfully added, to the maximum length of a campaign season. But the dictatorship, and the Republic for that matter, was governed not by rigid application of laws but through conscious apprehension of duty. More importantly, the dictatorship was not an office bound by time with the expectation of handling anything that occurred during that time, as the ordinary magistracies were; the dictatorship was invoked to do what was necessary to resolve a problem, was bound by that mandate, and ended when the mandate was resolved.

The mythology of the six-month term goes back to the earliest cases of outside observers attempting to fit the archaic Romans to a series of rubrics and tethers. Statements from the ancient epitomes, despite being contradicted by the actual narrative, have helped develop an ingrained modern understanding that a six-month incumbency was an elemental component of the dictatorship and the chief circumscription of the dictator’s otherwise unfettered power.

In addition to the epitomes that asserted a six-month cap on the dictatorship, the idea also surfaced in Livy once in the abstract, as opposed to in his narrative stories of

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119 Not that this was the only explanation for the six-month term. Niebuhr, for example, argued that the six-month duration of the dictatorship harked back to the alternating of command between Rome and its Latin allies (Niebuhr 1855, 1.563; cf. Ridley 1979, 306).

120 For convenience, the relevant phrases are: “...oenum ne amplius sex menses, si senatus creverit, idem iuris quod duo consules teneto...”: Cic. De Leg. 3.3.9; “χρόνου δ’ εἶναι μέτρον τῇ νέᾳ ἀρχῇ μὴνας ἔξ, μετὰ δὲ τὴν ἐξάμηνον αὐθίς ἀρχεῖν τοὺς ὑπάτους... ἔνα δ’ ἄνδρα, ὅν ἄν ἂ τε θουλὴ προέλθῃ καὶ ὁ δήμος ἐπιψηφίσῃ, τὴν ἀπάντων ἐξουσίαν παραλαβόντα ἀρχεῖν μὴ
dictators. In the course of his rant against the censor Ap. Claudius in support of enforcing an 18-month terminus for that office on him, dated to 311, the tribune P. Sempronius asked a string of rhetorical questions about what would happen if others were exempt from the rules; one of these was the following:

**Livy 9.34.12**

“Quem semestri dictatura, quem interregno quinque dierum contentum fore putes?”

“Who do you reckon will be satisfied with a six-month dictatorship, or an interregnum of five days?”

This is one of those passages in Livy that forcibly remind the reader that the history being read is a work of literature originating in Augustus’s time, not a stenographic record of (in this case) the tribune P. Sempronius’s actual Claudiophobic speech three centuries earlier. Reaction to the intervening dictatorships of Sulla (one year) and Caesar (one year at a time) had caused talk about the way the dictatorship ostensibly used to be back in the early centuries of the Republic, and this post-Sulla/Caesar talk regularly included the “used to be” of a cap at six months. And Livy here, building a case against the lightning rod Ap. Claudius for his own audience, dropped in that propaganda-driven six-month “rule” alongside the very real rule restricting an *interrex* to five days in office. But when writers like Livy got on with working through the events of the past in sequence, we find that the support in the narrative of dictatorships for any kind of six-month limit is very weak, and is in several places contradicted by solid evidence to the contrary.

The passage in Cicero, we should remember, was prescriptive, and the expression of a deliberate limit was in part a reaction to Sulla’s dictatorship, which endured for a full year; insistence on the six-month idea by later ancient authors was in part repeating what everyone else said about the distant past, and partly an indictment of Sulla and especially Caesar, whose successive yearlong dictatorships, and eventual claiming of dictatorship in perpetuity, were a repudiation of everything that had gone before. These ancient

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πλείονα χρόνον ἔξαμήνου, κρείττονα ἐξουσίαν ἔχοντα τῶν ὑπάτων**: Dion. Hal. Ant. Rom. 5.70.2, 5.70.4; “Καὶ τοῦτον μέντοι τοιοῦτον ὄντα, οὐτὲ ἐπὶ πᾶσι ποτὲ τοῖς πράγμασιν οἱ πατέρες ἠμῶν, οὐτὲ ἐπὶ πλείω χρόνον ἔξαμήνου κατεστήσαντο**: Cass. Dio 36.34.
statements in the epitomes were the basis for the perception in ensuing eras that there was an invariable rule that capped all dictatorships at six months. A statement that there was such a rule has accompanied every modern discussion of the dictatorship.\footnote{Key examples: Mommsen Röm. Staatsr. 2.143–144, 145 = M45–47; “…maximum term was six months” (Abbott 1911, 183); “The limitation of the office to a term of six months is due to its military character” (Bonner 1922, 145, 146); “…could not retain his power beyond the limit of six months. After that his power ceased automatically and nobody had to obey his orders any longer” (Fritz 1954, 211 [italics mine]); “…his office, which was limited to six months and in any case ended with the going out of office of the consul who had nominated him…” (Kunkel 1973, 16); “…tenure of office was restricted to a maximum of six months…” (Drummond 1989, 206); “The man appointed to this office [viz., Sulla] should not, as formerly, hold it for a fixed period, but rather for as long as it would take to repair the damage that war had done to Rome and Italy” (Keaveney 2005, 135 [italics mine]); “…term of office was not to exceed six months…” (Forsythe 2005, 150); “The dictator’s rule could never exceed a six-month period and upon the successful completion of his assignment he had to abdicate” (Kalyvas 2007, 416).}

In fact, the narrative of the archaic dictatorship does contain evidence of dictatorships that outlasted six months, and of dictatorships that outlasted the appointing consuls. It also contains no dictatorships that lasted for exactly six months and then evaporated, nor any suggestion that on day one of the seventh month of any of the 85 archaic dictatorships the dictator’s imperium would suddenly lapse. What the narrative evidence shows is that dictatorships lasted as long as was necessary to resolve the mandate, and that the dictators accepted as part of their office the responsibility to minimize that time and to renounce the dictatorship at the earliest possible moment. Like all other attributes of the dictatorship, these were not matters of law or constitutional prescription but accumulated precedent and a shared understanding of what was meant when a dictator was called for.

The dictatorship was different from the ordinary magistracies precisely because, unlike them, it was not a charge to deal with any and all executive needs for a specified period of time. It was contingent not on a fixed time period in which anything that might arise is to be dealt with, but on the resolution of a specific need. It was an intrinsically different kind of magistracy from any of the other offices of the Roman Republic. To posit an inviolable six-month duration around the dictatorship is to critically misunderstand its nature and function in the Republican system.
THE SIX-MONTH CAP IN THE ARCHAIC NARRATIVE

First, let us examine the passages in the narrative of the archaic dictatorship that might support a six-month terminus, and see what sort of information they provide.

L. Quinctius Cincinnatus was said to have had a six-month term for his first dictatorship (#4, 458), which he pointedly did not serve out:

LIVY 3.29.7

Quinctius sexto decimo die dictatura in sex menses accepta se abdicauit.

Quinctius abdicated the dictatorship he had taken for six months on the sixteenth day.

Because the verb *accipio* can be used to mean both ‘take on’ and ‘receive’, the wording is slightly ambiguous. It allows for various possibilities: (a) L. Quinctius promised to do the job (namely, eliminating the Sabine threat) in six months, tops; (b) there was a general understanding that this could be accomplished within a single campaign, and therefore within the campaign season; or (c) a time limit was imposed on him. If the latter, what might have been the origin of this six-month cap? If it was an admonition of the senate, the limit would be entirely a matter of peer pressure. A *senatus consultum* had no legal force, nor a consul’s order on an official with *imperium maius quam* the consul’s. It might have come from the *comitia curiata* as a time-limited grant of *imperium*. Apart from religious law a *lex* from a *comitia* was the only legal means of restricting a dictator in advance.

No other passage in the *narrative* history refers to a six-month “term”, whether imposed by *lex* or otherwise. The simplest interpretation for this passage, then, is that L. Quinctius had launched a campaign against the Sabines. Any major campaign might endure for a full campaign season, and the soldiers would have expected to potentially remain in service that long. But L. Quinctius, it turned out, did not require a whole campaign season. Instead, he was able to defeat the Sabines and retire in only two weeks.

This meager passage, as it turns out, is the best evidence for one particular dictatorship having an expected duration of six months that was not, in the event, tested. The extrapolation of a similar term to the other 84 dictatorships would require real, positive evidence for doing so, and the suppression of the evidence against it discussed below. The
key thing to recognize from the story of L. Quinctius’s first dictatorship is this: If an important precedent was established or affirmed here that can be recognized as having been absorbed into the dictatorships going forward, it was that the dictator resigned at the earliest possible moment that his appointed task could be considered completed.

The only other indication of a six-month term is M. Fabius Buteo’s supposed restriction to six months, discussed in the case study.¹²² This was all the way at the other end of the original three-century run of dictators, right before the office ceased to be used at all, and so not useful for providing any precedent going forward. M. Fabius was said to have asserted that the six-month cap was not customarily imposed on dictatorships that were not rei gerendae caussa. Can we extrapolate from M. Furius’s dictatorship a custom of six-month terms for dictators appointed rei gerendae caussa?

M. Furius’s dictatorship itself does not provide such evidence, as M. Furius was appointed senatus legendi caussa, and he was described as insisting his six-month term was a breach of custom. We are left then with his opinion that a six-month term would only be appropriate for a dictator appointed rei gerendae caussa—which is not the same thing as saying that it was customary for such dictators to be appointed six-month terms. M. Furius’s dictatorship was unprecedented in every way; even the use of the dictatorship to perform emergency censorship duties had never been resorted to before, and having two dictatorships at once was potentially disturbing for everyone involved, not just M. Furius. He said he was given a six-month remit, and he seems to have found this odd in itself, but especially for a dictator not appointed rei gerundae caussa.

M. Furius’s appointment was described as having two restrictions. One, the lack of a magister equitum, was definitely in defiance of three centuries of solidly established precedent. The other, the six-month term, defied the actual conduct of the office by all the dictators since the dawn of the Republic and involved the first mention of any kind of a six-month term in Livy since L. Quinctius Cincinnatus in 458, dozens and dozens of

¹²² See above, p. 167.
dictators ago. These two restrictions were listed in the narrative side by side. Jointly the fixing his dictatorship at six months and without a second in command suggests, in context, restrictive innovations designed to stanch the anxiety over the desperate naming of a second dictator undertaken in a moment of the Republic’s greatest extremity. If so, they consequently can reasonably be judged to be just as without basis in custom as the appointment itself and everything else about it.

Apart from dictatorships, the idea of a command explicitly lasting six months appears in the literature on certain other occasions. Two consuls were converted to proconsuls in 296 for a six-month command:

**Livy 10.16.1**

*Comitiis perfectis veteres consules iussi bellum in Samnio gerere prorogato in sex menses imperio.*

The elections having been completed, the old consuls were ordered to conduct the war against the Samnites, their commands having been extended by six months.

This was apparently the sole occasion on which proconsulships were explicitly stated to have been commissioned for only six months. It cannot have been customary; other investitures of proconsular *imperium* make no mention of such a time limit.\(^{123}\)

Another mention comes from the speech Livy gave to Hannibal, addressing his troops as they camped on the River Po the year before Q. Fabius’s dictatorship:

**Livy 21.43.15**

*“An me in praetorio patris clarissimi imperatoris, prope natum, certe eductum, domitorem Hispaniae Galliaeque victorem eundem non Alpinarum modo gentium, sed ipsarum, quod multo matus est, Alpium, cum semenstri hoc conteram duce, desertore exercitus sui?”* "Or should I, born not far from the command tent of my father, that most illustrious general, and certainly reared there, tamer of Spain and Gaul and conqueror also not only of the people of the Alps but, which is much greater, of the Alps themselves, compare myself to this six-month general, deserter of his own army?"

Hannibal’s purported harangue was directed against the consul P. Cornelius Scipio, who had left behind “his own” army in his original province of Spain in order to confront

\(^{123}\) Proconsuls on certain other occasions were explicitly stated as having been appointed to act in that capacity for a year: Livy 26.25, 30.1. For the first proconsulship, that of Q. Publilius Philo (cos. 327), his *imperium* was prorogued for the duration of the war: Livy 8.23. See also Cic. *Nat. D.* 2.3, *Fam.* 8.5.13.
Hannibal in Italy. At first blush the “six-month” remark seems to suggest a six-month’s commission. But Hannibal’s larger point was clearly that whereas he, Hannibal, was born to be a general and had already conquered many lands and peoples, P. Cornelius was a tyro who had never led an army and had hardly been general for half a year. The consul did not, of course, have only a six-month’s commission: not only did he remain active despite being wounded in the battle that follows this speech, but in fact his command in Spain was prorogued into the following year.124

What is normally taken to be the most explicit example of a dictatorship seeming to expire after six months turns out to have a different explanation altogether. It involved the most famous of the archaic dictators, Q. Fabius Maximus Verrucosus (#74, 217):

Livy 22.31.7

Ipse per Siciliam pedibus profectus freto in Italiam traiecit, litteris Q. Fabi accitus et ipse et collega eius M. Atilius, ut exercitus ab se exacto iam prope semestri imperio acciperent.

Servilius himself marched through Sicily and crossed the Strait into Italy, in consequence of a dispatch from Q. Fabius recalling him and his colleague, M. Atilius, in order that they should accept the armies from him,125 his command now having lasted nearly six months.

Using this quote to posit the expiration of dictatorships and consequent resignation is problematic, because the passage provides good evidence of the expiration neither of Q. Fabius’s imperium nor of his dictatorship; nor does it mention resignation. A position in support of the “expiration” of Q. Fabius’s dictatorship based on this passage is difficult to support for the following seven reasons.

First, this passage is usually taken to state or imply that Q. Fabius needed to turn over his army because his six-months’ dictatorship was about to expire. What the Latin actually says is simply that his command had now lasted nearly six months.126 In isolation

124 Livy 22.22.1.
125 Q. Fabius was in command of two armies at this point, his own and M. Minucius’s; thus the need for both consuls, each of whom subsequently took one of the two armies into winter quarters (Livy 22.32.1).
126 The participle exacto does not necessarily translate here as ‘expired.’ The verb exigo ‘drive out’, when used to discuss time, normally meant ‘pass, reach, attain’; usages suggesting completion are normally poetic (Horace, Vergil, Ovid), per Lewis & Short, and are, more to the point, intransitive. Most incidences of exacto in Livy are about exacto reges,
the passage is still, even with this reading, open to interpretation as to whether there was a cap on Q. Fabius’s command and he was being forced to resign, but when we step back to appreciate the context there are better interpretations, as we’ll see in a moment.

Second, there is no solid precedent for the “expiration” of the dictatorship anywhere else in the narrative of archaic dictators, the closest case, Cincinnatus, being better explained by the default length of a campaign. There was no previous precedent among all the stories of dictatorships and how dictators left office to support an interpretation of “having lasted six months” as meaning “having expired”. If we ignore the epitomes as being both agenda-driven (i.e., focused on retroactively regularizing or otherwise reinterpreting the dictatorship) and contradicted by the history on many points, not just in the instance involving the passage relating to Q. Fabius’s handoff, and instead work within the narrative of how the individual dictatorships were described as actually functioning, even if we were to overzealously take L. Quinctius as having had a cap there is no sign whatsoever of a fixed, understood, or otherwise regularized six-month term of office in all the dozens of dictators between 458 and 217.

Third, as a practical matter, imagining Rome putting itself in a situation in which the generalissimo’s command might suddenly lapse so that “his power ceased automatically and nobody had to obey his orders anymore”, decapitating their armies at what might but on occasion he used *annum exactum, anno exacto*, etc. for the ending of the consular year. With no object, *annum exactum* would mean ‘the year having been completed’. By contrast, *exacto iam prope semestri imperio* calls for the transitive interpretation: ‘his command having now lasted nearly six months’.

English translations, influenced by the standing idea of the six-month dictatorship and the proximity of the words *semestri imperio*, generally have nonetheless gone for the idea of Q. Fabius’s command explicitly expiring. Yardley and Hoyos 2009: “…since Q. Fabius’ six-month *imperium* had almost expired.” Foster 1929: “…for his six months’ tenure of authority was drawing to a close.” Roberts 1912: “…as his six months’ tenure of office had almost expired.” Church and Brodribb 1883: “…as his six months’s command was now nearly at an end.” I believe all of these are misreadings of the Latin. The dating is subject to some debate. The date of Trasimene is given as 21 June by Ovid, *Fasti* 6.767-768. Fabius’ appointment followed shortly after—say, the end of June. So six months = the end of December 217.

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127 Fritz 1954, 211. Fritz’s is the most explicit statement of this idea, but it must be understood as the purport of any assumption of “expiration”.
be the worst possible moment in the middle of the most desperate and persistent war they
had ever known, is ludicrous on its face. If any dictatorship were the least likely to have
an expiration date after which Rome might be left momentarily helpless against the
terrifying invader, in the wake of one of the worst and most demoralizing defeats in
Roman history, it would be Q. Fabius’s in 217. If we were to suppose that there really was
a six-month cap, and the consuls were delayed in returning to Italy, or Q. Fabius had not
summoned them in time, then the armies in front of Hannibal, protecting Rome from an
enemy that had already slaughtered ten thousand of their countrymen, would have
suddenly had no general. How likely were the Romans to have arranged things in such a
fashion? The answer is “not”.

Fourth, a closer look at the context of the passage in question, as is often the case,
provides us with a much more reasonable explanation. In the narrative, what happened
next was that the consuls, arriving in Italy and accepting the hand-off of command from
Q. Fabius, took the armies they received from him into winter quarters, which were
fortified and described as being well positioned to harass Hannibal’s foraging parties.128
The Livy quote regarding Q. Fabius’s resignation makes much more sense if it is
interpreted as Q. Fabius noticing the passage of time and assessing the campaign season
to be over, and, it being time to winter the armies, deciding that the task did not require
a dictator and was better performed by the consuls. Apart from vitiation, resignation (as
we’ll see in the chapter on exit from office) was always according to the judgment of the
dictator and at his sole prerogative. According to this interpretation, Q. Fabius saw that
his job was done. He provided for his armies and stood down.

Fifth, it is relevant to observe that Livy did not provide a notice of Q. Fabius actually
resigning the dictatorship, which he did for most of his dictators and might have been
expected to do after having brought the subject up. Instead, Q. Fabius as dictator drops

128 Livy 22.32.
out of Livy’s narrative after the hand-off. The same moment as related in Cassius Dio sheds further light on the question:

_Cassius Dio 14.57.21_

ὅτι ὁ αὐτὸς μέλλων ἐκ τῆς ἁρχῆς ἀπαλλαγῆσεσθαι τοὺς ὑπάτους μετεπέμψατο καὶ ἐκεῖνο τε αὐτοῖς παρέδωκε καὶ προσπαρήνεσε πάνθ᾽ ὅσα πραχθήναι ἐχρῆν ἀφθονώτατα…

That same man [Q. Fabius], intending to be freed from his office, summoned the consuls and handed it [the army] over to them, advising them thoroughly and at length on the extent of what was to be achieved…

Dio’s passage, then, supports the implication in Livy that Q. Fabius handed over the armies because he thought it was the appropriate moment to renounce his dictatorship.

Sixth, Livy omitted whether Q. Fabius resigned his dictatorship at this point on a surprising basis: the passage following the hand-off laid out Livy’s firm belief that _Q. Fabius was not a proper dictator_ in 217, having been elected rather than appointed.\textsuperscript{129} Whatever one thinks of this argument, it is problematic to argue from Livy’s Q. Fabius resignation notice that _Livy_ thought dictatorships were capped at six months if Livy did not consider Q. Fabius to have been a proper dictator in the first place. Like M. Furius Buteo’s bizarre precedent-breaker of a dictatorship, Q. Fabius’s term in 217 was too anomalous, at least according to Livy, for us to extrapolate, _from_ Livy, any “rules” that are to be invariably applied to all the scores of dictatorships that came before or after it.

Seventh, the account of Polybius, startlingly, contradicts completely Livy’s assertion that Q. Fabius handed off his armies after six months. According to Polybius, Q. Fabius and his _magister equitum_ M. Minucius both held onto their armies _through the winter_ and handed off to the ex-consuls for 217, now held over as proconsuls:

_Polybius 3.106.1–2_

τῆς δὲ τῶν ἀρχαιρεσίων ὑρας συνεγγιζούσης, εἰλοντα στρατηγοὺς οἱ Ρωμαίοι Λεύκιον Αἰμίλιον καὶ Γάιον Τερέντιον. ἦν κατασταθέντων οἱ μὲν δικτάτορες ἀπέθεντο τὴν ἁρχὴν, οἱ δὲ προϊτάρχοι ὑπάτοι, Γναῖος Σερουίλιος καὶ Μάρκος Ρήγουλος ὁ μετὰ τὴν Φλαμινίου τελευτήν ἐπικατασταθεῖς, τότε προχειρισθέντες ὑπὸ τῶν περί τὸν Αἰμίλιον ἀντιστράτηγοι καὶ παραλαβόντες τὴν ἐν τοῖς ὑπαίθροις ἔξοισιν ἐχείριζον κατὰ τὴν ἐαυτῶν γνώμην τὰ κατὰ τὰς δυνάμεις.

\textsuperscript{129} Livy 22.31.8–11.
The consular elections being now come, the Romans elected L. Aemilius and C. Terentius. On their entry into office the dictators laid down their magistracies, and the consuls of the previous year, Cn. Servilius and M. Regulus—who had been chosen after the death of Flaminius—were invested with proconsular authority by Aemilius, and, taking command at the front, took up responsibility for their armies independently.

This hand-off would have been after the consuls for 216 took office, which in those days was on the ides of March.\textsuperscript{130} This passage is partially problematic because all the other anecdotes about the ersatz co-dictator M. Minucius, apart from Polybius’s, have him contritely foreshewing his co-dictatorship and submitting to Q. Fabius, which makes οἱ δικτάτορες either a mistake or a shorthand, a reference to the two dictators of 217.\textsuperscript{131} But in all the accounts, M. Minucius did not resign when he submitted to Q. Fabius; he resumed his position as second-in-command and commander of the second army under Q. Fabius, and so would still have been at Q. Fabius’s side at whatever point the latter stood down. Polybius referring to the two of them with as “the dictators” would be an elastic use of the phrase, but not out of line.\textsuperscript{132}

But this is a quibble compared to Polybius’s assertion that Q. Fabius did not stand down until he handed off to the newly prorogued proconsuls.\textsuperscript{133} If Polybius’s version has any merit, and bearing in mind that, all other things being equal, Polybius is assumed to be more authoritative on the Punic Wars than Livy writing over a century later, this means that Q. Fabius, far from having his dictatorship vanish out from under him after six months, was dictator from his appointment in mid-217, through the campaign season, over the winter, and past the inauguration of new consuls the following March.

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\textsuperscript{130} The consular year began on the ides of March from ca. 222/1, if not earlier, through to 153. See Livy 22.1, 23.30, 26.1, 26, 46.19, \textit{Per.} 47.13, and below n. 138. It is just possible that κατασταθέντων ‘appointment, instantiation’ meant the new consuls’ election, not their inauguration; but the reference to “the consuls of the previous year” and the narrative’s progression to their activities as consuls argue very strongly against this.

\textsuperscript{131} Livy 22.30; App. \textit{Hann.} 13; Cass. Dio 57.19; Sil. 7.736–750.

\textsuperscript{132} Since M. Minucius’s dictatorship was not reversed but simply resigned from, one might argue that M. Minucius was still of dictatorial rank by virtue of having (previously) held the dictatorship, making οἱ δικτάτορες more comprehensible when describing the two commanders.

\textsuperscript{133} Silius Italicus had Fabius putting off his armor to hand off to the new consul, C. Terentius Varro (8.31–35), though this is probably more a poetic metaphor than narrative history.
\end{flushleft}
EVIDENCE AGAINST A SIX-MONTH CAP

Working from the examples of the dictatorships themselves, as presented in the narrative history, there is no case for all dictatorships having been rigidly capped at six months and then expiring suddenly like a parking meter, \textit{contra} the epitomes. Meanwhile dictatorships of considerably more than six months, while rare, are nonetheless there to find in the literature.

In these cases, if there really had been some actual, specific time limit on the \textit{imperium} granted the dictator, a discussion of the need to extend that \textit{imperium} would have come up. But the evidence we have at hand seems to tell us that \textit{imperium} was invested in magistrates not for specific time periods but for the duration of the magistracy.\footnote{\textit{decemviri} hoped to hold \textit{imperium} indefinitely by not resigning to make way for annual consuls: Livy 3.36.9.} It was only in cases of prorogation that proconsular status, and \textit{imperium} with it, was extended for fixed periods, there being no automatically annual magistracy involved for promagistrates.\footnote{Thus the precedents set for continuing military campaigns for six months under the consuls of the previous year in the early third century: P. Decius Mus and Q. Fabius Maximus Rullianus in 296 ("prorogato in sex menses imperio": Livy 10.16.1; MRR 1.176); L. Volumnius Fiamma Violens in 295 (Livy 10.30.6; MRR 1.178); Q. Fabius Maximus Gurges in 291 (Cass. Dio 36.31; Zon. 8.1; MRR 1.183); the next cases being during the Hannibalic War. See Develin 1975, 718.} It is also clear that the duration of the dictatorship was at the dictator's discretion—as informed by the constantly reinforced precedent that a dictator resigned as soon as possible. \textit{Never}, in either epitome or narrative, was there a discussion of (a) a necessity to extend the dictatorship in crises lasting longer than six months, or (b) choosing a new dictator when the term if the first expired, or (c) any other solution that would arise in case of so rigidly fixed a term for an office created to resolve abnormal threats to Rome.

The specific examples of dictatorships demonstrably or arguably lasting longer than six months according to the narrative are as follows.
First, both Livy and Plutarch agreed that in the aftermath of the sack of Rome M. Furius Camillus was not only *not* allowed to resign his second dictatorship (#14, 390), but was retained in office for the rest of the year while he oversaw the ravaged city’s recovery:

Livy 6.1.4–5

*Ceterum primo, quo adminiculo erecta erat, eodem innixa, M. Furio princepe, stetit, neque eum abdicare se dictatura nisi anno circumacto passi sunt.*

Yet at first [the state] stood by having leaned on the same support it had erected, by means of M. Furius as leader, and they would not allow him to renounce his dictatorship until the [consular] year had elapsed.¹³⁶

Once again, it is not our purpose at the moment to locate a Camillus, historical, legendary, or otherwise, but to apprehend how Romans understood the dictatorship. Livy knew that one of the most famous (or legendary) dictators was in office for the balance of the consular year *by popular demand* and against his own wishes. Similarly Plutarch:

Plutarch *Camillus* 31.3

*ἐκ τούτου φοβηθεῖσα τὸν θόρυβον ἢ θουλὴ τὸν μὲν Κάμιλλον οὐκ εἶασε δουλόμενον ἀποθέσαι τὴν ἀρχὴν ἐντὸς ἐνιαυτοῦ καίπερ ἐξ μὴνας οὐδενός ὑπερβαλόντος ἑτέρου δικτάτορος...*

The Senate, therefore, fearful of this clamor, would not suffer Camillus, much as he wished it, to lay down his office within a year, although no other dictator had served more than six months.

Note the important distinction implicit in Plutarch’s remark. He did not say there was a rule, law, or even established custom; he said that none of the dictatorships had *hitherto*, as of 390, lasted more than six months. This was not surprising, given the length of the campaign season combined with the effort exerted by dictators to succeed and restore ordinary government as quickly as possible—the latter custom, to resign immediately on completion of the mandate, being the most prominent feature of the dictator narrative across all three centuries of the archaic dictatorship. “Six months” was not any kind of rigid, inflexible constitutional limit imposed on dictators, but an outside estimate of the

¹³⁶ “*nisi anno circumacto passi sunt*” could mean a full twelve months from the Sack (which took place in 15 days before the kalends of Sextilis, according to Tac. *Hist.* 2.91), but probably means a full consular year, until new consuls were inaugurated. For the period in question, this was the kalends of Quintilis. The timeframe involved is thus on the order of a year.
length of a campaign, one that could be and was surpassed as necessary by consuls and dictators alike. Either way, both Plutarch and Livy showed that there could be no fixed term of office or six-month expiration of a dictator’s imperium or potestas. M. Furius Camillus—one of the most famous and best-known dictators in history, and thus much more present in the stories and legends than most fourth-century dictators—stayed in office for longer than six months, long enough to hand off to new consuls, without any kind of prorogation or any other action beside M. Furius’s decision not to abdicate. That bears repeating: One of the most famous dictators in history was consistently remembered in later centuries as staying in office for a year. His office ended at his discretion, and when he was asked to remain, he agreed to do so, and stepped down at year’s end.

There is also a set of cases where dictators remained in office for up to a year during an ongoing campaign. When a general, whether dictator or consul, commanded an army raised for a single campaign or campaign season, persistence of command was not relevant: a dictator might resign and disband his army concurrently. In cases of an army being held over to the next year, however, a commander remained in command until relieved.

During the course of the Second Samnite war, L. Aemilius Mamercinus Privernas (#51, 316) was named dictator, and got the existing army in the field handed off to him. This must have been at the start of the political year, because the armies were handed off to him by the previous year’s consuls. The dictator retained control of the field, with the consuls for 316, we are told, remaining in Rome. At the start of 315, L. Aemilius handed off the armies to a new dictator, Q. Fabius Maximus Rullianus (#52, 315), the consuls again electing to stay in Rome and leave the war to the dictator. The consuls for 314, taking to the field for once, received the same armies from the dictator for 315, Q. Fabius.¹³⁷ There is no way to read this other than that Livy understood both of these dictators, L. Aemilius and Q. Fabius, to have each remained in office for an entire year.

¹³⁷ The sequence of events was spelled out clearly in Livy: “C. Iunius Bubulcus et Q. Aemilius Barbula consules exitu anni non consulibus ab se creatis, Sp. Nautio et M. Popilio, ceterum dictatori L. Aemilio legiones tradiderunt”, Livy 9.21.1; “Anno circumacto bellum deinceps ab dictatore Q. Fabio gestum est; consules novi, sicut superiores, Romae manserunt; Q. Fabius ad accipiendum ab
In other cases that involved dictators handing over armies to the consuls of the new year it is not always certain when during the year the dictator was appointed.

According to Livy, M. Valerius Corvus (#59, 302) became consul immediately on laying down his dictatorship. His consulship would have begun in either March or Quintilis.\(^{138}\) As M. Valerius had had a full campaign season against the Marsi and the Etruscans, complete with a triumph,\(^{139}\) the implication is that M. Valerius remained dictator through the campaign season of 303 and the subsequent winter before renouncing the dictatorship to take up the consulship.

If Polybius was correct then Q. Fabius Verrucosus’s dictatorship lasted from mid-217 to March 216. Given that the period that had elapsed at the point where Q. Fabius decided the army should go into winter quarters was described in Livy as having been six months, Polybius’s assertion that Q. Fabius remained in command of the wintering troops and handed off to the proconsuls gives him a dictatorship lasting well over six months.

M. Iunius Pera (#77, 216) was appointed in 216 in the aftermath of Cannae, which took place at the start of August;\(^{140}\) he returned to Rome with his *magister equitum* to conduct elections for 215, then went back to his army in its winter quarters while leaving behind his *magister equitum*, Ti. Sempronius Gracchus, in Rome, seeing as he was consul-elect and due to enter office “in a few days.”\(^{141}\) The army was to remain in being into the next consular year, and therefore required a hand-off of command from one general to the next. After news of the death of the other consul-elect, M. Claudius Marcellus, at the hands of the Boii, the dictator’s army was reassigned temporarily to one of the outgoing

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\(^{138}\) Livy 10.5.14. It is not clear when the change from the kalends of Quintilis, observable in 391 (Livy 5.32), to the ides of March, observable in 217 (Livy 22.1), took place; Mommsen asserted the change took place in 222/1 (1859, 100–109). From 153 it was the kalends of January (Livy *Per. 47*).

\(^{139}\) Livy 10.3–10.5.


\(^{141}\) Livy 23.24.5.
consuls of 216, C. Terentius Varro; this army was later referred to as Terentius’s army.\textsuperscript{142} This army passed in the new consular year to the suffect consul replacing M. Claudius, Q. Fabius Verrucosus, who was still at Rome for some period after his election and installation as consul; Q. Fabius then sent a praetor to take command from C. Terentius.\textsuperscript{143} From this, we can infer that the dictator M. Iunius remained in command (a) throughout the balance of the campaigning season; (b) through elections; and (c) during the post-election period through the hand-off to C. Terentius, which was no earlier than “a few days before” the new consular year began on the ides of March and probably later. This looks like something on the order of seven or eight months, from late August to late March and including a likely intercalary month, though it is impossible to tell the exact duration because we do not know the exact dates of his appointment or his resignation.

Finally, there is the case of Sulla, who revived the dictatorship as it had been and also remained in office for at least a year. It is true that in some of the sources, Appian in particular, Sulla was represented as having directed that the previous custom of holding the dictatorship for six months (“ἐξαμήνους”),\textsuperscript{144} or for a period described as “short” (ὀλίγῳ χρόνῳ) and “fixed” (χρόνον ῥητόν),\textsuperscript{145} be set aside, giving him for the first time an “unlimited” (ἀόριστον) and therefore tyrannical period of absolute power.\textsuperscript{146} Still, even Appian made it clear that Sulla was concerned with the legal particulars of the actions that followed the Battle of the Colline Gate. He could not pass the pomerium and enter the city as proconsul. He could not hold elections for (suffect) consul until it was known that the consul, Carbo, was dead. Sulla wanted a solid legal standing for his restoration of order in Rome. If there had been an actual antique law, or even a firmly established

\begin{footnotes}
\item[142] Livy 23.25.6.
\item[143] Assigned to Q. Fabius, Livy 23.32.1; Q. Fabius at Rome, 23.32.13-14; praetor sent to relieve C. Terentius, 23.32.16.
\item[144] App. B Civ. 1.3.
\item[146] App. B Civ. 1.99. Neither Velleius Paterculus nor Plutarch said anything here about the customs of the office, only that it had lapsed for 120 years (Vell. Pat. 2.28; Plut. Sull. 33.1). Appian put it at 400 years.
\end{footnotes}
precedent from the ancient days of Roman heroes like Camillus (who, let us recall, was known to have been in office for a year), Cincinnatus, and Fabius, that the dictatorship was a six-month office the imperium for which lapsed on expiration of that term, it is unlikely that Sulla would have risked the certain challenge and possible invalidation of all his actions and reforms as dictator on the basis of his dictatorship having been incorrectly created and his legislation illegally put to an oppressed people.

In fact the leading objection in the narrative to the validity of Sulla’s dictatorship was that custom had been deviated from in that he was not appointed by a consul, having instead been chosen in elections in the centuriate assembly conducted by an interrex; against that there was a firmly established precedent for an elected dictator, none other than the famous Q. Fabius Verrucosus. Sulla’s reforms had to be undone by legislation.¹⁴⁷

Even without Sulla, the evidence for the archaic dictatorship not being bound to a six-month term is clear, and the reasoning is compelling. Each episode in the narrative of the dictatorship reinforces the idea that the execution of this office was bound not to time but to task. Everything about the way the dictatorship was described as having been practiced in earlier times establishes that classical writers understood the dictator as being empowered not for a fixed period of time but for the completion of the task that had necessitated his appointment, the dictator thereupon immediately renouncing his office. The dictatorship was not a six-month ticket to comprehensive power, but a mandate from the Roman people to dispose of a specific emergent threat by any available means, without let or hindrance from senate, comitia, colleague, or citizen, with the understanding by all involved that, the safety of Rome being at stake, the task should be accomplished without distraction and restoration of normality achieved at the earliest moment.

¹⁴⁷ For example, the lex de tribunicia potestate. For the anti-Sullan legislation of 70 BCE see McDermott 1977.
The Myth of Senatorial Nomination

The senate or the people might be the ones that called for a dictator, but the prerogative of appointing one, and particularly who to appoint, lay exclusively with the consul. No other magistrate could appoint a dictator—not even a magistrate with higher imperium, i.e., a dictator himself. In addition, no official or body, excepting only the augurs, could interfere with the consul’s right of appointment. In every case in the narrative, including all of the case studies, apart from the exigencies of 217, the process of appointment involved the call by the senate or people and the naming by the consul.

This is not to say that the consul had complete freedom to make an arbitrary choice that flew in the face of popular sentiment. Frequently there was an obvious choice, and the choice of dictator a foregone conclusion. Camillus, for example, was the only possible choice for dictator in 390.

Livy 5.46

Consensus omnium placuit ab Ardea Camillum acciri, sed antea consulto senatu qui Romae esset: adeo regebat omnia pudor discriminaque rerum prope perditis rebus seruabant.

It was decided by the consent of all to recall Camillus from Ardea, but first with the senate that was at Rome having been consulted; in this way propriety governed all things and proper discrimination of affairs preserved when affairs were desperate.

In 390 the appointment of a dictator—and that it should be M. Furius Camillus (#14), despite his supposed banishment—was apparently a foregone conclusion, at least according to the stories remembered later; but there was senatorial involvement in the appointment.

Livy 5.46.7

Consensus omnium placuit ab Ardea Camillum acciri, sed antea consulto senatu qui Romae esset: adeo regebat omnia pudor discriminaque rerum prope perditis rebus seruabant. Accepto inde senatus consulto uti comitiis curiatis reuocatus de exilio iussu populi Camillus dictator extemplo diceretur militisque haberent imperatorem quem ullement, eadem degressus nuntius Veios contendit...

This is not merely to avoid the unpleasant prospect of two dictators at once; there seems to have been no provision for a sitting dictator in an ongoing war to appoint his successor (as occurred during the Second Samnite War), or in case of a need to resign before a crisis was resolved. In such cases, there was no question that the appointment of the next dictator lay exclusively with the consul, even with a dictator present.
It was agreeable by the consent of all to recall Camillus from Ardea, but first with the senate that was at Rome having been consulted; in this way propriety governed all things and proper discrimination of affairs preserved when affairs were nearly past recovery. With the senate having resolved that the curiate assembly recall him from exile, and the people demanding he be named dictator straightaway and the soldiers have the general they desired, the messenger rushed back to Veii...

What is important is that it is clear from this passage that the senate was consulted not about the choice of M. Furius as dictator, but only to secure their formal approval for the rescinding of the hero’s exile and his recall to Rome. Consultation with the senate on the choice of dictator was not customary, and no such precedent was established. What is most striking about this story is that the dictatorship offered an opportunity for a crisis to be met not by whoever was installed in the consulship, but by a man specially chosen for the job. In this case, the choice was obvious to all—consul, people, and senate alike. Choosing Camillus gave everyone hope and excitement in a time of despair, an advantage to being able to meet a crisis by appointing the right dictator that was as great as the practical effect of his ability to resolve the crisis itself.

The sequel to the case study involving L. Papirius Cursor, in which Q. Fabius Maximus Rullianus ended up appointing L. Papirius as dictator despite their rancorous history, was another instance in which the choice of who should be dictator was obvious to all. But the story, as told, still emphasized the consul’s decision: the senators came to him to ask him to set aside his grudge and recognize Rome’s need for L. Papirius; Q. Fabius thanked them, then went away and came to his own decision, which was that Rome’s need for L. Papirius was more important than the bad blood between them.

The consular prerogative was consistently reported in the narrative. It was even shown in Dionysius’s account of the first dictatorship, not far from the place in Dionysius’s epitome that stated that dictators were appointed by the senate.\(^{149}\) Crucially, the “practice of the interreges” mentioned in this passage referred to the interreges’ responsibility, mentioned elsewhere in Dionysius’s account of the regal period, for appointing “the best man” (“τὸν ἄριστον ἅνδρα”) as king, who would then receive his imperium from the comitia

\(^{149}\) Dion. Hal. Ant. Rom. 5.72.3.
curiata in the same way that consuls and dictators would during the Republic. This phrasing would seem to confirm that the established precedent being followed here involved the nominating magistrate—the consul, in line with the past actions of the interreges—bearing full responsibility for choosing “the best man”: that is, the man possessing to the greatest degree the qualities needed to meet the current crisis.

The first eligibility requirement for the dictatorship was subjective: he must be a great man commensurate with the greatness of the office. Indeed, one might go so far as to say he must be a fearsome man equal to a fearsome office. Livy made the point again and again that only men of abnormal stature could wield the monstrous power of the dictatorship, and that the potency of particularly effective dictatorships lay in the objects of his actions feeling in stereo the terror of both man and office. Even driving the nail required someone of stature and auctoritas enough to be chosen Rome’s representative to the gods, a temporary highest magistrate, for the purpose of a seldom-performed ritual in the extremity of plague or natural disaster.

The implied corollary is intriguing: a lesser man might be vulnerable to succumbing to the office’s heady infusion of pure power; only a man both majestic and terrible would have the strength to use his unadulterated authority to act for Rome and not for self, to do what must be done, and no more, and then revert to newly unaccustomed impotence. It is on this account that one might judge that Sulla, who resigned his dictatorship and reverted to simple consulship and then life as a private citizen, was a greater man than Caesar, who was said to have scorned Sulla’s bold act of renunciation.

The twin requirement of stature was that he be the right man to take on the crisis at hand. This decision turned on both the candidate’s experience and his temperament. The right man to resolve a secession of the plebs might be the wrong man to lead against the Gauls or propitiate the gods. It also follows that the consul’s responsibility of choice was in some ways as fearsome as the dictatorship itself, since choosing the wrong man was as

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150 Cf. Dion. Hal. Ant. Rom. 2.58.3, 4.40.2. The import of this phrase is discussed in more detail below, p. 314.
dangerous to Rome as any threat from Gauls or revolutionaries. A dictator held supreme power to resolve dire threats; failure of character or action might alike doom Rome.
THE MYTH OF THE MILITARY NATURE

The idea that the dictatorship was, from its very inception, a military office, brought into existence in order to wage maximum, undiluted force against foreign armies and violent subversives, is one of the most pervasive misconceptions of the dictatorship. It is a core tenet of Mommsen’s abstraction of the office, but its provenance is deeper. It not only finds explicit reference in the epitomes but the idea of the dictator as a military commander, taking unquestionable mastery of the city by stripping away the basic rights of citizens that might otherwise hinder his actions (a condition not unlike what we would now call “martial law”), underlay part of the apprehension attributed to the office itself in later stories. Sulla, who took Rome by force at the Battle of the Colline Gate and subsequently became its sole master as dictator, and Caesar, who essentially did the same by defeating the city’s defending armies and eventually entering the Rome to rule it, choosing the title dictator to do so, are very largely responsible for the conception of the dictator as military master of Rome, which does not describe the behavior of archaic dictators within the sacred precincts of the City.

If anything, the consul is a better choice for the designation of militarily-conceived magistrate than the dictator. The consuls’ primary duty, it could easily be argued, was to lead Rome’s armies, and on an almost annual basis were often away from Rome during the campaign season with the city in the hands of praetors and the senate; whereas the dictator’s primary duty to resolve any kind of need facing the city for which the current ordinary magistrates were insufficient—anything from a foreign enemy to conducting elections or games in the consuls’ absence to rogating legislation.

The dictatorship was an extraordinary office. Prior to one to being appointed some kind of state of emergency involving the insufficiency of the incumbent executive needed to have developed. Generally speaking, we can refer to this as a tumultus, a threat or

151 See in particular Mommsen Röm. Staatsr., 2.147 = Appendix E, M51. See also Appendix H s.v. iustitium.
152 Cic De Leg. 3.3.9; Dion. Hal. Ant. Rom. 5.77.3; Claudii Caesaris Oratio, CIL 13.1668.
disruption to Rome from without or within that required urgent action on the part of the state, or that would be best resolved be immediate and focused effort by an unhindered special magistrate. The Roman dictatorship, in other words, was peculiar among the magistracies of the ancient world (or the modern, for that matter) in requiring a climate of danger or disruption to arise, or at the very least the sitting magistrates being unequal to some task, in order to be invoked.

It is necessary, then, to think of the invocation of the dictatorship as being a response not to military needs, or for a need for a military commander. The senate or the people called for dictators when their current ordinary magistrates were unequal to some need. The nature of the dictatorship is understood first through this call.

Most dictatorships came about through a direct, palpable threat to Rome that instilled fear in the citizen body or the senate. Often this involved looming war, especially with a much feared enemy; in contrast, words like “emergency” and “crisis” might seem overlarge for some of the more specialized dictatorships of fourth and fifth centuries. But the fact was that even in cases where the dictator was appointed to stand in for absent consuls in conducting elections or games, there is still an element of danger. If the city entered the new year without *imperium*-capable magistrates having been elected and installed or without having conducted the required or vowed religious festivals, dire consequences would have been expected religiously, socially, governmentally, and militarily. The absence of the consuls in times when action by them was required by religious and civil law created a vulnerability for Rome that was addressed, during the first three centuries of the Republic, by installing an emergency executive.153 Thus the word *tumultus*, and the idea of there being a state of crisis or emergency requiring action in the form of appointment of a dictator, is generally applicable, and is here understood to be a prerequisite for all dictatorships.

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153 After the third century, this was handled in other ways, just as were other emergencies previously taken on by dictators.— The Greek word *κρίσις* referred to a situation requiring a decision or choice, not to catastrophes.
For there to be a call for a dictatorship, there needed not only be an emergency, but a sense that the ordinary magistrates, subject as they are to limitations of law and temperament, were not well positioned to meet it, either through incapacity, absence, restrictions of office, or not being the right men for the job. In Cohen’s words:

The motive for choosing a dictator and the nature of his office were for each dictator the same; the dictator *rei gerundae causa* was appointed, as well as those *comitiis habendis* and the others, when the ordinary magistrates were unable to perform their official duties, and all of them resign when their task has been accomplished.¹⁵⁴

A few studies of Republican history discussed the *tumultus* in formal terms—that major threats were often met with the establishment of a formal state of emergency, in other words a finding that a condition of *tumultus* existed. This might be followed by a *iustitium* edict suspending business, the next step in preparing Rome and its citizens for war. Not surprisingly, this scholarship is weighted toward the later Republic, and in particular to the relation between a state of emergency and the *senatus consultum ultimum*.¹⁵⁵ Golden’s flawed approach to the *tumultus* has already been discussed. Leaving poor methodology aside, looking for formal declaration of *tumultus*, even if workable for the second or first century in relation to the *s.c.u.*, does not help us describe the informal conditions of emergency that preceded a call for a dictator. What brought about dictators was a public, informal awareness of emergency, followed by either the people or the senate asking the consul for a dictator (“the call”), which itself could be either formal or informal.

Rome, either among the people or within the senate, became aware that there was crisis requiring urgent action by the state, and then, if the state was not in a position to handle it, called for a dictator. Each situation was different, and the *tumultus* that led to a call for a dictator was likely to be a rampant public unease as anything else. The very first dictatorial appointment mentioned in Livy was phrased as arising out of collective anxiety. The recurring theme in describing the conditions fomenting dictators throughout Livy is popular anxiety leading to a demand for a dictator to resolve the emergency. The

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¹⁵⁴ Cohen 1957, 304.
prerequisite to the call for a dictator was not an edict, declaration, finding, or other action by the state: what was often required was a mood. The mood in Rome brought about dictators, not any logical process, public ritual, or legal mechanism. The act of the state—a consul appointing a dictator—was consequent to the sense that a dictator was needed.

To describe the public atmosphere attending these crises, Livy used words heavy with powerful collective emotion, including: metus ‘dread’, terror ‘terror’, trepidatio ‘alarm’, trepidus ‘agitation’ (usually as trepidis rebus ‘alarming situation’), pavor ‘quaking [in fear]’, sollicitus ‘disturbed’, maestus ‘dejected’, and tumultus ‘disturbance’. The converse—the appointment of the dictator causing relief and resurgence of hope—also frequently occurred in the narrative.

Greek writers, though providing details of inception less frequently than Livy, also periodically invoked a populace or senate overcome by emotion as predicate to the call for a dictator. Here’s the lead-up to the appointment of the third dictatorship of Mam. Aemilius Mamercinus (#10, 426):

Diodorus Siculus 12.80.7

ἐφ᾽ οἷς οἱ Ρωμαῖοι παροξυνθέντες ἐψηφίσαντο πολεμεῖν, καὶ προχειρισάμενοι δύναμιν ἀξιόλογον εἵλοντο δικτάτωρα Ἀνίον Αἰμίλιον.

Incensed by this [viz., the Fidenates’ execution of Roman fetials] the Romans declared war, and assembling a large army they appointed a dictator, Anius Aemilius.

And to the fifth appointment of M. Furius Camillus (#20, 367):


157 E.g., “Omnia repente mutauerat imperator mutatus; alia spes, alius animus hominum, fortuna quoque alia urbis uidere” ‘With the change in the command everything else suddenly changed; men’s hopes, their spirits, even the fortunes of the City seemed different’ (Livy 5.19.2, #13); similarly (for the same appointment), Diod. Sic. 14.93.2.

158 For example, see Diod. Sic. 19.72.5–6 quoted below (the word Diodorus uses is διαγωνίαω ‘to dread’)
οὗτος ὁ φόβος κατέπαυσε τὴν στάσιν, καὶ συνελθόντες εἰς ταύτό τοῖς πολλοῖς οἱ κράτιστοι καὶ τῇ θουλῇ τὸ δημοτικὸν εἶλοντο πάντες ἐκ μιᾶς γνώμης δικτάτορα τὸ πέμπτον Κάμιλλον.

This terror put an end to the dissension in the city, and brought together into conference both the rich and the poor, the Senate and the people. All with one mind chose Camillus dictator for the fifth time.

Here’s Appian on the appointment of Q. Fabius Maximus Verrucosus (#74, 217):

APPIAN HANNIBALIC WAR 11

πυθόμενοι δὲ οἱ ἐν ἄστει, καὶ δείσαντες μὴ εὐθὺς ἐπὶ τὴν πόλιν ὁ Ἀννίβας ἔλθοι…δικτάτορά τε, ὡς ἐν κινδύνῳ, Φάβιον εἵλοντο Μάξιμον.

When this news reached the city they dreaded lest Hannibal should march against them at once…as was customary in times of great danger, they chose a dictator, Fabius Maximus.

That dread was just as likely to crop up among the worthies of the senate as among the masses. For example, here’s the aftermath to a battle that, though not in itself disastrous, took place in the wake of the colossal disaster at the Caudine Forks:

LIVY 9.38.9

Ob haec etiam aucta fama, ut solet, ingens terror patres inuasit dictatoremque dici placebat…

With the reports of this event having inflated in the telling as usual, extravagant terror invested the patres and they called for a dictator to be appointed…

The governing factor was less the extremity of the emergency than the dismay roiling through either the populace or the senate that there was a danger to the commonwealth that needed to be addressed, and could not currently be addressed by the current panel of magistrates. It was not the threat itself but the ingens terror it provoked in the people or the senate that was prerequisite to produce a call for a dictator.

The tumultus as the instigating force for the call to appoint a dictator derives from the narrative of the archaic dictatorship. The role of fear and dismay in bringing about the installation of dictators was never mentioned in the epitomes of the office, which tended to envisage the senate’s sober deliberation as what tended to lead to the dictator’s appointment. The regular presence of these climates of fear bringing about the call from
either senate or people shows how the narrative tells us more about how the dictatorship was understood to have functioned than deliberate efforts to summarize the office.

The circumstances provoking the climate of *tumultus* necessary to create dictators as described in the narrative of the archaic dictatorship were strikingly varied. The dictatorship is sometimes associated with the need to wage war with a single military commander, but the crises that led to the appointment of dictators in the narrative were diverse and reflected a variety of military and nonmilitary problems, both separately and, frequently, in combination.

**MILITARY CRISES**

Of the 85 archaic dictatorships, just under half involved a military emergency.¹⁵⁹ The contexts are diverse.

Some of these were straightforward response to a potential attack by an enemy: from the Volsci and Aequi, the Latins, the Sidicini and Samnites, the Volsci, Etruscans, and Latins, the Marsi, or especially the Gauls. In some cases the enemy was already at hand: Faliscans at the Colline Gate, Gauls attacking Rome, or Etruscans marching on the salt works; more rarely the attack was focused not on Rome but on a vital ally or colony. In all of these cases, however, a state of military hostility alone was not enough to conjure a dictatorship: what tripped the appointment of a dictator was alarm instilled by the perceived magnitude of the direct threat to Rome in the citizens, the senate, or both, exceeding what the current magistrates were equal to. Thus the instigation of M. Furius Camillus’s fifth dictatorship (#20, 367) was not the impending Gallic invasion but the resulting consternation among the populace, driving them to call for a dictator:

**Livy 6.42.4**

> *fama repens belli Gallici allata perpulit ciuitatem ut M. Furius dictator quintum diceretur.*

Sudden reports of a Gallic war pushed the people to act, such that M. Furius was appointed dictator for the fifth time.

¹⁵⁹ From the taxonomy of mandates, these would be I.b. (18), I.c. (12), I.e.1. (6), and II.a.4 (2), plus I.d. (military threat + civil disquiet, 3), for a total of 41.
Often the reaction was to news that a new conflict stirred, but the emphasis on the response at Rome was even clearer when the call for a dictator came in reaction to bad news from the front in a conflict already under way. Unexpected defeats in the field induced panic at home and a call for a dictator, whether at the hands of Sabines, Faliscans, Hernici, Samnites, or Hannibal; even a costly victory could cause enough dismay for a call. A context of Roman setbacks could be at play in other incitements to the call: for example, the senate’s motivation to react to the attack on one ally was partly the result of the consuls having gotten there too late, resulting in the defeat for the ally that should have been a victory for Rome.\(^{160}\) In this case the senate’s consternation at the consuls’ failure made their call for a dictator a censure of the disgraced incumbent commander.

The remaining military cases involved an ongoing war that was dire enough to call for dictators: not surprisingly these were confined to Rome’s most dangerous enemies, the Samnites and Hannibal. Even these dictatorships came about not solely because of military necessity but because of popular or senatorial dismay.

The men responsible for conducting military affairs, the consuls, did not decide by their own assessment that the military situation called for a dictator. Rather, they appointed dictators on being called to do so by a populace or senate experiencing emotional reaction to the vicissitudes of war. Thus the dictatorship of Q. Fabius Maximus Rullianus (#52, 315) against the Samnites was the upshot not of a new Samnite campaign but of a spike in public anxiety, creating an atmosphere of crisis and a need for emergency measures as perceived by the anxious populace, not the consuls:

\[\text{Diodorus Siculus 19.72.5–6}\]

\[\text{τοῦ δὲ πολέμου περὶ τὰς ἢ Ἀπουλία πόλεις συνεστῶτος οἱ μὲν Σαμνῖται πάντας τοὺς ἐπὶ ἡλικία στρατείας ὁντας καταγράψαντες ἐστρατοπέδευσαν πλησίον τῶν πολεμίων, ώς περὶ τῶν ὅλων κριθῆσομενοι. ἂ δὴ πυθόμενος ὁ δήμος τῶν Ῥωμαίων καὶ διαγωνιῶσας περὶ τοῦ μέλλοντος δύναμιν προέπεμψε πολλήν. εἰσωθέντες δ᾽ εἰν τοῖς ἑπικινδύνοις καιροῖς αὐτοκράτορα τοῦ πολέμου καθιστὰν τινὰ τῶν ἀξιολόγων ἀνδρῶν προεχειρίσαντο τότε Κόιντον Φάβιον καὶ μετ᾽ αὐτοῦ Κόιντον Αὔλιον ἵππαρχον.}\]

\(^{160}\) Livy 8.15.3–5.
Now that the struggle for the cities of Apulia had been joined, the Samnites enrolled all who were of age for military service and encamped near the enemy as if intending to decide the whole issue. When the Roman people learned this, they became anxious about what was impending and sent out a large army. As it was their custom in a dangerous crisis to appoint as military dictator one of their eminent men, they now elected Quintus Fabius and with him Quintus Aulus as magister equitum.\footnote{161}{The translation used is that of Geer 1962.}

Most wars in defense of Rome and Romans were fought by the ordinary magistrates—the consuls and consular tribunes already incumbent when the war erupted; by the nature of their office, dictators were called in only in unusual circumstances.\footnote{162}{One way to look at this quickly is to review the triumphal fasti. From what is intact for the period from 509 to 202 BCE of the actual inscriptions as transcribed and analyzed by Degrassi (1954, 90–110), there are 94 entries for consuls, 13 for proconsuls and propraetors, and 11 for dictators. The six lines lost between 494 and 486, the 25 lines between 437 and 367, the 21 lines between 291 and 282, and the unknown lines lost between 222 and 197 would heavily favor consuls; though we know of seven or eight dictatorial triumphs that would appear in these gaps (mostly in the second gap). Not all are certain, and the number of missing consular and proconsular triumphs lost in the same gaps is very likely proportionate to the rest of the tally.}

The Romans expected this to be the case and considered leadership in war to be the first responsibility of their consuls. What characterized emergencies handled by the sitting elected officials from those requiring a dictator? Part of the answer lies in the aggression that built Rome. Consuls entering office already knew the looming threats that would need to be dealt with preemptively, and addressing them was in many ways the primary raison d’être of their particular year in office. Tumultus in Rome, whether among the people or the senate, arose not from the chronic scrimmages with Aequi or Etruscans but sudden shocks requiring extraordinary action.
It is clear that, especially in military cases, Rome needed to have perceived a crisis that required a call for a dictator. A certain threshold was involved. Not every hostile force instilled that necessary fear. Livy expressed this idea explicitly, in relation to a Gallic attack subsequent to Rome’s defeat of Tibur, allied with the Gauls at the time, in 360.

Livy 7.11.4

cum aduersus Tiburtem hostem duce consule contenta res publica esset, Gallicus tumultus dictatorem creari coegit.

Against Tibur it sufficed for consuls to lead. But Gallic war compelled appointment of a dictator.

For Romans, war was everyday business, and armies like Tibur’s were two-a-penny. It was only in situations where real, unexpected danger to Rome caught the people and their leaders off guard and incited popular emotional dissonance that extraordinary measures became relevant. When the Romans expected to win big and lost disastrously, there was panic. And when the dreaded Gauls returned, conjuring nightmares of the Sack, Romans knew they must be stopped at all costs, even if there was nothing else going on, even if the sitting consuls were ready and experienced. In his account of 332, for example, Livy made a point of saying that things were otherwise tranquil when reports of a Gallic threat emerged; the consuls were Cn. Domitius Calvinus and A. Cornelius Cossus Arvina (#45, 322), who had triumphed as consul in 343 and had twice previously been magister equitum. Livy’s statement that the rumor caused as much alarm as an actual invasion suggests that the dictator was appointed as much to calm the populace as to ready a campaign against the Gauls.163

Even an unusual military threat from a more mundane, established enemy might also create the necessary level of shock. When in 302 the previously vanquished Aequi, written

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163 The seminal work on metus gallicus as the driving force of in Republican Roman foreign politics starting in the third century is Bellen 1985, discussed and modified by Rosenberger 2003. Williams 2001: The sack of Rome gave the Romans “nightmares which lasted for centuries, long after the conquest of the Gauls themselves” and drove them to act to prevent a recurrence (221–222). Cicero: “nemo sapienter de re publica nostra cogitavit, iam inde a principio huius imperii, quin galliam maxime timendum huic imperio putaret” (Prov. cons. 33).
off as no longer capable of unilateral action, suddenly attacked a colony the Romans had prematurely planted in their territory, the popular dismay at Rome ("terror") was such that even though the colonists themselves had ably defended their holdings a dictator was immediately called for to definitively crush the Aequine forces. Likewise a threat that the consuls might otherwise have potentially been trusted to deal with naturally bulked much larger if the consuls happened to be unavailable, as in 312 when one consul was fully occupied with the Samnites and the other was gravely ill just as an Etruscan peril developed, or in 340 when one consul was dead and the other too ill to take on an emerging threat. The fear that produced a call for a dictator was born of a sudden, collective conviction—whether justified or not—that the leadership of the state, as presently constituted, was not best suited to handle the emergent crisis, whatever it is.

Conversely, if a great general was already installed as consul, the terror of an imposing military threat might be mitigated and the dictatorship, in the end, not invoked. Livy pointed out that when a Campanian people called the Sidicini menaced Rome in 335, the veteran commander and hero M. Valerius Corvus was the senior consul, and as a result the alarm was minimal; he and the other consul were both sent against the enemy, and a dictator was needed only to hold elections. When the Sidicine threat recurred the following year, however, the consuls were greener and a dictator was now required.

On one occasion, Livy noticed a case when the best choice was already in place as consul:

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165 Leading to the appointment of C. Sulpicius Longus (#55, 312), Livy 9.29.3.
166 Leading to the appointment of L. Papirius Crassus (#36, 340), Livy 8.12.2.
167 There are a few occasions on which dictators were appointed in response to public fear, but the dictator took no action with respect to that fear because there was no actual need for one. For example, dictators were appointed in 434, 352, and 332 in response to rumors of an enemy coalition that might attack Rome, but there was no actual threat and troops were not even levied. In this and other cases, the mere act of appointing a dictator had a reassuring effect on the Roman populace.
168 L. Aemilius Mamercinus Privenas, #39: Livy 8.16.4, 8.16.12.
169 P. Cornelius Rufinus, #40: Livy 8.17.3. As it turned out he was vitiated.
Amongst the other mournful events of this year was the death of the second consul, Ap. Claudius, which occurred while the preparations for war were going on. The government passed into the hands of Camillus, as sole consul, and the senate did not think it well for a dictator to be appointed, either because of the auspicious omen of his name in view of trouble with the Gauls, or because they would not place a man of his distinction under a dictator.

**DOMESTIC CRISIS**

Circumstances not deriving from a need to fight a foreign enemy that resulted in dictatorships were also diverse.

Several were reported as involving the violent unrest of the commons or an ambitious rebel leader playing off the same. One dictator was appointed to investigate anti-Roman conspiracies in the south and, in the end, in Rome; another acted as emergency censor. This last, our M. Fabius Buteo, illustrates how the dictatorship was invoked not through the satisfaction of some preexisting, standardized formula or threshold, some checklist of fixed criteria for when to appoint a dictator, but as a spontaneous response to crises that were each distinct and remarkable. In this case, the depletion of the senate was acute enough a crisis to compound of an existing sense of peril. There was no provision for an emergency censor. The only means of resolving the need was a dictator whose mandate was to revise the roll of the senate.

At least three times pestilence resulted in a perceived need to propitiate the gods by driving the nail; portents prompting consultation of the Sibylline books led to another form of propitiation. Two dictators were appointed solely to conduct games that had to be conducted and for which consuls were not available, and others conducted games ancillary to their main task. One of the last dictators of the first phase was appointed to rein in an obstreperous consul, a dictator being the only official who could pull rank on him (#84; he also conducted elections).
What is particularly interesting is the proportion of dictator-inducing circumstances with compound causes, spanning both domi militiaeque. Many dictatorships resulted from a combination of military and nonmilitary incitements. This started with the very first dictatorship, which was a reaction to unrest in the commons plus a military threat from a possible Latin alliance; shortly thereafter were others involving commons unrest plus a need for a levy against the Aequi and Volsci or against Etruscans. The fight over plebeian magistracy combined with Etruscan or Latin threats to create several double-barreled, home-and-away dictatorial mandates. A. Cornelius Cossus took as his mandate dual threats, crushing the Volsci (earning a triumph thereby) and arresting M. Manlius Capitolinus.

Several dictatorships that would seem to have been invoked in response to a military threat turn out actually to have been brought about by anxiety induced by that threat in the context of a nonmilitary misfortune. Plague informed the reaction to one campaign by the Aequi and Volsci. The sense of danger from a number of military threats could be exacerbated by a sense of incapacity to meet them owing to internal disruptions: so the real fear in 426, for example, resulted less from the ominous marching of the Veientines and the Fidenates than from a sense of vulnerability resulting from the patent inability of the consular tribunes to work together; likewise eight years later against the Aequi. Sick or wounded consuls put Rome at risk in looming contests with the Antiates and the Samnites. The sacrilege of the consul Ap. Claudius Pulcher during the First Punic War created a leadership crisis, aggravated by his appointment of an unsuitable man as dictator.

The majority of those dictators that were not appointed to deal with foreign attacks or domestic unrest were tasked with holding elections when the consuls could not. Even the dictatorships invoked for the holding of elections emerged from complex circumstances. Of the 20 appointed explicitly for this purpose (a smattering of others held elections ancillary to their other duties), considerations of military or domestic anxiety are known for several. Most commonly we have the incapacity of the consuls owing to war: the consuls were wounded, one was dead and the other dying, one was dead and the other away at
war, both were away and the nearest consul was trapped in camp by plague, both were traumatized by military disaster and refusing to conduct business. On eight occasions both consuls were so engaged at the front that it was felt to be would be too risky to recall either to Rome to hold elections. The contention over plebeian access to the consulship yielded at least one dictator bent against plebeian consuls.

In one case the context is interestingly opaque. M. Livius Salinator (#82, 207) was appointed dictator to hold elections, even though both consuls were at Rome and conducting ordinary business. A dictator should not have been necessary; Livy said obscurely only that “it had been decided” that elections should be held by a dictator, but the impetus for that decision was not explained. The fact that this dictatorship occurred during the Hannibalic War, even if during a lull therein, suggests that there may have been a perceived advantage in having elections conducted by the dictator, an advantage that might ultimately have been sacred in nature. One is reminded of the use of the dictator to drive the nail because that was the official with the greatest imperium or potestas (the praetor maximus), so that the greatest possible effect could be derived from the ritual. If Rome needed their elections to have the best possible results, it might have been thought prudent to have the highest possible official conduct them—for superstitious reasons, possibly, and possibly to emphasize to the populace the importance of the moment.

Overall, elections were conducted by dictators often over the last half of the archaic period; mostly, though not universally, because the consuls were busy at war at the time elections needed to be held. This was a useful expedient with more leeway than the interrex, but both methodologies were abandoned after the Hannibalic War, and the Romans found other ways to take care of consular elections in wartime.

What carries through all of the above is the inaccuracy of seeing the dictator as devised for military purposes, or as a general whose place was war but was sometimes forced to operate in the battlefield of the forum. The dictator was a reaction to a need; and that

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170 “Cum comitiorum tempus appeteret et per dictatorem comitia haberi placuisset…”: Livy 28.10.1.
need was any crisis or problem of the Roman city-state for which the existing ordinary magistrates were not sufficient.
THE MYTH OF THE DICTATORSHIP AS A TOOL OF REPRESSION

One of the most persistent myths in the classical literature is the idea that the whole mechanism of the dictatorship was invented to provide the ruling classes with a means of unfettered repression of the plebeian masses. But in the narrative of the dictatorship, it is clear that the dictatorship was developed to protect Rome from specific perils to its stability, not to reinforce the bastions of elite prerogative.

The tenor of certain sections of Livy’s and Dionysius’s narrative of the dictatorship suggests that the creation and implementation of the dictatorship either was, or was believed to have been, a means by which the senate sought to protect and pursue antipopulist policies through intimidation of the masses. This has sometimes been reflected in modern scholarship.  

The invention or implementation of the dictatorship as an instrument for the oppression of the masses is not borne out by the narrative. There is little evidence that the dictatorship was a tool of oppression—only that the masses were aware that it could, in theory, be made into one. This distinction is vital and has everything to do with the difference between the perceived possibilities for abuse inherent in the office and the way in which dictators were chosen, and dictatorship actually practiced, from the office’s inception straight through to its abandonment at the end of the third century.

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171 Key examples: “The appointment of a dictator curtailed the rights of the individual citizen. He was in a way also a representative of the conservative party. It is not strange, therefore, that the party of progress fiercely attacked the institution…” (Abbott 1911, 183); “The office was looked upon with some suspicion; in the hands of the conservative senate it might easily be used to suppress liberty” (Bonner 1922, 146); “In emergencies, often because their powers were insufficient to deal effectively with plebeian recalcitrance, one of the consuls, in conformity with a decree of the senate, would nominate a single man as dictator…” (Drummond 1989, 173); “in the earliest stage the [plebeian] unrest provokes the creation of a dictator, a magistrate whose invention a little earlier is associated with cowing the plebs…” (Lintott 1999, 32). Lintott also referred to constitutional concessions to the plebs being “balanced by an assertion of authority from above through the invention of the dictatorship”: Lintott 1999, 222.
OPPRESSION AND INTIMIDATION

In the very first dictatorship story in Livy the masses’ fear of such a powerful office was abstract, deriving from the power of the office and the symbolism of the fasces being borne with axes. The dictator, however, did nothing to justify this fear, either in Livy or in the fuller account in Dionysius, who had made a lot more of the dictatorship’s having arisen out of the tension between the classes. Dionysius reported the lack of oppression with surprise.

The conclusion we draw from these passages is twofold. First, however powerful the dictatorship was, oppression of the masses was not its purpose. Indeed, it is clear from the narrative, even given the description of dread at the sight of the axed fasces in Livy and Dionysius’s stated contention that the dictatorship constituted “elective tyranny”, that what was feared was that the dictator would abrogate their trust—in other words, oppression of the masses by a dictator would have constituted an abuse of that office. Second, according to Dionysius himself, that kind of abuse never, ever occurred. The dictatorship was scary in theory, because men were fallible and some of the safeguards by which the consulship was hedged were missing. But dictators simply never abused their office, not until Sulla (and, arguably, not even then—not until Caesar, depending on one’s assessment of Sulla). The dictatorship, as formulated and practiced, was not actually a tool of repression; it could be potentially misused as one, only it wasn’t. The people of the early and middle Republic knew these truths about the dictatorship, and the late Republic historians knew them, too, because that was how they recorded the actions of its office-holders.

It was not necessarily the dictatorship per se that caused trepidation in the masses. The narrative history painted the fifth and fourth centuries in part as a struggle to pry loose the elite’s hold on all positions of power, elective and appointed, political and religious.

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172 Livy 2.18.8–10.
M. Manlius Capitolinus’s indictment of the nobles lumped consulships and dictatorships together as potential tools of repression.\textsuperscript{174}

The fearsome majesty of the dictatorship could, moreover, be employed as a tool divorced from the elites’ designs against the masses. When an army of mutineers coalesced out of ejections from the consul’s army in Capua in 342, they elected to march on Rome to seek relief (either from debts or some other grievance). They hesitated in their march on hearing a dictator, M. Valerius Corvus (#35), had been appointed against them; but M. Valerius was appointed not because of his willingness and capacity to crush the mutineers, but because he was popular with the soldiers and could be expected to facilitate a solution. Though they differed in details, Livy and Appian agreed that both dictator and army were given pause by the fact that “\textit{haec imperiosa dictatura},” in Livy’s words, had been invoked against them. The crisis was defused by the dictator, who, after winning them over with a speech, brought about that which the normal machinations of the state delayed or denied: the passage of a law pleasing to the mutineers.\textsuperscript{175}

The kind of dictatorship envisaged by extremists like Ap. Claudius Sabinus Inregillensis (the antagonist in the story of the third dictatorship, that of M.’ Valerius Maximus), one capable of savaging popular resistance to the absolute authority of the patrician elite, bore little resemblance to the office as soberly invoked and prudently enacted decade after decade, century after century, during the formative and climactic years of the Roman Republic. The selection of M.’ Valerius, the reformer and conciliator, was the keystone precedent and shaped the subsequent history of the dictatorship from that moment on. The unfettered power of the dictatorship was to be used not for faction, but only for Rome. This principle was bypassed to any extent during only one period, the contentious struggle over plebeian access to the consulship in the mid-fourth century.

\textsuperscript{174} Livy 6.18.4, above p. 135.
\textsuperscript{175} Livy 7.39–7.41; App. \textit{Sam.} 1.2; Zon. 7.25.
INHIBITION OF THE ELECTION OF PLEBEIAN CONSULS

According to the narrative history, in the mid-fourth century the dictatorship was at the forefront of the disruption caused by the passage of the *leges Liciniae Sextiae* of 367 requiring the opening of the magistracies to plebeians. When the plebeian consul for 362, L. Genucius Aventinensis, was ambushed and killed in battle with the Hernici, the nobles were said to have trumpeted the disaster as proof of the plebeians’ inadequacy for command and of the gods’ displeasure with the sinful taking of auspices by nonpatricians. The upshot was arch-conservative Ap. Claudius Crassus Inregillensis, the loudest voice against the plebeian consul law, being named dictator *consensu patriciorum* by the surviving, patrician consul (#22). Ap. Claudius went on to win a costly victory against the Hernici. In the following decade dictators were positioned at the front line of the war against plebeian consuls: they were appointed periodically to conduct consular elections. Appointing dictators solely *comitiorum habendorum causa* was a late arrival in the narrative of the dictatorship, seemingly starting with M. Fabius Ambustus (#29, 351); and according to Livy M. Fabius was installed for an explicitly anti-plebeian purpose:

LIVY 7.22.10

...*nullo terrore belli sed ne Licinia lex comitiis consularibus obseruaretur.*

...not for fear of war but so that the Licinian Law might not be observed in the election of consuls.

176 L. Genucius had been assigned the 362 war by lot (Livy 7.6.7). It seems he was the first plebeian consul to fight a war, since any previous opportunities had been withheld (Livy 7.1.4 had the patricians deliberately deferring war against Hernici so as to keep the plebeian consul of 366 from command). This assumes that there were no plebeian consuls before 366, about which there is some debate: Drogula championed the idea that the consulship did not exist before 367 (Drogula 2015, 38); others argued the prohibition on plebeians was a later invention (see Smith 2011, 25–26). The theories are discussed in Brennan 2000, 1.24–25.

177 Livy 7.6–7.8.

178 Naturally there is some flexibility to this claim. Livy casts doubt on Licinius Macer’s assertion that T. Quinctius Poenas Capitolinus Crispinus (#23, 361) was appointed (only) to hold elections, preferring the story in “older annals” that T. Quinctius fought against the Gauls like his two successors.
Here Livy ascribed to the nobles a design to disempower the masses through the power of the dictatorship, a factor he had insinuated into the two previous dictatorships in which the dictator held elections after doing something else (#27, #28). Those efforts had resulted in failures requiring interreges and new elections, so a dictator just for conducting elections was invented. Even here, with a dictator appointed with (as Livy said) the sole task of preventing a plebeian getting in, the effort was unsuccessful:

Livy 7.22.11

Nec tamen dictatura potentiorem eum consensum patrum consularibus comitiis fecit quam censoriis fuerat.

Yet the dictatorship nonetheless did not make the collective judgment of the senators any more effective toward the election of consuls than it had toward the censors.

A plebeian consul was indeed elected for 350—the distinguished M. Popillius Laenas, already thrice consul since the passing of the leges Liciniae Sextiae of 367. He would go on to triumph over the Gauls in this consulship, while the patrician consul, L. Cornelius Scipio, was sidelined by illness. However much this may have seemed like divine vindication to the plebs, the nobles were only driven to try again the next year to preclude a plebeian consul, that time successfully, in elections conducted by the dictator L. Furius Camillus (#30, 350), which resulted in his own election to the consulship alongside the ideologue Ap. Claudius Crassus. 180

What is notable here is that by 351 the patricians were trying to wield the intimidating power of the dictatorship not to scare or repress the masses, but to try to game the system. While it is true that “gaming the system” might be viewed as a kind of repression, the following points may be made.

The repression meant by ancient authors, and their modern counterparts working the same theme, was severe. Dionysius talked about “self-enslavement,” the Roman masses surrendering their liberty subjecting themselves to despotic rule by an unelected master

179 Livy 7.21, 7.22.
180 Livy 7.24. The dictatorship is present in FC, but the names of the dictator and magister equitum are missing.
capable of arbitrary fiat. Livy spoke of the dread seeping through the crowd on seeing T. Larcius’s twenty-four axe-equipped lictors. What was feared was violence being done to the institutions of the body politic and the rights of the Roman citizens, or to Roman citizens themselves. If the anti-plebeian election-holding dictators of the 350s attempted to force a result through violence, threats of prosecution, or massive bribery, not only do we not hear about it from the two ancient authors most deeply interested in enlarging on the theme of aristocratic suppression of the commons throughout the Republic, but their efforts had no result.

The purpose in choosing dictators seems to have been not for dictators to actually act in a repressive manner, but simply to use the dread majesty of the office to sway the elections simply by the president being a dictator rather than a restriction-burdened consul or an ephemeral interrex. If so, the dictatorship was spectacularly unsuccessful as a tool even for this “gaming” kind of repression. In their first three outings (if we count the two scuttled elections under #27 and #28) plebian magisterial access was achieved without significant hindrance by means of this tactic. In the end there is no reason to conclude other than that L. Furius Camillus got himself elected on his own merits or on the strength of his name (he was the son of the great Camillus, hero of Veii and the Sack of Rome). A dictator whose mandate was conducting elections, in the end, was restricted to conducting elections, and the process of electing executive magistrates was already very well defined by the 350s.

The reason they failed was not primarily to do with the gumption of the masses in resisting dictatorial tyranny; it had to do with the Roman reliance on precedent and procedure. The dictator was not all-powerful: rather, he had free rein to accomplish his mandate. In this case, his mandate was to conduct the consular elections through the comitia centuriata—the precedents and processes for which were so well established by this point that there was only one way to go about them. The only leeway a dictator holding

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181 Degrassi 1954, 106; MRR 1.128. Livy called him a man of “distinction” on account of his paternity (7.25.11).
elections would have had was in fixing the slate of candidates, and since, for example, the dictator M. Fabius, in 351, did not leave off the extremely qualified and ultimately successful plebeian candidate M. Popillius Laenas (not only consul for the third time in 350, but *senior* consul according to the *Fasti*), we may conclude that M. Fabius either would not, or could not, doctor the ballot for the patricians’ benefit that year. Two patricians being elected the following year was of concern not for misconduct of the elections, but for the president conducting those elections, the dictator L. Furius Camillus, declining to invalidate the results as having violated the *leges Liciniae Sextiae* of 367 that required at least one plebeian consul; his cupidity was, according to Livy, the subject of much muttering. This, then, was a charge that might be brought against the dictator L. Furius Camillus; but the same charge must be brought against the presidents who conducted the elections for 355, 354, 353, and other years in which two patricians were elected.

Meanwhile other moments in the narrative of the dictatorship place the dictatorship on the other side of the anti-plebeian equation. In 368, P. Manlius Capitolinus (#19) chose a plebeian as his *magister equitum*; the tribunes C. Licinius Stolo and L. Sextius Lateranus, whose law regarding plebeian consuls had on this occasion just been rejected, took this as a sign of things to come and a reason to castigate the people for not bringing about the revolutions that were now within reach.

*Livy 6.39.3, 5, 7–10*

*P. Manlius deinde dictator rem in causam plebis inclinavit C. Licinio, qui tribunus militum fuerat, magistro equitum de plebe dicto. ... Licinius Sextiusque, cum tribunorum plebi creandorum indicta comitia essent, ita se gerere ut negando iam sibi uelle continuari honorem*

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182 Livy 7.25.
183 Livy 7.17.10–13, 18.1; MRR 1.124. The patricians prevented the plebeian consul from holding elections; the patrician consul was detained by war. After a succession of *interreges*, two patrician consuls were elected.
184 Livy 7.18.3–10; MRR 1.124. The two patrician consuls of 355, C. Sulpicius Peticus and M. Valerius Poplicola, attempted to enforce patrician-only consular elections, sparking violence and outrage; according to Livy the plebeians boycotted the elections, the all-patrician result achieved with the electoral rump.
185 Livy 7.19.5-6; MRR 1.125.
186 E.g. 345 and 343, MRR 1.131–132, though these were not called out in Livy as the others were.
acerrime accenderent ad id quod dissimulando petebant plebem: nonum se annum ... primo intercessione collegarum in leges suas pugnatum esse, deinde ablegatione iuventutis ad Veliternum bellum; postremo dictatorium fulmen in se intentatum. iam nec collegas nec bellum nec dictatorem obstare, quippe qui etiam omen plebeio consuli magistro equitum ex plebe dicendo dederit: se ipsam plebem et commoda morari sua. liberam urbem ac forum a creditoribus, liberos agros ab iniustis possessoribus extemplo, si uelit, habere posse. quae munera quando tandem satis grato animo aestimaturos, si inter accipiendas de suis commodis rogationes spem honoris latoribus earum incidant?

The dictator P. Manlius thereupon improved the plebs’ cause by appointing as his magister equitum C. Licinius [Calvus], who had been a [consular] military tribune. … When notice was given for the election of tribunes of the plebs, Licinius and Sextius declared their unwillingness to be re-elected, but they put it in a way which made the plebeians all the more eager to secure the end which they secretly had in view. For nine years, they said, … their proposed legislation had been frustrated first by the veto of their colleagues, then by the withdrawal of their fighting men to the district of Velitrae,¹⁸⁷ and last the dictator¹⁸⁸ had launched his thunder at them. Now there was no obstacle either from their colleagues or from war or from the dictator, for he had given them an earnest omen of the future election of plebeian consuls by appointing a plebeian as magister equitum. It was the plebs who stood in the way of their tribunes and their own interests. If they chose they could have a city and forum free from creditors, and fields rescued from their unlawful occupiers. When were they ever going to show sufficient gratitude for these boons, if while accepting these beneficial measures they cut off from those who proposed them all hope of attaining the highest honors?

Not only were dictators unable to consistently prevent plebeian consuls; the very champions of plebeian consulship saw a dictator as one of their heroes and as a harbinger of the imminent era of plebeian empowerment. The effort to prevent plebeian consulships was not restricted to elections conducted by dictators: consuls and interreges conducted all those other elections in which plebeian consuls were prevented from being installed even after 367. The dictatorship was understood as having been used by the elite against plebeian consulships not for any intrinsic capacity for advanced repression, but as the same kind of available means toward a specific end as the consulship or the interrex.

In practice, the dictatorship was not a preserve of conservative power; there were far more dictors remembered for being openly hostile to noble privilege and actively reformist than the converse. If nomination of dictors were in the hands of senators things might have been different; but it was not. The power to appoint dictors lay not

¹⁸⁷ Livy 6.36. Velitrae is the Octavii homeland; future princeps Octavian spent his youth there (Livy 6.5.12–13).
¹⁸⁸ M. Furius Camillus (#18, 368) had resigned suddenly earlier in the year (Livy 6.38.10–13, Plut. Cam. 39.4), replaced after an unspecified lapse of time by P. Manlius.
with the senate, which could be described as generally but not homogenously conservative, but with the consuls, who were a diverse array of individuals possessing a broad range of experience, background, gens, and temperament, and who were keenly aware of the powerful precedents shaping their own office, including the deeply enshrined traditions regarding the selection of the needed man when dictators were called for to protect Rome. Any consul not sympathetic to the senate’s agenda in general or the principle of plebeian obstruction in particular could stand in the way of their efforts to repress the masses by exercising their complete discretion over dictatorial appointments, as the naming in 339 of the defiant populist Q. Publilius Philo by his consular colleague illustrated.

Not long after, one of the most famous reforms of the middle Republic was brought about by a dictator, Q. Hortensius (#60, ca. 287), making use of the free reign available to him under a mandate to resolve plebeian unrest. By 217, noted Livy, demagogues were accusing the senate and the augurs of sabotaging a dictator appointed to hold elections, since a dictator was less likely to produce a result favorable to patricians than an interrex.¹⁸⁹

**THE DICTATORSHIP AS AN EFFORT TO RETURN TO MONARCHY**

When the Romans ended their monarchy, they replaced it with a system of plural, short-term magistracies. Not long after this, the Romans chose to temporarily revert to autocracy. Was the dictatorship an attempted throwback to the Roman monarchy?

The issue here is whether the dictatorship was somehow a continuation of the monarchy, as if the Romans had said to themselves, “Let’s just go back to having kings until this crisis is over.” This was the opinion of Zonaras, who referred to the dictator as a king under another name, and the idea has appeared in modern scholarship as well.

We know that the Roman monarchy did not truly die with the revolution against Tarquin Superbus. The inception of the Republic can be understood as parceling out the priest-king’s authority to replacement institutions, the political duties seated in the plural

¹⁸⁹ Livy 22.34.
magistracies and the priestly in an official called the *rex sacrorum* or *rex sacrificulus*,\(^{190}\) whom one scholar memorably referred to as the kings’ “shadow successor”.\(^{191}\) It is worth asking whether the dictator, in his own way, was a “shadow successor” to the kings.

For the argument that the dictatorship was deliberately “monarchical” to have merit, two things seem necessary: (a) that the dictatorship be functionally similar to some aspect of the king’s authority, parallel to the *rex sacrorum’s* taking up of the kings’ priestly rituals; and (b) that it have been created with the intent of enabling some element of the monarchy to persist in post-regal Rome. A third factor should also be considered: by the time the kings were overthrown, the Roman monarchy had been altered by its most recent occupants through various constitution-bruising acts including coup, usurpation, and other forms of oppression closer-akin to the *tyrannos* than the *rex* as original developed at Rome. So which kind of monarchy is meant? Talk of Tarquinists among the consuls at the time of the appointment of the first dictator suggests the later form of monarchy was thought more likely to be what would have been envisaged should the dictatorship have been intended as a move in that direction.\(^{192}\)

Constitutionally, the dictator and the *rex* had nothing in common. The king ruled alone; the dictator, though he had no colleague, was never without a lieutenant, the *magister equitum*, who was so inextricably a part of the office that the latter’s assumption of office was always recorded alongside the former’s in both official records and the histories making use of them, and the one dictator who did not have one bewailed the damage done to the office by such a dire precedent. The king ruled indefinitely; the dictator exercised his office only as long as the crisis that brought about his appointment persisted, whereupon he immediately abdicated. The king, like the ordinary magistrates, dealt with all matters arising during his tenure that concerned the security and well-being of the citizen-body; the dictator was an extraordinary magistrate who dealt with one matter only.

\(^{190}\) Livy 2.2, 6.41, 40.42; Dion. Hal. *Ant. Rom.* 4.74, 5.1; Cic. *Dom.* 14; Plut. *Quaest. Rom.* 63; Burchett 1914; Szemler 1972; Bianchi 2010; Forsythe 2012, 17.

\(^{191}\) Carter 1909, 27.

\(^{192}\) Livy 2.18.4–5.
The king, again like the ordinary magistrates, was elected by the citizen-body in comitia; the dictator was appointed by the consul at his own discretion. The dictator, then, could not functionally be the reincarnation of the rex.

If we step back and compare the two offices in a less literal way, however, a similarity in authority emerges. In a discussion of the origins of the Republican magistracy, Cicero noted that the power of the dictator was “exceedingly similar” to that of the kings. This remark, like everything Cicero and every other classical author ever said, has been harvested out of context on numerous occasions, and in this case it is worth looking at Cicero’s overall point in this passage.

CICERO DE RE PUBLICA 2.56

Tenuit igitur hoc in statu senatus rem publicam temporibus illis, ut in populo libero paucis per populum, pleraque senatus auctoritate et instituto ac more gerentur, atque uti consules potestatem habèrent tempore dum taxat annuum, genere ipso ac iure regiam. quodque erat ad obtinendum potentiam nobilem vel maximum, vehementer id retinebatur, populi comitia ne essent rata nisi ea patrum adprobavisset auctoritas. atque his ipsis temporibus dictator etiam est institutus decem fere annis post primos consules, T. Larcius, novumque id genus imperii visum est et proximum similitudini regiae. sed tamen omnia summa cum auctoritate a principibus cedere populo tenebantur, magnaque res temporibus illis a fortissimis viris summo imperio praeditis, dictatoribus atque consulibus, belli geregantur.

In those times, then, the senate held the republic in this state, such that despite the freedom of the people few things were accomplished by the people, but many by the authority, rules, and traditions of the senate; and over all the consuls held power that, while chronologically limited to a year, was regal by its nature and by law. Each was ardently held to that principle, that the power of the nobles and great men must be maintained, such that the assembly-meetings of the people were not established unless the authority of the patres had approved them. And in this very period, a dictator too was established, T. Larcius, hardly ten years after the first consuls; and this new kind of imperium seemed very close indeed to the regal. Yet nonetheless all of this power was controlled by the supreme authority of the nobility, and in those days great things were accomplished in war by powerful men vested with the supreme imperium, dictators and consuls alike.

Cicero’s remark that the supreme imperium of the dictator was very close to the king’s came in the same breath as an assertion that the consuls’ authority was likewise kingly, and that both kinds of officials held their power in vassalage to the nobility and at the people’s expense. This is reminiscent of the occasions where Livy had the recalcitrant populists—most memorably M. Manlius Capitolinus, after A. Cornelius Cossus’s arrest of
him was reversed—rail against both the consuls and the dictators as stooges of the patres and enemies of the people’s liberty.

In terms of popular liberty, in other words, there was little to distinguish kings, consuls, or dictators: anyone with their kind of sumnum imperium could oppress the freedom of the common citizen. Cicero’s point was that this state of affairs created instability in the state: he next went on to discuss the people’s arrogating power for themselves, bringing Rome closer to the necessary balance between the authorities of the magistrates, the senate, and the people, thereby addressing the dominion of the senate and the consuls/dictators extant at the dawn of the Republic, carried over from the time of the kings.

One further aspect of Cicero’s observation needs to be examined: the imperium of the dictator, while very like to that of the kings, he also described as “new”—a departure from the consuls who had operated in those first ten years. Drogula argued that what was new about the dictator’s imperium was that it operated within the pomerium, in contrast to that of the consuls, and therefore the scope of the dictator’s power was “unrestricted” in a way the consul’s was not.193 This would theoretically set the dictator’s power closer to that of the kings, in comparison to the consuls; and Zonaras’s comment that dictators “possessed power equal in all respects to that of the kings” could also be interpreted in this light, as contrasted with the reduced potestas of consuls within the pomerium. But Cicero’s point was that both the consuls and the dictators “seemed” kingly—and yet were subordinated to the patres—in the early days of the Republic; this “new” form of imperium was like that of the kings, as had been that of the consuls, and yet was also beholden to the nobles. In this passage of Cicero’s, the flavor is not of reversion, creating an office designed to echo the kingship, but rather of failed innovation: this new kind of office was born just as trapped and mired in the all-consuming patrician domination that gripped the early Republic as the consulship had been ten years previously.

There remains to ask who might have wanted the dictatorship to be a throwback to the monarchy—who, in this case, the monarchists might have been. Someone actually in favor of restoring a Tarquin or someone else as rex would have been ill-served by the dictatorship. Though there were, according to the stories preserved in the narrative, some anti-populist extremists who hoped to create an official capable to thoroughly repressing the fractious masses (an act of which the already compromised consuls were no longer capable), it is important to remember that this was not at all the office that was actually created.

The character and actions of the first dictators, as well as the sober decisions of the consuls who appointed them, were what created the dictatorship; and they ensured that the dictatorship was limited in scope and duration to the emergency that occasioned the dictator’s appointment, that the man best suited to effectively accomplish its resolution was the man that should be chosen, and that in domestic crises in particular the dictator’s mandate was not to repress on behalf of the nobles but to restore the stability of the commonwealth as quickly and efficiently as possible. These circumscriptions of the office might as well have been carved in stone, and were scrupulously adhered to by every dictator and almost every appointing consul, down to and including Sulla.

Another line of thinking is that such an anti-Republican, autocratic office as the dictatorship would not have originated de novo in the first century of the Republic, when resistance to the return of monarchy was strong. If it was not an innovation of the early Republic, the dictatorship would require an origin reaching back into the regal period, as with the pontifices, vestales, flamines, and the rex sacrorum. Cohen followed this tack:

> There is much to be said in favour of the view that the offices of dictator or magister populi already existed in the period of the kings. It is even possible that the latter title dates from that time, or it may have had a different name which has got lost. However this may be, the office held in the period of the Republic may be thus explained much more easily, since it is improbable that it should have been devised in the first century of the existence of the Republic; the fear of the return of the regal power in one person was too great for such an office to be instituted.\(^{194}\)

\(^{194}\) Cohen 1957, 313.
The appointment of a *magister populi* to meet an erupting crisis would then be a familiar recourse that had already served Rome well.¹⁹⁵ The narrative of the dictatorship, in fact, provides some support for the idea that the dictatorship was familiar. Livy’s account of the first dictatorship is frustratingly blasé about how the idea came about, merely depicting the Romans as suddenly deciding that a dictator was necessary; Dionysius’s more involved account, which descended into a diatribe lambasting the Romans for having stupidly burdened themselves with such an office, gave no indication of how they got the idea in the first place.

Unfortunately there is no hint of any official like the Republican dictator in the long legends of the Roman kings. At least some of those kings, from what we are told, would most likely have seen such a superempowered official as a threat and an avenue for usurpation. If the *magister populi* existed during the monarchy it seems likely that the holder of this office was simply what the title describes: the commander of infantry under the king. Such a role is so unlike the Republic’s emergency executive in matters *domi militiaeque* that any connection would be in name only.

Ultimately it seems beside the point to try to tie the dictatorship to the monarchy. The dictatorship existed for a fundamentally Republic-centered reason: to provide a means by which an emergency might be addressed that would not be adequately met by the incumbent annual magistrates. Roman legends of the regal period had nothing like this happen: the only time a Roman king was set aside as insufficient was when he was dead, and *interreges* were installed to shepherd the election of his replacement.¹⁹⁶

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¹⁹⁵ Conversely, Drummond 1989, 192, saw it as more likely that the need for a dictator would have been apparent only after the Republic and its collegial institutions had been well established.

THE MYTH OF THE PROBLEM OF DIVIDED COMMAND

Cicero’s idealized précis of the dictatorship included the idea that installing a dictator involved substituting one executive for two, thereby eliminating the problems incurred when command over Rome’s armies was divided between two consuls (or a cohort of military tribunes with consular power). This explanation for the dictatorship, an office which fits so poorly with the collegial nature of the Republican system, is particularly attractive to anyone dubious about the theoretical workability of a two-executive state.

The theory of the dictatorship as a solution to the supposed problem of divided command was stated explicitly by Mommsen during his argument that the dictatorship was an inherently military office, ensuring the idea’s endurance in modern scholarship:

MOMMSEN RÖMISCHES STAATSRECHT 2.142

Es erklärt sich ferner daraus der Zweck der Institution: eine concurrirende höchste Doppelgewalt ist im Frieden und insbesondere für die Rechtspflege möglich; aber für den Krieg bedarf es des einheitlichen Oberbefehls.

It also explains the purpose of the dictatorship: concord among two superior authorities is possible in times of peace and the administration of justice, but war requires unified command.

This is the idea second most likely to appear in any ancillary thumbnail of the dictatorship in modern scholarship, after dictators being limited to a six-month term.

While there are a very few of cases in which a dictator’s appointment followed disaster deriving from insurmountable levels of conflict between commanders, the incontrovertible fact is that “divided command” worked extremely well for Rome most of the time, as Mommsen was forced to concede in the very next sentence after the one quoted above.

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198 Appendix E, M41.
199 Key examples: “In situations of crisis, of course, the dangers of collegiality could be excluded by the appointment of a dictator….” (Kunkel 1973, 16); “The magistracy may have been as much intended to provide unified leadership for a sustained major campaign. … It is not unlikely that it was created soon after the establishment of the Republic, when external pressures may well have illustrated the need for a unified military command….” (Drummond 1989, 191, 192).
200 Mommsen Röm. Staatsr. 2.142 = Appendix E, M41.
After all, most defensive wars were successfully completed, and the vast majority of the Roman empire acquired, under the ordinary collegial magistracies of the Republic, both during and after the archaic dictatorship. Romans of the archaic period had constant practice fighting under plural command, and they employed plural command successfully in both defensive and aggressive situations, in conditions both easy and dire. In the case of a particularly exigent military need, a call for a dictator did not develop out of an awareness that plural commanders were an inherently flawed proposition; Romans were acutely aware of the effectiveness of plural command. What invoked a dictator was the idea that the *incumbent* magistrates, in this moment, were insufficient to meet this enemy.

The Romans were not merely suspicious of autocracy, but ended up experimenting for nearly a century with as plural a rule as could be made effective. During a considerable stretch of the period during which the archaic dictatorship was prevalent, from 444 through 367, the Romans found it expedient to institute and perpetuate the practice of installing colleges of executive magistrates *cum* field commanders, and the number of these military tribunes with consular power called for in any given year tended to range higher over time; and yet almost none of the archaic dictatorships were invoked as a result of conflict within colleges of consuls or military tribunes with consular power.

The traditional explanations for the experiment with consular tribunes are as follows. (a) The consulship, being claimed as the preserve of the patricians, was displaced by a magistracy accessible to the plebeians; but against this there is a paucity of plebeian consular tribunes in the *Fasti.* More importantly, (b) the installation of more commanders allowed Rome to make war on multiple fronts, though that would have been difficult to foresee months in advance of the campaign season when the decision was made.

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201 The dictators were not the main defenders of Rome or the main instruments of their greatest victories; of the 119 Republican triumphs recorded on the extant portions of the *Fasti Triumphales* up through the end of the Hannibalic war, only 11 were by dictators.
204 Livy 4.7.2.
regarding whether and how many consular tribunes to elect, and moreover it did not generally work out that way in practice. Alternatively, (c) the potential for repression might be deflected by diffusing executive authority across three or six men instead of two.

Adcock put forward the argument that the Roman nobles found panels of experienced generals reassuring, like the contemporary Athenian boards of strategoi:

In the thirty years from 405 to 376 there were over 160 Consular Tribune places to be filled and it is a question how the patricians could fill so many of them. The answer is partly to be found in the fact that less than eighty men, between them, filled them all. This is due to a wider use of iteration, which is not surprising in view of the Roman respect for experience in difficult times. And the more the patricians had monopolized office the more they had monopolized military experience, and the less chance there had been for anyone else to show what he could do. The most approved generals were elected again and again at fairly short intervals. Thus, the steady election of as many as six Consular Tribunes in each year reflected at once supply and demand. Apart from two consecutive years in the first decade of the fourth century there was no reversion to a pair of Consuls. It would seem that for nearly forty years the Romans believed that it was well to have plenty of generals assisted by colleagues whose activities might set them free to take the field, with the dictatorship always in reserve to give some unity of command if this proved necessary.205

The Roman nobility during this period does seem to have preferred plural generalship, not to send six generals to command the same army but to ensure that there was at least one seasoned commander on deck to meet any exigency and to be better prepared to fight more than one enemy if necessary. In this context the dictatorship was not a solution to the problem of disagreeing generals; if anything the dictatorship was an extension of the same philosophy that led to the development of military tribunes with consular power: just as the panel of six consular tribunes constituted a pool of men ready and available to meet any threat, expected or unexpected, during their year in office, so too the pool of hundreds of high-ranking Roman nobles, richly diverse in experience and talent, was a resource that could, in an emergency, be drawn upon to employ the ideal commander.

The narrative of the archaic dictatorship does not, in fact, support the idea that resolving divided command was the purpose of the dictatorship or even one of the regular uses to which it was put. There are two hypothetical scenarios that might fall under the heading of the dictatorship ameliorating vulnerabilities of divided command. In the first

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205 Adcock 1957, 12.
scenario, a dictator might be appointed before a campaign because a need for a single commander over multiple armies or wings was anticipated. In the second, a dictator might be appointed because the consuls or consular tribunes are already at war and are at odds about how to proceed against the enemy. While individual examples of both scenarios can be found in the narrative of the archaic dictatorship, that is not at all the same as saying divided command was an important reason for the existence of the dictatorship.

Some support for the first scenario can be found in the account of the dictator who fought the Latins at Lake Regillus, A. Postumius (#2, 496):

DIONYSIUS OF HALICARNASSUS, ANTIQUITATES ROMANAE 6.2.1, 3  
ἠν δὲ τὸ μὲν Ῥωμαίων πλῆθος ἀπάν ἐκούσιον καὶ σὺν πολλῇ προθυμίᾳ χωροῦν ἐπὶ τὸν ἀγώνα: ... ἀπάντων δὲ τὴν αὐτὴν γνώμην λαβόντων, ὅτι μιᾶς δεῖ πάλιν τοῖς πράγμασιν ἐφεισμένης ἀπαντά διοικεῖν κατὰ τὸν αὐτῆς λογισμὸν ἀνυπευθύνουν ἀρχῆς, δικτάτωρ ἀποδείκνυται τῶν ὑπάτων ὁ νεώτερος Αὖλος Ποστόμιος ὑπὸ τοῦ συνάρχοντος Οὐεργινίου: ἰππάρχην δ᾽ αὐτὸς ἑαυτῷ προσείλετο κατὰ τὸν αὐτὸν τρόπον τῷ προτέρῳ δικτάτωρ Τῖτον Αἰβούτιον Ἐλβαν.

On the Roman side the whole population entered upon the struggle voluntarily and with great enthusiasm…. And since all men had come to the same conclusion, that the situation once more called for a single magistrate free to deal with all matters according to his own judgment and subject to no accounting for his actions, Aulus Postumius, the younger of the consuls, was appointed dictator by his colleague Verginius, and following the example of the former dictator, chose his own *magister equitum*, naming Titus Aebutius Elva.

There is a whiff here of the danger of divided command, but it is difficult to view Dionysius in this passage asserting that “all men” called for a dictator because there was a risk that the two consuls, A. Postumius and T. Verginius, would disagree about how to proceed, or that they would act independently of each other in the field, or (less likely) that there would be confusion in the chain of command, or any of the other perceived flaws inherent in dual command. That the senior consul T. Verginius deferred to A. Postumius, naming him his own superior as dictator, argues more for potential harmony of command rather than against it. A. Postumius, in this story, was not made dictator because having two consuls was a liability in time of war, but because the emergency of this threat seemed to call for an extraordinary response, and because of the reassurance derived from a dictator in command.
There is also a separate possibility that T. Verginius might have agreed to remove himself from the equation to avoid being thought suspect in a war against the allies of Tarquin Superbus, the Verginii arguably being of Etruscan origin.\textsuperscript{206} This accords with other occasions in which one or both of the consuls was held to be unequal to the task at the eruption of an emergency, requiring a resort to a dictatorship, e.g., the story of Cincinnatus’s first dictatorship in 458,\textsuperscript{207} in this case firmly situating command in the hands of the remaining consul.

The second scenario, involving a dictator being needed to trump bickering consuls, occurred rarely in the narrative. In 426 the story went that a disgraceful rout by the Veientines was put down to disagreement among the four military tribunes, resulting in a call for a dictator.

\textit{Livy 4.31.1–4}

\textit{Tribuni militum consulari potestate quattuor creati sunt, T. Quinctius Poenus ex consulatu C. Furius M. Postumius A. Cornelius Cossus. Ex his Cossus praefuit urbi, tres dilectu habito profecti sunt Veios, documentoque fuere quam plurium imperium bello inutile esset. Tendendo ad sua quisque consilia, cum aliud alii videretur, aperuerunt ad occasionem locum hosti; incertam namque aciem, signum aliis dari, receptui aliis cani iubentibus, invasere opportune Veientes. … Maesta civitas fuitvinci insueta; odisse tribunos, poscere dictatorem: in eo verti spes civitatis.}

Four military tribunes with consular power were elected: the consular T. Quinctius Poenus, C. Furius, M. Postumius, and A. Cornelius Cossus. Of these Cossus was city prefect; the other three, having completed the levy, advanced against Veii, proving as they did how useless plural command can be in war. Each pursuing his own counsel, one arguing this, the other that, they exposed an opportunity to the enemy: the army was confused, this one sounding the charge, that one the withdrawal, so the Veientines had a chance to attack. The [Roman] people, unused to being defeated, were despondent; despising the tribunes, they begged for a dictator, in whom rested the hope of the state.

Livy’s clause “\textit{documentoque fuere quam plurium imperium bello inutile esset}” has been employed as a definite statement of the dangers of plural command;\textsuperscript{208} but Livy was prefacing an

\textsuperscript{206} Hall 1996, 178 n. 58, citing Ogilvie 1970, 1.277 and adding that T. Verginius Tricostus Caeliomontanus’s agnomen indicates residence on and attachment to the Caelian mount, which had been occupied by the adherents of Mastarna and the Vibennae from Vulci.

\textsuperscript{207} Livy 3.26.3.

\textsuperscript{208} So Foster 1922, 359: “…gave a demonstration how unprofitable it was in war to parcel out authority”; Roberts 1912: “…showed how useless a divided command is in war”.

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extreme example of the pitfalls of divided command, and his comment should be taken as pointing out the extent to which divided command could cause problems, not to which it did, regularly and inherently, cause problems. Compare this earlier statement in Livy:

LIVY 3.70.1

In exercitu Romano cum duo consules essent potestate pari, quod saluberrimum in administratione magnarum rerum est, summa imperii concedente Agrippa penes collegam erat.

In a Roman army two consuls had equal power; because it is most salubrious in the conduct of important matters, Agrippa conceded supreme command to his colleague.

Livy, writing in a very different time, clearly believed that in important matters unified command made the most sense; but he knew better than to assert that collegial command by two consuls or a panel of consular tribunes was inherently dysfunctional.

Plural command was not automatically dangerous. Plural command worked for the Romans even in desperate conditions. This particular case in 426 is not an indictment of plural command but rather another example of how the dictatorship was employed when a specific type arose of what turns out to be a very different paradigm: namely, when the existing magistrates had proven themselves unequal to an emerging crisis. The Roman nobles were not described as turning to a dictator in 426 because it was stupid to have a collegial executive; after all, they went ahead and did it again the next year and the next, and for centuries after that. Rather, these particular consular tribunes had demonstrated incompetence by failing to find a way to work together, a basic prerequisite for a collegial magistrate. The people, naturally, turned against them and, there not being a provision to impeach them and install a new slate of tribunes or consuls, demanded a dictator be appointed to fix the damage they had done and complete the campaign.

Bickering consular tribunes recurred only once more in the narrative of the dictator. In 418 two eager commanders, unable to agree on tactics and despising each other, ended up taking command on alternate days; but a debacle came as a result of one of the two consular tribunes falling into a trap, forcing the army to abandon its camp and retreat to Rome and Tusculum.209 At this point, as in 426 eight years before, the city's trust in the

209 Livy 4.46.1–8.
sitting magistrates collapsed, and the initiative was taken from them. It was this
ignominious setback that decided the senate to call for a dictator, to replace the
commanders that had demonstrated their own unworthiness with a proven and respected
leader, Q. Servilius Priscus Fidenas (#11);\(^\text{210}\) but in a real sense it was the state of crisis
created by the entrapment of the army, caused by the failures and unsuitability of these
particular commanders, that precipitated a \textit{tumultus} and so a dictatorship, not any inherent
flaw in the system. After 418 resort to the dictatorship in times of great danger was
customary in the narrative, and there are no further occasions on which a link was made,
directly or indirectly, between the dictatorship and the Roman system of plural command.

The premise that the dictatorship existed in order to resolve conflicts inherent in dual
command seems to have derived from an outsider’s skepticism of a plural executive. There
is a logical flaw in viewing the dictatorship this way, which is that the dictator was
appointed by one of the two consuls (or the however-many consular tribunes).

Let’s suppose that the dictatorship was created, or perpetuated, because the Romans
saw an inherent problem with dual or plural command such that it would be necessary to
resort to single command on occasion to fix the problem. Let’s also suppose that the
dictatorship’s primary usefulness lay in resolving fundamental disagreements in strategy
or tactics between multiple commanders—conflicts so profound that the divide could not
be resolved except by the appointment of a generalissimo superior to themselves. Given
those two ideas, is it not counterintuitive that the appointment of the dictator lay
irrevocably in the hands of the consuls? In such circumstances, with Rome in a state of
such extreme emergency that its very future was at stake, with passions riding at fever
pitch, it is difficult to see how a consul convinced of the rightness of his view and the
wrongness of his colleague’s could resist appointing a dictator who shared his own opinion.
Yet according to the narrative, such a scenario \textit{never occurred}. There were no attested cases
in which a consul appointed a dictator in order to force his policy on the Republic.

\(^{210}\) Livy 4.46.10.
In cases of civil discord, as opposed to war with a foreign enemy, it is especially clear that it is not division of command but the inaptness of the sitting regular magistrates that brought about dictatorships. The reported plebeian secession of 287 might have been defused by either consul, or by a senatorial delegation, or by various other means; but the situation demanded a man whose character and standing would allow him to resolve this crisis through the right combination of trust and concession, unhindered by constitutional or factional obligations. The crisis was resolved by Q. Hortensius (#60) because the Republican constitution allowed for the concentration of power in a dictator in order to eliminate a specifically delineated danger to the stability of the Roman polity.
THE MYTH OF THE MISLEADINLGLY MILD NAME

In Cicero’s passage from *De Re Publica* and elsewhere there is a peculiar etymological explanation for the title *dictator*: that it derived from *dico* and signified that he had been ‘named,’ i.e., appointed rather than elected. In other words, the name of the office derived from an act performed upon a dictator (that he was ‘named’) rather than the explanation that seems more obvious from the Latin, that the named derived from acts performed by a dictator (that he commanded).\(^{211}\)

In both passages the purpose was to contrast the supposedly “mild” name, *dictator*, with its other, more functional name, *magister populi*, which better revealed the true, autocratic power of the office (about which more in a moment). By this construction *dictator* suggested something like ‘the appointee’ and so belied the dictator’s capacity to rule unanswerably. The idea of a tame, misleading name is present also in Dionysius, though he first gave an alternative etymological explanation, described below.\(^{212}\)

The idea that *dictator* derived from the office-holder being ‘named’ (via a passive construction of *dico*) is, in the words of one commentator, “patently absurd.”\(^{213}\) For one thing, “he was named” deriving from *dico* would seem to require something formed from the passive participle, *dicatus* in this case, rather than an active use of the word.

Surely *dictator* derives from the frequentative *dicto* ‘to prescribe, command’, not from *dico* ‘to say’; and, more to the point, surely the sense is active, rather than passive. There is, in fact, a pattern to the naming of Roman magistracies, deriving from what they did or whence their authority derived (if the sense of their naming can be determined). Thus *rex*, one who rules (i.e., creates order); *tribunus*, one who stands for a tribe; *quaestor*, an investigator; *aedile*, a temple-keeper; and *censor*, a census-commissioner.\(^{214}\) So *dictator* ‘he who prescribes, he who gives commands’ (Dionysius’s first suggestion).

\(^{211}\) Cic. Rep. 1.40 (63); likewise Varro Ling. 5.82; Plut. Marc. 24.7.

\(^{212}\) Dion. Hal. Ant. Rom. 5.73.1–2.

\(^{213}\) Cary 1940, 3.221.

\(^{214}\) *rex* / *rego*; *tribunus* / *tribus*; *quaestor* / *quaesitor*, *quaestus*, *quaero*; *aedilis* / *aedes*; *censor* / *census*, *censeo*. 

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The sensible *dicto* explanation was not good enough for Mommsen: he noted that the name of the office could not be reconciled with its function, since, he said, *dicto* never carried the sense of “ruler” (*rego*) or “sole leader”.\(^{215}\) Perhaps he was thinking of the first sense of *dicto*, ‘dictate’ as to a secretary;\(^{216}\) but *dicto* is a frequentative form of *dico* and so should indicate either frequency (‘speak repeatedly or at length’) or intensity (‘speak forcefully, require, command’), and both uses are found for *dicto*.\(^{217}\) There is no justification under either facet of the frequentative for saying *dicto* does not mean ‘command’.

Cicero’s derivation of *dictator* from a sense of *dico* involving “having been appointed” in *De Re Publica* is pure folk etymology. As befits a utopian exercise, Cicero was thinking about processes instead of reality, but Varro and Dionysius had less justification.

The narrative history of the dictatorship, written for the most part after the last of the men to hold this position had been forcibly removed from office, always employed *dictator* for the office-holder and *dictatura* for the office. The term *magister populi* never occurs in extant Livy. Nonetheless, Cicero has informed us that “in nostris libris”—by which he meant in the records of the augurs, the *libri augurum*—“magistrum populi appellari.”\(^{218}\)

Seneca the Younger made passing reference to this passage in Cicero while making a point about how any given source of knowledge might prove fruitful in different ways to different readers: a philologist might find these remarks of Cicero’s of especial interest, while philosophers and scholars would be intrigued by others aspects of Cicero’s book.\(^{219}\) Seneca, however, did not expound further on this passage, and his not-quite-accurate citation of it does not count as validation of its contents’ historicity.

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\(^{216}\) Also used for the speaking of ritual words, especially chanting: e.g., the idiomatic phrase “*carmina dictant*”, Ov. *Her.* 15, Hor. *Epist.* 2.1.110. If Cohen 1957 were right about the dictatorship’s origins as a religious office, this sense would tally nicely; but, alas, he is not.


In *De Legibus*, Cicero said that the extraordinary magistrate in question “*populi magister esto*” ‘shall be master of the people’.\(^\text{220}\) In another Ciceronian passage, the same phrase cropped up again, this time in the context of his lionization of the Stoic idea of the wise man as compared with those who had actually attained great authority in earlier times:

\[\text{CICERO DE FINIBUS 3.22, 75}\]

*Rectius enim appellabitur rex quam Tarquinius, qui nec se nec suos regere potuit, rectius magister populi—is enim est dictator—quam Sulla, qui trium pestiferorum vitiorum luxuriae, avaritiae, crudelitatis, magister fuit…*  

For it would be more proper for him to be called ‘king’ than Tarquin, who was able to rule neither himself nor his subjects; more proper for him to be called ‘master of the people’ (which is to say, a dictator) than Sulla, who was the master of three baleful vices, extravagance, greed, and cruelty…

Varro explained the names *dictator* and *magister populi* in the context of various kinds of generic ‘masters’ in the early Roman system.\(^\text{221}\) His explanation for *magister equitum* here contains an element not found elsewhere: the *magister equitum* was conceived as being in command not only of the horse but of the replacement troops or reserves (*accensi* ‘those reckoned along with’). The point is somewhat moot, since the narrative only sometimes connected the *magister equitum* to the cavalry at all, and only on one or two occasions to it supporting supernumeraries, but it suggests the possibility that even the *magister equitum* was not necessarily a formal title but rather a category of responsibilities.

An origin story exists for the *magister populi* name reaching back into usage under the kings, and while such is a tantalizing prospect, there’s little support for it. According to the emperor Claudius, whose history of the Etruscans is now lost to us, “Mastarna” was the Etruscan name for the Roman king Servius Tullius;\(^\text{222}\) another version of the name, “Macstrna”, can be seen today on wall paintings depicting the story of the Vipinas [Vibenna] brothers at the François Tomb in Etruscan Vulci, attached to an ally of the Tuscan heroes that has been associated with Servius Tullius. It is easy to see *macstrna* as

\(^\text{220}\) Forsythe argues that *populi*, as embedded in the phrase *magister populi*, derives not from *populus* but *populor* ‘lay waste’ = the kind of devastation performed by large groups of humans *en masse* (Forsythe 2005, 181).

\(^\text{221}\) Varro *Ling.* 5.82.

\(^\text{222}\) In the *Oratio Claudii Caesaris* preserved on the Lyon Tablet.
an Etruscan version of *magister*, which serves as a nicely symmetrical counterpart to the appearance of an Etruscan interloper named Lucumo in the Roman narrative. But awareness of this *magister* connection led in turn to modern speculation that Servius actually held at one point the title of *magister populi*, and might possibly never have been king at all but rather a dictator. Fortunately, Varro made clear that Macstrna as an Etruscan version of *magister* does not require an assumption that *magister* was in this case short for *magister populi*; any Roman official, even a king or a prince, might have been thought of as a *magister* in general terms.

The term *magister populi* as a counterpart to *dictator* also appeared, as already observed, in Festus’s epitome. Festus’s “*qui vulgo dictator appellatur*”, taken with Cicero’s claim that *magister populi* is the term used by the augurs in their records, suggests that *dictator* might be the “common” name and *magister populi* the “formal”. Festus did say as much, though the appropriate contradistinction to *vulgi* is not as clear as it might be: ‘the learned’, perhaps, or ‘legal scholars’, might be one line of thinking, ‘the nobility’ another, ‘the priests’ still another. In the passages from Cicero, the formal and consciously antique phrasing of much of this part of *De Legibus* suggests that Cicero would have preferred to have chosen the term that was either more formal or more antiquated in his idealized prescription for the office. In the passage from *De Re Publica* where Cicero remarked that the office is “*dictator quidem ab eo appellatur*”, the antecedent for *ab eo* is *nostri*, which can be translated as “our [men]” or, since the context is in the past, “our ancestors”; in other words, this magistrate “is called dictator by them, the Roman people”: the citizenry at large, which is to say, the masses. The phrasing is such that 19th-century commentators assumed that *magister populi* was the sole terminology used in the augurs’ records from the

223 See Livy 1.34, in which Livy claimed Lucumo was the original Etruscan name of L. Tarquinius Priscus. Etruscan *lauchume* = ‘chieftain, king’ (Fournet 2012, 7).
beginning up through Cicero’s day,\textsuperscript{226} which is not exactly what Cicero said but which is one of the possible implications of his words. In \textit{De Finibus}, Cicero felt a need to explain what a \textit{magister populi} was to his audience, which he handled in a way that seems like providing a formal or old-fashioned term along with its vernacular equivalent. (This part of \textit{De Finibus} was written with the conceit that M. Porcius Cato, Cicero’s elitist contemporary, was declaiming at length on Stoic philosophy.)

On the other hand, there are problems with a class-based dichotomy of terms. The quotes from both \textit{De Finibus} and \textit{De Legibus} have the feel of referring not to a title but to an idea—especially since in the latter cases the phrase is reversed, \textit{populi magister}. In these cases there is a reason to suppose that Cicero meant less “he shall be called Master of the People” than “he shall be the master of the people”—master of the people being a function, as with the generic \textit{magister} above, more than the official name of the magistracy, which was in practice always publicly referred to as \textit{dictator} at least by the last years of the Republic if not from its inception. The application of \textit{nostri} might be taken the other way as well: a first-person plural used by Cicero in \textit{De Re Publica} (and Scipio Aemilianus’s friend C. Laelius, to whom Cicero was ostensibly speaking) would refer to some group to which Cicero considered himself to belong; the full body of the Roman people would work for that, but the plebeian commons is a poor match. If \textit{dictator} is the vulgar term, it is remarkable that the annalistic passages in writers derived directly from the priestly records, in the \textit{Fasti}, and in all the elogia and other inscriptions invariably use \textit{dictator}.\textsuperscript{227}

Varro defined the terms \textit{dictator} and \textit{magister populi} in separate ways. The former was named in terms of the Roman people, all of whom were obliged to heed his commands. The latter is discussed in relation to the \textit{magister equitum}, who is described as having full command over the \textit{equites} and the reserves; the implication being that the \textit{magister populi}, in a military context, would be he who commands the remainder of the army—in other

\textsuperscript{226} For example, Smith 1875, 404.

\textsuperscript{227} The term \textit{magister populi} does not occur in Livy, in the \textit{Fasti Capitolini}, or the published \textit{elogia} of Rome (see Johnson 2001), the term “dictator” rather always being used. A search of inscription databases turns up no results for \textit{magister populi} or permutations thereof.
words, the front-line infantry. That would mean that we should read *magister populi* with a connotation that this primarily refers to his function as commander-in-chief of the army, with direct control of the infantry and command over the cavalry and reserves through his immediate subordinate, the *magister equitum*.

But to do so is misleading for two reasons. First, because constitutionally the army and the citizen body were the same thing, as demonstrated in countless ways but most prominently by the fact that the main citizen assembly voted by their military centuries, however much this separated from its actually military utility over time. To say that *populi* "really” meant “army” in this context is to misapprehend Roman society. Second, the rest of Varro’s passage belies this military emphasis. Varro indicated plainly that he meant *magister* to refer to all those with executive power over the Roman people: those with complete command (*summa potestas*) were the dictator and the *magister equitum*, and those who had lesser kinds of authority were called magistrates, which, as he made clear from his example, he meant to be understood as “those with mastery”. The *master populi* had *summa potestas* over the Roman people collectively, whether at home or in the field.

A passing comment by Longus is also sometimes cited in this context.

VELIUS LONGUS *DE ORTHOGRAPHIA* 74.10 = p. 2234P

talis quaestio est et circa ‘cohortes’ et ‘coortes’, ubi diversam voluerunt significationem esse grammatici, ut coortes sint villarum, unde homines cooriantur pariter (oriri enim apud antiquos surgere frequenter significabat, ut apparex eo quod dicitur “orienis consul magistrum populi dicat”, quod est surgens): at cohortes militum a mutua cohortatione.

A question of this kind is between *cohortes* and *coortes*, where grammarians desired the meanings to be different, such that *coortes* would belong to country-houses, from which men might just as well “arise” (for among the ancients, *oriri* often signified *surgere*), such that it appears that for this reason it is said “rising up, the consul named the *magister populi*”, because he is arising); but *cohortes* to the mutual encouraging of soldiers.\(^\text{229}\)

\(^{228}\) *oriri* ‘to rise up’; *surgere* ‘to get up from bed, arise’. Per Lewis and Short, *surgere* in the sense of ‘get up from bed’ is found in Cicero (*Inv. rhet.* 2.4.14, *Att.* 16.13), Ovid (*Met.* 13.677, *Am.* 1.13.22, 1.13.38), and Horace (*Sat.* 2.2.81).

\(^{229}\) Compare “*orienis consul magistrum populi dicat*” to “*consul oriens de nocte silentio dicet dictatorem*,” Livy 8.23.15.

\(^{230}\) In other words: *cohors/cors*, which originally meant an enclosed space, could refer to a military camp or a country house: both enclosed spaces, but are also both places from
Apart from the etymological wordplay, this passage is of interest because Longus seemed to be remembering an extract from a history or other scholarly work in which the term *magister populi* was used for dictator in the course of a narrative account of a dictator’s appointment. (One gathers he remembered it because it struck him that the consul “rose up,” with the result that he appointed a dictator.) If Longus was remembering the passage from Livy 8.23.15, it is remarkable he remembered *magister populi* for where extant Livy has *dictator*; or perhaps Longus was remembering the source from which Livy’s narrative on that occasion derived, since there is no difficulty imagining Livy reading an older work that had “*magister populi*” and substituting the term he found more familiar while carrying over the evocative language of “rising up” in the night to make the appointment.

These scant and isolated passages from Cicero, Varro, Longus, and Festus form the only significant evidence that the Roman dictator was ever referred to in Latin as anything other than *dictator* in either formal or common parlance. It seems certain that the office was remembered as “dictator”, and that routine term was likely used from the beginning, carrying within it the sense not of being appointed but of being the one in command of Rome and the Roman people.

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which you could “rise up.” Longus was discussing the proposition that the two spellings be apportioned severally to the two related concepts.
THE MYTH OF THE RESTRICTION TO ITALY

The myth that the dictator was restricted to the bounds of Italy seems easy enough to refute on its face, as we have unquestioned notices that A. Atilius Calatinus (#68, 249) was “primus dictator extra Italiam exercitum dixit”. Cassius Dio may have had the speaker admit the innovation while glibly suggesting it was of little moment, but that does not mean it did not happen; and Florus, contra Dio’s senator, gave A. Atilius credit for considerable accomplishment, listing no fewer than five Sicilian bases purged of Phoenicians:

**FLORUS EPITOME 2.2.20**

*Calatino dictatore fere omnia praesidia Poenorum Agrigento, Drepanis, Panhormo, Eryce Lilybaeoque detraxit.*

In the dictatorship of Calatinus the Romans expelled almost all the Carthaginian garrisons—from Agrigentum, Drepanum, Panormus, Eryx and Lilybaeum.

Nonetheless the dictatorship of A. Atilius was apparently not well remembered as establishing precedent. In part this might be chalked up to the singularity of the event: it takes an iteration to recognize a precedent, and subsequent opportunities for a dictator to lead an army outside of Italy did not present themselves in the half-century of dictatorships after A. Atilius. Only two of the dictators after A. Atilius, Q. Fabius Maximus (#74, 217) and M. Iunius Pera (#77, 216), had military mandates, and their campaigns were all against Hannibal’s armies in Italy.

What has greater basis in the narrative is that the dictator had to be appointed within the bounds of Italy, and that is the “rule” as Mommsen reported it. However, indications in the narrative are that this was the custom, not the law, and might have needed to have been changed had it become necessary. The extension of the appointment by the consul from Rome to the Roman camp was necessitated by events; had a great enough emergency occurred to establish a revised precedent (say, after the disaster at Arausio, if dictators

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231 Cass. Dio 36.34.
232 Livy Per. 19.3.
were still being appointed in the late second century), Roman soil (in the form of a Roman camp) outside Italy might have been the next extension of the appointment venue.

Further insight relating to venue can be derived from the actions of M. Valerius Laevinus, the obstreperous consul of 210. M. Valerius, chafing to get to Sicily to head off an imminent Carthaginian naval invasion, promised to name a dictator when he got there. But while consuls had previously appointed dictators outside the precincts of Rome on occasion, the patres were said to have balked at a consul appointing a dictator outside Italy.234 This is a little ambiguous, and perhaps it was ambiguous to the participants. The narrative of the dictatorship, in microcosm of the Republic, was less about preemptive rules and laws than customs and precedents. Dictators appointed adjutants called magistri equitum, even to drive the annual nail, even though they were no longer employed as cavalry commanders, because it was a part of how the office of dictator operated; it was customary and precedented. Dictators resigned on completion of their mandate because it was expected and precedented.

Dio’s quote should be interpreted not as the patres consulting “the rules” on dictatorial appointment and finding a provision that the thing had to be done on Roman soil; the uncertainty over whether the problem was transgressing “Roman lands” or “the bounds of Italy” reinforces the idea that there was no prescription on this point. The Romans had no James Madisons, schematizing all the mechanics of government in advance. The impression one gets, in particular in this case, is of a pragmatic desire to prevent the establishment of a precedent of consuls appointing dictators far away in foreign countries, too distant from the direct influence of both the senate and the people. Apulia was bad enough; Syracuse, the senators worried, should be out of the question.235

234 “patres extra Romanum agrum—eum autem Italia terminari—negabant dictatorem dici posse”: Livy 27.5.15.

235 Compare the senate’s pained reaction to a commander styling himself “propraetor” on the strength of having been acclaimed commander by his troops in the field, rather than being officially prorogued by the customary method at Rome: “rem mali exempli esse imperatores legi ab exercitibus et sollemne auspicandorum comitiorum in castra et prouincias procul ab legibus magistratibusque ad militarem temeritatem transferri”, Livy 26.2.2.
This incident, in fact, holds one of the keys to the mystery of why the dictatorship fell into abeyance after the Hannibalic War. It was not, as some modern historians have suggested, because having dictators operating outside Italy was undesirable; a precedent for that had already been established without any fuss. But the power to appoint dictators was the sole preserve of the consuls. The consul could appoint anyone he wanted dictator, unfettered by anything but good advice and the risk of opprobrium. It was increasingly clear by 210 that Rome would be regularly embroiled in foreign wars further and further from Rome—they already had an army on the shores of the Adriatic, fighting Philip V. Scotching a precedent allowing consuls to appoint dictators at the ends of the earth must have seemed like an obvious and prudent precaution to the senate fathers. Moreover, the dictatorship was, in many ways, about focusing the attention and will of Rome and vesting it in a single representative; this would be of less effect far from Rome, and dislocate the dictatorship from its original role as champion of the city of Rome.
THE MYTH OF THE UNMOUNTED DICTATOR

Zonaras stipulated a dictatorial horse-riding taboo as one of the ways in which a dictator was different from a king. The assertion might be dismissed out of hand, were it not alluded in relation to Hannibalic War-era dictators in Plutarch and Livy.\textsuperscript{236} Mommsen, stretching a point, used this restriction as supporting evidence for his insistence that the dictatorship was inherently military: the dictator was intrinsically and fundamentally the commander of the infantry, and in those days the commanders of infantry contingents did not ride.\textsuperscript{237}

Given the practical advantages of a general both mobile and above the fray, the restriction has puzzled every scholar who has paused to consider it.\textsuperscript{238} Thus Momigliano:

> When the patricians became the masters of the State at the end of the monarchy about 500 B.C., they soon found it necessary to re-establish unity of military and political command in times of emergency. They did it by creating a ‘\textit{magister populi}’ or ‘\textit{dictator}’ who was not allowed to mount a horse and appointed a ‘\textit{magister equitum}’ strictly subordinate to him. There is \textit{prima facie} something contradictory in the idea of an aristocracy of knights which makes it impossible for its own leader to ride a horse and subordinates cavalry to infantry.\textsuperscript{239}

We know that horses were important to the Roman military, that cavalry supplemented infantry from the earliest times, and that consuls, praetors, and \textit{magistri equitum} rode horseback in battle,\textsuperscript{240} so it is passing strange that dictators should have been deprived of the advantages in battle afforded their subordinates. Can we tell if this taboo

\textsuperscript{236} Zon. 7.13; Livy 23.14.2; Plut. \textit{Fab.} 4.1–2.
\textsuperscript{237} Mommsen \textit{Röm. Staatsr.} 2.143 = Appendix E, M43. His cites for this are the ones listed in the preceding footnote. Mommsen’s conclusion was repeated in later modern secondary literature, e.g., Lintott 1999, 110.
\textsuperscript{238} The taboo tends to be presented as a capacity of the \textit{magister equitum} in contrast to the dictator. Thus the \textit{magister equitum} “had the use of a horse, which the dictator had not, without the order of the people”: Adam 1791, 106.
\textsuperscript{239} Momigliano 1966, 17, with a footnote pointing to the passages in Plutarch and Livy that will be considered momentarily. Unfortunately, Momigliano did not take the next step and question the assertion that dictators could not ride horses under any circumstances, and the focus of his paper, after this observation has been made, was entirely to clarify the relation of the \textit{equites} to the patricians.
\textsuperscript{240} Consuls/praetors: Livy 2.17, 3.61, 4.28, 8.7, 8.9, 9.31, 10.11, 22.3, 22.6, 22.49, 23.45, 25.16, 25.34, 27.27, 41.16, 45.39. \textit{Magistri equitum}: Livy 4.33 (where the \textit{magister equitum} is for once commander of the cavalry), 9.22.
did in fact exist for dictators, and, if it did, what the prohibition can tell us about the
nature of the dictatorship vis-à-vis the other officials of the Roman Republic?

Zonaras’s comment is the only mention of the dictatorial horse-riding taboo that is
not specific to the Second Punic War. It is also the only passage on the subject to specify
that the restriction only applied when he was not “about to set out” on a campaign
(ἐκστρατεύεσθαι ἔμελλεν). The “about to set out” language reveals what is not clear in the
references to this taboo that we are about to encounter: since it is difficult to accept that
a dictator was allowed to ride a horse when “about to” set out on campaign and not when
actually setting out on campaign, we can reasonably conclude that the restriction Zonaras
described was, at least in his understanding, applied to the dictator before the campaign,
while he was within the city Rome—that this was a domi, not a militiae, restriction; acquiring
an ability to ride a horse would therefore be analogous to the donning of the red cloak
and the oath associated with taking up military command beyond the confines of Rome.

Plutarch described Q. Fabius Verrucosus (#74, 217) as being concerned with
presenting himself as formidably as possible after a lapse in military-mandate dictators;
for this reason, he asked permission of the senate to use a horse:

Plutarch Fabius 4.1–2

Accordingly, this course was adopted, and Fabius was appointed dictator. He himself
appointed M. Minucius to be his magister equitum, and then at once asked permission of
the senate to use a horse when in the field. For this was not his right, but was forbidden
by an ancient law, either because the Romans placed their greatest strength in their
infantry, and for this reason thought that their commander ought to be with the
phalanx and not leave it; or because they wished, since the power of the office in all
other respects is as great as that of a tyrant, that in this point at least the dictator should
be plainly dependent on the people.

Unlike Zonaras, whom we understand to have been relying on Cassius Dio to the
point of epitomizing him in the chapters covering Rome up through the end of the Third
Punic War, Plutarch appears for some reason to have understood the prohibition on a dictator riding a horse to have applied to the field as well as at home. Perhaps Plutarch was simply wrong? If his source said Q. Fabius asked for dispensation from the ancient law forbidding him from riding a horse, perhaps Plutarch assumed this law forbade a dictator from riding all horses under all circumstances; Plutarch’s explanation could very well have been pure speculation on his part as to the circumstances and background of the dispensation request.

What Q. Fabius did next, in Plutarch’s narrative, was entirely domestic. He met with the surviving consul, asking him to come to the dictator as a *privatus* as part of his efforts to reestablish the majesty of his office, and then engaged in religious rituals, including consultation of the Sibylline books, extensive propitiatory sacrifices in accordance with their prescriptions, and vowing of elaborate games and festivals. All of this took place at Rome. Plutarch explicitly emphasized in these passages that Q. Fabius’s first priority, before dealing with Hannibal, was stabilizing the mood and faith of the populace at home, inspiring them and reconnecting them with the gods. When he asked for a dispensation to ride a horse, it was as a part of his efforts at making himself larger than life to match the looming figure of Hannibal.

Livy did not relate a horse-permission incident for Q. Fabius. He did, however, have the next military dictator in the war, M. Iunius Pera (#77, 216), similarly ask to be allowed to mount a horse; the idea might have been to continue what Q. Fabius had started. This time permission was asked of the people rather than of the senate.

Livy 23.14.2

... *dictator M. Iunius Pera rebus divinis perfectis latoque, ut solet, ad populum ut equum escendere liceret*...

...and the dictator, Marcus Iunius Pera, after performing the religious rites, proposed to the people, according to custom, a bill such that he be permitted to mount a horse.

It is not stated whether he was asking permission to ride at home, in the field, or otherwise. Again, what M. Iunius did next is instructive, which was issue an edict offering

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clemency to imprisoned debtors willing to serve under him. This was a domestic act, and while it was in the service of levying an army, even levying an army is not the same thing as setting out on campaign, which M. Iunius did once his legion was in order. The way Livy phrased the dictator's proposal, it is possible that the request was routine and had been granted on prior occasions as well—in other words, “according to custom” might have pertained to requests for horse-riding permission specifically or to dispensations of this sort more generally. If it was the former, there is no residue of previous instances in Livy.

The narrative contains numerous examples of consuls and other commanders riding horses in the field, including the *magister equitum*, but incidental mentions of a dictator mounted on a horse are difficult to find. Frustratingly, for example, there is a mention of Camillus springing onto his horse, but it is during one of his stints as consul.\(^{242}\) Dictators could be led by horses in a chariot, but this only occurred in triumphal processions.\(^{243}\)

That said, there are a number of occasions that strongly imply that the dictator was aboard a horse in battle without saying so outright. During the campaign against Fidenae and Veii in which the military tribune and future dictator A. Cornelius Cossus became a national hero by killing the Veiian king, the dictator Mam. Aemilius Mamercinus (#6, 437) followed up the resulting panicked retreat by the enemy forces:

*Livy 4.19.5–6*

\[\text{tum exsangui detracta spolia caputque abscisum victor spiculo gerens terrore caesi regis hostes fundit. ita equitum quoque fusa acies, quae una fecerat anceps certamen. Dictator legionibus fugatis instat et ad castra compulsos caedit.}\]

Then with the lifeless body relieved of spoils and its head cut off, the victor [Cossus] carrying it on the point of his spear, the enemy, panic-stricken at the king’s demise, was routed. In consequence the enemy cavalry, the one thing that had made a sure thing doubtful, led the rout. The dictator hotly pursued the fleeing legions and, driving them into their camp, cut them to pieces.

It is difficult to imagine Mam. Aemilius chasing after the fleeing enemy cavalry on foot and producing such results. It is simpler if we take the hint provided by Zonaras and,

\(^{242}\) Livy 6.7, 6.8.
\(^{243}\) A controversial example was Camillus’s triumphal chariot horses: Livy 5.23, 5.28.
indirectly, by Plutarch and Livy, and assume that any prohibition against dictators riding horses pertained only to the domestic precincts of Rome.

These references recall a similar taboo of the *flamen Dialis* and other sacred offices the roots of which lay in the regal period.²⁴⁴ Cohen used the horse-riding prohibition to argue that the dictatorship also originated under the kings and with a sacral function.²⁴⁵ It seems more likely that the prohibition against the *flamen Dialis* ever riding a horse, and against the dictator doing so within the *pomerium*, both speak to the horse—or, more to the point, a mounted officer of the state—as a military artifact; and with the growing distinction between the two sides of the *pomerium* customarily dated to the late regal period, all things *militiae* were consigned beyond the sacred boundaries of the city.

Regardless, it is reasonable to conclude that if there was a prohibition against dictators riding horses, it pertained only within Rome, and could be dispensed with on request.

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²⁴⁴ Gell. NA 10.15. This and the many other taboos surrounding the *flamen Dialis* (touching iron, viewing corpses, etc.) were designed to ensure that the high priest of Juppiter could not also be a powerful general.
That the dictatorship could not survive the terms of the consuls who had appointed him was promoted most prominently by Mommsen, who insisted that the dictator was bound by two time limits: the six-month cap, and the duration of his appointing consul’s tenure. He drew from the appointment of the dictator by the consul the idea that the dictator’s purview was an extension of the consul’s,

246 even though a dictator operated under his own auspices and acquired his own imperium.

In this case, Mommsen’s argument was not even developed from the epitomes of Polybius, Dionysius, and Cicero that assert the six-month cap. Rather, it derived from Mommsen’s unsupported theory that dictators were colleagues of the consuls, created through the consuls’ unattested ability to populate their own college. It is difficult to see how the narrative of the archaic dictatorship might be understood to support this idea, and recent scholarship that actually takes up the particulars of the dictatorship has been skeptical on this point. 247 From a constitutional standpoint, dictatorships lapsing with their appointing consulships might make sense if dictators did not have their own auspices and their own grant of imperium, operating instead under those of the consul that appointed them; but they did have their own auspices and imperium, and commanders under them were consistently said to be serving under the auspices of the dictator. 248

One support for Mommsen’s idea that dictatorships lapsed with their appointing consulships might be the dictatorships of L. Aemilius Mamercinus Privernas (#51) and Q. Fabius Maximus Rullianus (#52). Both men were in office for a full year during the ongoing crisis of the Second Samnite War and stood down at the start of the new consular year, concurrent with the ending of the previous consular year and the inauguration of new consuls. But this is not the same thing as the dictatorships lapsing, with the appointing consulships or otherwise. Rather, these year-long dictatorships suggest that in an ongoing

247 See e.g. Drummond 1978, 563–564; Lintott 1999, 110–11.
248 See Appendix H, s.v. auspicia.
war a dictator’s mandate was understood as pertaining to a campaign season and, at the
discretion of the dictator, the subsequent wintering if the war was to continue. This
supposition also reaffirms the explanation given above for Q. Fabius standing down at the
end of the campaign season, as discussed above, and helps us to better understand how
the idea of a six-month cap arose.\textsuperscript{249}

Not only are there no precedents in the literature to support dictatorships lapsing
with their appointing consulships, but counterexamples exist for both surviving the
appointing consul and surviving the consular year of the appointing consul. M. Iunius
Pera (#77, 216) was not able to hand off his troops to the incoming consuls for 215, and
remained in command after the start of the consular year.\textsuperscript{250} T. Manlius Torquatus (#81,
208) was appointed by the ailing consul T. Quinctius Crispinus, who then died; T. Manlius
nonetheless proceeded with his mandate, to conduct elections and hold games, and then
renounced his dictatorship.\textsuperscript{251}

The dictatorship of C. Servilius Geminus (#85, 202) outlasted both the appointing
consul and the consular year. Appointed to hold elections, C. Servilius was still in office
when the new consular year began on the ides of March, having been unable to effect a
\textit{contio} owing to a string of bad storms.\textsuperscript{252} Both consulships for 202 lapsed, and “the state

\textsuperscript{249} The dictatorships of Sulla and Caesar were certainly not curtailed by the terms of their
appointees; but all six of those dictatorships are anomalous across multiple precedents.
\textsuperscript{250} Livy 23.24.
\textsuperscript{251} Livy 27.33.6–7.
\textsuperscript{252} Livy 30.39.4. The consuls left Rome for their provinces after the \textit{ludi Apollinares}, which
were held for 8–9 days starting on the ides of July (see Scullard 1981, 159); the second
consul to leave appointed a dictator to hold elections (so he would not be stuck in Rome
to do so himself). The dictator would have started trying to set a date for the elections
in August at the earliest. These dates were delayed by “storms”, but storms during the
games had already caused extensive flooding and the inclement weather was dangerous
enough to scatter the fleet off Sardinia (Livy 30.38.10, 30.39.2), so the elections may
have been considerably delayed by a series of what we would call “natural disasters”,
possibly with property damage and the need to stabilize low-lying areas like the Forum
Romanum and the Campus Martius, where elections needed to be held and which was
“one of the first areas to be covered by rising water” (Aldrete 2007, 33; cf. Livy 38.28.4,
Cass. Dio 54.25.2).
had no curule magistrates”; but C. Servilius still held elections for the already-begun consular year of 201. He even met with the Carthaginian envoys, whom he told to await hearings in the senate to be convened by the new consuls.

There is neither theoretical nor narrative support for dictatorships lapsing with the consulships of the appointing consuls, and there are contradicting cases in the narrative that demonstrate dictatorships surviving appointing consuls and their consular years.

253 The consul who appointed him, M. Servilius, was now proconsul in Etruria, but a proconsul is definitely not a consul: the *imperium* was different, the standing with regard to auspices and election by the people was different (Livy 9.42, 10.22, 32.28, 24.13, Gai. *Inst.* 4.104–105). My point is that the consulship under the auspices of which C. Servilius was appointed dictator had lapsed as of the end of the old year, but C. Servilius’s own auspices still obtained, as demonstrated by his finally holding elections early in the new year.

254 Livy 30.40.4–5.
The Myth of the “Dictator Years” with No Consuls at All

The idea that dictators were limited to six months would seem to be directly contradicted by the four reported instances in which Rome was supposedly governed by a dictator (with his magister equitum) in lieu of ordinary magistrates for an entire consular year. These “dictator years” are a fixed part of the Roman chronology, despite having long been discounted in modern times as completely unhistorical. However, the foremost reason that the dictator years have been objected to within modern scholarship, that archaic dictatorships could not persist beyond six months, is insufficient.

For example:

The notion of a dictator year is, of course, a constitutional anomaly. Dictators were, until Sulla, limited to (at most) a six month term of office, despite the fact in the third and second centuries it would on occasions have been convenient to be able to appoint a dictator who could operate at a distance from Rome for longer than half a year. The idea that these were full dictator years has, therefore, generally and rightly been abandoned.

Therefore, it is important that we establish the unviability of dictator years without reference to the six-month rule. This is relevant not just because “dictator years” exist in some kinds of histories and not others, but also because a “dictator year” posits the dictator as an ordinary magistrate governing Rome like the consuls or kings for a set period of time, whereas my contention is that the dictators were nothing like the ordinary magistrates, and served along an axis not of delimited time but of delimited deed.

The tradition is that in the years 333, 324, 309, and 301 BCE (A.U.C. 421, 430, 445, and 453) there were no ordinary magistrates; in each case a dictator and a magister equitum were Rome’s sole executive for the entire consular year. The evidence for what we now call dictator years is piecemeal and problematic.

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255 The presence of dictator years in the Fasti is one reason that Broughton actually said that Livy, which does not have them, probably “preserves the best record of the magistrates of the Roman Republic” (MRR I.xii).

256 Drummond 1978, 563. Drummond’s footnote in support of the six-month limitation points to Cic. Leg. 3.9 and Livy 3.29.7, both of which are discussed extensively above, and Mommsen Röm. Staatsr., which, as we have seen, relied heavily on the prescription in De Legibus.
In the Fasti Capitolini, under A.U.C. 445 is listed “hoc anno dictator et magister eq. sine cos. fuerunt”; a similar notice appears under A.U.C. 453, though it is only fragmentary in the existing inscription. With these notices are listed the dictators L. Papirius Cursor (#56, 310) and M. Valerius Maximus Corvus (#59, 302).257

The list of consuls found in the so-called Chronography of 354, which seems to closely follow the Fasti Capitolini,258 has “hoc anno dictatores non fuerunt” in place of the consuls under A.U.C. 421, 430, and 445.259 This murky note has been read variously as “in this year there were no dictators” (sc. “magistrates”) or “in this year there were dictators; there were no [consuls]”.260 Either reading would be strange: the plural dictatores would be anomalous whether it was meant to be read as “a dictator and a magister equitum” (a combination never described elsewhere in Latin as dictatores) or as “consuls and other annual magistrates”. For comparison, the Chronography has “hoc usque dictatores fuerunt” alongside the year A.U.C. 706 (48 BCE),261 which, as it applies to multiple years, does not help resolve the dictatores problem.

Under A.U.C. 421 (333 BCE) the fifth-century CE Fasti Hydatius has “ann. iste coss. nullos habuit”, but a dictator is not mentioned. Nothing at all is listed for A.U.C. 430, 445, or 453: in each case the prior years list the consuls followed by something like “his conss. tum dictator” followed by the dictator and magister equitum.262 Some modern editions have doctored these notices to read “his conss. [forte sine conss.] tum dictator” to bring them in line with other sources,263 but it should be emphasized that the extant source manuscripts of

257 Degrassi 1954, 48. The Fasti Capitolini for A.U.C. 421 and 430 are not extant.
258 Mommsen 1850; Drummond 1978, 550.
259 Mommsen 1850, 614.
260 For the former interpretation, see for example Holzapfel 1885, 42 n.4; Sandys 1910, 106. For the latter, see Mommsen 1859, 115; Degrassi 1947, 107, 110; MRR 141.
261 Mommsen 1850, 618, 651 n. 23.
262 “his conss. tum dictator creatus Papyrius Cursor, et magister equitum Drusus” (430); “his conss. tum dictator Cursor et magister equitum Bubulus” (445); “his conss. item Corvinus dictator, et Aemilius magister equitum, mensibus vi, deinde fuerunt” (453).
263 The earliest appears to be Migne 1846, 894.
the *Fasti Hydatius* do not indicate anything of the kind.\footnote{Preserved without the editorial intrusion “forte sine cons.” in e.g. Mommsen 1859, 115.} No dictator was listed for A.U.C. 420 to be rolled onto 421, possibly because the dictator appointed in that year, P. Cornelius Rufinus (#40, 334), was vitiated; more on that in a moment.

A later document that seems to have shared a common source with the *Fasti Hydatius*, the seventh-century CE *Chronicon Paschale*,\footnote{Drummon 1978, 551.} named a dictator (L. Papirius Cursor, in his first dictatorship) and *magister equitum* in the first year of the 114th Olympiad; the consuls Longus and Ceratanus (i.e., C. Sulpicius Longus and Q. Aulius Cerretanus) are given for the second year of the Olympiad, and these are the consuls found in the *Fasti* for the A.U.C. 432/322 BCE. Under the third year of the 117th Olympiad, the *Chronicon* has Βούβουλκος as *magister equitum*, but no dictator is mentioned. C. Iunius Bubulcus Brutus is the *magister equitum* associated with the second dictatorship of L. Papirius Cursor (#56, 310) in the *Fasti*. In the *Chronicon*, the next year, the fourth year of that Olympiad, has the consuls for A.U.C. 446/308 BCE. References in other sources to dictator years are later and more incidental.\footnote{See Mommsen 1859, 114 n. 203.}

Collectively, these notices are suspect for a number of reasons. Crucially, the narrative sources make no mention of any of these dictator years, nor do they describe any of these dictators having remained in office after the consuls who appointed them stood down.\footnote{The chronologies in Polybius, Livy and the sources he used, Dionysius, and Cicero’s *Cato Maior de Senectute* do not allow for these extra years. See Drummond 1978, 551 nn. 10–11, 552 n. 14, 553.} In particular, Livy’s count of years for the fourth century can only be reconciled if dictator years are excluded.\footnote{The consuls of 335 BCE are in office in the 35th year after the Sack of Rome (Livy 7.18.1), which is pegged to A.U.C. 365 (Livy 5.54.5); this provides a firm base for Livy’s A.U.C. count. See Drummond 1978, 552. Diodorus’s A.U.C. count has some hiccups relating to the Second Samnite War which might be helped by dictator years, but the main track of his chronology does not account for them: see Drummond 1978, 559–562.} The dictators in question are described in the annalistic sources as having been appointed in the previous year by the consuls of that year; and the adventures of those dictators are described in the narrative history as if they had been completed
within the consular year in which they were appointed. Nothing in the narrative accounts of those years suggests the kind of emergency that might require setting aside the consulship altogether, or a prolongation of the dictatorship beyond the consular year as in the one solid case we know of, in 202 BCE. Quite the contrary: according to the narrative history, the dictators in each case effectively, thoroughly, and quickly disposed of the threat to Rome and then resigned. In addition, in specific cases there are circumstances that make it unlikely that that dictator was held over for another full year.

It is important to note that the “dictator year” concept does not involve someone being dictator in year A, in which there are consuls as usual, and then having a separate appointment to reign as dictator without consuls for the following year B; this is made clear by the dictators’ iteration counts in the Fasti. This means the understanding must be that either (a) the dictator was dictator only for year B and not in year A, or else (b) he was appointed by the consuls and began his term in year A, and then his term carried over to the whole of year B.

Even apart from not mentioning any years in which there were only dictators, our narrative sources wreak havoc with both possibilities. In A.U.C. 420/334 BCE, the dictator appointed, P. Cornelius Rufinus (#40, 334), was vitiated, according to Livy. A vitiated dictator could not have carried over into, or held office for the duration of, the year 333; he did not even really hold office in 334. And it is impossible to imagine that the succession of interreges that, according to Livy, resulted from the vitiation endured for an entire year, five days at a time, much less such a marvel going unrecorded.

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269 Drummond 1978, 565. For the events of 202 see the previous section above.
270 For example, per the Fasti L. Papirius Cursor was dictator in 325 BCE and dictator for the second time in 310.
271 Theoretically, if there are no consuls in year B, the dictator must have been appointed by the consuls of year A during their year in office, even if the appointment took place on the last day of their terms.
272 “religio deinde incessit uitio eos creatos magistratuque se abdicauerunt; et quia pestilentia insecuta est, uelut omnibus eo uitio contactis auspiciis res ad interregnum redivit”: Livy 8.17.4.
In A.U.C. 429/325 BCE, the dictator L. Papirius Cursor (#44, 325) is described in Livy as undertaking a campaign simultaneous with, and separate from, that of the consul D. Iunius Brutus Scaeva.\(^{273}\) The dictator defeated the Samnites, triumphed, and resigned after holding elections, which resulted in the consuls of 323, C. Sulpicius Longus and Q. Aulius Cerretanus.\(^{274}\) For there to have been a dictator year would require that L. Papirius was dictator for the campaign season of 325, the subsequent winter, and all of 324, a scenario supported neither by the narrative found in Livy nor by what we know about the operation of the Republic. The *Fasti Triumphales* have the dictator L. Papirius triumphing over the Samnites on the nones of March at the end of the consular year A.U.C. 429, i.e., just before the new consuls for A.U.C. 430/324 BCE would have taken office on the ides.

In A.U.C. 444/310 BCE, the same man, L. Papirius Cursor, was named dictator for a second time. In this case he took over from a wounded consul after a defeat, and fought the Samnites on one front while the remaining consul, Q. Fabius Maximus Rullianus, fought the Etruscans.\(^{275}\) The dictator L. Papirius defeated the Samnites in a single momentous battle,\(^{276}\) while “in the same year” (*eodem anno*) the consul Q. Fabius crushed the Etruscan enemy.\(^{277}\) According to the *Fasti Triumphales* both men triumphed in A.U.C. 444, the dictator in October and the consul in November. According to Livy, popular gratitude for his elimination of the Etruscan threat led to Q. Fabius being reelected to the consulship,\(^{278}\) which would be an odd way to put it if there were a fallow year in between his first and second terms. In any event the sequence of events involving the two battles by Q. Fabius and L. Papirius, as presented in the history, cannot be spread over two years.

\(^{273}\) Livy 8.29.8–11. The dictator fought the Samnites and D. Iunius fought the allied Vestini. The other consul for 325 had fallen ill, which is what necessitated a dictator against the Samnites.

\(^{274}\) Livy 8.37.1.

\(^{275}\) Livy 9.39–40.

\(^{276}\) Livy 9.40.1–17.

\(^{277}\) Livy 9.40.18–20.

\(^{278}\) “*Fabio ob egregie perdomitam Etruriam continuatur consulatus*”: Livy 9.41.1.
Mommsen, who considered dictators without consuls, dictators surviving their appointing consuls, and yearlong dictators not to be possible, proposed that the magistrates for the years before the dictator years were accidentally listed under two years in the earlier source material; later calendar-makers, seeing the first year listed both consuls and dictators, simply transferred the dictator to the second year.\(^{279}\) This corresponds in particular with the *Fasti Hydatius*: in A.U.C. 429, 444, and 452, consuls are listed, followed by a dictator and *magister equitum*, and the subsequent year is skipped.

Sordi tried to argue that second-century-BCE sources that included dictator years, used alongside and conflated with sources that did not, accounted for the duplication of some events in the later annalistic sources;\(^{280}\) but Drummond argued convincingly that this argument is baseless and does not track.\(^{281}\) Why the dictator years became embedded in the Roman chronology is difficult to sort out; Drummond listed a number of theories involving reconciling Roman and Greek dates for major events, but was particularly drawn to the suggestive coincidence of its apparent origination with Atticus in 47 BCE and Caesar’s vested interest in establishing and justifying an annual dictatorship during the same period.\(^{282}\)

For our purposes, we can agree that the fourth-century dictator years were a later fiction. While this eliminates one set of yearlong dictators, with the result that dictator years do not help us prove that some dictatorships lasted longer than six months, it is also true that the six-month rule is not required to dispense with the dictator years themselves.

\(^{279}\) Mommsen 1859, 114–117. The likely origination of this error in Atticus in 47 BCE, followed by Varro, is discussed in Drummond 1978, 557–559.

\(^{280}\) Sordi 1965.

\(^{281}\) Drummond 1978, 554–556.

\(^{282}\) Drummond 1978, 570–572.
In my summary of the themes present in the ancient epitomes, I remarked that “the ancients’ presentation of the dictatorship has produced a mythology entirely separate from its history.” The obvious question—why did the dictatorship of the epitomes diverge so strongly from the dictatorship of the narrative?—might be profitably approached by picking up on this idea of a mythology.

The OED definitions of ‘myth’ include several ideas that seem to be present here. The first is “A traditional story, typically involving supernatural beings or forces, which embodies and provides an explanation, aetiology, or justification for something such as the early history of a society, a religious belief or ritual, or a natural phenomenon”; the second has “A widespread but untrue or erroneous story or belief” and “A popular conception of a person or thing which exaggerates or idealizes the truth.”

What is being described in these epitomes is an idealized form of not just of the dictatorship but of executive office. It reads almost like the product of wish-fulfillment: able to do whatever you want, no one to stop you or interfere, not having to answer to anybody or have your decisions questioned, all other authority reduced to impotence. But unlimited power is inhuman, and so a limitation was imposed and emphasized: the six-month cap was the dictatorship’s own Achilles’ heel. Looked at in this light, the divergence between the epitomes and the narrative starts to look deliberate: which is to say, the ancient authors were interested in contrasting the uncanny powers of the office with the character and actions of the men who occupied it.

This contrast between office and man was one of the reasons for the stressing of Cincinnatus’s extreme humility, expressed in a characteristically Roman determination to get back to his plowing. It is no coincidence that explicit mention of a six-month term is to be found in the narrative of the archaic dictatorship only in connection with first-

century accounts of L. Quinctius Cincinnatus—so that it could be emphasized that he resigned in 16 days, worlds away from remaining for the duration of such a term. How unlike he was to Sulla, who supposedly twisted the dictatorship to a year of tyranny before laying it down voluntarily, or to Caesar, who had himself named to successive annual dictatorships before finally abandoning pretense and making himself forever-dictator, unable to follow even the model of Sulla (and, if his attributed remarks on Sulla had any validity, proud of it).

In a different way, Polybius used the office to underscore the greatness of Q. Fabius Verrucosus as he rose to meet it. Writing in the second century, Polybius was interested in using the invocation of the dictatorship to show how dire things were for the Romans at the lowest moments of the Hannibalic War, that they were willing to invest unlimited power in the hands of one man so that Rome might be saved. But Polybius also contrasted the potency of the office with the nobility of character demonstrated by Q. Fabius Verrucosus, a point emphasized all the more by its going unappreciated by the people, and especially by the venality and ultimate humiliation of his magister equitum and his populist allies.

For later writers, the dictatorship, existing in archaic days and then resurrected in the last throes of the Republic, was a ready-made opportunity to contrast the virtue of Rome’s fathers—the very mos maiorum—with the degradation of the modern day. In the old days, great men held this almighty office aloof to its evils and its opportunities for abuse; but the end of the Republic was characterized by men who succumbed to the corruption of total power, using the dictatorship to seize the mastery of Rome. Even if they were aware of the mundane actualities of the archaic dictatorship, later writers were better

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284 “Quinctius sexto decimo die dictatura in sex menses accepta se abdicavit”: Livy 3.29.7; cf. Dion. Hal. Ant. Rom. 10.25.3.
286 Cic. Phil. 2.87; Livy Per. 116; App. B Civ. 1.4, 1.104 (contrasting Caesar with Sulla), 2.106; Plut. Caes. 51.1, 57.1; Suet. Iul. 76–77.
287 Q. Fabius’s character praised: Polyb. 3.87.6, 3.105.
served by the construct of the fearsome, all-powerful dictatorship in illustrating the attributes of traditional Roman virtue.
And since all men had come to the same conclusion, that the situation once more called for a single magistrate free to deal with all matters according to his own judgment and subject to no accounting for his actions, Aulus Postumius, the younger of the consuls, was appointed dictator by his colleague Verginius, and following the example of the former dictator, chose his own *magister equitum*, naming Titus Aebutius Elva.

**APPOINTING DICTATORS**

The following sections concern how appointing dictators fit into the Republican system. As with the operation of the office itself, the appointment of dictators was governed by precedents set in the appointing of the original dictators. These precedents for dictators taking office were binding not only on dictators but on the appointing consuls as well.

**THE INCEPTIVE PRECEDENTS**

In the narrative history of the early Republic as remembered in later centuries, the dictatorship seems arise almost incidentally. The annalists’ stage-settings for the emergence of the very first dictator⁠¹ amount to it seeming to have been a good idea at the time, with very little clue as to where the general idea could have come from. The origin of the need for this peculiar office seems not to have loomed large for the ancient historians who wrote about it, making the questions of both why the office came about and why its coming about might have been so unremarkable to the Romans of later generations that much more difficult to parse.

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¹ Described in the case study of T. Larcius’s accession, p. 116 above.
ORIGIN STORIES

The tales of the first dictator have been related in the case study above; what remains is to discuss how these stories were told and what they meant to the Romans who told them. A number of themes stand out.

First, what is missing both from the events and from Livy’s account is a sense of moment. One senses that Livy chose deliberately not to exaggerate events or otherwise contrive to convey a dire need for a provocatively powerful new office. For Livy, appointing a dictator was one of the things that early Romans did; he already knew from his research that dictators were routine before Zama, and at this point he appears to have been saying, here’s the first time it happened, no big deal. There is no language in the passage, or (as discussed in the chapter on sources) anywhere else in Livy, that flags the dictatorship as anything other than a customary and frankly banal constitutional practice of the early Republican state, to be treated differently from the regular election of consuls or the succession of a pontifex maximus only in that, unlike the ordinary magistracies and other recurring offices of the political state or the state religion, the context stimulating the appointment needed to be provided as part of the narrative. If Livy occasionally observed that the naming of certain dictators under certain circumstances riled the masses or gave the conservative elite pause, so did he likewise describe the many occasions when the ascendance of this consul or that censor aroused popular ire or patrician misgivings.²

The meagerness of the instigating circumstances is underlined by the phrasing used for the decision to resort to a dictator for the first time. In a linguistic mechanism typical of Livy, the office did not emerge by means of a bold and assertive subject joined with bold and assertive predicate in the active indicative, a construction that would project

² Random examples: C. Flaminius (cos. 217) despised by the senate on his accession to consul, thanks to prior actions as tribune (it was mutual), 21.58.1–8. Consuls for 495 hated by the senate and the plebs, 2.27.3, 2.27.13. L. Valerius Potitus elected consul for 483 despite people’s hatred, 2.42.8. Accession of two patrician consuls 354–353 infuriating plebs, 7.18–19. Low-born Cn. Flavius elected curule aedile despite hatred of the nobility, 9.46.1–10. Caesar allowed to stand for consul while away from Rome despite nobles’ objections, Per. 107.
urgency and agency. Rather, the dictatorship sprang into being backwards via a passive gerundive—a form that implies need or necessity but in the abstract. The passive construction’s faceless agent was neither man nor group, but the insubstantial ether of whispers wafting through the forums and streets of Rome. The city itself wanted a dictator.

The object of this murmuring, moreover, seems not to have been to bring about the invention of the office of the dictator. True, it involves a dictator being appointed “for the first time”, so there clearly had been no dictators before a decade or so into the Republic, in Livy’s understanding; but it seems to describe the appointment of a dictator as if it were an idea already lying close at hand. Livy did not describe the devising of the dictatorship (dictatura), but the first occasion on which Romans bruited the appointment of a dictator, almost as if the idea of the dictatorship lay latent within the nascent Republic, uninvoked until that moment. Yet nothing hints at anything like the dictatorship before this moment. What are we to make of this “soft emergence” of the dictatorship?

The opaqueness of this first appointment, along with the lack of specificity regarding the law of creation or individuals proposing the creation of the office as discussed in the next section, is part of what lay behind Mommsen’s assertion that the annals must have been “silent” on the emergence of the dictatorship and, further, that it followed logically from this silence that the dictatorship was not an innovation added onto the Republic, but a codevelopment with the consulship and an integral part of the Republican constitution.\(^3\) There is, however, nothing remotely like the dictatorship in any of the material in Livy, Dionysius, or any other source discussing the regal period or the Republic up through the abrupt advent of the dictatorship of T. Larcius. None of our sources gives any basis for it being a preexisting concept. On the contrary, this kind of emergency office, invoked on an as-needed basis to face a specific emergency, is mentioned for the first time here, on the occasion of the dictatorship’s first iteration.\(^4\)

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\(^4\) Aside from Mommsen’s theory that the dictatorship emerged with the consulship as an integral part of the Republican constitution growing out of the monarchy, alternative theories have been put forward to explain the soft emergence, none convincing.
Most importantly, Livy’s language does not require us to believe that the Romans muttered to each other, “Let’s appoint a dictator”, as if it were a preexisting concept. Rather, with the emphasis on anxiety over instability both foreign and domestic, the sense is more that the Romans’ faith was shaken in the incumbent magistrates’ ability to make things right in a time of flux during the larval first decade of an entirely new form of government. This suggests that Livy imagined their talk more along the lines of their needing someone to take sole charge temporarily and fix things; for economy, and to tie this to what he was about to describe (the actual appointment of T. Larcius), Livy used the later shorthand for this kind of temporary emergency official: dictator. Alternatively, they could have discussed wanting a sole commander like the dictatores of some other Latin cities, though manifestly with the alteration that the leader was needed only for the duration of the crisis. Either way, the emphasis on “for the first time” in all the sources makes it clear that, as far as later authors were concerned, the Romans had never done anything like this before.

The dictatorship appears suddenly in the narrative, consistent with it being an innovation. While details are missing, and we do not know the exact nature of the inspiration for this particular kind of office, unique to the Romans, Mommsen’s argument

Some have argued that very early Republican Rome was governed not by equal colleagues at all, whether “consuls” or “praetors” or under whatever name, but by a praetor maximus and his subordinate, equivalent to the later dictator and magister equitum—so that the collegial executive was the innovation, occurring after the collapse of the decemvirate (Beloch 1926, 231–36; Hanell 1946; De Martino 1972, 1.191; see Cornell 1995, 227–28, Smith 2011, 23–24). There is no support for this in the narrative history other than the praetor maximus passage in Livy; it is doubtful there was an office, as opposed to a subjective function, of praetor maximus (see Appendix H, s.v. praetor maximus).

Cohen 1957 argued that the roots of the dictatorship lay in a religious deputy dating to the regal period, but this theory does little to explain dictatorships before 368.

Ridley 1979 boldly suggested an “overlooked opinion” that the dictatorship was “inspired by, even modeled on, the Latin federal dictator”, in reaction to the threat from Octavius Mamilius (who, as Ridley admitted, was not called “dictator” in Livy); but the Latin dictatorship, while not well documented, seems to have been an ordinary magistracy, not an office invoked in an emergency as at Rome, and so was fundamentally different in nature and purpose. See Appendix G, s.v. “The Latin Dictatorship”, for details.
from silence that the consulship and dictatorship were both equally integral to the Republican constitution from its inception does not work. Given the circumstances under which the office is introduced and the language of innovation used by Livy and Dionysius, convincing evidence would be needed to override the idea that it was an innovation, and such evidence is lacking.

This treatment of the first dictatorship was again indicative of Livy’s approach to the dictatorship. Each instance in which a dictator is appointed was an occasion unto itself, to live or die on its own terms, rather than any kind of constitutional evolution. Livy did not write about the office; he was interested only in the men that occupied it.

Livy’s approach to the advent of the dictatorship was casual and circumstantial, but one major theme carries consistently though his narrative of the dictatorship, and it is explicit here at the very outset: that the need for a dictator must first be apprehended by the Romans at large, either by the masses or by the senate. These acted as two different kinds of alarm systems, if you will: the people reacted viscerally and emotionally to looming perils, while senate, by dint of their position and function might sense emergencies that might not yet have alarmed the populace—though they were themselves not immune to unreasoning terror, as we’ll see. Though in his sparse tale of the first invocation of the office and the actions of the first man to hold it Livy hardly set out to provide a regimen or mechanism for the appointment or conduct of dictators, one of the things he laid down here as permanently elemental to the dictatorship was that the appointment arose as a result of this collective sense of need on behalf of Romans generally—this *mentio orta*.

A second element of Livy’s account bears mentioning: this first dictatorship was presented as having both a domestic incitement and a foreign one as well. This is contrary to both ancient and modern tendency that characterize the dictatorship as having arisen entirely as a military figure developed to meet emergent external threats, with or without mention off the dangers of divided military command,⁵ but it is entirely consonant with

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⁵ Even Mommsen noticed this (*Röm. Staatsr.* 2.126), though he later ignored the hints of
the *narrative* of the archaic dictatorship, in which the dictatorship was consistently presented as an option in any kind of crisis, internal or external, social or sacred—the breadth, in other words, of what the Roman *res publica* would be expected to respond to—that might be better met by a dictator than by the sitting magistrates. The dictatorship as understood by Livy had as its nascent brief the resolution of crises both *domi militiaeque.*

Dionysius’s account of the context, emphasizing the elites’ unscrupulous intent, was decidedly different from Livy’s, reflecting his stated opinion that by allowing the dictatorship the Roman citizenry was engaging in perverse self-enslavement. Dionysius would have been most inclined to see the circumstances of the first dictatorship as reflecting the nobles’ tendency to want to oppress the masses, and for them to cast about for handy tools toward that end. This story is slightly less easy to swallow than Livy’s tale of an *ad hoc* solution to an unexpected but minor crisis: the kings, however venal they had become, had not been not all-powerful, yet they had been thrown off not that long before as (in the opinion of the revolutionaries) un-Roman, and not only Tarquin but all his clan had been exiled from Rome. Yet Dionysius now had the senate fearmongers—prompted not by armed insurrection but by an ugly mood in the commons that, as Dionysius had just said in the sentence immediately preceding the passage quoted here, had in fact already been partially ameliorated by a conciliatory decree—a—apparently deciding out of dual-purpose origins in favor of an argument that the dictatorship was a purely military office (2.141–50).

The need for dictators in both domestic and military crises, with attention to the need of the state to protect against demagogues as much as enemy armies, was emphasized by certain perceptive observers—the Federalists, for example:

> Every man, the least conversant in Roman story, knows how often that republic was obliged to take refuge in the absolute power of a single man, under the formidable title of dictator, as well against the intrigues of ambitious individuals, who aspired to the tyranny, and the seditions of whole classes of the community, whose conduct threatened the existence of all government, as against the invasions of external enemies, who menaced the conquest and destruction of Rome. —Federalist No. 70, by Alexander Hamilton

Excerpted and discussed above, p. 60.

Collections of debts and court cases involving debt were suspended for the duration of the current war against a Latin alliance, Dion. Hal. *Ant. Rom.* 5.69.3.
the blue to pull the plug on the Republic and install in its stead an unelected tyranny that would seem to be completely at odds with every other aspect of the Republic, past, present, and future. Moreover, as Dionysius himself spelled out, the senate, an advisory body lacking the sovereignty necessary to actually enact the contemplated constitutional revolution, was forced to elicit the creation of the office from the very masses they planned to oppress: the creation of the office had to be voted by the popular assembly. Hence Dionysius’s damning phrase αἱρετὴ τυραννὶς ‘elective tyranny’, a tyranny chosen by its own victims.

Though “Roman constitutional law” is a whole branch of modern historical study (not to mention a thick set of volumes by Mommsen), the expression itself is, in a manner of speaking, a bit of a misnomer. The Romans did not have a “constitution”—not merely because they did not have an American-style written document, but because the Romans, with the exception of prohibitions arising from sacred law, tended not to methodically delineate binding, adamantine rules governing the duties, powers, and capacities of its magistrates. The Roman state was organic and subject to innovation and evolution. Only after the Republic was dead did anything like official and permanent parameters of office arise—and even the settlement of powers granted to Augustus was framed in terms of the abilities of existing Republican offices. The consuls and other ordinary magistrates of the Republic were empowered and circumscribed by the aggregate of what their predecessors had done and not done; the irregular office of the dictator was shaped even more strongly by precedents established on previous occasions on which this expedient had been tried.

The first precedent established in the actions of the original dictator was the most enduring. Before doing anything else, according to both Livy and Dionysius, T. Larcius appointed a magister equitum. From this point onward, the dictatorship was, essentially, a dual office (more on that to come under the discussion of the office in operation).

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9 For discussions of the Principate as invocations of Republican offices and concepts see, for example, the essays in Rafflaub and Toher 1993, particularly Eder 1993; Eck, Schneider, and Takáks 2003; Gruen 2005; Eder 2005.
The second lasting precedent involved a law in the assembly that was passed, not to appoint or even nominate a dictator by legislation, but to direct the consuls to appoint a dictator at his sole discretion. It remained firmly established throughout the Republic that the duty of naming a dictator, and the choice of who to name, was vested in the consuls alone. As with the appointment of a magister equitum, two late archaic exceptions arose only in the direst of emergencies and resulted even so in acrimonious debate and fierce accusations of abrogation of centuries of custom and precedent.¹⁰

Within this second precedent of consular prerogative there were nuances, not all of which were later understood to have been retained. According to Livy, the law passed on the occasion of the first call for a dictator stipulated that the dictator-designate (and, evidently, his magister equitum) be consuls.

**Livy 2.18.5**

*Consulares legere; ita lex iubebat de dictatore creando lata.*

They chose ex-consuls;¹¹ for so directed the law that had been passed concerning a dictator being created.¹²

Any such prescription requiring consular dictators, if it in fact stood at the time and governed the choice of first dictator, did not stick as a precedent for how the choice should be made going forward. Rather, if the *lex de dictatore creando* existed in this case, it provided a precedent established for the first dictatorship that did not endure, because it was soon eclipsed by a larger and much more important consideration. The first nonconsular

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¹⁰ Q. Fabius Maximus Verrucosus (#74, 217) and his so-called co-dictator (#75), appointed via legislation due to the consuls being unavailable; cf. L. Cornelius Sulla (#86, 82), rogated by an interrex in the absence of consuls.

¹¹ Though *legere* is third person plural indicative active, there is no indication who the subject is. It is certainly not the senate. If it is specific, it is the two consuls; in this version one of them chose the other, and it may have been a question which of them was to take up the new post. But it is just as likely that this is a nonspecific subject, amounting in effect to a passive construction.

¹² It has been suggested that *ita* here could merely be sequential; “They chose consuls, and so a law of creation was passed”. But this ignores the object of *lex iubebat*. The law commanded … what? The referent for the object of *lex iubebat* can only be *ita*, ‘thus’: “The law passed concerning a dictator being created commanded thus”. And that can only make sense if the referent for *ita* is the previous clause, that consuls were chosen.
dictator, in response to an uprising of the plebs reported for 494, was the widely liked M.’ Valerius Maximus (#3), and both Livy and Dionysius had him being chosen as a deliberately conciliatory alternative to the inflammatory anti-populist ideologue, and consular, Ap. Claudius Sabinus Inregillensis (cos. 500). M.’ Valerius, in other words, was the needed man, not the man with the right CV. The real precedent, put forward in the first dictatorship and made fast in the third, was that the need for a dictator was discerned by the Romans and the senate, but the choice of dictator lay with the consuls alone; and that it was incumbent on the appointing consul that the dictatorship must go not to the decorated or the credentialed or the powerful or to the man whose turn at glory it was, but to the needed man. This precedent held firm through the Republic, whether in time of consuls or consular tribunes, down to the utmost archaic dictators.

The third important precedent involved the office from the outset being described as operating unbound by the restrictions inherent in ordinary magistracies. The ensuing reaction among both Romans and Sabines, the two potential targets of any action by this individual, was metus, or ‘dread’. The irony of the early Republicans invoking an all-powerful office so soon after shunning their (in some ways comparatively weaker) kings was, according to this point of view, an intended component of the potency of the dictatorship: the horror and awe occasioned by very idea of a man this unfettered, combined and balanced with the dread of the crisis that endangered Rome, allowed the dictator to achieve through intimidation and majesty what ordinary magistrates could not.

An important distinction, then, should be made between what the dictators were actually capable of and the effect of installing a dictator. A dictator was not free to take any arbitrary action without consequence, but the knowledge that the appointment of a dictator would in and of itself catalyze events both within Rome and without was a calculated and exploited factor in the development of the dictatorship from this point forward.

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Finally among the precedents incurred with the first dictatorship, and perhaps most crucially, T. Larcius firmly established that a dictator resigned when he had completed his task, the resolution of the crisis that had brought about his appointment.

There was no law restraining the hands of either future consuls in appointment or dictators in abdication; rather, the innovation of the dictatorship established key responsibilities for successive occupants. These precedents of (a) consular prerogative over nomination, (b) the first act of appointing a *magister equitum*, (c) the unaccountability of the dictator, and (d) earliest abdication, always stood as rules unthinkable to lay aside, and it was always the extremely rare exceptions that proved the rule.

### The Law of Creation

Among historians there has long been debate about whether there was ever a standing law that governed the appointment of dictators. The narrative of the dictatorship mentions the possibility of such a law only in the accounts of the first dictatorships, and it is clear that the laws mentioned did not carry forward in the narrative beyond these first instances. The overriding consideration in the appointment of dictators, as with the conduct of the office by the appointee, was adherence to established precedent.14

Livy, as noted, made mention in passing of a law that pertained to the first dictator’s appointment.15 Livy actively avoided the specific and the active in first-dictator account, perhaps because of conflicting information in his sources;16 the whole story of the first dictatorship was tersely told. The details that a *lex de dictatore creando* both (a) had been passed and (b) specified that the dictator and the *magister equitum* both be consulars are the most specific elements of the whole 200-word origin story. The passage has often been taken to mean that Livy understood that there was a standing *lex de dictatore creando* that

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14 The “creation law” discussed here should not be confused with discussion of *optima lex* re: dictators in Festus.
15 “Consulares legere; ita lex iubebat de dictatore creando lata”: Livy 2.18.4–5.
16 “Sed nec quo anno, nec quibus consulis, quia ex factione Tarquiniana essent—id quoque enim traditur—parum creditum sit, nec quis primum dictator creatus sit, satis constat”: Livy 2.18.4.
governed the appointment of all dictators from the time it was passed. Conversely, the fact that this law was problematic, given that nonconsular dictators were frequent in the fifth and fourth century, led to modern arguments that Livy was wrong and that a dictator creation law had never been passed. Unless the Fasti for the fifth, fourth, and third centuries as they have come down to us are very wrong—which is, of course, more than possible—many later dictators were not previously consuls, starting, as noticed, with M.’ Valerius Maximus (#3, 494).

The provisions of Livy’s law might have held for the first dictatorship, assuming Livy was right that T. Larcius was the first dictator, but not thereafter. Livy brought up the lex de creando because his sources disagreed on whether the first dictator was T. Larcius, one of the two sitting consuls, or a nonconsular, M.’ Valerius Volesi (##1A, the first dictator according to Festus and whatever sources Festus was working from, possibly the same alternative sources Livy was considering). Bringing up the law and its consular stipulation allowed Livy to pick T. Larcius.

Mommsen set the restriction “among the falsifications” introduced on the story of the earlier dictatorship that derived from later practice, noting that the restriction did not conform with the freedom of action normally available to magistrates with the power to appoint officials (Röm. Staatsr. 2.129 = Appendix E, M10). Likewise Magdelain 1968, who saw such establishing laws as the one apparently cited in Livy 2.18 as an imposition on the past by the more legalistic late Republic.

Dictators who are not recorded as having been consul or consular tribune before their first dictatorship: M.’ Valerius Maximus (#3, 494), Q. Servilius Priscus Fidenas (#7, 435), P. Cornelius Rutilus Cossus (#12, 408); L. Manlius Capitolinus Imperiosus (#21, 363), Ap. Claudius Crassus Inregillensis (#22, 362), T. Manlius Imperiosus Torquatus (#27, 353), C. Iulius Iullus (#28, 352), L. Furius Camillus (#30, 350), L. Papirius Crassus (#36, 340), C. Claudius Inregillensis (#38, 337), P. Cornelius Rufinus (#40, 334), M. Papirius Crassus (#41, 332), Cn. Quinctius Capitolinus (#42, 331), Q. Fabius Ambustus (#46, 321), M. Aemilius Papus (#47, 321), C. Poetelius Libo Visolus (#54, 313), Q. Hortensius (#60, 287?), M. Aemilius Barbula (#61, 285), M. Claudius Glicia (#67, 249). Had not been consul but had been magister equitum: A. Postumius Tubertus (#9, 431). This kind of check is based on the consular lists deriving from combining the Fasti and the annalist histories (both of which are late and have lacunae, preventing certainty in all cases), using such sources as MRR.

Not the same person as M.’ Valerius Maximus (#3, 494). The alternative first dictator is given in both Livy and Festus as M.’ Valerius M.f. Volesi; the dictator of 494 was M.’ Valerius Volesi.f. Maximus.
If there was ever such a rule, in fact, it appears that it cannot have come into effect until after the scandalous appointment of the unqualified M. Claudius Glicia in 249; all the dictators after M. Claudius were, indeed, consulars, but this period covers only the last few decades of the archaic dictatorship. Since Livy was well aware of the pedigrees of most of the dictators he wrote about, we are left to conclude that the consular restriction, the only stipulation of Livy’s *lex de creando* that we know of, was understood by Livy to have applied solely to the first dictatorship.

This, in turn, suggests that this law was not a “constitutional amendment” governing all dictatorships henceforward, but rather a formal request by the Roman citizenry to their consuls that a dictator be appointed to deal with the current crisis, with one requested criterion for the selection of that dictator included. The descriptive wording that Livy used meant “the law that had been carried concerning the dictator to be created” and not, say, “law concerning the creation of dictators” or, as Mommsen pointed out, a law associated with the name of its proposer as was customary. This wording has the people directing the government to perform a specific act in response to an immediate need.

In short there was no law that said that all dictators *henceforward and forever* must be consulars, and therefore there is no “problem” with this passage being contradicted by a score of future dictators who acceded to office innocent of having been consuls. Roman constitutional law did not work that way: Romans did not pass standing legislation permanently governing the conditions and authorities of its magistrates.

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20 Mommsen argued that a lack of tradition in this respect agued against the law having ever existed: *Röm. Staatsr.* 2.127 = Appendix E, M3. But he was clearly thinking of it as a standing law that would have applied to all dictators going forward, such as the landmark laws that changed the nature of the Republican constitution (*leges Hortensua, leges Liciniae Sextiae*, etc.), so his argument was in terms of a law of *that* nature having existed rather than a law relating to the appointment of T. Larcius. It is not like it was impossible to refer to a law descriptively rather than formally in literary historical discourse—as with *praetor maximus*, yet another argument mistaking generic phrasing for formal terminology.

21 Magdelain 1968, 9; Ogilvie 1970, 282, 780.
Unlike Livy’s bare-bones account, Dionysius’s tale recounted at length the intense debate and high drama he understood to have taken place in the senate at the time of the appointment of the first dictator. This formed a part of his multi-count indictment of the Romans on the charge of self-enslavement, as we have seen. After the circumstances were established, Dionysius had the senate propose, and the people ratify, a law setting up the dictatorship as a replacement to the ordinary magistracies.22

Dionysius’s version of the law, proposed by the senate and passed by the assembly, was quite different from Livy’s. Assuming I have parsed ita lex iubebat correctly in the previous section (‘so the law directed’), Livy’s law, whatever else it stipulated, included a clause restricting the possible candidates for (the current invocation of) the new office. Dionysius’s law bore no mention of eligibility restrictions, and the implication of the passage just cited is that the law, as passed by the assembly, left all such considerations to the wisdom of the senate. It was not in the law but in the senators’ debate that it was put forward that the dictator should have “wide experience in warfare”,23 a consideration that would naturally favor ex-consuls while not explicitly requiring that office as prerequisite. Nonetheless, Dionysius had the consul making the appointment being asked who “among all Romans” was best suited to wield the dictator’s powers effectively.24

The law described by Dionysius did prescribe the following: (a) not only the consuls but everyone with public authority were to set aside their power in favor of the new magistrate, not excepting the tribunes of the plebs;25 (b) the dictator would receive the whole power of the state, with power greater than the consuls; (c) he was to hold power for a period not to exceed six months; and (d) the dictator-designate would be chosen by the senate and ratified by the people. These contentions have already been dealt with as myths contradicted by the narrative; in fact the purported elements of Dionysius’s law is

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22 Dion. Hal. Ant. Rom. 5.70.4–5.
24 Dion. Hal. Ant. Rom. 5.71.3.
25 Polybius and Plutarch had the tribunes exempt from the state-consuming power of the dictator.
problematic even within the context in which it appears, the historian’s own account of
the first dictatorship.

The stipulation that the consuls and all other public officials should resign is
supported by Dionysius’s statement that the other consul, Q. Cloelius Siculus, resigned
after T. Larcius was named; but later Q. Cloelius resurfaced in command of an army both
under T. Larcius’s direct command and in independent action.\(^\text{26}\) Since a \textit{privatus} without
the auspices could not command an army in independent action, this, as with C. Servilius
under Q. Fabius Verrucosus in 217, would seem to contradict the provisions of the law as
described by Dionysius. In both cases, the consul’s subordination to the dictator was later
misinterpreted as resignation of the consulship itself.

More obviously, the law set forth that the dictator would be named by a senatorial
decree and ratified by the assembly; but Dionysius’s \textit{own account} had the dictator created
as they would always be: appointment by, and at the sole discretion of, a consul.

\textbf{Dionysius of Halicarnassus, Antiquitates Romanae 5.72.3}

\begin{quote}
tῇ δ᾽ ἑξῆς ἡμέρᾳ πάλιν τοῦ συνεδρίου συναχθέντος, ἐπειδὴ καὶ τότε διεμάχετο καὶ
πειθόμενος υπὸ πάντων οὐκ ἀφίστατο τῆς γνώμης, ἀναστὰς ὁ Κλοίλιος ἀναγορεύει
τ᾽ αὐτὸν, ὃσπερ εἰώθεσαν ποιεῖν οἱ μεσοβασιλεῖς, καὶ τὴν ὑπατείαν αὐτὸς
ἐξόμνυται.
\end{quote}

The next day the senate reconvened, and since he \{viz., T. Larcius\} was still resisting
and against the coaxing of all intending to ignore their will, Cloelius, standing,
proclaimed him, in the manner as had been customary for the \textit{interreges} to act, and he
himself resigned his consulship.

The “customary manner of the \textit{interreges}” has to do with finding the right man. We
want Dionysius’s understanding of what that meant, and for that we can consult his
rendition of events subsequent to the death of Romulus.\(^\text{27}\) For a period of time after the
first king passed, according to Dionysius, the executive authority fell to senators chosen
by lot to serve five days at a time in turn, known as \textit{interreges}. But when everyone tired of
this uneven and cumbersome sort of rule, the people deferred to the senate the question

\(^{26}\) Dion. Hal. \textit{Ant. Rom.} 5.75.4, 5.76.4.

\(^{27}\) The story of the \textit{interreges} and the selection of Numa is told in Dion. Hal. \textit{Ant. Rom.} 2.57–
58.
of whether to revert to another instance of the monarchy or institute elective magistracies. After a clash between the founding body of original senators and a brasher group that had been made senators recently, the older contingent took responsibility and reached a consensus that there should be a king and that it should be Numa the Sabine.\textsuperscript{28}

At that point, the current \textit{interrex} presented himself to the people:

\textbf{DIONYSIUS OF HALICARNASSUS, \textit{ANTIQUITATES ROMANAE} 2.58.3}

\begin{quote}
καὶ παρελθὼν ἐξ αὐτῶν ὁ τότε μεσοβασιλεὺς εἶπεν, ὅτι κοινὴ δόξαν ἅπασι τοῖς βουλευταῖς βασιλικὴν καταστήσασθαι πολιτείαν, κύριος γεγονὼς αὐτὸς τῆς διαγνώσεως τοῦ παραληψομένου τὴν ἀρχὴν βασιλέα τῆς πόλεως αἱρεῖται Νόμαν Πομπίλιον.
\end{quote}

And coming forward from among them the current \textit{interrex} said that it was the joint determination of the whole senate that a kingly state be established, and the authority having been vested in him to decide who should receive the office, he was choosing Numa Pompilius to be the city’s king.

This announcement made, Numa was sent for; he reluctantly submitted and came to Rome. The \textit{comitia curiata} confirmed him in office, the augurs agreeing that there had been auspicious omens.\textsuperscript{29}

All this means that, for Dionysius, Q. Cloelius proclaiming his colleague to be dictator was indeed according to the custom of the \textit{interreges}: after the senate had thrashed out its collective opinion that a dictator was called for, Q. Cloelius made the official choice, which was that T. Larcius be dictator. This appointment was, if the naming of the king was the pattern, subject to the approval of the \textit{comitia curiata} and the augurs, though Dionysius did not mention either of these in connection with T. Larcius’s dictatorship, and this was indeed carried forward: future dictators went before the \textit{comitia curiata} to obtain their \textit{imperium}, and were subject to vitiation by the augurs if there was a religious problem with the appointment. Dionysius’s law stated that the dictator was to be chosen by a decree of the senate and ratified by the assembly; but what actually happened, by Dionysius’s own account, was that the official decision was made not by \textit{senatus consultum} but by consular appointment, subsequent to a call for a dictator from the senate.

\textsuperscript{28} See Momigliano 1989, 59; Cornell 1995, 142–43; Forsythe 2005, 97–100.
\textsuperscript{29} Dion. Hal. \textit{Ant. Rom.} 2.60.3.
Thus, remarkably, the pattern of dictatorial appointment preserved throughout the archaic dictatorship—a need for a dictator, the call (by the senate or the people), consular nomination, investment by the *comitia curiata*, and confirmation of omens by the augurs—is thus shown to originate in precedent that dated from before the inception of the dictators, at least according to Dionysius’s understanding of the operations of the *interreges* and their applicability to the appointment of the first dictator. The dictatorship was not present in the regal period, but some of the mechanics of the early Republic derived from the earlier period, in the service of new constitutional principles.

It turns out, then, that neither Livy’s law nor Dionysius’s holds much water: Livy’s law, if it existed, did not pertain beyond the first dictatorship, and Dionysius’s law was not used even for the appointment of the first dictator; though his discussion accidentally provided insight into the formative precedents of the appointment of dictators.
One of the most striking and least noticed aspects of the dictatorship is that it begins with “the call”: a demand from the people or the senate to the consul that the current crisis be resolved by a dictator. The dictator seems to have come about in no other way than via a call by the senate or people. In particular, a consul could not unilaterally decide to appoint a dictator.

While one might expect that responding to an important threat to that state would be the preserve of the senate, it is clear in the narrative of the archaic dictatorship that the perception of a state of emergency, and the resulting call for the consul to name a dictator to handle it, could come either from the senate or from the people. In fact, in the cases where the call for a dictator is described in the literature, it seems to come from each source, people and senate, with similar frequency.

Either body might be described as desiring (placere is the usual verb\(^\text{30}\)), resolving (e.g., by senatus consultum\(^\text{31}\) or plebiscite), or demanding (iubere\(^\text{32}\)) a dictator from the executive magistrates in reaction to crisis. A typical call might look like this:

\(^{30}\) Placere: by the senate, Livy 4.23.5 (#8), 7.28.7 (#34), 9.38.9 (#44); by the people, Livy 6.2.5 (#15), 7.12.9 (#25); unclear (either senate or people), Livy 8.17.6 (#41), 8.18.12 (#42), 9.26.5 (#48), 28.10.1 (#82). “…ea demque causa dictatoris desiderium senatui fecit” ‘and which created a desire in the senate for a dictator’, Livy 7.24.10 (#30). “itaque ad remedium iam diu neque desideratum nec adhibitum, dictatorem dicendum, civitas confugit” ‘and so the citizenry resorted to a remedy that for a long time it had neither desired nor employed’, Livy 22.8.5 (#74).

\(^{31}\) “dictator ex senatus consulto dictus” ‘appointed dictator in conformity with a resolution of the senate’, Livy 4.46.10 (#11), 7.26.11 (#31), 8.16.12 (#39), 23.22.11 (#78). “dictator ab consilibus ex auctoritate senatus dictus” ‘appointed dictator by the consuls on the advice of the senate’, Livy 8.17.3 (#40), 9.29.3 (#55), 22.57.9 (#77). “consules … quod expressum senatus consulto est, ut dictatorem dicerent” ‘the consuls, pressed by a resolution of the senate, appointed a dictator’, Livy 9.7.12 (#46). Senate instructions to a consul in the field via letter to name a dictator, Livy 8.23.13 (#43), 22.33.9 (#76); via legates, Livy 9.38.14 (#56).

\(^{32}\) Iubere: by the senate, Livy 4.17.8 (#6), 4.23.5 (#8), 7.3.4 (#21), 7.19.9 (#27), 8.12.12 (#37), 8.15.5 (#38), Per. 19 (#67); by the people, Livy 5.46.10 (#14); unclear (probably the senate): Livy 8.29.9 (#44). “Senatus extemplo, quod in rebus trepidis ultimum consilium erat, dictatorem dici issit” ‘immediately the senate, because it was their final counsel in emergencies, demanded a dictator be appointed’, Livy 4.56.8 (#12). By the time of the Roman Revolution the senate’s ultimate recourse became something else entirely, yet of similar nature: the senatus consultum ultimum, the charge to the consuls to secure the
Livy 8.17.6

tranquillis rebus fama Gallici belli pro tumultu ualuit ut dictatorem dici placeret; dictus M. Papirius Crassus et magister equitum P. Valerius Publicola.

Amid this calm state of affairs, reports of a Gallic war had the strength to create enough alarm that it pleased them that a dictator be named: M. Papirius Crassus was appointed, and his magister equitum was P. Valerius Publicola.

Livy’s style was generally to condense his reporting of the basic facts of a situation, so his call almost always immediately succeeded his tumultus: the people were alarmed, they called for a dictator; the senate was alarmed, they called for a dictator; Rome was alarmed, a dictator was called for. The source was often Rome at large, described in the abstract and often in the passive (as in his tale of the first dictatorship); but the call derived from the body that was alarmed, and that was either the senate, the people, or both.

The combination of alarm and call is important, because it emphasizes the perception by some group of Romans that literally extraordinary measures were called for—which is to say, the ordinary magistrates were not in a position to adequately resolve this crisis. The call proceeded from the kind of anxious insecurity that was not reassured by confidence in the existing arrangement of the state, and thus invoked access to the alternative process that the Romans had created for themselves for just such circumstances.

The call for a dictator could be viewed as a special case of the larger phenomenon in which popular or senatorial apprehension of a threat created a spur to action on the part of the executive; that action might be to conduct a levy and go to war themselves, or to put forward a law, or to convene the senate, or any other action in the consuls’ quiver, depending on the circumstances. If the circumstances were extreme, the people or senate would ask that the arrow the consul drew this time was to appoint a dictator.

Consider this example from the consular year of Ap. Claudius Sabinus Inregillensis and P. Servilius Priscus Structus (495):

Livy 2.26.1

Confestim et Sabini Romanos territauere; tumultus enim fuit uerius quam bellum. Nocte in urbe multum est exercitum Sabinum praedabundum ad Anienem amnem peruenisse; ibi state by indemnifying individual power.
passim diripi atque incendi uillas. Missus extemplo eo cum omnibus copiis equitum A. Postumius, qui dictator bello Latino fuerat; secutus consul Servilius cum delecta peditum manu.

Thereupon the Sabines also alarmed the Romans—for it was an alarm more than an actual war. One night there was word in the city that a pillaging Sabine army had arrived at the river Anio, and was ravaging all about the place and burning farm-houses. A. Postumius, who had been dictator in the Latin war, was sent there immediately with the entirety of their ample cavalry, followed by the consul Servilius with a carefully chosen body of footsoldiers.

In this passage, alarm has struck the Romans as a result of the approach of a raiding force of Sabines; the Romans, though distressed, bring about action by the executive that fell within the normal parameters of an ordinary magistrate: to send the cavalry, which was quicker to call up, while organizing a select force of experienced soldiers. No dictator was necessary: the state, as presently configured, could handle this.

It is interesting to note that Livy showed the cavalry sent ahead under the command not of the other consul, the blowhard Ap. Claudius, nor of any other magistrate, but of the ex-consul and ex-dictator A. Postumius Albus Regillensis (#3, 496), a consular not currently in office, acting under the auspices of the consuls. Here was the consul appointing a commander of cavalry, as must of course have been done for all conflicts involving extensive military action. In a way it serves as a reminder that dictators, in appointing a *magister equitum*, were mimicking a normal action of a general arranging a war; except that the dictator appointed *magistri equitum* for all mandates, military and nonmilitary alike, and the term *magister equitum* was reserved exclusively for the office subordinate to a dictator and was not used for commanders of cavalry, unless a dictator’s *magister equitum* was by chance performing that function.

In cases where there was a *tumultus* followed by a call, then, the alarm combined with the nature of the threat and the present configuration of the state to either produce a call for the consul to appoint a dictator, or not. The nature and intensity of the crisis was presented as being more important than which body of Romans reacts to it; it was the crisis, not the ambition of the people or the senate to make use of a dictatorship, that prompted the call for a dictator. To underline this Livy sometimes had the event itself
compel (coegere) a dictator without reference to people, senate, or magistrate, as in the case of C. Iulius Iullus (#28, 352):

**Livy 7.21.9**

*Terror inde uanus belli Etrusci, cum coniurasse duodecim populos fama esset, dictatorem dici coegit.*

Then groundless terror of an Etruscan war against a rumored alliance of twelve cities compelled a dictator to be appointed.\(^{33}\)

The usual formula, especially in Livy, was: (a) crisis; (b) consternation; (c) popular or senatorial call for consular action; (d) appointment of a dictator by the consul.

During ongoing major wars discussion of the call could be omitted from the narrative, the threat being understood as having originated in prior years. The dictator’s army might be handed over in the narrative to a new dictator whose appointment was mentioned briefly\(^{34}\) or not at all,\(^{35}\) in the narrative, even when military dictators had not recently been common.\(^{36}\)

In Rome the consul might experience the call either formally (as by a *senatus consultum*, for example) or organically, through the palpable unrest of the masses and the talk of the Forum. It is unnecessary to assume, in other words, that the call for a dictator came about through convening of the tribal assembly or the plebeian council and the passing of any kind of actual resolution relating to the appointment of a dictator. The narrative consistently paints the call as subjective and *ad hoc*. The first formal and consistent act, governed by precedent going back to the inception of the office, was the consul’s nomination; what led to that moment was reactive, a manifestation of the nature of the

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\(^{33}\) Similarly “*tumultus ... coegit* ‘the crisis compelled’, Livy 7.11.4 (#24). Related constructions include “*tantum Romae terrorem fecere ... ut tumultus eius causa dictator dicetur* ‘[the Aequi] created such dismay at Rome ... that a dictator was appointed to deal with the crisis’, Livy 10.1.8–9 (#58); “*propter eos tumultus dictus M. Valerius Maximus dictator* ‘on account of this crisis M. Valerius Maximus was appointed dictator’, Livy 10.3.3 (#59); “*dictator ... metu gravioris in Samnio belli* ‘dictator ... because of dread of a serious war against Samnium’, Livy 8.38.1 (#45).

\(^{34}\) Livy 9.28.2 (#54).

\(^{35}\) Livy 9.15.9 (#49), 9.21.1 (#51), 9.22.1 (#52).

\(^{36}\) Livy 22.9.7 (#74).
crisis at hand. When formal, especially when arising in the senate as a *senatus consultum*,
the call could be transmitted to a consul who was not at Rome, and the consul might be
recalled to Rome; or, if that was not feasible, the appointment could even be made by the
consul in camp. But, as said, the call need not be formal; what was necessary was a
collective perception of need by the people or the senate.

Indeed, what is most striking about the call was that it was a mandatory precursor to
the appointment of a dictator, yet it did not involve any kind of formal mechanism. One
might expect for a process to develop whereby some sort of formal request of the consul
came to be expected in order to ensure that circumstances were appropriate for a dictator,
but there is no sign at all of such a development in the narrative: explicit requests in the
form of, say, a *senatus consultum* account for only a few of the calls for dictators in any
century. Why did the call remain *so ad hoc* throughout the archaic period? Perhaps this is
partly because the call arose out of a sense of alarm or fear: the dictatorship was an
reaction to unexpected events. Implicit in the call, moreover, was the sense that the current
magistrates were not ideal for the task, and formalizing this sentiment would sharpen any
rebuke a consul might choose to see in the request for a dictator. Ultimately there is
something profoundly Roman in a process that involves an intuitive, rather than a rational
and normalized, trigger for the appointment of an extraordinary emergency office.

**Consular Initiative**

Common sense suggests consuls appointing dictators on their own initiative, in other
words without a call, might be unlikely, since a consul, having won his brief tenure at
the top by long effort and a laborious and bloody career on the battlefields and in the
forum, might ordinarily be assumed to lack the motivation then to turn around and demote
himself into a position of inferiority. But could he do so? There is no trace in the literature
of a legal or religious impediment to a consul naming a dictator at will; no statement, that
is to say, of prerequisites having to have been satisfied preliminary to the act of
appointment, or of a dictator whose authority was questioned because the consul had
appointed him on his own initiative. The fixed requirements were the ones that pertained for other magistrates: approval after the fact of the curia and the augurs.

With dictators, however, theory did not always align with practice. Whether it was theoretically possible or not, was there ever a case in which this scenario in fact occurred? As consul, Cincinnatus was said to have threatened a dictator when the plebs were unruly in 460. Was it significant that he did not? Could have done so on his own initiative? There are one or two occasions in which the call to respond to a crisis by naming a dictator did seem to originate with the consul.

In most cases where the wording in the annalists might seem to provide the consul with the initiative, the usual process is nonetheless discernible in context. When the consul Q. Servilius Ahala appointed, in consultation with the senate, the dictator Ap. Claudius Crassus Inregillensis (#22, 362) to fight the Hernici, it might seem at first glance to have been his own doing. But the crisis was the embarrassing defeat by the Hernici of the first plebeian to fight a war under his own auspices. The disturbed mood of the people, and more importantly the seizing of such an obvious opportunity to assert the preeminence of the senatorial order—as exemplified by their choice of dictator, a personification of haughty nobility and the loudest voice against empowering the plebs—was described by Livy. He did not say the notion of appointing a patrician dictator to fight the war that the plebeian consul had lost came from the senate, because he did not need to. Likewise, when Livy said in his account of the year 213 that “it was thought” too risky to bring the consuls back from the front to hold elections, and then in the next sentence said the consul in camp appointed a dictator to hold elections, the missing step was understood from other episodes like it: the senate sent to the consul calling for a dictator.

As in many other actions of the state, a senatus consultum prefatory to a consul appointing a dictator was seen later in retrospect as customary, but in the narrative it was neither

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37 Livy 3.20; see discussion on p. 214.
38 Livy 7.6.7–12.
39 The events described here involve the dictatorship of C. Claudius Centho (#79, 213), Livy 25.2.3–5. Previous similar circumstances: see, for example, Livy 7.21.9 and 8.23.13.
binding nor required, nor even all that frequent, throughout the three centuries of the archaic dictatorship. As the prerogative for naming a dictator lay entirely with the consul, consultation with the senate over the nomination would have derived more out of social and “political” concerns than constitutional ones. A consul seizing the initiative and appointing a dictator needlessly—to advance, say, the position of a relative or crony—would have opened up both himself and the nominee to social sanction.

The likeliest case of a consul actually appointing a dictator on his own initiative is anomalous. As the time for elections approached in 202, the consul M. Servilius Pulex Geminus, magister equitum under the election-holding dictator of the previous year (#84), was so anxious to proceed to his province of Etruria that he left Rome early, in defiance of a senatorial resolution that he should remain near Rome awaiting events in Africa. So he appointed his a dictator to avoid being stuck in the capital (#85).

Livy 30.39.4

M. Servilius, ne comitiorum causa ad urbem revocaretur, dictatore dicto C. Servilio Gemino, in prouinciam est profectus.

M. Servilius, in order that he not be recalled to the city for the purpose of holding elections, appointed C. Servilius Geminus dictator and went on to his province.

On this occasion an atmosphere of crisis was still present—this is the denouement of the Second Punic War, with Italy in disarray and Ti. Claudius Nero, the other consul, out of reach across the storm-tossed Mediterranean. But the call is missing. There was no direct backlash recorded, but anyone offended by the consul M. Servilius’s presumption might have thought it apt that C. Servilius, owing to the same prevailing bad weather that kept Ti. Claudius from getting home until after the lapse of his consulship, was prevented

40 Livy 30.38.6.
41 Unless it was the complete abandonment of the dictatorship: the desuetude began after the Hannibalic War, and C. Servilius was the last archaic dictator. This seems unlikely, not least because Livy told the entire story of this incident without any highlighting of the violation of precedent nor any sense of long-term or even short-term ramifications, in contrast to his treatment of the also-anomalous senate-completing dictatorship of M. Fabius Buteo fourteen years earlier (#77, 216). The desuetude resulted from macro factors, not a single anomaly, though the idea that erosion of the call might be a contributing factor cannot be completely discounted.
from holding elections for so long that the new year began without the inauguration of any curule magistrates.\(^{42}\)

The situation in 313, during a Roman upswing in the epic second Samnite war, seems more opaque. According to Livy, the appointment of a dictator (C. Poetelius Libo Visolus, #54) derived from the consuls’ having decided, apparently arbitrarily, that the campaign season that year might be better managed by a dictator:

*Livy 9.28.1–2*

Consules egregia uictoria parta protinus inde ad Bouianum oppugnandum legiones ducunt; ibique hiberna egerunt, donec ab nouis consulis, L. Papirio Cursore quintum C. Iunio Bubulco iterum nominatus dictator C. Poetelius cum M. Folio magistro equitum exercitum accept.

The consuls [for 314], having had a great victory, immediately led their legions to besiege Bovianum, where they wintered until C. Poetelius, having been named dictator by the new consuls L. Papirius Cursor (for the fifth time) and C. Iunius Bubulcus (for the second time), with M. Folius\(^{43}\) as *magister equitum*, accepted the command.

This is not one of those cases where a dictator was appointed to supersede consuls not fit for the crisis at hand: both of these men, L. Papirius (*cos.* 326, 320, 319, 315; *dict.* #44, 325; *mag. eq.* 340, 320) and C. Iunius (*cos.* 317), were successful veteran commanders more than capable of handling Rome’s defenses. Nor was there already a dictator in place, so that a new dictator might be seen as carrying on the same call as created the first one, as was sometimes seen in the narrative, especially during the Second Samnite War. So why did these two consuls appoint a dictator over their own heads—and a man *less* experienced than themselves, someone with no C.V. at all?\(^{44}\) The mandate might have been specifically to win back Nola, but Nola was a tough nut to crack: the city had been against Rome

\(^{42}\) Livy 30.39.5, 30.40.4–5.

\(^{43}\) The *Fasti Capitolini* has M. Poetelius Libo, one of the outgoing consuls, rather than Livy’s choice, M. Folius Flaccinator, *cos.* 318, *mag. eq.* 320, 314. This may track to the blurred tradition discussed below, but as M. Folius is the previous *magister equitum* it is more likely a simple error.

\(^{44}\) It does not appear that C. Poetelius C.f. C.n. Libo Visolus, presumably the son of C. Poetelius C.f. Q.n. Libo Visolus, *cos.* 360, 346, 326, had any known magistracies other than this dictatorship, either before or after 313.
since the first Samnite war, and Livy’s description of its capture seemed opportunistic, a
general’s decision to build on the prior year’s successes by taking a stab at the offensive.

A clue might lie in the tangle of Livy, Varro, Diodorus Siculus, and the Fasti all being
at loggerheads over what was accomplished in this year and by whom. Livy cited diverging
traditions regarding the key achievements of 313, the recapture of Fregellae and Nola—one strand giving credit to the dictator C. Poetelius, the other to the consul C. Iunius; and Diodorus handed the credit to Q. Fabius Maximus Rullianus (#52, 315), apparently dictator again by his reckoning.\(^45\) The second tradition mentioned by Livy diverted the dictator C. Poetelius to the driving of the nail, leaving him out of the war entirely. To accept this version makes sense of the otherwise mysterious decision to appoint an inexperienced dictator to fight the Samnites—of all enemies—over very experienced consuls. It does require that the Fasti Capitolini, which has C. Poetelius appointed *rei gerendae caussa*, be wrong in this instance, or that C. Poetelius’s mandate was to drive the nail but he was still listed as being appointed *rei gerendae caussa*; but those choices are both easier to accept than a neophyte elevated over L. Papirius Cursor, possibly the top warrior of the century. Given the history of the Fasti Capitolini, it might even be the case that *its* sources were unclear as to why this dictator was appointed, and *rei gerendae caussa* was, especially reasonably in time of war, plugged in by default.

Just to confound things further, Varro suggested that it was this C. Poetelius who put forward the *lex Poetelia* that eliminated *nexum*, which would have been a remarkable mandate-expansion either way, either from a Samnite war or from nail driving; but Livy attributed *this* action to the third consulship of his father of the same name, in 326.\(^46\) It is

\(^45\) Livy 9.28.5–6; Diod. Sic. 19.101.3. The flow of Diodorus’s Roman narrative, pausing at 19.76.5 to return to the Greeks and resuming at 19.101.1, would indicate that the Fregellae/Nola story did indeed take place in 313, after the signal victory over the Samnites described in Livy as having taken place at the end of 314, and so not in dictatorship #52.

\(^46\) Varro *Ling*. 7.105; cf. Livy 8.28. In light of this quandary, the ablative of time employed by Varro, who it should be remembered was engaged in philology not history, might be read as pointing vaguely at “Poetelius the dictator” rather than to specifying “in the year in which Poetelius was dictator” (“Hoc C. Poetelio Libone Visolo dictatore sublatum ne
just possible that it was on account of unrest related to nexum that C. Poetelius was appointed; this view, while making Varro right and everyone else wrong, would account for the need for a dictator rei gerendae caussa in the Fasti. But an ambiguous passage in Varro is a poor foundation on which to base a revisionist history of the fourth century.

Despite the recent victory in 314 there was still an ongoing tumultus—Rome remained under dire threat from the Samnites, and the tide did not really turn and allow Rome to go on the offensive for another two years. What is missing here is the call; the story seems to be that this dictatorship might be a case of consular prerogative, but both the impetus and outcome are muddy enough that we can say little more than that this dictatorship, like the one in 202, was an anomaly, and that there is good reason for thinking this political rookie was appointed for a reason other than to face down the Samnite menace in lieu of veteran consuls.

Our narrative of the dictatorship tended to mark the stages of crisis, call, and nomination as discrete events; but occasionally we get a glimpse of interplay between the consul and the senate or the people, with the consul seeking input and discussion before choosing to appoint a dictator.

Prior to the appointment of L. Quinctius Cincinnatus (#4, 458), the narrative made note of the consul consulting with the senate on whether a dictator was required; this kind of discussion is associated with the call for a dictator, and we may assume that a call from the senate involved debate, formal or informal, on whether a dictator was necessary, and that one or both of the consuls may have participated in the deliberations.

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fieret, et omnes qui Bonam Copiam iurarunt, ne essent nexi dissoluti” “This [nexum] was rendered no longer to be endured in the time of the dictator C. Poetelius Libo Visolus…” might mean that it was accomplished by C. Poetelius, that guy who was dictator that one time, at some point in his career in the same way that something accomplished “by Cato the censor” should not be pegged to the period of time in which he actually held the office of censor). If Livy was right, however, Varro was doubly wrong: he might have assumed that the dictator C. Poetelius C.f. C.n. Libo Visolus was the same person as the consul C. Poetelius C.f. Q.n. Libo Visolus, but it seems clear that they were different individuals.

47 Dion. Hal. Ant. Rom. 10.23.5, in a version of events that deviates somewhat from Livy 3.26.6 (which simply described unanimous opinion that L. Quinctius be appointed).
In 205, the consul P. Licinius, trapped in camp by an epidemic and, consequently, hesitant to return to Rome to hold elections, queried the senate as to whether he should resolve the dilemma by appointing the proconsul Q. Caecilius Metellus as dictator (#83), with the understanding that the dictator would then disband his own army before it was worsted by the disease ravaging P. Licinius’s legion. The senate, with what might be described as Delphic equivocation, responded that he should do as his conscience and duty dictated, and the consul, so advised, executed his proposal. This forms a unique case in which a consul queried the possibility of a “call” from the senate; the senate, not possessed of all the information, responded blandly, but their response asked him to appoint a dictator if one was needed. Though an exception, this case still supports the idea that a consul could not appoint a dictator on his own initiative, while at the same time helping to illustrate why the dictatorship was tied to the physical environs of Rome.

The call needing to come from the senate or the people, though customary rather than legal, was a form of check against the consul’s prerogative of appointment. When both the consul and the crisis was away from Rome, the call could not come from the senate or people. Two possible outcomes might have arisen: appointing dictators without check could be abused by consuls, upsetting the balance of power; or dictatorships might become less useful in military contexts as Rome’s problems moved further and further afield from the vicinity of Rome. The latter is what happened. While it does not cover the nonemployment of the dictatorship for domestic purposes, the prerequisite of the call is part of the explanation for the desuetude.

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48 Livy 29.10.1–3.
The selection of *who* to appoint lay with the consul. In some cases we have indications that the senate or the people had a particular candidate in mind when making the call, but it is clear that the decision was the consul’s, and that both the consul and the senate recognized it was incumbent on him to choose the best man for the job.49

Certain dictatorial appointments involved drama in relation to the consul’s act of nomination. The best-known examples are in the case studies: Ti. Aemilius Mamercinus appointing his colleague, Q. Publilius Philo, in defiance of the senate; L. Papirius Cursor’s appointment by Q. Fabius Maximus Rullianus; and P. Claudius Pulcher’s appointment of M. Claudius Glicia—also a defiant act, if more mean-spirited.50 There’s never a sign, however, that the consul could not appoint who he chose, even in the case of Glicia, who was forced to resign.

Could the consul refuse to appoint a dictator in the face of a call to do so? There was no formal mechanism for the call; it was a precedent, though one that adhered closely to the dictatorship. Given that (a) the call necessarily grew from a public or senatorial perception that there was a need for a dictator and (b) there was a palliative effect to the appointment of a dictator that was beneficial to the state in times of anxiety, this precedent could be ignored only with cost.

The closest we have to a case of a consul refusing to appoint a dictator is from 210. In that year, the appointment of a dictator to hold elections was the subject of friction between the consul, M. Valerius Laevinus, and the senate, but the friction was over the consul’s preferred choice for dictator being away from Rome; the consul did not want to name anyone but him. The senate asked M. Valerius to elicit an alternative nominee from the people, but the consul, seeing the choice of dictator as solely within the consul’s discretion and not a matter for public debate, not only refused to poll the populace for a suggested

49 Correctly observed by Mommsen *Röm. Staatsr.* 2.132 = Appendix E, M16.
nominee, but forbade the praetor from doing so as well. The tribunes of the plebs thereupon asked the plebeian council for a name instead, but the truculent M. Valerius left Rome overnight for Sicily, refusing to appoint a dictator at all under such circumstances. The other consul, M. Claudius Marcellus, who was all the way across Italy in Apulia, had to be prevailed on by letter to appoint a dictator in camp.\footnote{Livy 27.5.14–19.} He chose the plebs' nominee, Q. Fulvius Flaccus (\#80), but clearly did so at his own discretion; despite the recommendation of the plebs he might have chosen anyone, from the standpoint of custom and precedent. This incident and even P. Claudius Pulcher's defiant appointment of the wrong man demonstrated the consuls' awareness of the need to protect this prerogative at all costs, lest it be taken from them.

**WHICH CONSUL MADE THE APPOINTMENT?**

Mommsen guessed that the choice was made by “mutual agreement or the lot”,\footnote{Mommsen \textit{Röm. Staatsr.} 2.130 = Appendix E, M12.} which suggests in particular the events of 431, involving the Aequi and Volsci attacking in force even as plague was depleting Roman numbers from within. Livy said that when the senate called for a dictator, the two bickering consuls, whose inability to work together had already caused military setbacks, at first refused and then could not decide which of them should choose the dictator. Ultimately they drew lots, and A. Postumius Tubertus (\#9, 431) was appointed.\footnote{Livy 4.26.5–11. Diodorus Siculus mentioned the dictator but not the circumstances of his appointment (Diod. Sic. 12.64.1)}

In fact the Q. Publilius Philo story in 339 gives us a better answer: Livy explained, for once, that “\textit{Aemilius, [tum] cuius fasces erant, collegam dictatorem dixi…}”.\footnote{Livy 8.12.12. See the case study, above p. 143.} This phrasing above enables us to assume that in cases where both consuls were at Rome and available, the appointment of the dictator was, at least by default, in the hands of the consul who held the \textit{fasces} that month. Consequently, it seems that the senate, for example, was not
ordinarily in a position to take the request to the consul who was the more sympathetic (or competent) of the two in order to achieve a result more favorable to them; given the number of occasions on which the senatorial conservative elite was said to have wanted to politicize the dictatorship in order to (for example) interfere with the election of plebeian consuls, it is significant that there are no stories of the senate trying to get the dictator appointed by the more amenable of the two consuls. It might have happened silently in cases so lacking in urgency that the request could wait a month until the other consul took the rods; but the dictatorship was not often invoked for problems that could wait.

The holder of the *fasces* was not automatically the one to make the appointment, at least early on. It should rather be said that the responsibility to appoint a dictator was upon the consuls together, who then might decide according to the *fasces*, or by another means among themselves; if the *fasces* were the customary determiner, the consul with the *fasces* might still defer to the other consul at his discretion. The early case of 431, when there had been only eight previous precedents, may have involved disagreement over whether the *fasces* determined the matter, but by 339 the consul with the *fasces* was the one who normally made the appointment.

If both consuls were not equally available, the holder of the *fasces* was not necessarily required. In cases where the consuls were not both on hand, which consul made the appointment seems to have been conditioned by one being available and the other not; if one of the consuls having been incapacitated or killed, the request of course being sent to the other. If both consuls were away from Rome, the request or recall might be sent to the consul that was closest or seemed more reachable.

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55 It seems as though in 312, with one consul sick and the other away fighting Etruscans, the request for a dictator went to the sick consul because he was present in Rome (#55): Livy 9.29.3. The case of M. Valerius Laevinus and M. Claudius Marcellus in 210 also falls in this category, the request going to the other consul once M. Valerius was in transit and temporarily unreachable.

56 For example, T. Manlius Torquatus (#81, 208) was appointed by the surviving consul.

57 See Livy 7.21.9, 9.44.1–2, 25.2.3. On this see also the discussion of venue below.
Though we’ve noticed a couple of cases where the consul consulted on whether to appoint a dictator, there are very few occasions in the narrative on which the consul was described as taking deliberate notice of the recommendations of others with regard to the choice of dictator. On the occasion that resulted in the first dictatorship of Q. Servilius Priscus Fidenas (#7, 435), allied Faliscan and Veientine armies presenting themselves before the very gates of Rome during a time when Rome was already weakened by pestilence, the consul L. Verginius Tricostus consulted with both the senate and with his colleague, C. Iullius Iullus:

LIVY 4.21.8–10

Deinde Veientium exercitu accito—nam Falisci perpelli ad instaurandum bellum neque clade Romanorum neque sociorum precibus potuere—duo populi transiere Anienam atque haud procul Collina porta signa habuere. Trepidatum itaque non in agris magis quam in urbe est. Iulius consul in aggre murisque explicat copias, a Verginio senatus in aede Quirini consulitur. Dictatorem dici Q. Seruilium placet, cui Prisco alii, alii Structo fuisset cognomen tradunt. Verginius dum collegam consuleret moratus, permittente eo nocte dictatorem dixit; is sibi magistrum equitum Postumum Aebutium Helua dicit.

Then, when they [the Faliscans] had called in an army from Veii—for the Faliscans could be driven into renewing the war neither by the calamity of the Romans nor by the entreaties of their allies—the two peoples crossed the Anio and set up their standards not far from the Colline Gate. The consternation in the city was therefore no less than in the fields. The consul Iulius disposed his troops on the rampart and walls, and Verginius took counsel with the senate in the temple of Quirinus. It was resolved that Q. Servilius, whose cognomen some give as Priscus, others as Structus, should be appointed dictator. Verginius delayed until he could consult his colleague; then, with his consent, he that night named the dictator, who appointed as his magister equitum Postumus Aebutius Helua.

The wording on the first part, the consultation with the senate, is ambiguous: the discussion might have involved whether to appoint a dictator, who to appoint, or (perhaps most likely) both. This discussion would have therefore constituted the call for a dictator as well as, possibly, advice on who to choose. The second consultation, with L. Verginius choosing to wait until he had a chance to consult C. Iullius, who would have spent the day preparing the city’s defenses, must have been to solicit C. Iullius’s opinion on appointing Q. Servilius specifically as opposed to someone else. L. Verginius’s wanting to

58 The praenomen is given as Proculus in Diod. Sic. 12.49.1, but Lucius in Livy 4.21.6.
get C. Iullius’s advice made sense: C. Iullius was in his second consulship and was probably the senior consul in 435, and his prior consulship in 447 had involved preparing for war with the Volscians and defusing a brewing plebeian secession. The desire for C. Iullius’s “consent” might have been a matter of deference to an older and more experienced colleague, or might indicate that C. Iullius was the actual holder of the fāces that month, so that the responsibility for appointing a dictator was technically his. Though Livy noted a “delay” so that this conversation could take place with the busy senior consul, it seems unlikely that there could have been a real impact on the actual appointment: L. Verginius apparently appointed the dictator in the usual overnight vigil “that night”, which presumably would have happened anyway at that time. What is most remarkable about this occasion was not that the consul consulted his colleague, but that it happened so rarely; in fact, as described the scenario is essentially unique.

More ambiguous are the cases where Livy, in telescoped references, represented a dictator as having been created by a resolution of the senate. These notices, always with no detail, must be set against the preponderance of evidence that the consuls were the ones who created the dictators, and that the senate never had the power to do so; the senatus consultum must therefore be understood to be a call to the consul to appoint a dictator even in cases like the one in 418, when the Aequi were poised to attack while the consular tribunes were in discord:

Livy 4.46.10

Et quod plurimum animorum fecit, dictator ex senatus consulto dictus Q. Servilius Priscus...

And what heartened many, Q. Servilius Priscus being named dictator in accordance with a senatorial resolution...61

59 His is listed first in FC, Diod. Sic. 12.49.1, and Livy 4.21.6.
60 Livy 3.65.5–11; Diod. Sic. 12.29.1; Dion. Hal. Ant. Rom. 11.51.1.
61 It should be noted “ex senatus consulto” is sometimes translated if the senate had the power to command: “by a decree of the senate”, for example, “decree” in English connoting a constitutionally jussive force the resolutions of the senate did not have, and “ex” assumed to be necessarily causative rather than reflecting a simpler sense of “out of” or even “after”. Canon Roberts’s translation of this passage, for example, is “What did most to restore confidence was the nomination, by a senatorial decree, of Q.
The question becomes: did the senate’s resolution stop at the point of formally requesting the consul appoint a dictator, or did the senate go further and offer proposed nominees? Did the senate resolve to tell the tribunes not merely to appoint a dictator, but that it should be Q. Servilius? It is possible, though Q. Servilius, already dictator in 435 and known to be distinguished in war, was probably the obvious candidate in any event: in this case as on many other occasions it was not merely the appointment of a dictator, but the appointment of Q. Servilius in particular, that calmed the Romans and gave them confidence in the forthcoming campaign. The appointment of the needed man involved not merely the right set of qualifications to do the job, but a reputation that communicated those abilities to the frightened populace and instilled in them the necessary confidence.

More to the point: if the senate had at any point established a precedent of recommending the nominee for the dictatorship, it would have been asserted in later centuries when the senate was in the ascendance, and the prerogative for choosing the dictator would have passed to the senate. No hint exists in the narrative of any occasion on which the senate accorded itself any kind of right to select, or help select, the dictator. The consul might discuss possibilities with the senate, formally or informally, just as he might seek advice on any decision that was before him; but the choice remained his alone.

Servilius Priscus as Dictator” (Roberts 1912). I believe that this is misleading in all cases, but especially in the case of the dictatorship, where it is clear that the senate’s capacity stopped at passing a resolution calling on the consuls to appoint a dictator.

The influence of the senate is tricky to navigate in Republican waters (and becomes progressively tricker), but I believe it is crucial to observe the distinction between the actual ability to decree something with the force of law, and a resolution that something is necessary that, though the body is advisory, carries tremendous weight because of the standing of the body making it. As has been noted, a consul ignored a resolution of the senate at his peril, as he did the trepidation of the people; but constitutionally the choice of whether and especially whom to appoint belonged to the consuls.

I pattern my translations on those like the following: “Brutus ex senatus consulto ad populum tulit ...” “In pursuance of a resolution of the senate, Brutus proposed to the people ...’ (Livy 2.2.11, Foster 1919, 225). I will also note here that Lewis and Short list “ex senatus consulto” under a heading of ex that reads “To designate the measure or rule, according to, after, in conformity with which any thing is done” (Lewis and Short 1879, s.v. ex). To me, this carries the weight of the senate resolving that something should be done, and then other parties responding to the senate’s resolution and acting accordingly under their own authority.
WHY CONSULS? WHY ONLY THE CONSULS?

Every other important official in the Roman state was elected, not appointed, and not just the ordinary magistrates. The interrex was elected by (and from among) the patrician senators; the princeps senatus was elected by the curiae before it became a matter of census bookkeeping;\(^\text{62}\) the pontifices and flamines were elected;\(^\text{63}\) even the kings had been elected. The dictator, whose power was great enough to elicit metus in Roman masses and enemy hosts alike and to be referred to by one of its own occupants as “haec imperiosa dictatura”,\(^\text{64}\) was appointed by the sole discretion of the consul, without obligation to confer with the senate, the people, or his colleague. The consul’s only certain consultation was the morning sky as he took the auspices prior to nomination, and the only safeguard the Republic possessed against this choice was vitiation by the augurs on the grounds of religious error.

Why were the keys to such tremendous power not kept in the hands of the sovereign people or entrusted to the sagacity of the senate? Whence did this consular prerogative derive? Mommsen’s theory was that the consuls coopted a third member into their college, an extra, unelected consul with maius imperium.\(^\text{65}\) This explanation is unhelpful, in that (a) the function of the dictator as a mandate-oriented emergency magistrate is entirely unlike the general-purpose ordinary magistracy of the consulate; and (b) cooptation involved the other colleagues collectively, whereas the dictator was appointed by one consul alone without reference to the other. More importantly, the cooptation theory does not explain why this superconsul was appointed by one of his “colleagues” rather than, if he were truly another consul, elected as consuls were.

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\(^{62}\) Livy 27.11, the shift happening after the mid-fourth century. For the princeps senatus see Suolahti 1972; Willems 1878; Bonnefond-Coudry 1993; Ryan 1998.

\(^{63}\) Pontifices and pontifex maximus co-opted by election from the college of pontiffs: Dion. Hal. Ant. Rom. 2.22.73; Livy 40.42; Cic. Amic. 25, Brut. 21, Nat. D. 3.2. This capability was expanded to the people in 104 BCE only to be reverted by Sulla in 81 and partially unreverted in 63. Flamines elected by the comitia: Gell. NA 15.27.

\(^{64}\) Livy 7.40.

\(^{65}\) Mommsen Röm. Staatsr. 2.138 = Appendix E, M30, 32.
Instead, let us approach this question of the consular prerogative by looking at what kinds of officials were appointed, rather than elected, in the Republic apart from dictators, and seeing what analogies can be applied.

One category of official appointees was the *duumviri*, two-man tribunals appointed to deal with a specific issue or conflict. The most famous *duumviri* were those appearing in the legend of the Horatii. The surviving Horatius, having killed his own sister for mourning the enemy, was judged and condemned to death not by king Tullius Hostilius but by a two-man board appointed by the king especially for this purpose. The condemnation for *perduellio* was then reversed on appeal to the citizen body. This panel is unique in our stories of the regal period, and seems as much a literary device of Livy’s (to illustrate the king’s divided mind) as a political artifact, though this in itself is a useful way of looking at *duumviri* and other two-man colleges such as the consuls and the censors: they represent debate, alternative, and the human capacity for reason, as well as the duties of the social bond (here reflected in its simplest form, between two citizens) being emphasized over the wants of the individual.

We find other mentions of *duumviri* falling into three rough categories. First, *duumviri* were appointed as temporary management boards to oversee the construction or dedication of specific temples or the equipping or repairing of a fleet. Second, there were also

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67 Solodow 1979, 255 and n. 10.

68 It should be noted that while *duumvir* appears on one or two occasions in the ancient sources, the word *duumviri* is not well attested, the usual form being *duo viri* or, in inscriptions, *iiviri*. Still, the term *duumviri* is familiar in historiography, alongside *decemviri*.

69 Temples: Livy 2.42.5, 6.5.8, 7.28.5, 22.33.8, 23.21.7, 23.30.14, 34.53.5, 35.41.8, 36.36.5, 36.37.3, 40.34.4, 40.34.5. Several of the references to temple dedication point to a single individual named as duumvir for this purpose, without mention of a colleague. Certain of these notices in Livy suggest that he was referring to actual records (his use of patronymics, for example, as in 40.34.4 and 40.34.5), which leads to the remarkable implication that priestly records of temple dedications recognized a single *duumvir* as the dedicator. In Livy 23.31.1, each *duumvir* dedicates a different temple. Fleets: Livy 9.30.4, 41.1.3, 40.18.7, 40.26.8, 40.28.6. This post was elected in some references (*populus*...
*duumviri* with the special responsibility of safeguarding the Sibylline Books.\(^70\) Third, *duumviri* sometimes tried cases of *perduellio*, as with the legend of Horatius.\(^71\) Beyond Rome, *duumviri* were sometimes found as annual, collegiate magistrates of *municipia* or *colonia*.\(^72\)

Other boards were given specialized, temporary appointments: so for example the *quinqueviri mensarii*, a five-man board invoked in times of distress in the financial industry.\(^73\)

What the Roman instances have in common is specialized delegation. Dedicating a temple in Republican Rome was an action of the city, performed by a consul or dictator as the city’s executive;\(^74\) but the consul might well delegate this action to someone particularly appropriate to the occasion—someone with a personal connection to the reason the temple in question was vowed or constructed.\(^75\) That person might be himself.\(^76\)

Organizing a naval force would likewise have been the responsibility of a consul or dictator, delegated by him to ensure the details were properly attended to. The Sibylline Books was kept in the temple of Iuppiter Optimus Maximus Capitolinus, but the custodial responsibility for them was delegated to a team of two specialized priests, who would need to agree on interpretations of ambiguous material.

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\(^70\) Val. Max. 1.1.13; Dion. Hal. *Ant. Rom.* 4.62; Cic. *Div.* 1.43; Livy 3.10.6, 4.21.5, 4.25, 5.13.5, 5.50, 6.37.12. The responsibility was later transferred to a board of ten (Livy 6.42.2).

\(^71\) Livy 2.41, 6.20; Cass. Dio 37.27; *Dig.* 1.2.2.23. During the Republic these panels were supposed to be elected by *comitia*: Cic. *Rab.* 4, Suet. *Iul.* 12.

\(^72\) Cic. *Att.* 2.6, *Pis.* 11,25, *Leg. agr.* 2.34; Caes. *B Civ.* 1.30.1; Vell. Pat. 2.19.2; *SHA Hadr.* 19.1. A three-man board, or *triunvir*, customarily oversaw the formation of a colony, Livy 37.46.

\(^73\) Livy 7.21. See also Livy 25.7, in which a five-man board repaired the city walls in 212.

\(^74\) Dedicated by a consul: Livy 2.8, 2.27, 4.29, 7.3, 10.33, 10.46; Tac. *Hist.* 3.72. By a dictator: Livy 5.22, 5.23, 10.1; App. *B Civ.* 3.28. By a curule aedile, in violation of the prior custom that only a consul could dedicate a temple: Livy 9.46. By a king: Livy 1.10, 10.46.

\(^75\) For example, Q. Fabius Maximus was made *duumvir* to dedicate a temple he had vowed while dictator (Livy 23.30). Made *duumvir* to dedicate a temple vowed by his father: Livy 2.42.

\(^76\) For example, as dictator C. Junius Bubulcus dedicated a temple he had vowed as a consul (Livy 10.1).
Other consular appointees during the Republican era included various praefecti. The praefectus urbi was a relic of the post of custos urbis ‘city warden’, which had been an elected position in the early Republic with authority over the city when the consuls were absent; once that function was assumed by the urban praetor, the praefectus urbi was appointed by the consuls as guardian of the city for the duration of the Latin Festival; in the middle and late Republic the office, now more symbolic than magisterial, was described as being given to young men of noble rank. The praefectus annonae likewise was not a standing office, but was appointed in times of scarcity of grain as manager of the corn market.

The urban prefect, then, was in these instances performing the role of a deputy of the consuls, and was appointed in order to perform a function that the consuls temporarily could not—namely, watch over Rome while they were required at the Feriae Latinae. The grain prefect, like the secular duumviri and quinqueviri, and for that matter much like the Republic-era urban prefect, acted on behalf of the consuls to deal with a specific, newly arisen, and temporary need.

As chief magistrates of the Roman Republic, the consuls had delegated to them by the citizen body the final responsibility for protecting the safety, stability, and well-being of Rome: the physical city, including its property, and the social city, or the commonwealth of its citizens. This delegation to the consuls was politically limited: it was framed within a term of office between fixed points in time, and regulated by custom, precedent, and law. But the delegation was also all-encompassing, in the sense that the response to any problem or need that touched on Rome’s safety and stability emerging within their year of responsibility fell ultimately to them. Similarly, each mandate of the dictators that arose during the archaic period can be defined in just this way: a problem or need that touched

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77 Tac. Ann. 6.11; Lydus Mag. 1.34, 1.38; Livy 1.59, 3.9, 3.24; Gell. NA 14.7.4.
78 Gell. NA 14.8; Tac. Ann. 4.36, 6.11; Cass. Dio 49.42, 42.29; Lyd. Mag. 2.6. The office was resuscitated by Augustus as a sort of chief of police/justice of the peace for Rome, for which see Vitucci 1956.
80 For the nature and particulars of the consulship in this context see Polyb. 6.12; Cic. Leg. 3.3.8; Quint. Inst. 1.6.32; Plin. HN 7.43.136.
on Rome’s safety and stability, with two additions: (a) the need was urgent; and (b) it could not be best resolved by the consuls whose duty it was to do so, either because the consuls could not be physically present to perform the task, because it was expedient to have a dictator focused on the problem full-time, or because they were not the men best suited to fix the problem before the peril became critical.

The dictator, then, was an extreme example of a principle that was inherent in the Republican constitution: the consul’s capacity, inherited from the kings, to name a person or a tribunal charged with resolving a specific, self-contained problem that lay within the jurisdiction of the executive. Under this rubric, the dictator was an agent not of the consul’s practical set of constitutional executive powers, which were circumscribed by mundane rules of polity, but rather of the consul’s abstract responsibility to protect the safety and stability of Rome. Because the consul had this capacity to appoint agents of executive power, he was free to determine the man most suited to resolve that particular problem and had a solemn responsibility to do so. The senate and the people could suggest or demand that a dictatorial appointment be made; they might even suggest a candidate, though this seems not to have been customary. But it was the consul who had the sole discretion to name the dictator, because it was the consul whose duty was made manifest by this office, as if the genius of the Roman magistracy were liberated and made flesh for a crucial, but fleeting, moment.

Expansion Beyond the Consuls

There was a technical exception to the rule that only consuls could appoint dictators. During the period when both consular tribunes and dictators were prevalent, it was only a matter of time before it became necessary for a consular tribune to appoint a dictator. According to the narrative as we have it, the moment came in 426, when the consular tribunes bungled an offensive against the Veientines, leading to a humiliating rout:
Maesta civitas fuit vinci insueta; odisse tribunes poscere dictatorem: in eo verti spes civitatis. Et cum ibi quoque religio obstaret ne non posset nisi ab consule dici dictator, augures consulti eam religionem exemere.

The citizens, unaccustomed to defeat, were sorrowful; displeased with the tribunes, they demanded a dictator, for on him turned the hope of the state. And when this also was prevented by a religious precept that it was not possible for a dictator to be named unless by a consul, the augurs were consulted and they removed the religious restriction.

The result was the appointment of Mam. Aemilius Mamercinus (#10, 426), now dictator for the third time, who made mincemeat of the Veientines and Fidenates, triumphed, and abdicated.  

Two points are worth noting here. First, the question of whether consular tribunes could appoint dictators was understood to be a religious one. This speaks to the one process that could derail a consul’s appointment of a dictator—augural approval. Every Roman magistrate, not just the dictators, was installed in office through a religious exercise that we still call inauguration. If the wrong man were installed, there were only two ways to remove him: for him to resign, or for the augurs to vitiate his inauguration after the fact. (The Romans of the Late Republic invented a third option, which proved durable and persisted into the Principate.) Therefore, given the innovation of a consular tribune appointing a dictator, the obvious question was: “Will the augurs let it stand?” The augurs were consulted, and they agreed in advance that appointment by consular tribune would not be held to constitute a violation of religious scruple.

Second, Livy’s wording here almost makes it sound like the augurs entirely eliminated the rule in question, which was that only consuls could appoint dictators. The augurs removed the impediment to a consular tribune appointing a dictator, but they did so on the grounds of the potestas consularis that was signified in the official’s formal title—appointing a dictator being one of the consuls’ potestates.

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81 Livy’s account differs somewhat from that of Diodorus (Diod. Sic. 12.80.7–8), in which the outcome was indecisive with high casualties on both sides; Diodorus did not mention the appointment.
What is key about this episode is that the authority to name a dictator, as with the other things consuls could do, did not lay explicitly with the office of the consul. Rather, it was part of the parcel of “consular powers” which could be exercised by other individuals, as was demonstrated by the transfer of the potestas consularis throughout the Republic to military tribunes, proconsuls, and eventually Augustus in the Second Settlement. The ruling by the augurs confirmed that what was necessary to make the appointment was the potestas associated with the consular executive function.

The Exceptions

Having established the appointment of dictators as being down to the consuls, we must deal with the two exceptions from 217, Q. Fabius Verrucosus and M. Minucius. Q. Fabius was made dictator in the absence of any consuls.\(^82\) Exactly what happened is unclear, as ancient accounts differ and modern experts have not found consensus. There may have been an actual election (or legislation naming Q. Fabius to the post, amounting to an election), which would have been unprecedented; but the accounts are vague and condensed enough that there might instead have been a referendum calling for the urban praetor to name a dictator, possibly directing him to name Q. Fabius specifically.\(^83\) The latter scenario, constituting the most literal form of “the call” by the people, would have been more in keeping with the traditions of the dictatorship; and while there no precedent for the dictator being appointed by a praetor rather than a consul, the urban praetor would have been the acting consul in the city and de facto would temporarily have been exercising...
consular authority. Certainly, the augurs did not object to the outcome, and Q. Fabius was duly inaugurated and began working to establish his authority. M. Mincius’s elevation to “co-dictator” may have mimicked the prior action that resulted in Q. Fabius’s appointment.

A third occasion arose with the accession to the dictatorship of L. Cornelius Sulla in the first century; the first century is discussed separately.

The catastrophic failure of M. Minucius’s co-dictatorship would have ensured the death of such elevation, at least, had the dictatorship persisted beyond the Hannibalic war. But what of election? Livy’s persnickety assertion that Q. Fabius was not a real dictator reflected a real and lasting sense that the means by which Q. Fabius became dictator was an act of desperation under circumstances in which a dictator was urgently required but there were no consuls available. The innovation was limited to this extreme category of emergency, in which the executive’s responsibility for the state, in the absence of consuls, reverted temporarily to the people themselves. It would not have been possible subsequently to use this occasion as precedent for the assembly electing dictators in the presence of consuls; the consuls’ prerogative in the naming of dictators was too well established by centuries of reinforcement, and the consuls themselves protected it. Only in the absence of consuls, present or even reachable, could the assembly potentially act, and even then with grave misgivings and much contrary muttering after the fact, as was the case for Q. Fabius and, again, for L. Cornelius Sulla a century and a third later.

THE VENUE OF THE NOMINATION

The evidence we have regarding where a consul could appoint a dictator is conflicting. It is possible to suggest that the consul’s ceremony of nomination was understood as needing to take place on “Roman land”, originally this might have meant within the bounds of the *pomerium*, but at some point a precedent was established that it was possible to undertake the nomination within a Roman camp.

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In Dionysius, there is little related to the venue of appointment, presumably because problems regarding the venue arose mostly during the fourth century, for which Dionysius does not survive intact. The one relevant occasion in Dionysius would be his account of the first appointment of L. Quinctius Cincinnatus; as noted in the case study, the consul was brought in for consultation first, so it is not conclusive from this that it was necessary to make the nomination within the precincts of Rome.

Some passages in Livy suggest that the appointment of a dictator had to be done at Rome, requiring a consul in the field to be summoned back to the city for this purpose. For example, in 358 one of the consuls was recalled from a campaign against the Hernici to name a dictator (C. Sulpicius Peticus, #25) to face a sudden threat from the Gauls:

LIVY 7.12.9

Dictatorem dici C. Sulpicium placuit; consul ad id accitus C. Plautius dixit.

It was determined that C. Sulpicius be appointed dictator; the consul C. Plautius, summoned for this purpose, did so.  

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Again in 353 the consul M. Valerius Poplicola, off fighting the Volscians, may have been recalled to name a dictator (T. Manlius Imperiosus Torquatus, #27, 353):

LIVY 7.19.8–9

inclinauit deinde pars maior curae in Etruscum bellum, postquam litteris Sulpici consulis, cui Tarquinii prouincia euenerat, cognitum est depopulatum agrum circa Romanas salinas praedaeque partem in Caeritum fines auctam et haud dubie iuuentutem eius populi inter praedatores fuisse. Itaque Valerium consulem, Volscis oppositum castraque ad finem Tusculanum habentem, revocatum inde senatus dictatorem dicere iussit.

But the Etruscan war afterwards became their main concern, on the receipt of a dispatch from the consul Sulpicius, who had received the assignment to Tarquinius, with the news that the countryside near the Roman salt-works had been pillaged, and a part of the loot carried into the lands of the Caerites, whose soldiers had, without question, been amongst the perpetrators. Accordingly, the consul Valerius, opposing the Volscians and encamped at the frontiers of Tusculum, having been recalled thence, the senate directed to appoint a dictator.  

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85 Accitus seems to be consistently meant as ‘been called, been sent for’ in military and political contexts: e.g., Tac. Ann. 1.5; Livy 42.66.6; etc.

86 The words oppositum, habentem, and revocatum all agree with Valerium and so it is not clear whether the recall happened as a result of the need to name a dictator, or the consul had been recalled for another reason and was now on hand to request a dictator from directly. But this statement follows on the emergence of a need for a dictator, strongly suggesting that the consul was recalled in consequence of (itaque) the concern about the
But other times consuls were not recalled; instead, messages were sent to consuls in their camps calling on them to name a dictator, and the nomination ceremonies were conducted there. C. Iulius Iullus (#28, 352), the very next dictator appointed after T. Manlius (#27, 353), was named in camp, the first so described in Livy:

LIVY 7.21.9

Dictus in castris—eo enim ad consules missum senatus consultum est—C. Iulius, cui magister equitum adiectus L. Aemilius.

C. Iulius, who took on L. Aemilius as magister equitum, was appointed in camp, for that was where the consuls received the senatorial resolution.

It is a little mysterious why the consuls were in camp on this occasion anyway, since Livy had just noted that the fears that prompted the appointment were groundless and, immediately after this passage, Livy added that abroad everything was tranquil. Moreover, the sole notable activity of their consulship, apart from appointing C. Iulius, was debt reform. Assuming the consuls were not waging war on bankers, it may have been down to an error in Livy’s sources that C. Iulius was said to have been appointed in camp, though in that case it is striking that Livy went out of his way to call attention to the innovation. Or the consuls might have started preparing for the war with the Etruscans before the call came to appoint a dictator to take over the response to the Etruscan threat.

If there was a question of whether to recall a consul or send to him to appoint a dictator, proximity might have been a consideration. The territory of the Hernici, who were being reduced to submission during C. Plautius’s campaign (Livy 7.12, quoted above), was on the other side of Lake Fucine, about 90 km away, so maybe two days’ ride at most; Tusculum, where M. Valerius was encamped, was only 20 km from Rome.

But proximity cannot have been the only concern. C. Terentius Varro was recalled from Apulia, clear across the peninsula, to name a dictator in 216, in the midst of the worst war in Roman history, but six years later M. Claudius Marcellus, also in Apulia,

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Etruscan raid, and the result was the immediate appointing of a dictator.

87 Livy 23.22.11. It was a rough trip, which C. Terentius had to take “in long stages” (“cum magnis itineribus”).
was called on by letter to name a dictator in camp. Another possible factor was the senate’s desire for consultation with the consul on the need for a dictator, and possibly on the choice, as in the case described by Dionysius. The situation in 216 was uncustomary, involving as it did the appointment of a second dictator, and so either consulting with the consul or making the appointment at Rome might have been thought necessary to bolster the dictatorship’s validity.

The circumstances are clearer on certain other occasions. In 327, when the call for a dictator arose both consuls were far afield fighting the Samnites. M. Claudius Marcellus (#43) was then appointed in camp:

LIVY 8.23.13-14

_L. Cornelio, quia ne eum quidem in Samnium iam ingressum revocari ab impetu belli placebat, litterae missae ut dictatorem comitiorum causa diceret. dixit M. Claudium Marcellum; ab eo magister equitum dictus Sp. Postumius._

Because it was not expedient to recall him from his campaign, especially as he had already penetrated Samnium, a dispatch was sent to L. Cornelius that he should appoint a dictator for the purpose of holding elections. He appointed M. Claudius Marcellus, who then appointed Sp. Postumius _magister equitum._

Livy’s habit of telescoping mundane information leads to occasions where appointment in camp is implied but not stated. In the case of P. Cornelius Scipio Barbatus (#57, 306), neither consul could be recalled:

LIVY 9.44.1–2

_dictatorem idem annus habuit P. Cornelium Scipionem cum magistro equitum P. Decio Mure. ab his, propter quae creati erant, comitia consularia habita, quia neuter consulum potuerat bello absesse. creati consules L. Postumius, Ti. Minucius._

The same year [306] had P. Cornelius Scipio [Barbatus] made dictator with P. Decius Mus as _magister equitum._ The consular elections being held by them, on account of which they were appointed (neither consul being able to get away from the war), L. Postumius and Ti. Minucius were elected consul.

If they could not return to Rome for elections, it was unlikely they could return to Rome to appoint a dictator to conduct them. The consuls, Q. Marcius Tremulus and P. Cornelius Arvina, were busy wiping out the Hernici and crushing the Samnites,

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88 Livy 27.5.14–19.
respectively. It is possible that one of the consuls returned to Rome for the overnight vigil, but could not stay for the elections, which would involve a longer sojourn in Rome; but the precedent of camp appointment was already established by 306, and the import of Livy’s phrasing leans toward the consuls remaining at their fronts.

Similar situations arose in 217 and 213 with the appointment of dictators to hold elections. In both cases the consuls were in the field fighting Carthaginians and it was again considered inexpedient to recall either of them, but Livy did not detail the process of sending to the consul for an appointment, saying only that the dictator was duly appointed. The consul P. Licinius Crassus Dives in 205 at least had a good excuse not to return to Rome: he was the one trapped in camp by plague. All of these passages suggest that the question would first have been asked, “Is it expedient to recall one of the consuls to Rome?”; only in case of a negative answer was the less desirable alternative, sending to the consul to ask him to appoint a dictator, resorted to.

It is important to bear in mind that the motivations for recall might have involved two different factors. The first was religious: the nomination ceremony was naturally more properly undertaken on Roman soil, under a Roman sky. Rituals like the evocatio make clear that that the Romans understood the gods as being associated with places made sacred to them through human ceremony. A camp, where a consul or dictator took auspices during a campaign, was second best to the precincts within the pomerium.

The second reason to want the consul in Rome, as noticed, would have been consultation. While the decision of who to name was the consul’s prerogative, the senators, informally or otherwise, would have wanted the opportunity to consult with the consul on

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89 Livy 9.43.
90 Livy 22.33 (in 217); “…sed quia consules bello intentos avocare non placebat…”, Livy 25.2.3 (in 213).
91 Livy 29.10.3, 29.11.9. The resulting dictator was Q. Caecilius Metellus (#83, 205).
92 The Roman castrum included an ara for sacrifices and an auguratorium or augurale where auspices were taken: see Ps.-Hyg. Mun. castr. 11; Tac. Ann. 15.30.
the nomination on at least some occasions; the consul, too, might desire such consultation, or to privately sound out a potential candidate over his willingness to accept the call.

When it was not even possible to send a message to a consul, the right of appointment reverted to the populace, as with Q. Fabius Maximus and L. Cornelius Sulla.

On those occasions where the dictator was appointed in camp, note that there was no discussion in the narrative of the dictator-designate having to be physically present with the consul in camp in order to receive the appointment. The dictator himself, exactly as was the case for consuls, had to take the auspices in Rome in order for his *imperium* to be considered valid, and dictators returned to Rome even at awkward moments in mid-campaign if the auspices needed to be retaken. Consequently we should understand in cases like that of M. Claudius Marcellus's appointment in 327, quoted above, that the senate sent to the consul asking for him to choose a dictator by the normal process (involving an overnight vigil), and upon which he sent the name back to Rome by return messenger; then the dictator-designate would rogatethe *lex curiata* and take the auspices as dictator prior to appointing a *magister equitum* and addressing his mandate.

Given that dictators were apparently appointed away from Rome on something like six occasions, it is safe to conclude that there was neither rule nor precedent that consuls must or should be at Rome to appoint dictators, though the presence of the dictator-designate himself in Rome was required. However, given that part of the purpose of a dictatorship was often reassurance in response to public alarm, it was prudent, when the consuls were both absent from the city, to recall one to Rome for an appointment within the sacred boundaries and in the presence of the Roman public if it was feasible to do so.

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93 The consul C. Flaminius, who hurried from Rome without taking the auspices on taking office in 217, was angrily called a *privatus* as a result (Livy 22.1.4–7); the dictator Q. Fabius Maximus attributed the disaster at Trasimene, at which C. Flaminius was killed, in part to failure to observe proper rituals (Plut. *Fab*. 4.3–5, 5.1).

94 In 325 (Livy 8.30), 302 (10.3.6), 216 (23.19); prob. 217 (App. *Hann*. 12, Polyb. 3.94.9, Plut. *Fab*. 8.1, Livy 22.18).
For the consulship, general competence was required. The Roman system, which moved generations of young nobles up same ladder of military and political offices, produced tiers of men with similar experiences and who were similarly qualified to handle whatever happened in the course of a consular year.

The dictatorship, invoked to meet a specific crisis or need for which the current government was not sufficient, required someone with the expertise or temperament to meet and quickly resolve that specific need. Just as there were two effects of appointing a dictator—these being (a) turning the resources of the state toward the solution of an urgent problem, and (b) reassuring the Roman populace by the simple appointment of a dictator to resolve the problem—the ideal dictator needed not only to be best suited to meet the impending crisis or need, but someone the Romans trusted to be able to do so. A dictator’s potential competence involved his actual abilities, but his reputation and auctoritas as well.

This factor came into play even if the task of the dictator was seemingly, to us, mundane. Certainly to fight the Gauls you needed a dictator the people trusted to defeat that dreaded enemy. But it was also true that holding games called for someone experienced in giving games whom the people trusted to carry it off without a hitch; ludi, after all, were semi-religious events whose purpose was, in part, to propitiate the gods and ensure Rome’s prosperity.\(^95\) Holding elections in a time of unrest and mistrust required a dictator who was respected by all Romans; this might be reason enough to have the elections held by a dictator instead of an interrex, who, thanks to the means by which he was appointed, was always a de facto representative of patrician interests,\(^96\) or even instead of a sitting consul who was technically available to hold elections himself but who was polarizing or otherwise not ideal for presiding over the choice of new consuls.\(^97\)

\(^95\) On this aspect of the Romans’ various games see Poynton 1938; Bernstein 2011.
\(^96\) On patricians and the interrex see Friezer 1959; Staveley 1983, esp. 37-39.
\(^97\) The holding of elections might involve the unavailability of the consuls for reasons mundane or catastrophic. In 208, both consuls were dead or dying and the frightened Romans urgently needed normal government restored under good consuls (Livy 27.33.9–
The consul to whom it fell to appoint a dictator had a responsibility to name the man best suited to meet the particular need Rome was facing. It was incumbent on the appointing consul to ignore political or family considerations and name the man best able to do what was necessary. Despite the fact that the appointment of a dictator was at the consul’s sole discretion, unexposed to any electoral ratification and so theoretically susceptible to cronyism and other corruptions, the narrative of the dictatorship supports the assertion that consuls consistently appointed the needed man.

CLAN

One might expect that Rome’s most powerful magistracy would be kept in the hands of as few families as possible, the preserve of a core elite of the Roman ruling class, even more so than the long-contended consulships and the jealously-guarded priesthoods. In fact the dictatorship—and, in fact, the two dictatorial magistracies, a term used hereinafter to embrace the offices of both dictator and magister equitum—can be viewed as in some ways less exclusive than the consular magistracies.

The dictators and magistri equitum were a select group, but not vanishingly small or substantively more exclusive than the contemporary upper magistracies. The literary and epigraphic sources name 67 men as dictators of Rome and 69 as magistri equitum during the period of the archaic dictatorship; all told 119 men were said to have attained one or both of these peculiar magistracies during this period. During the same period, approximately 515 men held one of the chief executive posts of the Republic, either as what were (at the time or retrospectively) called consuls or as military tribunes with consular powers (collectively referred to hereinafter as the consular magistracies).

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11) In 321, the disgraced consuls were holed up in their homes after Caudine Forks, making the outcome of elections for the next year crucial for Roman morale (Livy 9.7.13).

98 The overall total, adding in the first century BCE, would be 124 men, adding two dictators, Sulla and Caesar, and three magistri equitum, Flaccus, Lepidus, and Antonius. See Appendix C for the complete list.
The 119 men that our sources record as being appointed dictator or magister equitum during the fifth, fourth, and third centuries were drawn from 47 gentes. Four appointees in ten were the first in their gens to achieve dictatorial magistry. Of these, half—23 gentes—furnished more than one man who held one of these two offices; the remaining 24 gentes contributed one dictator or magister equitum each. For comparison: the 515 men attested for the consular magistracies during the same period derived from 93 gentes, more than half of which provided multiple consular magistrates and 17 gentes giving ten or more.

When reappointment, and the related phenomenon of service both as dictator and as magister equitum, are factored in—so that we are counting not individual men but the berths to which they were appointed—we find that those 47 gentes provided occupants for 159 attested terms of office, a gens-to-berths ratio of 3:10. For reference, the consular offices were more exclusive: over the same three centuries 94 gentes provided 792 berths as consul or consular tribune, which comes out to a much narrower ratio of 1:9.

Table 4. Gentes Providing Multiple Dictators and Magistri Equitum

<table>
<thead>
<tr>
<th>Gens</th>
<th>Dictators Provided</th>
<th>Mag. Eq.</th>
<th>Dict. or Mag. Eq.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cornelius</td>
<td>6</td>
<td>5</td>
<td>11</td>
</tr>
<tr>
<td>Servilius</td>
<td>3</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>Fabius</td>
<td>5</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>Claudius</td>
<td>6</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>Valerius</td>
<td>4</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Aemilius, Quinctius</td>
<td>4</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Manlius</td>
<td>4</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Fulvius</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Papirius, Sulpicius</td>
<td>3</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Iunius, Postumius</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Caecilius, Furius</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Iulius, Marcius, Poetelius, Veturius</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Aebutius, Aelius, Licinius, Sempronius</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

Gentes providing at least two men to office 15 11 23
The clustering for the consular magistracies concentrated at the very center of Roman society. Twenty core gentes furnished over two-thirds of the men and nearly three quarters of the consular berths. The distribution of these core families across the consular magistracies is in some cases markedly different from that across the dictatorial magistracies. The Corneli and Fabii are at the top of both lists, unsurprisingly given those clans’ general preeminence; but the Sulpicii provided 21 of the consular magistrates in this period (1 in 25), but only 3 of the dictatorial magistrates (1 in 40, in this case all dictators). Two of those 20 core gentes, the Verginii (12 consular magistrates) and the Genucii (8), were never tapped for dictatorial magistrates at all.

What does this tell us? The vast majority of consuls and consular tribunes in the first three centuries of the Republic were perpetuating, not inaugurating, their clan’s consular status; whereas the dictatorial magistracies, despite exhibiting a population a quarter the size of the consular magistracies, were considerably more broadly distributed across the clans of the ruling class.

Tellingly, during the first three centuries of the Republic there were at least three gentes that earned dictatorial magistracies but never appeared on the much longer list of consular magistracies. They are the Hortensii, the Laetorii, and the Tarquitii, represented by the famous Q. Hortensius (dict. 287?, #60) and the less well-known M. Laetorius Plancianus (mag. eq. 257, #66) and L. Tarquitius Flaccus (mag. eq. 458, #4).

With unusual clan names it makes sense to ask whether the names are reliable. Hortensius’s nomen is attested in references to his dictatorship99 and to the legislation that bears his name.100 The nomina of Laetorius and Tarquitius, both apparently of Etruscan origin, are preserved intact in the surviving Fasti Capitolini. Livy is not extant for Laetorius, but the FC entry is unlikely to be an error for another clan as there are no similar clan names, and the same nomen is attested firmly elsewhere from the third century.101 For

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99 Livy Per. 11.11, Tac. Ann. 2.37.
100 Plin. HN 16.15 (37), Gell. NA 15.27.4, Gai. Inst. 1.3, Pompon. Dig. 1.2.2.8, Diod. Sic. 21.18.2, Macrobr. Sat. 1.16.3.
101 E.g., C. Laetorius Mergus, tr. mil. during the Samnite Wars, Dion. Hal. Ant. Rom. 16.4.1–
Tarquinius; the various manuscripts of Livy give Tarquinius,\textsuperscript{102} which, because the more common or better known name would more expected, is more likely to be a scribal correction; likewise Dionysius.\textsuperscript{103} Despite this being a fifth-century citation of a seldom-seen gens, Tarquinius is not one of those questionably obscure nomina from the early Republic that quickly vanish from the records: in addition to FC entry in question, for the magister equitum of 458, the nomen survived to be attested elsewhere for several later individuals, notably C. Tarquitius P.f., quaest. 81; C. Tarquitius L.f., legate to Sertorius in Spain; Q. Tarquitius Catulus, legate of Augustus; and Tarquitius Priscus, agent of Agrippina the Younger.\textsuperscript{104}

Whereas the ratio of gentes to holders of consular office stayed roughly constant over the three centuries, among the dictatorial magistracies the distribution became broader over time. In the fourth century, 29 gentes furnished 64 men who were either dictators or magistri equitum; but in the third century, the 36 men holding these offices came from 27 gentes, marking a rise in the gens-to-men ratio from 4:9 to 3:4. While the consulship continued to be dominated by a concentration of powerful gentes, those appointed to the dictatorial magistracies were, from the start and increasingly over three centuries of use, drawn from a proportionately broader spectrum of the Roman ruling elite.

From this we can suggest that consideration for the dictatorial magistracies seems less likely than the consular magistracies to have been based on clan affiliation. Unlike the consulship, on finding that a dictator was needed to meet a crisis it seems the thinking was not that one ought naturally look to, say, the Fabii or the Furii for the greatest chance of success, even after successful dictatorial turns from this clan or that.

\footnotesize{\textsuperscript{3} Val. Max. 6.1.11; C. Laetorius, cur. aed. 216, Livy 23.30.\textsuperscript{102} Livy 3.27.1–2.\textsuperscript{103} Dion. Hal. Ant. Rom. 10.24.3.\textsuperscript{104} C. Tarquitius P.f.: Grueber CRRBM 2.356. C. Tarquitius L.f.: RE 4A.2 (1932) 2394. Q. Tarquitius Catulus: CIL 13.8170. Tarquitius Priscus: Tac. Ann. 12.59, 14.46.1. For more Tarquitii see Sall. Hist. 3.81 (83M), Diod. Sic. 37.22a, Frontin. Strat. 2.5.31, MRR 2.79 n.4, Konrad 1987, 522–524. See also Festus 496, s.v. ratitus quadrans.}
Nor was there a sense that one ought first seek out the sons of dictators. Dictators who were demonstrably the sons of dictators are the exception in this cohort, and those described in the anecdotal narrative as being chosen for this reason are all but nonexistent. Livy noted in passing that L. Quinctius Cincinnatus, *mag. eq.* 437 and the son of the storied dictator of the same name (#4), was *dignum parente iuvenem*—which actually said more about the son’s character measuring up to his superlative father’s than about any superiority owing to lineage.

In choosing candidates for consular office, the ruling families, whether patrician or plebeian, could indulge their vested interest in keeping control of the executive; the very definition of nobility involved having consular ancestors. When it came to the emergency conditions of the dictatorship, however, for the consul appointing the dictator, and the dictator appointing the *magister equitum*, the relationships among the great gentes was subordinated to the plight of Rome and the responsibility to choose the needed man.

The implications for staying within the nobility are intriguing. Having held the consulship established one as holding a superior position in the front row of consulars, and permanently elevated one’s descendants as well. The irregularity of the dictatorship and the fact that its holders normally held some other distinction makes it difficult to track the extent to which the dictatorship itself promoted one’s status within the nobility, during one’s lifetime or within the ancestry of one’s descendants, though dictatorships were listed high among one’s accomplishments in *elogia* and other inscriptions.

CAREER

If all of the senators from the first three centuries of the Republic were somehow gathered in a mighty posthumous assemblage and divided by distinctions earned, the holders of the two extraordinary offices, dictator and *magister equitum*, would constitute a subgroup a nearly quarter of the size of consuls or their equivalents, and larger than most

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105 Livy 4.17.
106 See Appendix H, *s.v.* “consularity.”
other clusters of distinction, including the ex-censors, the pontifices maximi, and the interreges.107 Groups outnumbering the dictators and magistri equitum, triumphators for example, would in turn find among themselves drawn significantly from the 119.

We have seen that the appointment of dictatorial magistrates was less driven by blood and clan than the consular magistrates. But can we relate distinctions earned by an individual to their likelihood of being named dictator? Consuls appointing dictators, and to a different extent dictators appointing their own magistri equitum, did indeed look for men of conspicuous stature—in both character and résumé. The former will be dealt with in the next section, and involves a somewhat subjective approach. Tracking the use of the latter in the selection of dictators is comparatively straightforward.

By end of the Republic it was thought that archaic dictators had been drawn from the pool of ex-consulars. It appears that most of them were, but by no means all. The high proportion of dictators who previously served as consular magistrates is a function not of laws or rules but of the nature of the office: the use of emergency powers to resolve a crisis threatening the state generally demanded both acumen and experience. Time and again the literary narrative spelled out the need for a dictator to have been a proven leader, and the best proofs of capacity and ingenuity would have come from a year as chief magistrate of Rome and joint commander-in-chief of its armies. It is common sense that men who had had unsuccessful consulships were not the ones later chosen to be dictator, and this rubric is in fact borne out.

Of the 67 individuals to hold the archaic dictatorship, 46 are attested has having previously been elected consul or consular tribune before their first dictatorship; 13 had already been reelected to a second consular berth before being dictator; six had already

107 The number of known interreges identified by name between 509 and 202 derived from the narrative literature and elogia is 40, but the actual count is higher by an unknown amount, since the narrative literature will often note an interregnum without specifying the interreges (Willems 1878, 10; MRR); the extent of reappointment of previous interreges, conversely, is also not known. Censors known by name for the same period, recorded in the Fasti or in the narrative literature, come to 81 (Suolahti 1963; MRR); pontifices maximi, noticed irregularly in the narrative literature, 13 (MRR). See also Appendix C.
triumphed. Another six had not previously been consul or consular tribune but were elected to consular office later, after their dictatorships. On average the first dictatorship followed the first consulship (or consular tribuneship) by just over a decade, allowing for an interim of senate service as a consular before selection as dictator. A typical exemplar might be A. Atilius Calatinus (#68), whose successful campaigns against the Carthaginians by land and sea as consul, in 258 and again in 254, showed him ready to serve as dictator against them in 249.

Minimum requirements never seem to have been formally set out, and the variety in past office-holding would seem to be in line with this; it is not even clear that the dictator would need to have been a praetor first, though Mommsen assumed, based on nothing but speculation, that the requirements for the dictatorship were similar to those of the consulship as they stood then. The best evidence of a loose connection, as noted by Mommsen, is the appearance of a first plebeian dictator, C. Marcius Rutilus (#26, 356), directly in the wake of the leges Liciniae Sextiae of 367, without any sign of a provision specifically opening the dictatorship up to plebeians—incidentally providing a good example of a dictator with popular support who opposed the conservative nobility. But the different kinds of experience associated with dictators suggests we look not at specific requirements but at the selection of individuals best suited to a particular need.

Despite the role of magistri equitum not only as adjutants but as potential stand-ins, and so by best practices subject to similar criteria for selection, prior consulships or consular tribuneships are attested for the junior office for only 29 of the 69, with later attainment

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108 Dictators who were never apparently consul or consular tribune are not necessarily nonentities of the likes of M. Claudius Glicia (#67, 249): they include, for example, the precedent-establishing M. Valerius Volesi (#3, 494) and the princeps senatus L. Manlius Capitolinus Imperiosus (#21, 363). Lacunae in our consular lists prevent asserting that these remaining 15 definitely never attained consular office.


110 “… dictator C. Marcius Rutilus primus de plebe dictus magistrum equitum item de plebe C. Plautium dixit”: Livy 7.17, cf. 10.8.8. According to Livy, his triumph following his victory over the combined forces of the Faliscans and Tarquinians was denied by the senate but ordered by the people anyway (Livy 7.17).
recorded for a further 18, leaving 22 not having achieved either consular office before or after service as *magister equitum*. For those who were consuls or consular tribunes first, the average interim between a first consulship or consular tribuneship and appointment as *magister equitum* was just about $4\frac{1}{2}$ years.

What is more remarkable than the bare consular record is how many of these holders of dictatorial magistracy were not merely consuls and dictators, but were called on again and again. Of the 88 dictators and *magistri equitum* who were also consuls, fully 34 are reckoned, like A. Atilius, as having been elected consul two or more times at some point in their careers. Half of the dictators and *magistri equitum* who were also consular tribunes had held that office at least twice. (For comparison, of the 514 men who held consular magistracies during this period, only 162 were elected to consular office more than once.) Eleven men were appointed dictator more than once, and 6 of the *magistri equitum* held that office more than once; 17 men held both offices. Of the 67 dictators, more than half, 36, triumphed at some point in their careers, twelve of them more than once, and, as mentioned, six had already triumphed before being named dictator.

The highest and rarest civil and military distinctions among the Roman ruling class are found among the dictators and *magistri equitum*. Of the 67 dictators in the first three centuries of the Republic, at least five are among the few now presumed or known to have been *princeps senatus*, a distinction that only came about in the middle Republic,¹¹¹ and two held the highest priestly title, *pontifex maximus*, a job held by few and often for years or even decades at a time; two more *pontifices maximi* were *magistri equitum*—both, interestingly, in that order.¹¹² Of the nine recipients cited by Pliny as having attained that extreme military distinction, the grass crown, one, out of only three from the first three centuries of the Republic, is a dictator, Q. Fabius Verrucosus¹¹³ (and another of the nine is L. Cornelius Sulla, who earned it during the Social War before his dictatorship).

¹¹¹ The dictators and *magistri equitum* now considered to be “official” *princeps senatus* are listed in Appendix C.

¹¹² The dictators and *magistri equitum* who were also *pontifices maximi* are listed in Appendix C.

¹¹³ Plin. *HN* 22.5 (9–10). This was the only grass crown “given by the whole of Italy” (*sola*
A startling 29 of the 119 held the august office of censor; or, put another way, more than a third of all the 80 or so attested censors of the first three centuries of the Republic were also dictators or *magistri equitum*.\textsuperscript{114} Usually the censorship came later; but sometimes the reverse was true, as with M. Furius Buteo.

The impression fostered from the records of the dictatorial magistrates is that these men were the preeminent men of Rome not on account of family or connections but as a result of the *auctoritas* gained from outstanding prior achievements in the service and protection of Rome. A man might become consul owing to any of a profusion of factors, but in the throes of a need urgent enough to require a dictator, a man of such exceptional stature as to be equal to the majesty of his office was not only ideal but the usual choice.

This is the formula repeated again and again in the later narrative of archaic dictators, with remarkable consistency across three centuries and four score iterations: time after time the idea is reinforced that it was not the unfettered *imperium* of the dictator that saved Rome, nor the greatness of the man appointed; what saved Rome from barbarian hordes and catastrophic insurrection alike was the singular fusion of the needed man and the necessary power to accomplish an imperative task.

This formula more than anything sets the dictatorship apart from all other magistracies. The consuls, no less than officials below them with more particular duties, were all-purpose executives, charged with maintaining Rome’s well-being and expected to act in any contingency toward that end, in concert with the people of Rome and their customs and religion (given corporal presence as the senate). Because this function was perpetual, its implementation was parcelled out at annual intervals, rotated through successive members of the ruling class. In contrast, the dictator was chosen to resolve a specific mandate; the criteria involved not merely capacity but the right combination of experience and character to be what Rome needed in that moment, on that day.

\textsuperscript{114} Listed in Appendix C.
Conspicuous and even preeminent “virility” in the Roman sense—such ideas as prudentia, iustitia, temperantia, and fortitudo—was a necessary but not sufficient qualification for the dictatorship. Being the ideal Roman was only the start.

Because the mandate was always specific, the criterion for choosing a dictator was not that he be the greatest man in Rome but that he be the needed man, the man most impressive in the particular formulation of character and experience that would bring about the successful and expeditious resolution of the specific crisis at hand. In time of war, the choice of dictator did not fall on the nearest successful general at hand; the needed man was not anyone fit to face general military contingencies, but the man who would best resolve this contingency. To defeat an invasion of Gauls required the selection of the man best suited to vanquish quickly and thoroughly an army of Gauls, but another worthy might be the needed man for the next year’s sudden peril from marauding Sabines or furious Samnites. In case of internal strife, the needed man was not the most decorated statesman, or the most ferocious, but the man who would quickly and thoroughly resolve this particular eruption of mayhem into peace and order. This was seen in the selection of the third dictator, M.’ Valerius Maximus, who was not a consular but was chosen over Ap. Claudius, who was. The precedent endured and the reason for it remembered.

The gift of faith to a dictator, bypassing the elected magistrates, merits consideration. Elective office in Rome, as ever in the world, did not in Rome devolve automatically upon the best men. Given how the electoral system was rigged for the benefit of the few and for the advantage of the nobles who occupied its offices, any sort of man might claw his way into the consulship—even a man who despised the better part of his own citizenry.115 But the dictator, wielder of unfettered power bent to the salvation of people and city, must

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115 On the comitia centuriata being geared toward the nobility see Cornell 1995, 195–97 (as a means of reducing the power of the patres), 335 (but “heavily weighted in favour of the well-to-do”), 379–80 (organized to produce an “inherently conservative character”); Forsythe 2005, 111–115.
be at once the best man for the job and the best man in Rome if he is to save Rome from its nemesis without realizing in himself the terrible threat inherent in his office.

Conceptually the dictatorship was a potential threat to the commons, as Livy pointed out, and to the prerogatives of the senate as well, as Dionysius noted; for the dictatorship to accomplish its function, alleviating a specific crisis, that threat, leaving the crisis and mandate aside, also needed to be disarmed through the choice of occupant. In this instance, and repeatedly through the long narrative of the dictatorship, it was the alloy of man and office, *et homo et potestas*, that made the dictatorship so starkly effective as to cause Romans to turn to this expedient again and again, decade after decade, at times year after year, against crises domestic, military, and divine, for the first three formative and in many ways climactic centuries of the Republic.

In this model scenario the mystery of the allure of the dictator’s unanswerability takes an interesting turn. There is an answerability involved, to the collectively held ideals of Roman *virtus*; but it is concentrated in a single moment, the moment of the choice, and in that moment it was the consul that held Rome in the balance, not the dictator. For Romans under a dictator, in a quite practical and literal sense, character was indeed fate: his character, their fate. But that character and the ensuing fate depended on the mutagenic moment: the appointment—on the choice between the Claudius and the Valerius, on the consul’s correctly determining the best choice to wield the necessary power. How that choice was made, then, is as fertile a ground for understanding the dictatorship as the natures and dispositions of the men chosen.

In our case studies were have numerous examples of dictators remembered foremost as being virtuous Romans, and whose virtue was demonstrated in the conduct of their dictatorships. Cincinnatus’s story became legend for precisely this reason. Likewise M. Furius Buteo, whose public castigation of his own appointment as reckless deviation from precedent, diligent performance of his duties, and immediate resignation spoke to his devotion to the responsibilities of rank and power. Conversely, there are hardly any indications of scandals involving moral shortcomings among those being considered for
the dictatorship; in a handful of cases do they do crop up later, after their time in office. An overzealous censor expelled P. Cornelius Rufinus (#63, 285, cos. 290, 277) from the senate ten years after his dictatorship for the extravagant possession of ten pounds of silver, even though he had supposedly acquitted himself honorably in office as dictator and consul; Valerius Maximus filed the anecdote under examples of censorial excess.116 L. Papirius Cursor and C. Maenius were prosecuted out of grudge-holding and jealousy. Hardly any dictators can be found who were remembered for lack of virtue; the rogue L. Manlius Capitolinus is the best example, and his sin still involved acting in the direction of Rome’s immediate interest—the Hernici were a real problem, though his manner of addressing it, including an unnecessarily brutal levy, still revealed his shortcomings of character, reminding us that his appointing consul hadn’t figured him as the right choice for war, but as a prominent Roman for the conduct of an ancient religious propitiation. M. Municius Rufus, the “co-dictator”, may have been ambitious and insubordinate, but Rome itself, plebs and senate both, was rebelling against Q. Fabius’s long game.

So important was the dictator’s character that the selection of the right man for the dictatorship overrode all other considerations, from personal animosity to flaws otherwise inhibitive of popularity of political standing but irrelevant to the task at hand.

Other considerations could still come into play in choosing a dictator. The mid-fourth-century anti-plebeian election dictators was a moment in which dictators were temporarily chose for partisan reasons, but the experiment failed and the moment passed. Right before this, the first plebeian dictator, M. Marcius Rutilius (#26, 356), was appointed to meet the

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116 Dion. Hal. Ant. Rom. 20.13.1; Val. Max. 2.9.4; Gell. NA 4.8.5–7. Valerius Maximus’s censure may be influenced by paltriness of the supposed decadence, seeing as in his day possessing only ten pounds of silver was a sign of “great poverty.” Gellius suggested the opposite view, that the censor C. Fabricius Luscinus Monocularis had long considered P. Cornelius a masterful warrior but privately avaricious and, being an austere man himself, hated him for it. Dionysius noted revealingly that P. Cornelius was the “first” to attempt such extravagance, suggesting it was more the ex-dictator’s brazenness among the increasingly wealthy elites of the third century that brought about the censor’s action, and that it was done to make an example.
unusually imposing threat of an Etruscan alliance. The patricians were said to be dismayed and to try to interfere in the provisioning, but M. Marcius, triumphator the previous year for an impressive victory of Privernum, was appointed by a consul whose overriding concern was meeting the unprecedented crisis of a unified Etruscan army.

Support or obstruction of an individual’s candidacy for any other magistracy might fall victim to personal animosity, because such offices might be adequately filled by any Roman statesman meeting the essential qualifications of office; but for the dictatorship it was incumbent on the consul to appoint the man who could both act and inspire faith.

Because dictators and *magistri equitum* were chosen not to reinforce norms but to get the job done, given a choice between a conservative factionalist and a man of integrity who has trusted by patricians and plebeians alike the first might get the consulship because he had protect the norms, but the second would get the dictatorship every time, because the dictator was the agent not of the ruling classes but of Rome itself.

Assuming the dictatorship was a tool of the powerful, because it allowed for the wielding of so much power, entirely misses the point of the dictatorship. Practically, resolve the crisis and restoring normality eclipsed party politics and social positioning. But this would not have held true, century after century, unless the emergency system was calibrated in a fundamentally different way from the ordinary. While the ordinary system produced blocs of men with common interests, which they often sought to protect, the extraordinary system involved Rome in pain, Romans at large asking for a dictator, Rome anthropomorphically acting to save itself through its temporary agent, the dictator.

For this, the choice of dictator was not primarily about political or social expediency. The dictator was not chosen because he was from the most powerful clan, or the most popular; he was not the man with the most credentials. He was the man with the

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117 Livy 7.17.6. It is possible that M. Marcius was appointed not by that year’s plebeian consul, M. Popillius Laenas, but by the patrician consul M. Fabius Ambustus (#29, 351): M. Fabius was the consul engaged in the Etruscan theater, M. Popillius having been sent against Tibur. But M. Fabius is one of the dictators who subsequently tried to hold elections with patrician-only results, in 351 (unsuccessfully).
combination of experience and character best suited to the quick resolution of the problem put to him: he was the needed man, and the “need”, lest we forget, was Rome’s.
...et Maeliani atque ipse dux eorum in se intentam vim tanti imperii cernerent, expertes consiliorum regni qui tumultus, quod bellum repens aut dictatoriam maiestatem aut Quinctium post octogesimum annum rectorem rei publicae quaesisset rogitarent...

...and Maelius's followers as well as their leader perceived that it was against them that the might of such high authority was intended, while those not privy to the conspiracy to set up a king asked urgently what emergency or sudden war required the majesty of a dictator or for Quinctius, having passed his eightieth year, to be entreated to lead the Republic...

THE DICTATOR IN OFFICE

THE DICTATOR’S RESTRICTION TO HIS MANDATE

The emphasis in this study on the dictator’s mandate evokes three key questions on the how the mandate was pursued. First, how closely did the dictators have to hew to the mandate associated with their appointment? Second, is there an observable change in the mandate-hewing after 367? Third, is there actually any correlation to the caussae? As this study argues that the dictatorship, far from being a position of untrammeled power, was restricted by and bound to the resolution of the crisis that brought about the dictator’s appointment followed by earliest possible restoration of ordinary government, it is vital to establish the firmness with which the dictator was, in fact, so bound.

To approach these questions, I have cast the archaic dictators’ actions in relation to the mandate and beyond it into a summary table, which is reproduced as Appendix B.

On some occasions we can see a dictator choosing not to act beyond the scope of his appointment. The incident in which C. Servilius Geminus (#85, 202) deferred the Carthaginian embassy to the incoming consuls might be taken as implying that C. Servilius, appointed only to hold elections, was not empowered to convene or preside over the senate for the envoys’ audience.¹ The impediment, as with all the other

¹ Livy 30.40.4–5.
circumscriptions of the dictatorship, would have been social, not legal, having to do with the nature of the dictatorship being bound to the mandate that created it.

In 208, the sole surviving consul, T. Quinctius, appointed a dictator, T. Manlius Torquatus (#81, 208), to hold both games and elections (the *caussa* was *comitiorum habendorum*). The consul then died. Livy reported that without consuls Rome was bereft:

*Livy 27.33.7*

*Ita quod nullo ante bello acciderat, duo consules sine memorando proelio interfecti uelut orbam rem publicam reliquerant.*

As it had never before happened thus, that two consuls should be killed in such insignificant encounters, they left the Republic, in a manner of speaking, orphaned.

This dictator literally survived the consulships of the year, which is interesting in itself. But the story also demonstrates a more vital principle: dictators were not, and could not be, general-purpose executives. The vacuum prevailing in 208 after the deaths of both consuls did not cause either stewardship of the state or leadership of the two armies presently in the field, both leaderless, to devolve upon the sitting dictator. His mandate was to hold elections and games. There is no hint in Livy that his being in charge, provisionally or otherwise, even occurred to anyone as natural, preceded, or apposite—because it was none of those things. With two armies near the enemy, both deprived of consuls, the impetus was not for a dictator to command them but to have the dictator conduct his elections urgently to elect good men as consuls—even bearing in mind the failures of recent consuls, whose over-eagerness had led them into disaster. T. Manlius proceeded with the business of holding the Great Games and conducting elections, and then stood down, his mandate resolved. He then resumed his seat among the august consuls of the still temporarily headless empire.

The limitation was not in the *caussa*. Even a dictator appointed *rei gerundae caussa* would have been as limited in both these cases as C. Servilius in 202 and T. Manlius in 208,

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2 Livy 27.33.9–11.

3 Livy 27.33.8, 27.35.1. Despite being conducted in the midst of a punishing war that had already gone on for ten years, the games were impressive enough for Naevius's description to be preserved in Varro (*Ling. 5.153*).
because a dictator *rei gerundae caussa* would still have been appointed to deal with one specific problem, and dictators were, in practice and according to very firm custom, limited to what they had been appointed to do. The unflagging consistency with which dictators are described in the narrative as regularly pursuing their appointed task and then laying down their office immediately on its completion is arresting. No dictator is described as having idly lingered in office, at a loose end until the elapse of an allotted time, whether six months or some other interval. Instead, the precedent and standard procedure, repeated again and again across the scores of dictators recorded in the classical literature, is for the dictator to do his job and then abdicate, always with the greatest possible expedition.

It was not unheard-of for dictators to perform additional tasks not directly a part of their mandate either during their dictatorship or after their mandate might have been said to have been satisfied. Nonetheless, the practice was not routine. Out of 85 dictatorships, there are 15 significant instances preserved in the narrative of dictators performing additional tasks, as detailed in Appendix B. They fall into three general categories: (a) four involve actions that constitute an extension of the original mandate; (b) nine have the dictator being asked to perform an additional task unrelated to the mandate (five of the nine are holding elections); and (c) two can be described as the dictator violating his mandate, though I will argue that the second of these actually involves a second mandate rather than a mandate violation.

In all but those last two cases, the additional actions were undertaken not on the dictator’s initiative, but at the request of the senate or the people of Rome, just as with the appointment itself. Also: all archaic dictators resigned on completion of their mandate (or sooner, in cases of vitiation); in all 15 of these cases, the resignation came no later than immediately after the completion of the additional task. There are no cases of an archaic dictatorship persisting for yet another additional task.
THE MANDATE EXTENDED

After A. Postumius Albus Regillensis (#2, 496) defeated the Latins at Lake Regillus, Dionysius had him still in place afterwards presiding over the senate as they discussed the terms of the peace with the Latins. A. Postumius was described as returning to Rome and triumphing, but then we find him still in office, seemingly on request of the senate, to resolve the debate over settlement with the Latins:

DIONYSIUS OF HALICARNASSUS, ANTIQUITATES ROMANAE 6.17.2, 6.21.1

...ἀνέστρεψεν εἰς τὴν πόλιν ἐκπρεπέων ὑπὸ τῶν προεστηκότων τῆς βουλῆς, τοῦ δὲ δικτάτορος τὴς παρῆσαν εἰσκληθέντες εἰς τὸ συνέδριον οἱ πρέσβεις ληψόμενοι...

He returned to the city for a remarkable triumph... Such then were the [punitive] counsels of the leading men of the senate, but the dictator gave preference to the [moderate] counsel of Larcius; and without further debate the ambassadors were called in to receive their answer...

A. Postumius seems not to have resigned yet despite having returned home and triumphed. This might be explained by the primeval nature of his dictatorship, the precedent of what we might call earliest resignation being most clearly associated with the next dictator in the histories, M.’ Valerius Maximus (#3, 494); but while there were not many comparable instances in the later record it would not be difficult to see resolution of the divisive wrangle over how to treat their defeated erstwhile allies and neighbors as an extension of the mandate to deal with the uprising. It might also mean that he had resigned, and Dionysius was referring to him (in the context of the aftermath of the war he had fought) by the shorthand of “the dictator” (of the war).

Though most military dictators resigned after their victory and (if awarded) triumph, it is arguable that A. Postumius’s mandate could be described as resolving the threat from the Latins, and establishing a durable peace afterwards can reasonably be considered a part of that, particularly as the Romans lived among them. Even without that argument, while in basic terms A. Postumius was originally called upon to defeat a military force

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threatening Rome, and so the senate meeting to discuss the peace counts as an additional task, it is nonetheless a direct extension from what he had been called upon to do. His exit from office is not recorded in the histories, but he drops out of the story at this point; there is no sign that he remained in office after this senate meeting.

Not dissimilarly, in the wake of the devastation and disorder during the Sack of Rome in 390, the senate is said to have asked M. Furius Camillus not to resign after his triumph.

Not dissimilarly, in the wake of the devastation and disorder during the Sack of Rome in 390, the senate is said to have asked M. Furius Camillus not to resign after his triumph. LIVY 5.49.8, 6.1.5

Seruatam deinde bello patriam iterum in pace haud dubie servauit cum prohibuit migrari Veios, et tribunis rem intentius agentibus post incensam urbem et per se inclinata magis plebe ad id consilium; eaque causa fuit non abdicandae post triumphum dicturae, senatu obsecrante ne rem publicam in incerto relinquaret statu.

… neque eum abdicare se dictura nisi anno circumacto passi sunt.

The tribunes of the plebs were urging this course [i.e., removal to Veii] more strongly than ever now that the City was burnt, and the plebs were themselves more in favor of it. This movement and the pressing appeal which the senate made to him not to abandon the republic while the position of affairs was so doubtful, determined him not to lay down his dictatorship after his triumph.

… and he was not allowed to resign until the [consular] year had passed.

This makes it clear both that the dictator's staying in office was something that was asked of the dictator by the senate, and that it was at his discretion to resign or accept this additional portfolio. The phrasing is interesting: the senate is represented as pleading with the dictator not to resign, rather than commanding it; this tends to emphasize the extent to which abdication was absolutely the dictator's prerogative and discretion.

The following year, the narrative had the same M. Furius, in his third dictatorship (#15, 389), defeating the Volsci and then turning unexpectedly on the Aequei, who were also amassing, and defeating them too.5 The glib reaction would be that the Aequei and Volsci were so often linked in the history of the early Republic, especially in Livy, that it might as well be considered the same war; but the truth is that this instance does involve M. Furius extending the mandate beyond the original need to suppress the Volsci, and apparently at his own initiative. Nonetheless, the decision was the product of circumstance more than caprice. The dictator's army, in the field against the Volsci, surprised a similar

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5 Livy 6.2.14.
and easily contained threat arising in the same theater; no one would argue against the proposition that this threat was best dealt with by the dictator who was already in the field and on the spot. If M. Furius had embarked on a whole new campaign to suppress the Aequi, this would have been problematic; but this was M. Furius crossing the river, making a single assault, and reversing the sudden attack into a quick victory; the whole thing was over in an afternoon. The bounds of the mandate, then, had some elasticity, taking into account surprises in the field, though within the bounds of reason and honor.

The first category of additional tasks, then, involves an extension of the original mandate to perform tasks closely related to it. Other related tasks might include incidental actions related in context to the mandate, such as dedicating temples that were previously vowed in relation to the present conflict, but I have not separated these kinds of actions out as significant “additional tasks” in Appendix B.  

SECOND MANDATE

A second category of “additional actions” also arose very early in the narrative of the archaic dictatorship. These might be described as dealing with additional problems concurrent to, but separate from, the major one that had resulted in the appointment of the dictator.

In these cases, the dictator took care of a second problem that (a) also needed urgently to be resolved; (b) was ideally handled by a dictator, as the consuls were not in a position, to or were not best suited, to do so; (c) had not yet, in itself, escalated to the point of the people or senate moving to call for a dictator; and (d) now brought about a request for the dictator to address this need while still in office. It should be noted in this context that having two dictators at once was thought not possible before the end of the third century;

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6 For example, T. Larcius Flavus (#1, 497) supposedly dedicated a temple of Saturn (Macrobr. Sat. 1.8.1), though Dionysius said it was the consuls for 495 that did so (Dion. Hal. Ant. Rom. 6.1.4). When L. Furius Camillus (#30, 350) vowed a temple for his victory over Auruncum, he then resigned to fulfill his vow (Livy 7.28).
so that when there was a problem that emerged while there was a dictator, the sitting dictator would have been a logical choice to deal with it if it made sense for him to do so.

As with the first category, the earliest instance is the best illustration—L. Quinctius Cincinnatus being asked to conduct the stalled trial of M. Volscius after he was done with the Sabines. L. Quinctius had been appointed to deal with external military threats, so there is no way that the trial counted as an extension of his mandate. It did, however, qualify as a situation that was disturbing Rome: an ex-tribune getting away with falsely accusing a prominent patrician of murder, along with the constitutional issue of tribunes willfully, year after year, obstructing the normal process of criminal justice, was an obvious flashpoint that was building toward the outbreak of some kind of unrest or clampdown. It could not be resolved by the consuls, who were helpless against the relentless intercession of the tribunes. It is not hard to imagine a dictator being called for to resolve this problem. And this is the key point: action by a dictator was called for. L. Quinctius, Livy said, was about to resign; but he was asked to take on this additional mandate, presumably at the behest of the patricians in the senate.

In other words, this category of additional tasks represents an additional, second mandate. The usual process was telescoped. There was a need; there was a call; but the nomination and accession were not needed, because the incumbent dictator was being made use of for this second mandate, on the heels of the resolution of his first one. The call was not for the consul to appoint a dictator, but for the dictator to repurpose his incumbency to this second mandate. That part is vital: if the dictator were the one taking the initiative, that could in theory lead to a succession of self-selected third, fourth, and however many more mandates, keeping himself in office indefinitely, as there was no mechanism for ejecting a sitting dictator—a course of events that did eventually play out in the years leading up to 44 BCE. During the archaic dictatorship, a dictator arrogating to himself a new mandate would have been seen as a betrayal, and on the one occasion where this in fact happened, the dictator was hounded into resigning in disgrace.
The second mandate was seldom invoked. Even with the need and the call, with the initiative coming not from the dictator but from the people or the senate, there was a certain unorthodoxy to it. The established idea—even among the earliest dictators, as they appear in the narrative—was that the dictatorship was not about appointing someone who was generically capable. One of the things that made dictators distinctive and, more to the point, effective was that the right man—the needed man—for the current crisis was chosen.

The next instance in this category involved the second dictatorship of Mam. Aemilius Mamercinus (#8, 434), who was said to have been described by one tribune as the foremost man of his time in war and peace. Appointed against a proposed Etruscan alliance to support Veii against Rome, which had just taken Fidenae, that unexpectedly fell through (Veii was told they were on their own), Mam. Aemilius remained in office long enough to put through a law through the assembly that curtailed the censorship from five years to 18 months. He then promptly resigned, an act he was said to have presented as reinforcing his point about the undesirability of prolonged authority.

The censorship was a new office, having only been implemented for the first time in 443: The census was previously accomplished first by the kings and then by the consuls, but the consuls were now too busy for it; and it could not be conducted by consular tribunes, which had been established the previous year as a means of preserving patrician control over the consulship. Livy noted that when the censorship was proposed, the senate “gladly welcomed” the idea, as it would increase the patrician curule magistracies. The initial term of five years, the full length of the lustrum, was rather longer than two censors with a staff of clerks (“scribarum ministerium”) would need to rate the propertied families of fifth-century Rome; though Livy does not say so, this extended term might have a

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7 Livy 9.34.9.
8 Livy 4.23.5–4.24.7. On the lex Aemilia see Cram 1940; Bunse 2001.
9 Livy 4.8.2–7. Consular tribunes: Livy 4.7; Dion. Hal. Ant. Rom. 9.60. The CAH suggested that the censors of 443 were consuls who were kept on to do the census, meaning that the first censors were those of 435: Drummond 1989, 197.
10 Livy 4.8.5.
11 The import of Livy 4.8 is that the other duties of the censors developed and increased
deliberate effort to shore up patrician supremacy within the state. Livy’s account indicates that the senate hoped for this result, and Mam. Aemilius’s law suggests that it was seen that way by the masses.\footnote{12}

How does Mam. Aemilius deciding to engage in reform of the censorship after having been appointed to fight Etruscans square with our rubric? The example might be moot, in the sense that it has been argued that the lex Aemilia curtailing the censorship to 18 months ought to be credited to L. Aemilius Mamercinus, cos. 366, and not to the dictator Mam. Aemilius 68 years earlier.\footnote{13} This would be a convenient out, if we chose to believe that Livy got it wrong or made it up in order to dramatize an early moment in the battle for access to one of the senior magistracies. We are, however, engaged in assembling a corpus of information relating to how the archaic dictatorship was understood to have operated as expressed in the narrative, and that means that Mam. Aemilius’s new mandate, though anomalous, needs to be explained in that context if possible.

Here, then, we have a different situation from that of L. Quinctius, in that Mam. Aemilius essentially proposed a replacement mandate to the people, and the people responded “with vast enthusiasm”; the law was passed the next day, and Mam. Aemilius resigned immediately. The initiative was the dictator’s, but as his chosen replacement mandate was to rogate legislation in contio he literally could not have proceeded without the support of the people; this is to be contrasted with unilateral actions the dictator could have taken by means of his unhindered imperium—initiating a levy, for example. The lex Aemilia was the response of a latent imbalance in the Republican constitution; it was a proxy front on the ongoing Conflict of the Orders, and though we have no evidence for it, it is reasonable that agitation to curtail the censorship was in the air; certainly, within

\footnote{12} The censorship remained in patrician hands until 351: Livy 7.22. A plebeian censor was mandated 12 years later: Livy 8.12.

\footnote{13} Beloch 1926, 82; Cram 1940, 80–81. The CAH seems to accept a fifth-century curtailment, though the actual story of Mam. Aemilius passing the law and the censors subsequently making trouble for him is “probably fictitious”: Drummond 1989, 197.
the story, curtailing the censorship presented itself to Mam. Aemilius as an obvious and necessary reform, and the people, we are told, agreed overwhelmingly that this was the case. Mam. Aemilius exceeded the mandate that had occasioned his appointment, but he did so by essentially asking a new one of the Roman citizenry in the presence of a perceived need unaddressed by the sitting magistracy, so that he could achieve something on their behalf before standing down.

The remaining significant case of a dictator apparently taking on a second mandate involves the penultimate archaic dictator, P. Sulpicius Galba Maximus (84, 203). The record is somewhat confused as to what brought about his appointment. According to the Fasti Capitolini, P. Sulpicius was appointed comitiorum habendorum caussa to hold elections. According to Livy, however, he was appointed for the purpose of recalling one of the consuls, who had gone harrying off to Sicily with the intent of chasing Hannibal. Livy then went on to say that P. Sulpicius spent the rest of the year touring Italian cities alienated during the war with Hannibal and hearing their cases. At the same time, Livy reported an alternate tradition that put the consul C. Servilius in Etruria, conducting conspiracy trials of leading citizens, at the request of the senate; in this alternate tradition it is this that kept the consul busy and away from Rome, necessitating a dictator to hold elections. It is possible that the conspiracy trials in Etruria are the same as the circuit judge work in Italy, and all this described the work being conducted by the consul C. Servilius. Even if they were separate endeavors, they still stemmed from the same senatorial initiative to restore order in Italy. P. Sulpicius may have been appointed with this as the real need that required addressing, with the recall of the consul (or the

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14 Livy 30.24.1–3.
15 “Reliquum anni cum M. Servilio magistro equitum circumvindicis Italiae urbis quae bello alienatae fuerant noscendisque singularum causis consumpsit”: Livy 30.24.4. It might be plausible that P. Sulpicius did all this after he had resigned the dictatorship, as a proconsul, were it not for the mention of his doing so with the magister equitum—though there is still an outside chance he retained M. Servilius as a legate for procunsular work.
16 Livy 30.36.12. The Etruscan trials may be a continuation of or conflation with the similar efforts reported for M. Livius Salinator (82, 207) immediately following his dictatorship (Livy 28.10.5).
elections) as a side issue; if case-hearing was not his original mandate, it was a second mandate required of him by the senate.

It remains to discuss one further anomaly. It is recorded that the first act of Q. Fulvius Flaccus (#80, 210), appointed *comitiorum habendorum caussa* to hold elections, was not to convene the *comitia* but to send a legate at Capua to take command at Etruria.\(^{17}\) Although this action counts as outside the mandate, it is a direct consequence of Q. Fulvius being appointed dictator: he was commander of the legions at Capua; relieving the praetor commanding in Etruria allowed that person to take the command vacated by Q. Fulvius’s appointment as dictator. Arguably it is him making arrangements as a commander to allow him to take up his duties as dictator, rather than something he did as dictator *per se*. He resigned after the elections, in which he was himself elected junior consul for 209, with Q. Fabius Verrucosus.

*Second Mandate: Elections*

The legendary (perhaps literally) M. Furius Camillus also inaugurated the subcategory of second mandates having to do with the holding of elections after the completion of a military campaign (or, on at least two occasions, during).

During his fifth dictatorship (#20, 367), the venerable M. Furius, after rousting a much-feared incursion of Gauls, was required by the senate to stay in office to provide stability as the crisis over the plebeian access to the *imperium* finally came to a head.\(^{18}\) It was during this period of M. Furius’s second mandate, according to the narrative, that the *leges Liciniae Sextiae* were finally passed, in spite of the senate and M. Furius; the dictator, however, is recorded as having made it part of a compromise in which the urban praetorship and two aedileships were given to the patricians. The dictator then conducted consular elections, after which he resigned.\(^{19}\) For a second time, M. Furius being retained

\(^{17}\) Livy 27.6.1.

\(^{18}\) Plut. *Cam.* 42.1.

\(^{19}\) Livy 6.42.9–14; Plut. *Cam.* 42.2–5.
in office for a second mandate was described with language emphasizing the senate refusing to allow the dictator to resign.

M. Furius’s fifth dictatorship in 367 was marked in the narrative as it is come down to us as the first clear instance of a military dictator being held over to hold elections after the battle. In this case, these particular, very fraught elections were a part of his major second mandate involving the constitution crisis over plebeian access to the imperium, but later holding elections was a simple second mandate in itself. In the discussion of the denouement of the first plebeian dictatorship, which involved the people sanctioning a triumph for C. Marcius Rutilus (#26, 356) against the Gauls when the senate would not, the patricians would not allow a plebeian, whether consul or dictator, to hold elections; with the patrician consul at war, the result was an interregnum. The implication here is that, had it not been hindered by the patricians, it would have been natural for the dictator to conduct elections after his triumph simply because he was at hand (and had the highest imperium, perhaps). Then in 353 we find the dictator T. Manlius Imperiosus Torquatus (#27, 353) still in office after his victory, ostensibly to hold elections, though he was apparently working with the conservative patricians to abolish the consulship altogether rather than allow plebeians to hold it. After a fruitless convocation of the assembly, which was carried over into more than one day without result, T. Manlius resigned, and matters again reverted to a prolonged and fractious interregnum. The anticipated war that provoked the following dictatorship, that of C. Iulius Iullus (#28, 352), fell through, but it ended the same way: fruitless convocations involving a dictator hostile to plebeian consulships, followed by an interregnum.

Throughout this period, starting with M. Furius, it is reasonable to assume that the senate asked conservative, patrician dictators to stay on after their wars and hold elections, hoping for the best outcome from such a president. This provides a consistent second

20 “Quia nec per dictatorem plebeium nec per consulem comitia consularia haberi volebant et alter consul Fabius bello retinebatur, res ad interregnum redit”: Livy 7.17.10.
21 Livy 7.21.1–2.
22 Livy 7.22.1.
mandate, involving a need—the patrician belief that it was vital for the strength and security of Rome for them to retain the *imperium* and the *auspicia*—and a call, with the decision to remain or resign remaining with the dictator himself. T. Manlius and C. Iulius resigned after attempting to hold elections unsuccessfully, rather than holding onto power indefinitely until elections were successfully held.

In this case, the gauging of the dictators’ rationale for ending the dictatorship and allowing a reversion to *interregnum*, rather than trying again themselves, is complicated by the fact that these pro-patrician dictators, on resigning, were handing over elections to fellow patricians (i.e., the always-patrician *interreges*). Nonetheless, during this period a precedent seems to have been tacitly, if not explicitly, established that the dictator holding elections got one go at it, and then it was appropriate for him to resign, whether he had failed or succeeded. This is supported by later dictatorships in which the elections were not held successfully: M. Aemilius Papus (#47, 321), for example, was appointed *comitiorum habendorum caussa* to hold elections but was unable to do so due to popular disaffection with the candidates; rather then keep trying, M. Aemilius resigned and matters reverted once more to an *interregnum*.\(^{23}\) Against this we have C. Servilius Geminus (#85, 202), who was unable to hold elections for so long, owing to a string of storms, that he was still in power when the consular year ended, Rome entering into the new year without curule magistrates. This can still be reconciled to the previous cases, however, if it is assumed that the storms and associated omens prevented the dictator from actually convening the assembly; Livy said dates were scheduled, but storms prevented further action. The rule created by previous precedent might therefore have been: once the assembly was formally convened, either elections were held or the dictatorship abandoned.\(^{24}\)

M. Furius, C. Marcius, T. Manlius, and C. Iulius were all appointed in relation to a military mandate and were all *rei gerundae caussa*. It is perhaps significant that P. Valerius Poplicola (#34, 344), who was appointed for religious rather than military reasons—his

\(^{23}\) Livy 9.7.14.

\(^{24}\) Livy 30.39.5, 40.4–5.
caussa was feriarum constituendarum, not rei gerundae—did not attempt to hold elections after discharging his mandate, and matters went directly to an *interregnum* that happened to result in patrician consuls.^{25} Was it because of his *caussa* was not the open-ended *rei gerundae*, or because he was a scion of a notoriously populist branch of the patrician Valerii?

L. Papirius Cursor (#44, 325) was again said to have been about to resign after his triumph, but the senate required him to hold elections first before doing so.^{26} After that, explicit mention of a military dictator holding elections is not present until the Hannibalic war (though one should bear in mind that much of the narrative is missing for the early third century). Q. Fabius Verrucosus (#74, 217) installed a suffect consul in mid-campaign (to replace C. Flaminius, who was killed at Trasimene), at the insistence of the tribunes;

but a separate dictator, subsequently vitiated, was appointed to hold the elections for 216. The next year M. Iunius Pera (#77, 216) returned to Rome and held the regular elections, at the explicit request of the senate, afterward returning to his army in winter quarters.^{28}

### VIOLATION OF THE MANDATE

One test of the rubric of the dictator’s mandate being explored in this study is in the mandate’s violation. Given the scenarios described in the previous section, in which dictators hewed to their mandate and either resigned or were given a second mandate by the senate or the people, it follows that violation would consist of a dictator pursuing their own task without having been charged with that mandate by the senate or people, either after fulfilling his mandate or instead of doing what he had been appointed to do.

In the narrative of the dictatorship, there are two examples of dictatorships that can be described in this way, both from the turbulent middle of the fourth century. Though they have some similarities in that the dictators acted on their own initiative despite what

^{25} Livy 7.28.7–10. It is not clear from Livy why the consuls did not hold elections.

^{26} Livy 8.37.1.

^{27} Livy 22.25.16.

^{28} Livy 23.24.1–5.
they had been charged with doing, there is a profound difference in the way in which the stories were told by later writers and in the effect that these dictators’ actions had on the perception and role of the office in the Republican state.

*L. Manlius Capitolinus Imperiosus* (#21, 363)

As seen in the case study, the only case of a “rogue dictator” on record during the archaic period was *L. Manlius Capitolinus Imperiosus* (#21, 363), the first dictator appointed to drive the nail. L. Manlius was the first dictator known to have been charged specifically with driving the nail and first dictator appointed with a *causa* other than *rei gerundae*; so it is striking that Livy described L. Manlius as acting as though he *had* been appointed *rei gerundae causa*. L. Manlius’s belief that he was entitled as dictator to wage war, if we leave aside for the moment the possibility that he was simply irrationally drunk with power or inclined to megalomania, argues against the *causa* being part of his formal nomination, charge, or investment. It suggests rather that L. Manlius was appointed dictator under certain circumstances and with a certain expectation, and then the *causa* was used as explanation in the annals after the fact, or at least apart from the investment and execution of the office. If he was formally charged with “dictatorship for the purpose of driving the nail” at the time of his appointment, it seems less likely he would have thought he was entitled to start a war than if the *causa* was a description used subsequently in the annals. That said, there is very little to go on here, so a firm conclusion cannot be drawn from this case.

In any event, the *causa*, here as ever, is immaterial to the interpretation of L. Manlius’s dictatorship. The wording “*rei gerundae causa*” was deliberately broad and all-encompassing; but the way in which the dictatorship actually *operated* was not. Despite the broad, open-ended *causa* they had all shared, no dictator before L. Manlius had ever set aside the purpose for which he had been appointed and launched a new course of action on his own initiative. Quite the contrary: every single dictator up to this point, despite all being appointed with the nonspecific *rei gerundae causa*, had reinforced the precedents of
the originators of the office by limiting his operations to the task that had caused his appointment. A dictator did what he had been appointed to do and resigned, unless the senate or the people insisted that an additional action be added onto the end of the dictator’s tenancy in office. This was so firmly established as the shape and function of the office that L. Manlius’s transgression was immediately obvious and intolerable.

L. Manlius’s offense was sharpened by the transparency of his motive. He was drumming up a Hernician war where there was none (though it loomed on the horizon) so that he would acquire the luster of a successful military dictatorship in which Rome had defeated an enemy, with the realistic possibility of a triumph as well. The Hernici were indeed among Rome’s chronic antagonists during the archaic period, but they had been forcefully put down along with the Latins in 385, and had not fought the Romans in the two decades since.29 There had been rumors back in 365 that the Hernici were ready to revolt against Rome,30 and no doubt there was sporadic talk of a punitive war against them in due time. L. Manlius was not creating a war out of thin air; he was, rather, anticipating the next war, and probably expected everyone to be on board since it seems from the narrative that the rest of Rome also knew this would be the next war, as indeed it was, though in the end the Hernici were not alone. But the Hernici were not marching on Rome and were not an urgent threat, and neither dictators nor consuls were expected to arbitrarily and unilaterally start wars. In terms of the dictatorship as it has been framed in this study, there was neither a need, nor a call, nor a mandate for L. Manlius to take up this war as dictator.

L. Manlius’s actions repudiated not only all precedents established in relation to the dictatorship, but the very clear and specific precedents regarding how the Romans went about conducting offensive war as well. This is demonstrated by what happened the following year when the anticipated war with the Hernici finally came. This time, the correct process was followed: fetials were sent demanding reparations; when this was

30 “Principio anni ... de Hernicorum defectione agitata mentio.”: Livy 7.1.3.
unavailing, the assembly was asked to vote whether to go to war; only then was the levy conducted by the consuls and the campaign begun.\footnote{Livy 7.6.7–8.}

L. Manlius, had he been another kind of man, might have brought the Romans around to waging a Hernician war now, under his auspices. His crime, then, was as much arrogance born of overweening pride and what seems to have been some quantity of entitlement to the success that normally came with (military) dictatorships as much as anything else. The tribunes turned on L. Manlius not simply because he sought to go to war, but because he did so by wrenching the commissioning authority of the dictatorship out of the hands of the senate and people of Rome and into his own hands. Dictators acted on behalf of the Romans, as their protector; L. Manlius’s actions demonstrated he was interested in acting as an agent and proxy not primarily of the people of Rome, but of his own career and glory. The people’s sense of infuriated betrayal was immediate and general, an echo of the betrayal incited by the Tarquins’ twisting of the Roman monarchy to their own privilege.

After being confronted by the tribunes L. Manlius, while having believed himself entitled at first as dictator to embark on his projected war against the Hernici despite his restricted \textit{caussa}, abruptly resigned instead. The exact circumstances were unclear to Livy, who knew only (a) that the dictator’s actions were opposed by the tribunes as a transgression of his duties, and (b) that he subsequently resigned; the possible circumstances—that he was overcome either by force, or by shame, as he economically put it—were seemingly offered by Livy as speculation. Though it is true that a magistrate suborned at knifepoint occurs in the very next passage of Livy, it is tough to imagine a man as proud as L. Manlius, a sitting dictator with the crowd-assigned sobriquet Imperiosus, being cowed in his peristyle by a knot of fist-shaking tribunes. It seems more plausible, rather, that L. Manlius was prevailed upon to resign through reason or by some other verbal appeal. There was one other dictator who was explicitly induced to resign,
the unsuitable M. Claudius Glicia (#67, 249), would seemingly have been intended for military command against Carthage, but unfortunately all we have is the epitome’s “cogatus abdicare” and no known caussa. As with the principate much later, these occasions serve first and foremost to demonstrate that there was no mechanism for removing a dictator once he had taken office, as vitiation only occurred after nomination, but before the dictator had acted beyond the appointment of the magister equitum. L. Manlius, like M. Claudius a century after, had to be induced to resign on his own initiative, though whether this occurred by appealing to the dictator’s sense of honor, or under some kind of duress, cannot be definitively established.

Q. Publilius Philo (#37, 339)

In the case of the populist, Q. Publilius Philo, we see a bait-and-switch situation not unlike that of Mam. Aemilius Mamercinus (#8, 434), as discussed earlier, even down to the inclusion of further reform of the censorship. Like Mam. Aemilius, Q. Publilius was described as putting forward a slate of reforms that was embraced by the populace and then passed in the assembly. All of the tick marks for a second mandate are present and correct, with one exception: Q. Publilius, to all appearances, completely ignored his actual first mandate, choosing instead to just do as he liked. Except that’s not what happened, exactly. There was a call, it is true, from the senate, and that call involved the defeat of Pedum. But the consul did not appoint a dictator to meet that need; the consul appointed a dictator in response to a different, simmering call from the people, who believed themselves oppressed. Q. Publilius was very explicitly appointed in response to that need, and that was his true mandate.

How do we know that Q. Publilius did not first complete the war he had abandoned as consul before turning to his legislative agenda? We do not, though it is suggested by Livy’s statement that the next year the senate insisted on going back and finishing the

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32 Livy Per. 19.2.
job, demanding in particular that Pedum finally be taken and destroyed. Livy admitted that they did this partly to embarrass Q. Publilius’s consular colleague, the plebeian Ti. Aemilius, under whose auspices the previous year’s Latin war had been conducted, and who was now triumphing; but the fact remains that, if there is any merit in the way Livy structured his account, Q. Publilius walked away from the reduction of a hostile Latin coalition both as consul and, at least from the senate’s point of view, as dictator, to engage in partisan populist reforms. That said, we are also told that the Latins were in such extremity at this point, as Livy later detailed, that they could no longer wage war effectively against Rome. It seems the senate had demanded a dictator in the first place primarily in order to take the war out of the hands of the two plebeian consuls, not anticipating that the comparatively mild-mannered Ti. Aemilius would name his own firebrand of a colleague. In other words, it seems from the accounts that the Latin situation was not really a dictator-level crisis, and the senate’s call for a dictator was as political and false as anything else in this episode. We are in the position of assuming, though with only circumstantial evidence, that Ti. Aemilius as the appointing consul and Q. Publilius as dictator, by ignoring Pedum, were not, in their opinion, endangering Rome; the final defeat of Pedum, Tibur, and their allies and the disposition of the Latins as peoples subordinated to Rome was in hand and duly achieved with minimal effort the following year. The absence of a real crisis left Ti. Aemilius and Q. Publilius free to reject the false anti-plebeian agenda being imposed on them in favor a populist one involving needed reforms.

This is consonant with the established rubric of the archaic dictatorship in one very important respect: in all cases, both how the mandate was approached and the final judgment on whether the crisis had been resolved was always in the hands of the dictator.

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33 Livy 8.13.1. It should be emphasized that we do not know what was done with the war after Q. Publilius was appointed dictator; the war is simply not mentioned in the narrative until its resumption in 338.
34 Livy 8.13.2.
35 Livy 8.12.12.
The dictator decided whether the problem he had been appointed to deal with had been dealt with, because his decision to retain his office or resign depended on it. If it had, he either resigned or accepted a second mandate from the senate or the people. It is quite possible to read this story as the dictator, Q. Publilius, neglecting his duty; this is a valid point of view if the judgment regarding the mandate is held to remain in the hands of those who called for his appointment. This was not, however, the very firmly established precedent: established precedent was that the judgment was the dictator’s alone, and determined the moment of his resignation. If it is true that Pedum was not a real threat, and he had been appointed exclusively for false political reasons, it is also possible to argue that Q. Publilius judged that Pedum was not the danger to the Roman people that the nobility was. It was therefore his prerogative to ascertain that, while the Latin city was still hostile to Rome, the immediate threat from Pedum was resolved, because the dictator-level crisis was manufactured in the first place; and he was therefore in a position to either resign or, if the people were desirous of him to do so, to pursue a second mandate. In this case he followed Mam. Aemilius in putting forward a slate of reforms that was enthusiastically embraced, thereby ratifying a second mandate by the same process as we previously attributed to Mam. Aemilius.

CONCLUSIONS

Astonishingly, Dionysius’s assertion that the dread power of the dictatorship was not abused before Sulla turns out to be true. Dictators, at least during the period of the prevalence of the office during the first three centuries of the Republic, did only what was asked of them by the senate or the people and no more. The one real exception, L. Manlius Capitolinus Imperiosus, is as much a demonstration of the rule as the otherwise universal adherence to it: he was forced to abandon the war he thought he had a right to fight

37 “οὕτως ὁ ζῆλος ἀπ’ ἐκείνου τοῦ ἀνδρὸς ἀφράμενος ἀπασι παρέμεινε τοῖς λαμβάνουσι τὴν αὐτὴν ἐξουσίαν ἄχρι τῆς τρίτης πρὸ ἡμῶν γενεᾶς”: Dion. Hal. Ant. Rom. 5.77.2. Later I will argue that it was not abused under Sulla, either.
before it even got off the ground and resign in disgrace, roundly condemned for acting beyond what he had been named to do.

In fact, we can be more emphatic: **no rule relating to the dictatorship is more rigorous than adherence to the mandate.** Other dictator-related universals have more exceptions. Dictators operated without *magistri equitum*; concurrent with other dictators; outside of Italy; for as long as an entire consular year. But no dictator could defy his mandate. This rule is so solid that its very solidity becomes a matter of interest. Given what we know of human nature and the lust for power, what can we say about why dictators never abused their power? A number of observations can be made in connection with this problem.

First, dictators were appointed, not elected. This placed the dictatorship outside the normal process of electoral reputation-building where one had to cultivate support and approval and loose coalitions and power-bases among the voting populace, all the while positioning oneself as superior to other possible candidates. While Republic-era Romans are supposed to have disdained ambition and personal glory, the electoral process necessitated self-promotion and the seeking of popular admiration. Becoming dictator, conversely, was not about putting oneself forward. There was a palpable reward for self and family in attaining the consulship: consularity determined one’s prominence in the senate, and a consul’s name was inscribed in the *fasti* as part of the permanent reckoning of the history of the Republic (in a time when, for Romans, formal state “history” consisted of little else but the annalistic records under the consuls’ names). The dictator, conversely, seems to have acquired standing not primarily out of having simply been dictator, but rather on the basis of what notable deeds he accomplished as dictator.

Second, the appointment of dictators allowed for what might be called a “check” on the part of the consul: The consul was obliged to choose the needed man for the occasion, and it goes almost without saying that the needed man, in addition to possessing the right

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38 Most famously, the tract attributed to Q. Cicero is explicit on these points (Cicero, *Comment. pet.*), but the principles involved are visible in Roman campaigning as early as the stories of Coriolanus (Livy 2.33–40; Plut. *Cor.*). On the authenticity and ramifications of Q. Cicero’s essay see Morstein-Marx 1998; Laser 2001.
experience and capability to handle the particular crisis in question, was preferably not also ambitious or extremist. The consul chose the right man for the job, and the right man for any job involving the handling of power without colleague or appeal included a measure of honorability and rectitude. It is also worth noting that a consul, having risen through the *cursus honorum* with his cohort of nobles and having intimate knowledge of private behavior and past behavioral tests, was in a much better position to discern honorability and rectitude than the general voting public, and had more to lose if he chose someone who was wrong for the job.

It is true that the consul was in a position to choose a crony or otherwise pervert his responsibility with respect to the nomination; but in most cases too much was at stake to put Rome at risk on account of greed or selfishness. Even if the Gauls were not actually at the Colline Gate or the streets aflame with insurrection, many of the “narrow-focus” duties performed by dictators after 367 had a religious component that potentially invited the punitive disapprobation of the gods, seldom a small consideration among the peerlessly superstitious Romans. Even the holding of elections involved the selection of the magistrates who would be entitled to seek the auspices of the gods; elections were an absolute necessity, and elections not held at all or performed badly put the Republic at risk both practically and religiously. Moreover, the consul’s choice of dictator reflected directly on the consul himself. Naming the wrong man, as the vindictive P. Claudius Pulcher did in 249, resulted mainly in the appointing consul’s lasting disgrace.

Third, the stories of the earliest dictators very clearly determined the rule of adherence to the mandate, shaping the office for the ensuing three centuries. The earliest dictatorships, one after another, demonstrated for the Romans and posterity (a) that the dictator was a response to a call by the senate or the people about a specific problem; (b) that what it meant to be a dictator was to respond to that call and resolve that problem, on behalf of all of Rome; and (c) that a dictator foreswore this emergency and extraordinary power at literally the earliest possible opportunity. Their actions reflected a sincere understanding of the truth of *tumultus*, that dictators existed because Rome was at stake,
leaving no room for greed or ambition, or even incompetence. Generally speaking, a consul could be venal or inept, because the effect was mitigated by the presence of colleagues and by the consul’s status as an ordinary magistrate, one of a group of curule magistrates whose time in office was fixed and who were charged collectively with the routine government and defense of Rome. The dictator stood alone; Rome’s safety, whether against internal threats or external, depended on him alone. The first century and a half or so of dictatorship reinforced this so thoroughly through constant iteration that that responsibility became organic. It was congenital to the office itself in a way that could never be true of the ordinary consulship. This left the shape of the office firmly constrained to the call and mandate even with narrow-focus dictatorships where Rome was not literally in mortal peril.

Fourth, the innovation of the narrow-focus dictatorships nonetheless made abuse of the office even less likely. Dictators appointed to save Rome from the Gauls or the Sabines might, and sometimes did, shift to a new enemy on the heels of a victory over the original threat; and they might, if asked, go home and hold elections or oversee treaty negotiations even after the war they had been appointed to fight was all over. But a dictator appointed to hold elections, or (as L. Manlius Capitolinus found out) to drive the nail, was much, much more conspicuous if he tried to do something that did not involve holding elections or driving the nail. With a narrow-focus dictatorship, any further action presented itself to the senate and people as betrayal of trust: it would be a naked exhibition of ambitio and an obvious power grab, and, as was vividly demonstrated in 363, would be met with universal resistance and condemnation.

Fifth, the preceding also demonstrates that the Roman people were far from helpless before their dictators. A dictator who acted out of line might be confronted directly, as in the case of L. Manlius; or he might be muttered about during his dictatorship, and have his work undone and his reputation sullied after the fact, as in the case of A. Cornelius Cossus (#16, 385), whose imprisonment of M. Manlius Capitolinus was the subject of loud murmuring, so to speak, while he was in office and reversed soon afterwards. It is
important to remember that the anomalous first-century dictators, Sulla and Caesar, were
in a position to actually oppress the Roman people, partly because they came to power by
coup and commanded the personal loyalties of their armies; this is one of the reasons that
Mommsen’s assertion that Sulla and Caesar held the same office as Cincinnatus and
Fabius in name only holds some merit. The army loyal to a commander rather than to
Rome had not been invented in the time of the archaic dictatorship, and would not be
until the likes of Marius came along.

The archaic dictator’s loneliness cut both ways: he had no colleague to interfere with
his actions, but he also stood entirely alone with respect to the entirely of the Roman
people. Even in the field, a dictator who was seen to have acted too far to the extreme was
met not with abject terror but with bold and collective resistance, as L. Papirius Cursor
(#44, 325) learned first hand. A rogue dictator, appointed by a single consul rather than
elected by any kind of constituency, with no apparatus under him either bureaucratic or
military, who was seen to be flouting custom, exhibiting not duty to Rome but naked
ambitio, would have had no apparatus for putting his theoretical power into practice—other
than, maybe, his twenty-four lictors, and even lictors might remember that they are Roman
citizens first, not to mention the fact that a couple dozen men with axes can still be
overcome by an enraged and determined mob. Were an archaic dictator to turn against
both responsibility and custom, the narrative provides enough evidence to conjecture that
the Romans need not be assumed to have reacted with cowardice and prostration.

The reasons might be a matter of debate—honor, duty, superstition, and custom might
all be involved. But the fact of the matter should not be obscured: adherence to the
mandate is the central defining characteristic of the archaic dictatorship.

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39 Mommsen Röm. Staatsr. 2.152 = Appendix E, M65.
40 The process of selection of lictors is obscure. Livy observed that even for early (patrician)
consuls, the lictors were all plebeian: Livy 2.55.3.
The first thing every archaic dictator did was appoint a *magister equitum*.¹ The very few exceptions to this rule reinforce its prevalence, as will be discussed shortly. I will argue that the *magister equitum* was an essential part of the Romans’ conception of the dictatorship, to the point that it is possible not only to view the dictatorship as consisting of two men, the dictator and the *magister equitum*, but also to consider that this relationship brought into being more of a collegial magistracy than has previously been supposed.

**The First Act**

The one power always exercised by every active dictator of the archaic period (with one exception), not only undertaken every time but consistently as his first act, was the appointment of an official who acted as his second in command.

The title was *magister equitum*.² Normally, thanks to British and French office of Master of the Horse from the late middle ages,³ *magister equitum* is generally translated as ‘master of the horse’ in a way that is become idiomatic in modern scholarship. But the receding use of “horse” in English to refer to metonymically to cavalry regiments makes the regular phrase slightly misleading—it was *eques*, not *equi*, that were wrangled. Other English variants, such as “chief of staff,”⁴ are rare in the scholarly literature. In classical Greek texts *magister equitum* was always translated as ἵππαρχην ‘cavalry commander’,⁵ rather than transliterated or described functionally as was the case for *dictator*. In English translations of Greek texts in which the context is a dictatorship, ἵππαρχην is likely to be translated as

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¹ The very few exceptions to this rule reinforce its prevalence, as will be discussed shortly.
² Unlike the dictator, no other title for his subordinate existed: Mommsen *Röm. Staatsr.* 2.156.
³ British masters of the horse date from c. 1360, deriving from Anglo-Saxon *horse thegn*; see Reese 1977.
⁴ For example, Walters and Wroth 1900, 284.
⁵ For the use of ἵππαρχην in Greek armies see, e.g., Hdt. 7.154, 9.20; Arist. *Ath. Pol.* 4, *Pol.* 3.1277b; Ps.-Xen. *Ath.* 1.3. See also Appendix H, *s.v. αὐτοκράτωρ στρατηγὸς.*
‘master of the horse’. In this study I retain *magister equitum* rather than translating the term into English, since, functionally, the duties of the office involved aiding the dictator. The first dictator, T. Larcius, established a precedent for the immediate naming of a *magister equitum*. Dionysius saw the second dictator, A. Postumius Albus Regillensis (#2, 496), as explicitly following the pattern of the first in both circumstance and first action:

*DIONYSIUS OF HALICARNASSUS, ANTQUITATES ROMANAEE 6.2.3*

And since all men had come to the same conclusion, that the situation once more called for a single magistrate free to deal with all matters according to his own judgment and subject to no accounting for his actions, Aulus Postumius, the younger of the consuls, was appointed dictator by his colleague Verginius, and following the example of the former dictator, chose his own *magister equitum*, naming Titus Aebutius Elva.

Interestingly, Dionysius framed as a deliberate choice both A. Postumius’s appointment of his own *magister equitum* and, by implication, the fact that he undertook this as his first action. The wording *αὐτὸς ἑαυτῷ* ‘he chose for himself’ and the reference to choosing to follow the former example, emphasized the dictator’s deliberate assertion of self-selection of his own *magister equitum* and the importance of reinforcing this precedent. More to the point, it is clear that both T. Larcius and A. Postumius were not appointing “cavalry commanders”: they were choosing subordinates to the dictator, and asserting their right to do so and the essential nature of doing so as the first act. In this way, the first dictators were remembered as establishing that dictators never operated alone, but rather undertook all of their deeds supported by a junior colleague.

The appointment of a *magister equitum*, if mentioned explicitly, always immediately followed the dictator’s accession to office:

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46 Similar more or less literal renderings are found in other languages: *le maître de la cavalerie, der Reiterführer*, etc. Articles I’ve seen in Italian tend to leave *magister equitum* untranslated: e.g., Gusso 1990.

47 See the case study, above p. 116.

48 It was not uncommon for Livy to start describing a war and then mention the dictator.
...et consul nihil remitteret, precatus tandem deos immortales Cincinnatus ne senectus sua in
tam trepidis rebus damno dedecoriue rei publicae esset, dictator a consule dicitur. Ipse deinde
C. Servilium Ahalam magistrum equitum dicit.

And since the consul would not relent, Cincinnatus, after beseeching the immortal
gods that his age might not endanger or humiliate the state in time of crisis, was named
dictator by the consul. Thereupon he himself named C. Servilius Ahala magister equitum.

In most instances, unless there was something interesting to say about the selection,
routine notices in the narrative involved mention of the appointment of the dictator and
he of his magister equitum together, followed by the events of the dictatorship, as in this
passage on the appointment of Q. Servilius Ahala (#24, 360):

LIVY 7.11.4

...Gallicus tumultus dictatorem creari coegit. Creatus Q. Servilius Ahala T. Quinctium magis-
trum equitum dixit et ex auctoritate patrum, si prospere id bellum evenisset, ludos magnos uouit.

...A Gallic threat forced the creation of a dictator. Q. Servilius Ahala, having been
appointed, named T. Quinctius [Poenus Capitoilibus Crispinus] magister equitum and, on
the authority of the senate, vowed great games should the war turn out favorably.

This compressed construction, with “[dictator] ___ creatus” in the nominative naming
“___ magistrum equitum” in the accusative before moving on to events, occurs often in Livy. 49
Likewise in other histories, as here noting a war under A. Postumius Tubertus (#9, 431):

Diodorus Siculus 12.64.1

κατὰ δὲ τὴν Ἰταλίαν Αἴκλων ἀποστάντων ἀπὸ Ρωμαίων κατὰ τὸν πόλεμον ἀυτοκράτορα μὲν Αὖλον Ποστούμιον,
ἵππαρχον δὲ Λεύκιον Ἰούλιον ἐποίησαν.

Meanwhile in Italy, when the Aequi revolted from the Romans, for the subsequent war
Aulus Postumius was made dictator and L. Iulius magister equitum.

The phrasing in the narrative was sometimes such that the appointment of the magister
equitum preceded the dictator’s “first act” as dictator, as in Plutarch’s description of the
immediate aftermath of the first appointment of M. Furius Camillus (#13, 396):

Livy 5.19, 6.2, 6.11, 7.3, 7.11, 7.17, 7.28, 8.15, 8.18, 10.3, 22.33, 27.33. Naming of the
dictator followed by “is/ipse [...] magistrum equitum dicit”: Livy 4.13, 4.21, 6.2, 6.28, 6.42,
cooptat”: Livy 6.38. Both in the accusative: e.g., Livy 9.7, 22.8, 28.10.

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After choosing Cornelius Scipio as *magister equitum*, he first he solemn vows to the gods that, should the war have a glorious ending, he would celebrate the great games in their honor, and dedicate a temple to a goddess whom the Romans call Mater Matuta.

It might be useful to think of the appointment of the *magister equitum* as being a part of the dictator’s installation in office, one of the customary events establishing the dictator’s readiness to act against the crisis that incited his appointment. It was, as events eventually proved, possible to act without one; but as M. Fabius Buteo himself argued, to do so was to compromise the authority of the dictatorship.

The *magister equitum* was named in public. A report of one being appointed before first light suggests that it was done according to prescribed ritual.

*Postero die dictator cum ante lucem in forum uenisset, magistrum equitum dicit L. Tarquitium...*  
The next morning the dictator went, before daylight, into the forum and named L. Tarquitius his *magister equitum*...

The timing suggests either the dictator engaging in the same kind of vigil as the consul did in naming the dictator, or that the appointment was always made immediately after the granting of *imperium* by the *comitia curiata*, which would have involved an early morning taking of the auspices.\(^{50}\)

*Magistri equitum* were named not only by dictators commanding armies or faced with repression of sedition but also by those tasked with duties seeming to require no lieutenant, such as driving the sacred nail or presiding over elections. Both the authority to appoint a *magister equitum* and the duty to do so were inalienable from the dictatorship, present and correct at the top of almost every dictatorship narrative from Larcius Flavus to Caesar.

Does the narrative contain any indication that the *magister equitum* could be chosen in any way other than by the dictator’s nomination as his first act? In one case, the

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\(^{50}\) This was the opinion of Mommsen (*Röm Staatsr.* 2.157). See Appendix H, *s.v. auspicia.*
dictatorship of C. Iulius Iullus (#28, 352), the wording is so telescoped in Livy that it is possible to see a *magister equitum* being assigned to a dictator rather than appointed by him.\(^{51}\) A bit further on in Livy follows a case of the *magister equitum* being joined onto the dictator by utility of the perfect passive participle:

\[\text{Livy 7.24.11}\]

\[\text{Dictator L. Furius Camillus dictus addito magistro equitum P. Cornelio Scipione reddidit patribus possessionem pristinam consulatus.}\]

Named as dictator, L. Furius Camillus, joined by P. Cornelius Scipio as *magister equitum*, returned to the patricians their former control of the consulship.

The *addito* passage has been translated as “L. Aemilius was assigned to him,”\(^{52}\) but in the face of all other evidence showing the appointment of the *magister equitum* as the dictator’s prerogative, the implication of the *magister equitum* in this case being imposed by some other authority is not justified. What entity might perform this “assignment”? The senate had no power to effect the appointment of magistrates except by influence and suggestion. In any event, the more natural reading of this passage would be that Livy was describing the appointment of the army’s supreme leader, who was joined by his subordinate, the *magister equitum*. No great revisions of thought should be built on the seeping sands of Livy’s lexical parsimony.

If the *magister equitum* died or resigned, the dictator could appoint a suffect replacement.\(^{53}\) Strikingly, however, Mommsen suggested that the dictator did not have the ability to depose his own *magister equitum*.\(^{54}\) The source for this must be L. Papirius Cursor’s having to go before the senate and the people after the insubordination of his brash, young

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\(^{51}\) Livy 7.21.9.

\(^{52}\) Roberts 1912. Similarly, “…to whom Lucius Aemilius was attached as master of the horse”: Spillan 1857.

\(^{53}\) This occurred at least once, in the dictatorship of Q. Fabius Maximus Rullianus (#52, 315), whose first *magister equitum* was killed in battle (FC). One explanation for the two *magistri equitum* associated with M. Valerius Maximus Corvus (#59, 302) was that the first—the same Q. Fabius Maximus Rullianus—died or resigned, and was replaced; but Livy preferred the explanation that the records were wrong (Livy 10.3).

\(^{54}\) Mommsen *Röm. Staatsr.* 2.158, repeated even more forcefully (“could not be deposed”) by Lintott 1999, 112.
second-in-command, Q. Fabius Maximus Rullianus; but that was because the troops interfered, allowing Q. Fabius to flee camp and convene the senate himself. L. Papirius was quite ready and able to “remove” Q. Fabius through the expedient of beheading, the ancient punishment for a commander disobeying orders; what was not customary was the soldiers taking Q. Fabius’s side, riled at the potency of a dictator being combined with rigidly harsh discipline.\footnote{Livy 10.3.8, 23.19; see the case study, above p. 146. The only similar situation would be the antics of M. Minucius Rufus, who was raised to co-dictator before Q. Fabius could take any disciplinary action.} We do not have any instances where a dictator wanted to remove a \textit{magister equitum} and could not, and for a very good reason: being free to appoint whomever they thought best for the job, dictators seem to have generally chosen a capable, like-minded, and mandate-appropriate \textit{magister equitum}, such that they were not customarily at loggerheads—a distinct advantage over the consuls. There is no basis for a rule that dictators could not remove a \textit{magister equitum}: the situation did not arise.

As his appointment was the first act, so the abdication of the \textit{magister equitum} may well have been the last act before the cessation of the dictatorship. Mommsen, programmatically legalistic as always, presumed that the end of the dictatorship brought about that of the \textit{magister equitum} by “legal necessity”\footnote{Mommsen \textit{Römer Staatsr.} 2.158–59.};\footnote{Livy 10.3.8, 23.19; see the case study, above p. 146. The only similar situation would be the antics of M. Minucius Rufus, who was raised to co-dictator before Q. Fabius could take any disciplinary action.} but there are instances where the \textit{magister equitum} was recorded as formally resigning as part of the ending of a dictatorship, so it was not simply that his magistracy vanished passively with the dictator’s abdication.

The abdication of the \textit{magister equitum} was not often noticed in the narrative. Occasionally, however, the dictator’s abdication was described in the narrative as being consequent to that of the \textit{magister equitum}, as if it were thought of as contingent. So, for example, in the case of Mam. Aemilius Mamercinus (#10, 426):

\textit{Livy 4.34.5}

\textit{iussoque magistro equitum abdicare se magistratu ipse deinde abdicat die sexto decimo reddito in pace imperio, quod in bello trepidisque rebus acceperat.}
And having commanded his *magister equitum* to surrender his magistracy he himself thereupon abdicated, giving up in peace on the sixteenth day the command that he had accepted in war and strife.

But the reverse order is also to be found:

*Livy 9.26.20*

*abdicat inde se dictatura et post eum confestim Folius magisterio equitum.*

He then resigned from his dictatorship, and immediately after him M. Folius from his position as *magister equitum*.

This, however, was an atypical case. C. Maenius (#53, 314) was being accused of corruption. He resigned his dictatorship immediately on conclusion of a speech vilifying his attackers and enjoining the consuls to conduct a thorough investigation, whereupon the *magister equitum* also resigned, reacting to his superior's sudden act. This kind of resignation in protest is distinct from the customary post-mandate-resolution abdication.

In any event there is no question of the *magister equitum* enduring in office—or existing in any form—without his appointive dictator. When resigned or vitiated dictators were replaced, the *magister equitum* resigned also, and the new dictator chose a new subordinate for himself.\(^{57}\) Unfortunately, the only occasion on which a dictator was known to have died in office is Q. Hortensius, whose dictatorship falls in a gap between extant sources.\(^{58}\)

**THE CHOICE OF MAGISTER EQUITUM**

The choice of *magister equitum* lay with the dictator. As with the primacy of this act, the narrative presentation of the origins of the dictatorship had the dictator’s prerogative in this regard established by the first dictator and deliberately confirmed by the second.\(^{59}\) Not surprisingly, the qualifications for *magister equitum* have received less attention in historical discussion both ancient and modern.

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\(^{58}\) *FC*, Livy *Per.* 11.11. Appian referred to Lepidus as Caesar’s *magister equitum* in a passage falling after the assassination (*BCiv* 2.118), but that could mean that he had held that office under Caesar, not that he was trying to retain it. His actions in the aftermath of Caesar’s death are as Antony’s partner in holding Rome.

\(^{59}\) *Dion. Hal. Ant. Rom.* 6.2.3.
The *magister equitum*’s role as deputy to the dictator might lead one to assume that the *magister equitum* would predictably be junior to the dictator in age, experience, or both. Livy found the subordination of the veteran Q. Fabius Maximus Rullianus, who at that time ranked as ex-dictator, thrice ex-consul, ex-*magister equitum*, and even ex-censor, to the also-distinguished M. Valerius Maximus Corvus (#59, 302)\(^{60}\) to be so implausible that he decided the records themselves might be wrong.\(^{61}\) There were, in fact, well over a dozen cases where the recorded *magister equitum* had more “experience” than the dictator he was supporting, in several cases by a considerable margin. These cases are distributed across dictatorships for war, civil unrest, or single purposes such as holding elections.\(^{62}\) In 361 T. Quinctius Poenus Capitolinus Crispinus (#23), made dictator to fight the Gauls despite

\(^{60}\) M. Valerius Maximius Corvus—assuming with Broughton and others he is the same M. Valerius Corvus whose military career had its height in the mid-fourth century, including a dictatorship in 342 (#35), is assumed to have been born in 371/370 (Livy has him consul at the age of 23 for 348, 7.26). This would make him 69 or so at the time of the dictatorship, which is what had Livy’s brow furrowed. M. Valerius is supposed to have lived to the age of 100, spending his last half-decade as princeps senatus. Q. Fabius’s first consulship was in 322, making him of similar vintage to M. Valerius, but with a significantly later start in executive service.

\(^{61}\) “Itaque propter eos tumultus dictus M. Valerius Maximus dictator magistrum equitum sibi legit M. Aemilium Paulum.—id magis credo quam Q. Fabium ea aetate atque eis honoribus Valerio subiectum; ceterum ex Maximi cognomine ortum erorem haud abnuerim”: Livy 10.3.3–4. Livy seems to be casually suggesting that the records confused Q. Fabius and M. Valerius, swapping their positions; but the reverse case would arouse the same objections, M. Valerius being of similar age and spectacular achievement to Q. Fabius. Unhelpfully, the *Fasti* do not align with Livy here and have M. Valerius and his two successive *magistri equitum* down not for 302 but for 301, a “dictator year”.

\(^{62}\) There are 16 cases during the archaic dictatorship where the *magister equitum*’s first recorded consulship (including consular tribuneships) or dictatorship is earlier than that of the dictator he’s serving under, with difference ranging from 1 to 25 years. In 52 cases the *magister equitum* has numerically less experience, with differences ranging up to 46 years (the outlier at 46 being the prodigy M. Valerius Corvus over the suffect *magister equitum* of 302, M. Aemilius Paullus, who was one of the sitting consuls when appointed). In about 40% of these cases, however, both parties have significant experience: for example, the dictatorship mentioned above as an example of the use of the *magister equitum* as subordinate general during the second Samnite war, L. Papirius Cursor (#56, 310), cos. 326, 320, 319, whose *magister equitum* is C. Iunius Bubulcus Brutus, cos. 317, 313, 311. In the remaining 18 cases the elapsed time since first consulship or dictatorship is either the same (including cases where neither had held executive office previously) or the information is not available.
apparently not yet having been consul, appointed Ser. Cornelius Maluginensis, already seven times military tribune with consular power going back to his first election for 386, as his magister equitum. In 217 L. Veturius Philo (#76), cos. 220, dictator to hold elections, picked as his magister equitum M. Pomponius Matho, cos. 231. A. Cornelius Cossus Arvina (#45), cos. 343 and 332, made dictator in 322 to fend off the Sabines (according to one strand of Livy’s sources), chose as his magister equitum the even more experienced M. Fabius Ambustus, cos. 360, 356, and 354 and an ex-dictator to boot (#29, 351). The extant records appear to show that the number of magistri equitum who had not previously held major office is about the same as the number of dictators who had not held major office before.

All of this is consistent with the idea that the dictator was chosen not by seniority or rank, but because he was the needed man, the man who is known to his peers as being the one best suited to the quick resolution of the crisis at hand. The dictator, in turn, under pressure to succeed, did not manufacture possible problems for himself by choosing as his right-hand man the next political neophyte who needed to be apprenticed to senior magistracy. He chose whomever among those he trusted was best-suited by training and temperament to assist him in doing what must be done. Whether that required youth or age, experience or skill, ruthlessness or kindness, prior acquaintance or sterling reputation, depended in the dictator and the crisis at hand.

The naming of the magister equitum, like that of the dictator, might in itself have a palliative effect on the crisis. To deal with an uprising of the plebs, the suffect dictator P. Manlius Capitolinus (#19, 368) was said to have partially defused the situation simply by appointing as magister equitum a plebeian, his friend C. Licinius Calvus—before the censorship and dictatorship were opened to plebeians under the leges Liciniae Sextiae of 367.

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64 Livy 22.33.12.
65 Livy 8.38–8.40.
66 16 dictators, 15 magistri equitum in the archaic period. See Appendix C.
67 The first plebeian to hold that office: Livy 6.39.3, 10.8.8, Cass. Dio 29.5, Plut. Cam. 39.5. This C. Licinius may have been one of the leaders of the plebeian uprising; there is a discrepancy of names between Livy, Plutarch, and Dio.
No further actions were recorded by P. Manlius in the resolution of this *tumultus*; perhaps the appointment of C. Licinius by itself was enough to reduce tensions.

Normally commentators did not spare time for the qualifications of the *magister equitum*, but there were exceptions. So, for example, Livy here embellished the choice of *magister equitum* by Mām. Aemilius Mamercinus (#6, 437):

> LIVY 4.17.9

> *Is magistrum equitum ex collegio prioris anni, quo simul tribuni militum consulari potestate fuerant, L. Quinctium Cincinnatum, dignum parente iuvenem, dixit.*

He chose as his *magister equitum* L. Quinctius Cincinnatus, who had been his colleague in the college of consular tribunes the previous year, a young man worthy of his father.

An earlier choice for *magister equitum* was described this way:

> LIVY 3.27.1

> *Postero die dictator cum ante lucem in forum uenisset, magistrum equitum dicit L. Tarquitium, patriciae gentis, sed qui, cum stipendia pedibus propter paupertatem fecisset, bello tamen primus longe Romanae iuuentutis habitus esset.*

On the following day the dictator, coming before dawn into the Forum, named as his *magister equitum* L. Tarquitius, patrician by birth, but one who had served as a foot-soldier because of poverty, though in war he had been esteemed by far the first of the Roman youth.

*Magistri equitum* might already be holding high office when appointed by the dictator. In some cases a sitting senior magistrate resigned his present post before assuming the new position. P. Licinius Crassus Dives was a censor when Q. Fulvius Flaccus (#80, 210) appointed him *magister equitum*, and the *Fasti Capitolini* noted explicitly that he resigned the first office in order to take up the second. The consul C. Valerius Potitus was stated in the *Fasti Capitolini* as having resigned the consulship in order to become *magister equitum* to Cn. Quinctius Capitolinus (#42, 331), made dictator in order to drive the nail.\(^{68}\) On the other hand, Tī. Sempronius Gracchus was noted in Livy as being simultaneously *magister*...

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\(^{68}\) The account in Livy did not include this detail and in fact had a L. Valerius, not C. Valerius, as the *magister equitum*: Livy 8.18.13. Livy had earlier noted a confusion about this consul’s cognomen in the records for this year at 8.18.2, and the Loeb edition reported a manuscript discrepancy regarding the consul’s praenomen at that point as well. C. Valerius, cognomen not given, is the consul in Diod. Sic. 17.74.1. C. Valerius L.f. L.n. Potitus is clear in the *Fasti* as both consul and *magister equitum*. 

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equitum under M. Iunius Pera (#77, 216) and curule aedile when he stood successfully for consular elections for 215.69

According to the Fasti as they have come down to us, none of the sitting consuls appointed magister equitum was replaced by a suffect consul. Either (a) the consul resigned and the office remained vacant for the year, as seems to have suggested by the case of C. Valerius in 331; (b) the consulship was temporarily vacant and was resumed on abdication of the office of magister equitum; or (c) the consulship was retained through the holding of the magister equitum. Since both consuls and magistri equitum were subordinate to the dictator, functionally there would have been little difference in the conduct of the dictatorship if the magister equitum were also a sitting consul, and thus minimal pressure to force cessation of the consulship; but the cases of P. Licinius and C. Valerius provide weak but positive support for presuming that senior magistracies might customarily have been laid down upon the taking up of the office of magister equitum.

Eight of magistri equitum were sitting consuls or consular tribunes, including three cases of explicit reciprocity in which the dictator appointed as magister equitum the magistrate who himself had named him dictator.70 Though not explicitly attested, naming as magister

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69 “…Ti. Sempronius Gracchus, qui tum magister equitum et aedilis curulis erat…”: Livy 23.24.3, repeated at 23.30.16. The nuance here is unavailable: either Ti. Sempronius was aedile while he was at war as magister equitum, or his aedilship was in abeyance during his time as magister equitum and was resumed on his laying down the other office. Livy’s wording prefers the former, and the latter is problematic, in that M. Iunius, the dictator, was conducting elections, meaning that Ti. Sempronius was still his magister equitum while he stood for consul. Livy 23.24.5 referred to Ti. Sempronius as magister equitum while he was awaiting entry into office as consul-elect.

70 The known cases of reciprocity, based on comparison of various records, are as follows. Mam. Aemilius Mamercinus (#10, 426), Q. Servilius Priscus Fidenas (#11, 418), and P. Cornelius Rutilus Cossus (#12, 408) all appointed their appointing consular tribunes, namely A. Cornelius Cossus, C. Servilius Axilla, and C. Servilius Ahala, respectively. Livy flagged the reciprocity in the case of P. Cornelius Rutilus Cossus (#12, 408), Livy 4.57.

Cases where one of the sitting consuls/consular tribunes was appointed, but it is unknown whether the appointed magister equitum was the magistrate who appointed the dictator: A. Cornelius Cossus (#16, 385), faced with an insurrection by an ex-patrician, appointed consular tribune T. Quinctius Cincinnatus Capitolinus; Cn. Quinctius Capitolinus (#42, 331), named to drive the nail, appointed the consul C. Valerius Potitus; L. Cornelius Lentulus (#49, 320), fighting the Samnites, appointed the consul
equitum a consul who had not been chosen dictator would have had the effect of recognizing
the value of an experienced leader who did not happen to be the needed man in this
instance.

The appointment of Mam. Aemilius Mamercinus (#10, 426) as dictator by the consular
tribune A. Cornelius Cossus71 was a part of Mam. Aemilius's story arc involving vindictive
censors during his previous dictatorship (#8, 434), and his turning around and appointing
A. Cornelius as his magister equitum comes across in Livy as gratitude:

LIVY 4.31.5

A. Cornelius dixit et ipse ab eo magister equitum est dictus; adeo,
simul fortuna civitatis virtute vera eguit, nihil censoria animadversio effecit, quo minus regimen
rerum ex notata indigne domo peteretur.

A. Cornelius named Mam. Aemilius dictator and was himself named by him magister
equitum; thus a censor's judgment seeking to hinder leadership from a house unworthy
of infamy means nothing when the fortune of the state requires a truly worthy man.

Mam. Aemilius established a precedent of reciprocity that lasted for a few years, then
founded. Appointing your appointer as your own magister equitum seems to have been
generally avoided after this cluster of fifth-century cases; in any event, no explicit instances
are in the records, and even the dictatorships where it might have happened, except that
we do not know who the appointing consul was, crop up only rarely in the fourth century
and not at all in the third. Practically, there was no need: in war, the consuls and the
magister equitum alike operated as commanders subordinate to the dictator, and in domestic
crises the consuls were likely to be already embroiled in affairs, inhibiting the dictator's
mandate to resolve the crisis unfettered by office or affinity.

71 Mam. Aemilius was the first dictator appointed by a consular tribune, requiring a ruling
by the augurs that it was possible for one to do so (Livy 4.31).
Religious posts were not vacated upon appointment to *magister equitum*. In the case of Q. Fulvius and P. Licinius just cited, P. Licinius was also *pontifex maximus* at the time, and he retained that post through his service as *magister equitum* (as indeed he had through his censorship and would through his later consulship in 205), and continued as *pontifex maximus* well into the second century.\(^{72}\)

Given its lesser importance, we should check whether the office was more subject to nepotism or political favors than the dictatorship. Given the small pool of interrelated nobles filling the magistracies of the early Republic, there are nonetheless few obvious cases of dictators appointing family members. A very few cases were flagged as such:

*Livy 4.46.11*

*Magistro equitum creato a quo ipse tribuno militum dictator erat dictus, filio suo...*

Having appointed as *magister equitum* his own son, the [consular] military tribune by whom he himself had been appointed dictator...

The dictator, Q. Servilius Priscus Fidenas (#11, 418), had just been described as being so highly regarded as to greatly improve the morale of the Romans, which had been depressed by the squabbling of the consular tribunes, including the son, C. Servilius Axilla. C. Fabius M.f. N.n. Ambustus, suffect *magister equitum* in 315 to replace the original appointee, who died in battle, appears to have been the brother of the dictator, Q. Fabius M.f. N.n. Maximus Rullianus (#52). The paucity of such occurrences reinforces the idea that *magister equitum* was not an empty title or a meaningless honorific; he had a vital role as counterweight to the dictator’s paramount position.

**WAS HE ACTUALLY MASTER OF CAVALRY?**

Reading the exploits of dictators and their lieutenants in the narrative, it is only sometimes that one finds the *magister equitum* to be associated in any way with horses or

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\(^{72}\) Livy 27.5.14. He was elected *pontifex maximus* subsequent to the death in 213 of the prior officeholder—in an upset, says Livy (25.5.1–3)—and remained in that position until his own death in 183 (Livy 39.46.1).
cavalry. Was the *magister equitum*, even early on, the actual master of the horse? If not, why was this the name used for the dictator's second-in-command?

Though it would seem useful to refer to the actual head of cavalry, the phrase *magister equitum* was not used in Latin except in association with a dictator. Instead, functional phrases like *praefectus equitum* (later, *praefectus alae*) would be used, though they might still be translated into Greek with the same word used for *magister equitum*, ἱππαρχός. This would suggest that *magister equitum* was fossilized early on as a title, not a function. It was the term reserved for the dictator's lieutenant, regardless of how the dictator used him.

There are a few specific sightings of *magistri equitum* as commander of cavalry, starting with the case of L. Quinctius Cincinnatus and his *magister equitum* L. Tarquitius (#4, 458):

*Livy 3.27*

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legiones ipse dictator, magister equitum suos equites ducit.
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The dictator himself led the legions, the *magister equitum* his cavalry.

Likewise Mam. Aemilius Mamercinus (#6, 437) used his *magister equitum* as head of cavalry against the Etruscans, advancing in the center with the dictator and another commander leading the left and right flanks respectively. A. Cornelius Cossus was lauded as having led a brilliant cavalry action (“*insignem edidit pugnam equestrem*”) as *magister equitum* under Mam. Aemilius Mamercinus in the latter’s third dictatorship (#10, 426). A. Cornelius Cossus Arvina (#45, 322), seeing an opportunity for an effective cavalry charge against an enemy cavalry distracted in plunder, gave that glory to the *magister equitum*,

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73 So for example, “Q. Varius, praefectus equitum Domitii”, Caes. B Civ. 3.37, also 2.42, 7.67.7, 8.28.2; “C. Flavius Fimbria, qui praefectus equitum ante adventum Sullae…”, Val. Pat. 2.24; “quippe protinus ab adoptione missus cum eo praefectus equitum in Germaniam, successor officii patris mei”, Vell. Pat. 2.104.3; Livy 23.1, 35.34, 38.11, 43.22; Tac. Hist. 3.12; Curt. Hist. Alex. 4.15.12; “Paulo Aemilio, D. f., primo pilo, bis praefecto equitum, tribuno cohortis IIII praetoriae”, CIL X.3881 (cf. Tac. Ann. 2.11). Mommsen argued that in the normal functioning of the army there was no such officer as “master of cavalry” (Röm. Staatsr. 2.161), which may have meant that anyone in command of the cavalry would not have been a commander with the status of a *magister equitum*, i.e., above a praetor.

74 For example, in App. Hisp. 47.

75 Livy 4.18.

76 Livy 4.20, told in detail at 4.33; see also Val. Max. 3.2.4.
leaving for himself the infantry fight. 77 Q. Aulus Cerretanus, *magister equitum* under Q. Fabius Maximus Rullianus (#52, 315), made an unauthorized charge against the Samnite with the whole of his cavalry. 78

Generally, however, the narrative of the dictatorship had the *magister equitum* undertaking whatever command the dictator needed him for. Frequently the *magister equitum* was to be found commanding a division of the dictator’s forces alongside one or both of the consuls and, like the consuls, acting as generals to the dictator’s generalissimo.

This precedent—that the *magister equitum* was not restricted to commander of cavalry—was established at the very beginning of the narrative of the dictatorship. A. Postumius Albus Regillensis (#2, 496) was described as having placed his *magister equitum*, T. Aebutius Helva (*cos.* 499), in command of a special ad-hoc force consisting of elite squads of both cavalry and light-armed infantry, charged with taking a hill to shore up a Roman position weakened by the preexisting inexperienced commanders. 79 Later on, when pitched battle was finally incited with the Latins, this same *magister equitum* was found in command of the Roman left, with a consul commanding the right and the dictator himself the center; 80 in the ensuing battle T. Aebutius ended up in single combat with the enemy commander opposite him, each seriously wounding and unhorsing the other. 81

There are a number of other military occasions across the three centuries of the archaic dictatorship where, when we have details, the dictator was described as dividing consuls and the *magister equitum* to all the tasks at hand. A. Postumius Tubertus (#9, 431) put himself in charge of one division and a consul in charge of the other, with the other consul in charge of the city’s defenses and his *magister equitum* in command of the reserves

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77 Livy 8.38.
78 Livy 9.22.4.
79 Dion. Hal. *Ant. Rom.* 6.4.3.
80 Dion. Hal. *Ant. Rom.* 6.5.5; Livy 2.19.
81 Dion. Hal. *Ant. Rom.* 6.11.3.
and the protection of the supply chain.\textsuperscript{82} C. Fabius, suffect \textit{magister equitum} in 315 under Q. Fabius Maximus Rullianus (#52), marched to the front in command of a relief army.\textsuperscript{83}

In his attack against the Samnites, L. Papirius Cursor (#56, 310) took one wing and his \textit{magister equitum}, C. Iunius Bubuleus Brutus, not only a veteran \textit{magister equitum} but an experienced commander already thrice consul and triumphator the previous year, took the other. The two seasoned commanders competed with filial rivalry to see which would dislodge the enemy first, rousing their men to a fever of gallantry and together accomplishing an impressive victory.\textsuperscript{84} Both wings had their own cavalries under the command of lieutenants—namely the two consuls for 312, M. Valerius Maximus Corvus and P. Decius Mus, who were so effective in their coordinated envelopment of the enemy that they received a good deal of the credit for the subsequent victory.\textsuperscript{85} Q. Fabius Maximus Verrucosus (#74, 217) set his \textit{magister equitum} to raising a new army of two legions and afterward divided the command between himself and his \textit{magister equitum}.\textsuperscript{86} This is the gist of the line in the report by Mago, Hannibal’s brother, to the Carthaginian senate following Cannae explaining the \textit{magister equitum}.\textsuperscript{87}

The \textit{magister equitum} was, like the consuls, a general subordinate to the generalissimo, the dictator.

\textbf{LIEUTENANT OR COLLEAGUE?}

The \textit{magister equitum} was a prominent position, held by an experienced or preeminent noble of senatorial rank and appointed at the earliest stage of a dictatorship as a necessary component of the office. One consequence of this arrangement is that the dictator and \textit{magister equitum} operated jointly as a complementary pair of magistrates, one senior and one

\textsuperscript{82} Livy 4.27.
\textsuperscript{83} Livy 9.23.6. Q. Fabius famously hid the arrival of the \textit{magister equitum}’s reinforcements to spur his own men to desperate heroism, Livy 9.23.14, Front. 1.11.21.
\textsuperscript{84} Livy 9.40.
\textsuperscript{85} Livy 9.40.7–12, 9.40.21.
\textsuperscript{86} Livy 22.11, 22.15.
\textsuperscript{87} “\textit{Magistrum equitum, quae consularis potestas sit, fusimi fugatum}”: Livy 23.11.10.
junior, in marked contrast to the consuls, who tended to work alone, alternating both domestic and military responsibilities.

References in Greek to the appointment of the *magister equitum* tended to use προσαιρέομαι to describe the dictator’s selection of his own *magister equitum*. The word προσαιρέομαι suggests the taking of a companion in office, though that companion might be in a subordinate position, so that the term “junior colleague” suggests itself.

The appropriateness of the word “colleague” is not cut and dried. The casual tendency when considering collegiality in the Roman Republic is to think of pairs of officials, each safeguarding the commonwealth against the other’s putative ambition or misuse of power; this naturally fosters a tacit sense that magisterial colleges are balanced and equal. But the consuls were not equal: the consul elected first (consul prior factus), with the greater number of votes, was the senior consul. He was listed first in the *Fasti* and in the names of laws offered jointly by the consuls, and took the fasces for the first month of the consular year, enabling him to have the advantage in the proposing of laws and policy. It was customary for the senior consul to hold the elections if he was available to do so. We know of at least one occasion in which the execution of a law was laid upon the senior consul specifically. The colleges of praetors were likewise unequal: in the later Republic at least the praetor elected first got the plum assignment, the urban praetorship, which had both more responsibility and greater visibility. We can therefore dispense with the idea that collegiality required parity in all ways. The colleagues in ordinary magistracies

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89 Thus Pausanias choosing his lieutenant before the battle of Plataea, Hdt. 9.10.3; but also appointment to the remaining, open seats of a tribunal, Dem. Ag. *Neaera* 59.45, Xen. *Hell.* 6.2.39.
90 Taylor and Broughton 1949 and 1968, overturning the previous prevailing theory that *Fasti* listed the consuls in no order (per Mommsen *Röm. Staatsr.* 1.37-41, 2.90; and Kübler *s.v. consul*, RE 1118) or with the elder consul first (Täubler 1924, 55).
91 Once the plebeian nobility was finally established as participants in the consulship: Rilinger 1976. Either way, the elections were normally held in July and therefore would naturally be conducted by the consul holding the fasces in the odd months: Taylor and Broughton 1949, 5.
92 Cited in the *lex de provinciis praetoriis* of 100 BCE, Crawford 1996, 1.231–270, no. 12.
had unequal opportunity with regard to the practical implementation of their office. Yet the colleges nonetheless implemented the crucial Republican value of plural authority, because each colleague was still in a position to serve as a check upon the other, both in the abstract (which is to say, by the mere existence of a colleague) and in the practical functioning of the state (in an extremity, one could stand astride the other's path).

Though the *magister equitum* was the dictator's subordinate, there is an extent to which the collegial sentiment was employed in rhetorical discussion of the offices. Here's P. Decius Mus in 300, past consul (312, 308, 297, 295), *magister equitum* (#57, 306), and censor (304), debating his conservative rival Ap. Claudius Caecus, past consul (307, 296) and censor (312) and future dictator (#62, 285), on the subject of plebeian priesthoads:

*Livy 10.8.5*

“Noli erubescere, Appi, collegam in sacerdotio habere, quem in censura, quem in consulatu collegam habere potuisti, cuius tam dictatoris magister equitum quam magistri equitum dictator esse potes.”

“Do not blush, Appius, to have a colleague in the priesthood that you could have as colleague in the censorship or the consulship, as likely to be dictator to your *magister equitum* as *magister equitum* to your dictator.”

In some ways the dictator and the *magister equitum* were closer than collegial ordinary magistrates like the consuls or the censors. The dictator and *magister equitum* were always a pair: because of their shared focus on resolving a specific crisis, more than any other set of magistrates the dictator and the *magister equitum* acted jointly and in concert toward a unified end. Unlike the consuls, who were generally electoral rivals, the *magister equitum* was always the especial appointee of the dictator, chosen for his compatibility with the dictator and his aptness for the dictator’s immediate needs.

Both aspects of this closeness, however, also reinforced the nature of the superior/subordinate relationship between the dictator and the *magister equitum*. A single, shared mandate meant a single agenda and a single purpose for their magistracies. To ensure this unity of effort, a dictator would hardly appoint a *magister equitum* who showed signs of acting at cross purposes. The construction of this relationship made the advantage of collegiality in the Republic—a magistrate curbing his colleague's ambition or
ameliorating his poor leadership—much less likely with dictators and *magistri equitum* than with true collegial magistracies.

The “collegial” aspect of the dictator and *magister equitum* acting jointly should not be overstated; the *magister equitum* acted under the auspices of the dictator, and the legal responsibilities and religious ramifications were the dictator’s alone. Anecdotes about *magistri equitum* acting with self-assertion or independence, including the tale of the one *magister equitum* who clawed his way onto the acme and became “co-dictator”, only to have to foreswear that escalation and humble himself before his “father,” are about the office’s subjugation to the dictator. What is necessary to state is that the dictator did not act alone.

When the dictator was forced to step away from his army, the *magister equitum* was the individual who took charge instead, even if there were consuls about (despite Cicero’s assertion in the *De Legibus* epitome that the *magister equitum* should have the standing of an urban praetor). Polybius explained the *magister equitum* as the dictator’s subordinate, but also as his successor when the dictator was otherwise occupied. But dictators did not expect even experienced *magistri equitum* to act on their own initiative when out of touch with the dictator.

The *magister equitum* being left in command of the army in the field when the dictator returned to Rome appears to have been a relatively rare occurrence for a number of reasons. First, the acute military crises faced by dictators tended to be resolved in a single campaign, and often a single battle; absence was only likely to be an issue in major ongoing wars, such as the second Samnite war and the second Punic war. Second, it was not customary for any Roman commander, whether consul or dictator, to leave his army unless it was absolutely necessary to do so.

Also, the acting commands of *magistri equitum* that were best remembered were those where the *magister equitum* suffered a defeat in the dictator’s absence through surprise, as

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93 See Appendix H, s.v. auspicio.
94 “οὗτος δὲ τέτακται μὲν ὑπὸ τὸν αὐτοκράτορα, γίνεται δ’ οἴονει διάδοχος τῆς ἀρχῆς ἐν τοῖς ἐκείνου περισπασμοῖς”: Polyb. 3.87.9.
in the case of M. Valerius Maximus Corvus in his second dictatorship (#59, 302);\textsuperscript{95} or outright disobedience of the dictator’s orders, as occurred in the case study for L. Papirius Cursor.\textsuperscript{96} Both of those, like Q. Fabius Verrucosus leaving the unruly M. Minucius Rufus in command,\textsuperscript{97} returned to Rome only because it was necessary to retake the auspices.

Other cases where the magister equitum acted against the dictator’s orders did not lead to punishment only because there was no opportunity, the man being dead as a result of his actions. Q. Aulius Cerretanus (\textit{mag. eq}. 315, #52) led a heroic but reckless charge against the Samnites without orders and, though he struck down the enemy general, was slaughtered in turn by his victim’s enraged brother; a fierce battle between dismounted cavalry ensued to prevent Q. Aulius’s body from falling into Samnite hands, resulting in a Roman victory.\textsuperscript{98} By the time of M. Iunius Pera’s dictatorship (#77, 216), his inexperienced magister equitum Ti. Sempronius Gracchus knew better than to act while M. Iunius was away at Rome retaking the auspices despite the urgent temptation to relieve the besieged city of Casilinum, which Hannibal was reducing to starvation.\textsuperscript{99}

In nonmilitary situations, of course, there was no question of cavalry or infantry, and the magister equitum acted as the dictator’s subordinate and deputy, most memorably in the case of C. Servilius Ahala, Cincinnatus’s magister equitum and killer of Sp. Maelius.\textsuperscript{100}

\textbf{WHY DO YOU NEED A MAGISTER EQUITUM TO DRIVE THE NAIL?}

One of the most intriguing enigmas surrounding the office of magister equitum is that one was named even by dictators appointed for purposes that would not seem to require a junior colleague or second-in-command. Dictators going to war regularly made practical

\textsuperscript{95} Livy 10.3.
\textsuperscript{96} Livy 8.29–8.30.
\textsuperscript{97} Livy 22.18.
\textsuperscript{98} Livy 9.22.6–9. Livy makes explicit that the result was arranged by fortuna, 9.22.5, and the gods, 9.22.9 (“\textit{fratri praecipuum decus ulti Samnitium imperatoris di dederunt}”).
\textsuperscript{99} M. Iunius had left orders not to undertake any operations in his absence, and he dared not disobey: Livy 23.19.
\textsuperscript{100} See case study, above p. 130.
use of *magistri equitum* as subordinate commanders alongside the ordinary magistrates, and
the *magister equitum* stood in place of the dictator in the case of his absence or incapacity.
Dictators appointed to hold elections, conduct games, or even drive the nail, however, also
always appointed *magistri equitum* before approaching their tasks. P. Sulpicius Galba
Maximus (#84, 203) was supposedly named dictator for the purpose of recalling a glory-
seeking consul, even he appointed a *magister equitum* first. What motivated the
appointment of a *magister equitum* even when he would not seem to be needed?

The holding of elections is elaborate enough a job that it is possible to picture the
*magister equitum* helping out. That said, the presidency of the *comitia* was still a one-man job,
and there is no sign that anyone presiding at elections, whether consul, dictator, or *interrex*,
operated other than alone. Technically elections required only a president, an augur, and
the tabulating officials.102

On two occasions that we know of, a dictator was appointed specifically to conduct
games in the consuls’ stead. This also seems like an elaborate undertaking; but as with
the elections, the mundane details were not accomplished by the magistrate. Regarding
the Roman Games, Livy described the role of the consul, or the dictator standing in for
him, as literally “someone to give the signal to the chariots”—not a remarkable exercise
of power, as Livy himself noted, though the role of a presiding official in anchoring a
Roman *ludus* was more than the sum of his ritualized actions; still, it is hard to see the
need for a subordinate, unless as an understudy, if the dictatorship was not seen as a two-
man package. Q. Ogulnius Gallus (#66, 257) was appointed *Latinarum feriarum caussa*; the
Latin Games were normally conducted by the consuls, but in 257 both were engaged in

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101 Livy 30.24.1–3.
102 Namely “*vos rogatores, vos diribitores, vos custodes tabellarum*”: Cic. *Pis*. 15. For elections in the
*comitia* during the Republic see Staveley 1954; Hall 1964; Taylor 1966; Yakobson 1999.
103 “*ut esset qui ludis Romanis ... signum mittendis quadrigis dare*”: Livy 8.40.3. In the absence of
the consuls the signal could also have been provided by the praetor, but he was sick,
according to Livy. The relevant dictatorship is A. Cornelius Cossus Arvina (#45, 322),
about whom there were competing traditions—he might have been appointed for games,
or to wage war on the Samnites (Livy 8.38–40).
Sicily, and Ogulnius was appointed on the basis of his expertise in religious ritual and Etruscan, Latin, and Greek arcana. The conduct of the religious aspects of these games would have been particularly important during the fierce struggle with Carthage, as Hartfield pointed out;\textsuperscript{104} but presiding over these games and conducting these rituals would have again been a one-man job.

Against this, Livy made a point of noting that T. Manlius Torquatus’s choice for magister equitum when appointed to both conduct elections and give previously vowed ludi magni (#81, 208) was a sitting curule aedile, C. Servilius Geminus, the implication being that T. Manlius wanted C. Servilius’s help or advice conducting the games.\textsuperscript{105} As it happens, the dictator on this occasion was no novice scratching his head over how the games were worked; on the contrary, T. Manlius, an ex-censor and twice an ex-consul, was among the oldest living senators with long experience with Roman ritual and statecraft.\textsuperscript{106} With both consuls dead and the state and its armies, as Livy dramatically put it, “bereft”,\textsuperscript{107} it is possible that that the venerable T. Manlius delegated the operation of the games to his magister equitum so that he could concentrate on the first priority of both the senate and the people—electing capable new consuls who were prepared to meet Hannibal and Hasdrubal. All of the Roman dictatorships were unique, but this one is distinctive in the sense that it provides no evidence the dictator customarily required or made use of an assistant to conduct ludi any more than the consul did.

As for driving the nail, of all the activities of the dictators this must have been both the most quickly accomplished and the most self-contained. Though we have no descriptions of the ritual involved, as far as we can tell driving the nail involved a single

\textsuperscript{104} Hartfield 1982, 148.
\textsuperscript{105} Livy 27.33.6–8.
\textsuperscript{106} T. Manlius T.f. T.n. Torquatus: cos. 235\textsuperscript{a}, 224; cens. 231\textsuperscript{a}; dict. 208 (#81). C. Servilius C.f. P.n. Geminus: mag. eq. 208 (#81); cos. 203; pr. 206; dict. 202 (#85); pont. max. 183–180. T. Manlius was the senator who had been censor earliest and so by custom should have been princeps senatus, but the distinction was given to the man generally held to be princeps Romanae, Q. Fabius Maximus Verrucosus (Livy 27.11.10–11).
\textsuperscript{107} “duo consoles velut orbam rem publicam reliquerant”: Livy 27.33.7.
ceremony, accomplished within the confines of a single day. More to the point, this form of salvation and propitiation could only be undertaken by the individual with the highest imperium and therefore the ultimate command of the mana or primitive magic wielded by kings and their analogues.\textsuperscript{108} This was the most solitary of all dictatorial tasks. Unfortunately we have only Livy's brief reference to an obscure ancient law\textsuperscript{109} and his subsequent confused comparison to the driving of an annual nail by the priests; but, barring additional evidence, there is also no basis at all for assuming clavum pangat to consist of anything more than what the words actually say—the driving of a nail. Our current concern is that the presence of a magister equitum as junior colleague stands out here more than elsewhere, but forms part of a pattern in which a magister equitum was attached to a dictator regardless of circumstance.

The two consuls shared responsibility for Rome and so were capable of operating independently and on their own authority; the magister equitum, conversely, was not an independent actor because the responsibility did not devolve upon him. He was an agent of the dictator's authority and responsibility.

But the magister equitum was also one of the chief officials of the Roman Republic. He had auspicia; he may have had his own imperium. He could convene the senate.\textsuperscript{110} In one of Cicero's speeches we find four signal offices of the Republic listed together: “dictator, consul, praetor, magister equitum”.\textsuperscript{111} He had lictors and the right to the toga praetexta and the sella curulis.\textsuperscript{112} The magister equitum was not just the dictator's odd-job man, since he was in place even when there was no prospect of an odd job; he was not merely the cavalry commander, since he was in place even when there was no cavalry to command (and even

\textsuperscript{108} For the theory see Wagenvort 1947, 33–40, 122; Cohen 1957, 306–308.

\textsuperscript{109} “Lex uetusta est, priscis litteris uerisque scripta, ut qui praetor maximus sit idibus Septembris clauum pangat”: Livy 7.3.4.

\textsuperscript{110} Livy 23.25.2.

\textsuperscript{111} Cic. Rab. Post. 6.14.

\textsuperscript{112} Cass. Dio 43.48.2, in which the two city prefects managing Rome with Lepidus, the absent Caesar's magister equitum, were upbraided for likewise assuming Lepidus's trappings of office, namely lictors, the toga pratetexta, and the sella curulis. See Appendix G, s.v. “Chair and Toga”.

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in military situations he was treated as one of the available pool of legionary commanders consisting of consuls, praetors, and the *magister equitum*. The *magister equitum* had standing within the Roman Republic not for the practical function he performed, but as the dictator’s counterpart in a unique evocation of the Roman idea of *imperium duplex*.

Dictators appointed *magistri equitum* because that was part of the conceptualization of the dictatorship. In this conceptualization, the dictator and the *magister equitum* formed a limited kind of college. They were “more practically unequal” than senior and junior consuls, because the *magister equitum* served under the aegis of the dictator and acted as an extension of the dictator’s efforts to resolve his mandate. The *magister equitum*, without the capacity for independent operation, was not in a good position to stand astride a dictator’s path; and this is perhaps one of the more concrete ways in which a dictator had “unfettered” power as compared to a consul. But the dictator was not alone. From the very beginning the dictator selected his junior colleague before undertaking even the first step to resolve his mandate; and the one dictator who was explicitly directed to operate without one decried not only the offense to custom but the danger to the Republic. The dictator was always paired with a *magister equitum*, and operated in the same space as the dictator. In this way, even in case of an emergency, the *summa potestas* of the Republic was never given over to one man as an entity solely unto himself.

**Dictators without a Magister Equitum**

Dictators listed in the records without an associated *magistri equitum* are categorically anomalous. Even dictators without *magistri equitum* due to vitiation are not found. Vitiation seems to have occurred after the *magister equitum* had already been appointed, taking both magistrates with it. The only case that comes close is M. Claudius Glicia, forced to resign immediately after his elevation, before having had a chance to name a *magister equitum*.\(^{113}\)

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\(^{113}\) Livy *Per.* 19.2.
When vacancies occurred in the post of *magister equitum* due to death in battle, they were immediately filled with a new *magister equitum* rather than allow the post to remain vacant. To give the clearest example: As noted, in 315 Q. Fabius Maximus Rullianus (#52) was in mid-campaign when his *magister equitum* got himself killed.\footnote{Livy 9.22.6–9.} Q. Fabius appointed a suffect *magister equitum*, the one whose main role was to bring up secret reinforcements.\footnote{Livy 9.23.15; Frontin. *Str*. 1.11.21; Diod. Sic. 19.72.3–9.} This could have been performed by any experienced commander, including the two veteran and extremely experienced consuls, both of whom were sitting on their thumbs in Rome;\footnote{Livy 9.22.1. The consuls were L. Papirius Cursor, *cos.* 326, 320, 319, 315, 313; *dict.* 325 (#44), 310 (#56); *mag. eq.* 340 (#36), 320 (#50, #49); and Q. Publilius Philo, *cos.* 339, 327, 320, 315; *dict.* 339 (#37); *mag. eq.* 335 (#39).} but rather than sending a note to one of these able commanders to bring up some troops, Q. Fabius went to the trouble of formally creating a suffect *magister equitum* before proceeding with the final attack on the Samnites.

Only M. Fabius Buteo operated without one, and he himself objected to acting as dictator alone. Just as no archaic dictator, with one quickly quashed exception, attempted to abuse the power of the dictatorship and thereby enhance his own glory, so too no archaic dictator save Buteo attempted to hold the supreme power of the dictatorship alone. Instead, every archaic dictator, even those appointed for tasks that did not require a subordinate, nonetheless solemnly, with due consideration, and without fail appointed a *magister equitum* before beginning to address the need that had caused him to be appointed.

**CONCLUSIONS**

The dictator’s first act was to appoint a *magister equitum*. He did nothing else before appointing the *magister equitum*; even a decision by the augurs that the dictator was not properly appointed came after the dictator had already performed this act. It was so incumbent upon him to do so that it could be described as his first duty. There were no laws requiring it, of course, any more than there were laws about anything else relating
to the dictatorship. The dictatorship was shaped by precedent, and the precedent of appointing a *magister equitum* first, before any other act, was inscribed in the office from its very first occupants. There was always the dictator and, beside him, the *magister equitum*, even when you would think he would not be needed, as if they were another enforced pair in a state given over to the benefits of collegiality.

And yet, the existence of the *magister equitum* was not about collegiality in the usual sense. The priorities of the extraordinary system were not the same as those of the ordinary system. The ordinary system was about stability and reliability. The extraordinary system was about ridding Rome of a specific trouble in order to restore normality with expedition. The onus was on the dictator to do whatever it took to make that happen.

The sitting magistrates of the ordinary system were subordinate to him; they were available to help the dictator get the job done. But the ordinary magistrates were installed through political machinery of the ordinary system, with what that entailed. The priorities that brought them to office were not those of the dictator; and the dictator would not be in office if the incumbent combination of consuls and praetors were the best solution to the crisis the dictator was facing. More practically, while the dictator was working towards the resolution of his mandate, the incumbent magistrates still had their own duties, involving everything else that was needed in Rome; keeping them from taking care of anything that needed doing outside the current crisis might do more harm to Rome than good. The first dictator, according to most of the later stories, was one of the sitting consuls; he was now focused solely on his mandate, and if he monopolized the attention of the sole remaining consul, while he, the dictator, was dedicated to the mandate, that would have left the ordinary government of Rome without an executives.

T. Larcius solved the problem by making sure he had a second in command that belonged solely and completely to the extraordinary system, and his successors enthusiastically followed suit. Aside from the psychological benefits of not being alone in holding sweeping emergency power, the dictator was sure to have a subordinate that was of his choosing. This subordinate was not a person who happened to have been made a
fellow incumbent by means of the contested electoral system, and who might be beholden to some other purpose. The magister equitum was the dictator’s choice, free of other commitments and so able to remain dedicated to supporting the dictator.

All this tells us one very important thing about the dictatorship that clearly was understood both during the archaic period and in the later centuries of the Republic during which the stories of the dictators were told: namely, that everyone in the entire history of the archaic dictatorship, including the dictators themselves, knew that the dictatorship consisted of two men.
atque his diuinis humanisque rebus gestis dictatura se abdicauit.

...and, having discharged his duties to gods and men, he resigned his dictatorship.

THE DICTATOR’S EXIT FROM OFFICE

THE DICTATOR VOLUNTARILY RESIGNED UPON THE RESOLUTION OF HIS MANDATE

Dictatorships, unlike all the ordinary magistracies and even other nonordinary magistracies such as the interrex, were not tied to time in office at all, but to mission. Dictators were chosen to undertake a specific task, and they resigned on completion of that task. This seems to have made the office unique in Italy, even compared to other officials going by the same name.¹ As Cohen lucidly explained:

“The magistrates who occur elsewhere exactly lack the remarkable feature of the Roman dictator which lies in the fact that this dictator gets appointed for discharging a special function and resigns once when his task has been completed, whereas elsewhere the dictator or allied official is an ordinary magistrate who is appointed for every year at a time and immediately gives way to his successor after his resignation.”²

The chapter quote above is perhaps Livy’s most concise statement of this principle, from his narrative of M. Furius Camillus’s first dictatorship (#13, 396): after the dictator had completed the subjugation of Veii and dedicated the temples he had vowed, he foreswore his office, returning Rome to the ordinary state and himself to ordinary status.

Throughout the narrative of the dictatorship, the idea was persistently expressed that the dictator did what he was appointed to do and then resigned—no waiting around for the office to lapse after six months, no casting about for other things on the collective to-do list, no taking anyone else’s word on when or if he should resign. If the dictatorship were a Caesarian dictum, it would be vocatus sum, vici, abdicavi. T. Larcius established the

¹ See Appendix G, s.v. “The Latin Dictatorship.”
² Cohen 1957, 300.
precedent during the first dictatorship, but perhaps M.' Valerius’s resignation upon not being able to proceed further against his mandate had just as much effect on successors.

The question of judgment is part of what made that precedent so critical. M.’ Valerius was the arbiter of his own success or failure. Both Livy and Dionysius made clear that M.’ Valerius alone decided not only the conduct of his office but the termination of it. Therefore, his motivations for resigning were of the utmost importance. First there is his statement that he will not remain dictator to no purpose, futilely pursuing a lost cause; that concept of “purpose,” the lack of which makes a dictatorship meaningless, tied directly to the idea of the mandate. His dictatorship was created to accomplish a purpose, or in this case two purposes; one had been achieved, one could not be achieved. The purpose of this dictatorship had been completed as much as it can be, and therefore the dictatorship itself was now moot. That determination was made, and could only be made, by the man bearing responsibility for the mandate, the dictator.

Beyond the questions of futility and purpose, there is a clear sense that M.’ Valerius was resigning explicitly because it was the right thing to do. Not morally, not exactly; what M.’ Valerius is talking about here was not rectitude exactly so much as Roman virtus. It would be degrading, unmanly, for him to linger impotently in his dictatorship when there was no chance of pursuing the obstructed half of his mandate successfully, and so to watch the revolution rage with the titular power to act but no capacity to do so. Since the other nobles scorned his principles, remaining or resigning had little to do with community reproach and everything to do with his own self-assessed dignitas. M.’ Valerius proudly claimed his right to judge the state of his own mandate, and assessed the moment of his own resignation accordingly. This idea of self-assessment was closely related to the factors that circumscribed a dictator’s power. M.’ Valerius’s example resounded down the tale of archaic dictators all the way to the end—and past it to Sulla if not Caesar.

Resignation, then, because it involved this crucial and revealing moment of self-judgment with respect to the mandate, was an elemental component of the dictatorship and loomed large in its subsequent history. The ordinary magistrates came and went with
the calendar and were important because they happened to be in the chair when events needed reacting to during their stint; but the how, when, and why of a dictator’s resignation was as crucial to the story as the how and why of his appointment, and as inherently idiosyncratic and peculiar as the unique circumstances of his call to office.

Consequently, the dictator’s resignation was regularly included in the narrative, where it naturally was not for consuls or praetors or even more infrequent magistracies like censors. An explicit statement of the dictator exiting his dictatorship can be found in Livy, Dionysius, or other sources for 34 of the 85 dictatorships on the list of archaic dictators; looked at another way, of the 71 dictatorships dated to the surviving books of Livy, 30 got an explicit notice of his exit from office, and at least 19 further implicit ones. The great majority of the notices convey the essence found in the notice of Camillus’s resignation quoted above: the dictator, having fulfilled the responsibilities of his office, resigned.

Those dictators whose mandate was a single discrete action—the driving of the nail, the holding of elections, the celebration of certain games—were described in the narrative as surrendering their office on completion of the task. Routine examples include Cn. Quinctius Capitolinus (#42, 331); T. Manlius Torquatus (#81, 208); and Q. Caecilius Metellus (#83, 205). Q. Fabius Buteo’s was the most emphatic; he cast aside his office with almost palpable force. L. Manlius Capitolinus did not resign on completion of his mandate, and ended up resigning in shame instead; and he was the only one, as powerful a precedent as T. Larcius and M.‘ Valerius.

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3 Three cases where armies were handed off to new consuls, eight where the dictator triumphed and then the dictatorship was not further discussed, and eight cases where a dictator was appointed to hold elections, the elections were held, and the dictatorship was not further discussed. Though we are mostly limited to the books of Livy that survive, and the Periochae is too condensed to notice routine resignations, still M. Claudius Glicia (#67, 249, Livy Per. 19.2) being forced to resign and Q. Hortensius (#60, 287, Livy Per. 11.11) dying while in office were both preserved by the epitomator.


5 Livy 23.23.7–9, told even more elaborately in Plut. Fab. 9.4 (see case study above, p. 167).
In all cases of single-function dictatorships where the dictator was not represented in the literature as explicitly laying down his office on completion of the task, he and his office vanish from the record in such a way as to make clear that the resignation was not mentioned not because the dictatorship persisted and the resignation did not take place but because the writer simply moved on to the next topic. On coming to Q. Fabius Ambustus’s dictatorship for the holding of elections for 350 (#29), Livy mentioned the senate’s intent, foiled in this case, of forestalling by means of a dictator presiding over the elections a plebeian consul, and then moved on to the legacy of the election, the resulting consulships. Livy did not need to say that after the elections Q. Fabius returned to the consulars’ bench and resumed the normal mundanities of an elder senator; only the failure of such a recession to transpire would have sidetracked Livy from his narrative of the election into spending further words on its officiator. The implication that Q. Fabius’s dictatorship ended with the elections that were his mandate was clear. The only remaining question a modern might ask is: did he resign, or did his dictatorship automatically lapse into nonexistence? That it ended with his deliberate resignation can be inferred both (a) from the model of other electoral dictatorships where resignation was overtly mentioned and (b) from other factors to be discussed momentarily.

Single-function dictatorships might have been even further restricted in scope than they might at first appear. One might assume that dictators appointed to hold elections would remain in office until elections were held, but there is some evidence to suggest that such dictators resigned after the elections they scheduled were attempted, even if they were not successfully completed. M. Aemilius Papus (#47, 321) made a go at holding elections for 320 in the wake of the disaster and humiliation at the Caudine Forks.

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6 “Dictatorem quoque hic annus habuit M. Fabium, nullo terrore belli sed ne Licinia lex comitiis consularibus observaretur. ... Nec tamen dictatura potentiorem eum consensum patrum consularibus comitiis fecit quam censorii fuerat: M. Popilius Laenas a plebe consul, a patribus L. Cornelius Scipio datus. Fortuna quoque ilustriorem plebeiium consulem fecit...” (Livy 7.22.10–7.23.1)

7 By this time Q. Fabius had already been consul three times, according to MRR, and possibly censor.
consuls having shut themselves up in their homes in shame. But voter dissatisfaction with the candidates scuttled the whole thing:

**LIVY 9.7.14**

*Nec per eos comitia habita; et quia taedebat populum omnium magistratum eius anni, res ad interregnum rediit. Interreges Q. Fabius Maximus M. Valerius Corvus. Is consules creauit Q. Publilium Philonem et L. Papirium Cursorem iterum haud dubio consensu ciuitatis, quod nulli ea tempestate duces clariores essent.*

Yet they could not conduct elections either, and on account of popular disgust with all those up for magistracies for that year, matters reverted to an interregnum. The *interreges* were [in turn] Q. Fabius Maximus and M. Valerius Corvus, the latter bringing about the election of Q. Publius Philo and L. Papirius Cursor (for the second time) by unreserved popular consent, there being no others in those days who were more brilliant leaders.

It seems clear from “*res ad interregnum rediit*” that M. Aemilius Papus stood down from his dictatorship rather than try again after his slate of proposed candidates was rejected by the populace. With the consuls still self-absented from state business, it became necessary for *interreges* to be appointed to hold elections. It would be interesting to know who M. Aemilius put up, and whether the elections failed because the candidates really were inferior or, as seems more likely, because public consternation paralyzed the city for a while; but by the time a second *interrex* was installed, none other than the veteran war hero M. Valerius Corvus (a marked contrast to the otherwise undistinguished dictator M. Aemilius Papus), the public was ready again to look toward the coming year. It may not have been an option for M. Aemilius to have tried again, either because the dictator recognized that someone else need to give it a try, or because of some precedent that limited election-holding dictators to one go (perhaps on the model of the *interrex*, though for different reasons).\(^8\) If there was an official reason, it may have been religious: given that elections, like most Roman public actions, were dependent on religious ritual, a failure of the election to proceed might have been construed as a religious impediment to

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\(^8\) It’s possible that the *interrex*’s short term was partly so that failed elections would be retried by someone else.
a dictatorship created for that specific purpose; the failure of the election might therefore have vitiated the dictatorship just as the failed appointment of a *magister equitum* might.⁹

Dictatorships with broader scope, appointed to scotch invasions or insurrections were likely to have their resignations noticed. These dictators fought their fights, returned victorious, and dropped their office like a hot rock, the only exceptions being occasions on which the senate or the people begged them not to resign, thrusting upon them a second mandate. These occasions were rare, and most military dictatorships followed the model of fight–triumph–resign typified by this notice of A. Postumius Tubertus (#9, 431):

*Livy 4.29.4*

...*praepositoque consule castris, ipse triumphans inuectus urbe dictura se abdicavit.*

...and placing the consul in command of the camp, he himself entering the city in triumph renounced his dictatorship.

Again and again Livy yoked these acts: (a) return to Rome from war, (b) triumph if applicable, (c) resign.¹⁰ In fact the formula is stable enough that in the eight further cases

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⁹ E.g., Plut. *Marc. 5.4*. The incident is discussed later in this chapter under vitiation.

¹⁰ Returned, triumphed, and resigned: Mam. Aemilius Mamercinus (#10, 426): “...*exercitum victorem opulentumque praedas triumphans dictator Romam reduxit; iussuque magister equitum abdicare se magistratu, ipse deinde abdicavit...*” (Livy 4.34.4). P. Cornelius Rutilius Cossus (#12, 408): “Dictator bello ita gesto ut tantum non defuisse fortuneae videretur, felicitate quam gloria maior in urbem redit magistratuque se abdicavit” (Livy 4.57.8). A. Cornelius Cossus (#16, 385): “*Et iam magis insignis et sordibus et facie reorum turba Manliana erat, amotusque post triumphum abdicatione dictaturae terror et linguam et animos liberauerat hominum*” (Livy 6.16). T. Quinctius Cincinnatus Capitolinus (#17, 380): “*Praeneste in deditionem accepto Romam revertit triumphansque signum Praeneste deuentum Iouis Imperatoris in Capitolium tuit. ... die uicesimo quam creatus erat dictura se abdicavit*” (Livy 6.29.8, 10). A. Cornelius Cossus Arvina (#45, 322): This one is tricky in Livy because he reported dual traditions in the context of war with the Samnites, one involving the consuls fighting and triumphing and A. Cornelius being appointed to give games and then resigning (Livy 8.40.1–2, 8.38.3, supported by the *Fasti Triumphales*), the other involving A. Cornelius fighting and triumphing (Livy 8.38.15). Either way, he resigned on completing his task.

Returned victorious and resigned: Q. Servilius Priscus Fidenas (#11, 418): “*Dictator exercitu victore Romam reducto, die octauo quam creatus erat, magistratu se abdicavit...*” (Livy 4.47.6). L. Furius Camillus (#33, 345): “...*cuius damnatus uoti cum uictor Romam reuertisset, dictatura se abdicavit*” (Livy 7.28); L. Furius had vowed a temple to Juno Moneta when beginning this short campaign against Auruncum; it is interesting that despite vowing the temple as dictator there seems to have been no question of remaining dictator in order to fulfill this vow.

Returned, graciously gave the consuls who fought under him the credit and let them...
where the narrator had the dictator return and triumph without mention of a resignation, there is reason to believe the omission derived from the resignation being implicit; in all such cases, the dictator then dropped out of events and the story moved on to other matters or magistrates. Livy’s recounting of M. Furius Camillus’s third dictatorship (#15, 389) is typical: he returned from fighting the Aequi, Volsci, and Sutrii; he entered the city triumphant; and then there was no more to say concerning this dictatorship, and Livy turned to the aftermath of Camillus’s dictatorship, as did Plutarch at the same point.

Here’s the end of that dictatorship in Livy:

LIVY 6.4.1, 4

Camillus in urbem triumphans rediit, trium simul bellorum uictor. ... Eo anno in ciuitatem accepti qui Veientium Capenatiumque ac Faliscorum per ea bella transfugerant ad Romanos...

Camillus returned into the city triumphant, victor of three wars at once. ... In that year those who had deserted to Rome from Veii, Capenae, and Fidenae during those wars were accepted into the citizenry...

Cases of generic, which is to say rei gerundae caussa, dictatorships in which the dictator was appointed to go to war but the resignation was not described, or implicit as above, in the narrative are rare. Typically, such cases involved the threat against which the dictator was named failing to materialize; the storyline itself evaporated from the narrative, and the dictatorship vanished with it. M. Papirius Crassus (#41) was named in 332 to meet a threat from the Gauls; but the threat dissipated, and there were no other triumph, and resigned: Q. Servilius Ahala (#24, 360): “Dictator consulibus in senatu et apud populum magnifice conlaudatis et suarum quoque rerum illis remisso honore dictatura se abdicauit. Poetelius de Gallis Tiburtibusque geminum triumphum egit...” (Livy 7.11.9).

Returned, triumphed, and immediately took up the consulship he had been elected to while he was fighting: M. Valerius Maximus Corvus (#59, 302): “Dictator triumphans in urbem rediit.—habeo auctores sineullo memorabili proelio pacatam ab dictatore Etruriam esse seditionibus tantum Arretinorum compositis et Cilnio genere cum plebe in gratiam reducto.—consul ex dictatura factus M. Valerius”: Livy 10.5.13–14.

The incidents of a return to Rome, a triumph, and a seemingly implicit resignation are: Mam. Aemilius Mamercinus (#6, 437, Livy 4.20.1); M. Furius Camillus (#15, 389, Livy 6.4); T. Quinctius Poenus Capitolinus Crispinus (#23, 361, Livy 7.11 + Fasti Triumphales); C. Sulpicius Peticus (#25, 358, Livy 7.15); C. Marcus Rutilius (#26, 356, Livy 7.17); L. Cornelius Lentulus (#49, 320, Livy 9.15.10); L. Papirius Cursor (#56, 310, Livy 9.40.15); C. Iunius Bubulcus Brutus (#58, 302, Livy 10.1.9).

11 Plut. Cam. 36.
immediate dangers (the Samnites were busy elsewhere, Livy noted). After these remarks, nothing further was said about M. Papirius's dictatorship.\textsuperscript{13}

The remaining cases involve mandate extension or a second mandate, as with the button to the story of L. Papirius Cursor's first dictatorship (#44, 325): having defeated the Samnites and their Vestini allies and entered into the city in triumph, he was even described as being about to resign immediately thereafter in the normal fashion before the senate asked him not to:

\textit{Livy 8.37.1}

\textit{Dictator triumphans urbem est ingressus; et cum se dictatura abdicare uellet, iussu patrum priusquam abdicaret consules creauit C. Sulpicium Longum iterum Q. Aemilium Cerretanum.}

The dictator passed into the city triumphant; and then, when he wished to renounce his dictatorship, by edict of the \textit{patres} before he resigned he oversaw the election as consuls of C. Sulpicius Longus, for the second time, and Q. Aemilius Cerretanus.

The same sequence of events occurred on a few other occasions. The dictator, at the point of resigning on completion of his mandate according to one of the customary patterns we have already seen, was forestalled from doing so on these occasions by what was essentially an additional mandate imposed on him by the senate. M. Furius Camillus's fifth dictatorship (#20, 367) likewise would have ended with his triumph, but the senate forestalled his resignation because of an insurrection.\textsuperscript{14} Livy stated that C. Marcius Rutilus (#26, 356), the first attested plebeian dictator, would normally have been expected to stick around and hold elections, but elections officiated by a plebeian were ruled out and \textit{interreges} were resorted to instead.\textsuperscript{15}

Taken together, the examples in which the dictator explicitly triumphed and resigned (as in A. Postumius Tubertus's notice, quoted above) and the exceptions in which a dictator triumphed and then was asked to stay on despite having already triumphed (as L. Papirius

\textsuperscript{13} Livy 8.17.6.

\textsuperscript{14} Plut. \textit{Cam.} 42.1. Livy did not give a version of his exit from office, but mentions a triumph and his great age on receiving it (Livy 6.42.8, App. \textit{Celt.} 1), and that he dealt with a civil disruption as dictator after defeating the Gauls (Livy 6.42.9–11) and held elections to boot (Livy 6.42.14, Plut. \textit{Cam.} 42.5, Zon. 7.21).

\textsuperscript{15} "\textit{Quia nec per dictatorem plebeium nec per consulrem comitia consularia haberu uolebant et alter consul Q. Fabius bello retinebatur, res ad interregnum redit}": Livy 7.17.10.
Cursor’s notice above) allow us to confidently assume that the eight instances in Livy in which the dictator triumphed and then dropped out of the narrative with no further action to notice (as in the notice relating to Camillus’s third dictatorship) were narrative shorthand for the customary and repeated terminal sequence of events for military dictator: return to Rome, triumph (if applicable), resign.

The triumph, or failing that a decisive victory, made it easy for the dictator to decide his work was done and he must stand down. But in fact all of the resignation notices, and indeed the very prevalence of them, emphasized the dictator’s choosing of the moment to resign at the moment he understood his mandate to have been, according to his own judgment, satisfactorily addressed.

Underlining the principle of the dictator’s termination of office being at his own discretion was the choice of language used in the regular notices of resignation. Livy’s formula, repeated in no fewer than two dozen cases, was some variation on the phrase dictatura se abdicavit, quite often as part a short sentence on its own effectively terminating the episode. The choice of verb is notable. Abdico ‘renounce’ is closely related not only to dicto ‘pronounce’, the source of the name of the office, but also of course to dico ‘declare’, one of the words regularly used to describe the dictator’s appointment to office. It was the consul’s preserve to appoint a man to the dictatorship, and the dictator’s preserve to reverse the appointment. The two discretionary actions were in each case the arbitrary purview of a single man, and, considered jointly, they mirrored and complemented each other.

So for example, the term of Q. Servilius Priscus Fidenas (#11, 418) began with:

Livy 4.46.10

Et quod plurimum animorum fecit, dictator ex senatus consulto dictus Q. Servilius Priscus.
And what heartened many, Q. Servilius Priscus being named dictator in accordance with a senatorial resolution.

…and ended with:

Livy 4.47.6

Dictator exercitu victore Romam reducto, die octauo quam creatus erat, magistratu se abdicavit.
The dictator, returning to Rome with his victorious army, renounced his office eight days after his appointment.

*Abdico* normally takes the accusative. Its use with *se* and the ablative, either *magistratu* or *dictatura*, amounted to a technical term (and was so flagged in Lewis & Short) involving the formal laying down of an elected or appointed office of the state. In the extant books of Livy, a corpus that runs upwards of half a million words, the verb *abdico* was used only 62 times. Of these, 20 were cases in which the object is a form of *se dictatura,* and another 13 involved a dictator and a version of the object *se magistratu,* with a further case of a *magister equitum* similarly renouncing *se magistratu.* More than half of Livy’s uses of the verb *abdico,* in other words, involved the dictator ending his own term of office. The balance of the uses of *abdico* in Livy generally followed a similar model: a consul’s resignation, for example, was either *se consulatu abdicavit* or *consul se magistratu abdicavit.* A plurality of these uses of *abdico* did involve consuls; there were also tribunes military and plebeian, censors, aediles, *decemviri,* a *duumvir,* and a praetor. *Abdico* was not used in Livy at all for the renunciation of ideas, or friendships, or even more formal statuses such as membership in the senate, or anything else that might be renounced or foresworn in English; for Livy *abdico* was reserved exclusively for the renunciation of magisterial office.

The circumstances of these abdications are informative. Outside the dictatorship, *abdico* seemed to signify scandal or calamity. The consular examples form a litany of what can go wrong: consulships tainted by plague (5.31.8) or by the odium of connection to the Tarquins (Livy 2.2.10, 4.15.4); humiliation by a dictator for failure in battle (3.29.3); a consul resigning to become dictator in order to quell an untrustworthy colleague (2.21.3); furious calls to abdicate after failing to suppress the plebs (2.28.9); popular demand forcing resignation on consular tribunes whose mutual hatred caused their armies to be slaughtered (5.9.8); a portent requiring vitiation (5.17.3, 23.31.14); a Samnite invasion requiring early elections to get the next year’s consuls in the field in time to save Rome

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16 Or *me dictatura* quoted in a speech, as C. Maenius (#53, 314) at Livy 9.26.18. Occasionally in the absolute without *se* e.g., “*amotusque post triumphum abdicatione dicturae terror et linguam et animos liberauerat hominum*” (Livy 6.16.8).
(8.3.4). *Abdico* came up for other magistrates under similarly dark circumstances: the senate’s demand that the *decemviri* step down, and their doing so in shame (3.54.5, 6); vitiation of aediles’ election as part of a string of portents and bad luck (30.39.8); an aedile needing to resign to avoid illegally holding two magistracies (39.39.9); a praetor threatening to resign to avoid religious duties imposed by the *pontifex maximus* (37.51.6); a slate of plebeian tribunes resigning to go under the yoke after Caudine Forks (9.10.2).

The cases involving *abdico* in relation to censors in Livy are of particular interest. Five references revolve around a single episode: one censor resigning in shame because of the other’s “invidious” revision of the senate roll (9.29.7, 9.33.4, 9.34.21), the latter then refusing the stand down even after 18 months (9.33.4), only resigning when forced to do so in order to be able to stand for consul (9.42.3). In the remaining censor cases of *abdico*, two resigned because their colleague died and could not be replaced (6.27.5, 27.6.18); another resigned in disgrace over a treasonous conspiracy after Cannae (24.43.4).

In cases involving ordinary magistrates, then, *abdico* was a signifier of failure and a need to stand down before the normal ending of the office. The word flagged a magistracy as aborted and even sullied. Strikingly, the reverse is true with dictatorships. Every use in Livy of *abdico* with *se dictatura* or *se magistratu*, when applied to dictators, suggested the dictator’s impeccable discretion and his completion of the job at hand. It is just as with the model reference to M. Furius Camillus at the start of this section, or the bookended notices of Q. Servilius Priscus (both quoted above): Q. Servilius was appointed to drive back the Gauls, he did so quickly and thoroughly, and he laid down his office. From very near to the start of Livy’s dictator narrative (“*Ita curia egressus dictatura se abdicavit*”: M.’ Valerius Maximus, #3, 494) to very near the end (“*Comitiis peractis dictator sese magistratu abdicavit*”: Q. Caecilius Metellus, #83, 205) dictator after dictator renounced his dictatorship as part of a process of self-assessment in the context of the fruition of his mandate.\(^\text{17}\)

\(^\text{17}\) The dictators who renounced (*abdico*) their dictatorship or their magistracy in Livy are as follows: #3, Livy 2.31.10; #4, 3.29.6; #8, 4.24.6; #9, 4.29.4; #10, 4.34.4; #11, 4.47.6; #12, 4.57.8; #13, 5.23.7; #14, 5.49.9, 6.14, 6.18.4; #16, 6.16.8; #17, 6.29.10; #18, 6.38.9, 6.39.1; #24, 7.11.9; #33, 7.28.4; #38, 8.15.6; #40, 8.17.4; #42, 8.18.13; #45, 8.40.3; #48,
In fact in the small number of cases where resignation came unexpectedly, by means other than the dictator’s volition, Livy was very likely to use different wording from the formulae we have seen. Resignation notices in the dictator narrative overwhelmingly went to *abdico*, even in nonliterary venues like the *Fasti Capitolini*, as witnessed even by M. Claudius Glicia’s “*coactus abdicare*”.

The correlation between the two is clear. In case of both a ruined consulship and a completed dictatorship, the prospect was the same: continuation of the magistracy would be bad for Rome. The occupant’s duty, therefore, was to foreswear his office immediately.

*Abdico*, then, was the Latin verb of choice for the dictator’s formal decision to resign on completion of his mandate. The only other verb used in Livy for a dictator explicitly ending his own magistracy, as opposed to performing his function and then dropping out of the narrative as dictator, was *abeo* ‘depart’. Like *abdico* it had a more specific meaning when paired with the ablative, suggesting not so much resignation as retirement. Such usage with the dictatorship occurred only four times in Livy. A typical example is C. Claudius Centho’s notice (#79, 213):

*Livy 25.3.5*

*Comitiis perfectis dictator magistratu abiit.*

Having completed the elections the dictator left office.

The formula mirrored the *abdico* usage exemplified in other single-function dictatorships, though *abeo* + ablative in this context did not seem to require the reflexive *se* and so did not provide an extra underline to the personal aspect of this decision quite as much as the *abdico* usages. Nonetheless, though a weaker word, it was used to describe the same action: the dictator’s decision to resign. The sample quote here suggested Livy may have used it simply as an lexical alternative to *abdico.*

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9.34.14; #53, 9.26.18, 9.26.20; #76, 22.33.12; #78, 23.23.7; #80, 27.6.12; #82, 28.10.4; #83, 29.11.11. Other uses: desire to resign, thwarted, #44, 8.37.1; hypothetical case, 9.34.13.

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18 *Magistratu abiit* (variously conjugated) appears 25 times in all of Livy; three of these refer to dictators.
Abeo did crop up in one of the more remarkable resignation notices, that of L. Manlius Capitolinus Imperiosus (#21, 363), the one who was forced or shamed into quitting after he tried to exceed his mandate.\textsuperscript{19} It is unclear why Livy used the milder word in such a fraught case, but there is no reason to assume that Livy’s use of *abeo* where it occurred had any special meaning.

In Greek accounts there was no particular word used to signify a dictator’s renunciation of his office. For two successive dictatorships of L. Quinctius Cincinnatus (#4 and #5), for example, Dionysius used *ἐξόμνυμι* ‘foreswear, renounce’ the first time and *ἀποτίθημι* ‘lay aside’ the next, without any discernible shift in intent.\textsuperscript{20}

All told, with 34 resignation notices and eight triumphs implying a resignation, and these being only the most explicit instances, it comes across as heavily emphasized in the narrative that dictatorships ended at the earliest moment that the dictator could determine that his mandate was resolved.

\textsuperscript{19} Livy 7.3.9.
Eviction of a dictator from office was not possible by any direct means. There were three ways a dictatorship ended: (a) the dictator chose to renounce his office; (b) vitiation; or (c) death of the occupant. As vitiation was tied to the consul’s actions in appointing the dictator, any kind of removal of a dictator based on his own actions, short of assassination (resorted to only once), must involve the first option: getting the dictator to abdicate.

Efforts to remove a dictator almost always followed the dictator seeking to act beyond his original mandate, and the resulting scandal invoked a response against the dictator not by any kind of “constitutional” mechanism but through social pressure, by which the dictator might be induced to choose to renounce his office. We’ve already detailed the two scandals that brought about such a result: the rogue L. Manlius Capitolinus Imperiosus (#21, 363), and M. Claudius Glicia (#67, 249), the wrong man.

We’ve established that the L. Manlius resigned as a result of social pressure, and that even the punitive actions taken against him afterwards were not prosecution for having violated a law, but sanction before the plebs for conduct unbecoming a dictator. The pressure to resign is what bears examination here. L. Manlius took office, and perhaps most importantly took the auspices, to take on a specific mandate. Custom and precedent said a dictator under such circumstances should see his task fulfilled and resign; that he did not do so, but instead launched war against the Hernici by fiat, was odious for two reasons. First, by acting without auspices, which ensured the sanction of the gods, L. Manlius risked celestial opprobrium and retribution not only for himself but for Rome. Second and more pragmatically, if he were allowed to surpass his mandate the precedent

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21 C. Iulius Caesar (#91, 44).
22 See case studies above, pp. 137 and 155.
23 Auspices were task-specific, whether taken for a contio, a campaign, or otherwise. Extended or second mandates required new auspices, as with M. Valerius Maximus (#59, 302), Livy 10.3.6. See Appendix H, s.v. auspicia.
24 Even Cicero, who claimed not believe in divination, agreed that responsible magistrates disrespecting the auspices was a capital crime because doing so endangered both Rome and the mos maiorum (Cic. Div. 2.33,71).
for future dictatorships might be calamitous for Rome. L. Manlius had to be made to resign for the sake of Rome, present and future.

Stopping L. Manlius seems to have been the province of the tribunes of the plebs, or perhaps the tribunes saw this kind of fight—defense against bad magistrates—as their natural bailiwick. The tribunes were described as having stood against the dictator—but how, exactly? Tellingly Livy offered only two possibilities for what could have brought about L. Manlius's abandonment of his scheme: *vis* or *verecundia*. By *vis* ‘force’, the suggestion might be physical intimidation—easily believable of tribunes in Livy's day, not to mention mirroring his son’s intimidation of the tribune who later sought to prosecute him; or economic intimidation. Threat of exile akin to what was said to have happened to Camillus earlier in the century might also have been thought a possibility.

What is more interesting that the alternative to *vis* is the *verecundia* ‘shame’, which cut closer to the great question of the archaic dictatorship: if there was no mechanism for removal, what kept *all* these men from abusing their power in the way that Sulla and especially Caesar did? L. Manlius may have been intimidated by the tribunes or the angry Roman mob, but it would be in keeping with the governing morality of the dictatorship that what pushed him to remove himself from office was the odium of abusing the people’s mandate, and the shame consequent to that odium. A connection might be made to the stickler, L. Papirius Cursor: he was faced with the opprobrium of the senate and the masses, but for him the onus was to protect the force of precedent as it related to both dictators and the chain of command, and the odium would be from the damage his concession would cause if not brought about in a way that protected it as best he could. L. Manlius might have feared the damage to his own standing and *auctoritas*, but it may also have been impressed upon him the damage he might do to his office and the future. Likewise, I believe it was awareness of a need to protect the dictatorship, and not establish a precedent of allowing the “impossibility” of prosecuting a sitting dictator, that drove C.
Maenius to voluntarily resign to fight the charges as a private citizen.\^25 Consistently, dictators undertook as an additional duty the protection of the office from dangerous innovation, because this was part of the dictator’s responsibility to protect Rome.

Livy and the *Fasti* described M. Claudius Glicia as being forced to resign (”*coactus abdicare*”), the vindictive consul P. Claudius Pulcher having named an unsuitable man in a fit of pique.\^26 He had no *magister equitum*, which indicated that the reaction and resignation came immediately on his appointment; but the nature of the phrase “forced to resign” indicates that, whatever the nature of the social pressure brought upon him, it was his positive action and choice to terminate his dictatorship.

On one occasion, while Q. Fabius Verrucosus (#74, 217) was dictator and not winning points at home for his policy of resisting engagement with Hannibal, an agitated tribune of the plebs discussed rescinding a dictator’s *imperium*.\^27 Nothing came of it, but a similar incident arose later in the war, in 209. The target was M. Claudius Marcellus, who had been defeated and then had withdrawn to quarters early rather than engage Hannibal:

> LIVY 27.20.11–12, 27.21.1

*is iam a prima pugna quae aduersa fuerat adsiduis contionibus infamem inuisumque plebei Claudium fecerat, et iam de imperio abrogando eius agebat …. Actum de imperio Marcelli in circo Flaminio est ingenti concursu plebisque et omnium ordinum.*

This man [the tribune C. Publicius Bibulus], from the first battle, which went badly, had through constant speechmaking insulted Claudius and turned the plebs against him, and now he was arguing for the abrogation of his command … The debate over Marcellus’s command was held in the circus Flaminium before a great crowd of plebs and people of all orders.

A bill to rescind M. Claudius’s *imperium* was put to the people, but was soundly rejected.\^28 *Imperium*, as a thing granted by the people as constituted in the *comitia curiata*, was subject to bills passed by the people. A dictator’s *imperium* was granted in the same way, and there are no cases to tell us that it was, as would be logical, as vulnerable to

\^25 See above, p. 152.
\^26 Livy *Per.* 19.2.
\^27 Livy 22.25.10.
\^28 Livy 27.21.4.
rescinding as, for example, a proconsul’s.\textsuperscript{29} Certainly attempts to repeal anyone’s \textit{imperium} were extremely rare. The result in Q. Fabius’s case in 217 was that the tribune did indeed shy away from attempting to repeal the dictator’s \textit{imperium}, instead championing a bill that did pass—giving his \textit{magister equitum} equal powers.

\textsuperscript{29} There are cases of a proconsul’s \textit{imperium} being rescinded: e.g., Q. Servilius Caepio’s in 105 (Livy \textit{Per.} 67).
VITIATION WAS NOT A MECHANISM FOR REMOVING BAD DICTATORS

Vitiation is the word used to describe cases where a religious official determines that a magistrate, in this case a dictator, was named in violation of religious strictures, and therefore could not pursue his office. The term derived from vitio ‘to spoil’, and referred to a blemish on a ritual—in this case, the consul’s appointment of a dictator.\(^{30}\) A vitiated magistrate was judged by the augurs to have been elected in violation of religious law, and was accordingly ordered to resign his office.\(^{31}\)

At first blush this would seem to be one of the very few ways in which a dictator could be removed from office by external mechanism. But there are two key points to be aware of. First, vitiation was not an ejection but a nullification, in which a particular incarnation of the dictatorship was voided by the finding of the religious officials. The religious sanction for the office was found to be flawed and so vanished; without it this dictatorship could not be. Second, the vitiation was a reaction to a perceived flaw in the auspices-taking by the consul at the time of nomination. Consequently it had nothing to do with any actions taken by the dictator, and in fact was normally invoked immediately, before the dictator could take on his mandate.

The key words involved in the setting aside of a magistracy under these circumstances were religio ‘religious scruple’ and vitium ‘fault’. Both of these amounted to technical terms when discussing the actions of the augurs toward the magistracies, and governed the validity of religious rituals undertaken by state officials, namely the taking of auspices, and official actions that were contingent on those rituals. Vitium could describe anything that called the auspice-taking into question, either at the time or after the fact. Note

\(^{30}\) Vitium itself is not a term solely reserved for problems related to religio. Livy lambasted embroidered family histories, for example (“uitiatam memoriam funebribus laudibus”, Livy 8.38.4) during an aside after one of his two-track historical explanations, and writers like Cicero, Terence, and Plautus used it to refer both to blemishes, real or metaphorical, and to moral failings and defective auspices.

\(^{31}\) See e.g. Livy 22.33.
Cicero’s aside on what made for a good augur, in the midst of his description of the taking of the auspices:

_CICERO DE DIVINATIONE_ 2.36 (72)

*Peritum autem esse necesse est eum, qui, silentium quid sit, intellegat; id enim silentium dicimus in auspiciis, quod omni vitio caret. Hoc intellegere perfecti auguris est.*

But to be an expert it is necessary to be someone who understands the meaning of _silentium_; for in the taking of auspices we call _silentium_ that which is lacking all faults. To understand this is perfection in an augur.

Thus _silentium_ was the lack of any intrusion, not just auditory ones. Nonetheless the need for ritual _silentium_ is one of the reasons the consul’s _spectio_ for the naming of a dictator customarily took place in the predawn hours. Cicero’s skepticism regarding divination bleeds through here; the decisions of the augurs might well sometimes seem arcane, arbitrary, and even partisan, an accusation made openly in connection with the vitiation of one dictatorship we know about, as we’ll see below. As Cicero mused, “Who denies that augury is an art?”

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The scrupulousness of the augurs meant that any violation of ritual might invalidate the actions contingent on those auspices, including the passing of laws and the installation of magistrates, and it might happen at the time or later. For example, an early panel of military tribunes with consular power was vitiated three months after their inauguration:

_LIVY_ 4.7.3

*Non tamen pro firmato iam stetit magistratus eius ius, quia tertio mense quam inierunt, augurum decreto perinde ac vitio creati, honore abiere, quod C. Curtius qui comitiis eorum praefuerat parum recte tabernaculum cepisset.*

Nonetheless the authority of that office was not yet firmly established, as three months after they entered into it, they were obliged to stand down, the augurs having decreed the election as flawed, because C. Curtius, the officiator, had improperly set up the _tabernaculum._

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For dictatorships, vitiation generally referred to a mistake or bad omen impinging on the consul’s taking of the auspices for the naming of the dictator. Overall, at least five

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32 “_Quis negat augurum disciplinam esse?”_: Cic. _Div._ 2.35 (75).
33 The tent through an aperture of the roof of which the auspice-taker observed the sky.
vitiated dictatorships are attested in the narrative.\textsuperscript{34} The earliest case preserved in Livy is that of C. Claudius Inregillensis (#38, 337):

\textit{Livy 8.15.5–6}

\begin{quote}
Religio inde iniecta de dictatore et, cum augures uitio creatum uideri dixissent, dictator magisterque equitum se magistratu abdicarunt.
\end{quote}

After that a religious issue arose regarding the dictator and, as the augurs said he seemed to have been named faultily, the dictator and his \textit{magister equitum} renounced their offices.

In only one case was a dictator vitiated as a result of his own actions: a flaw in the appointment of his \textit{magister equitum}. According to Plutarch this happened with M. Minucius Rufus (#73, 219), who was interrupted by the squeak of a shrew during the appointment of C. Flaminius as \textit{magister equitum},\textsuperscript{35} with the perplexing result that not only was the his appointment vitiated, but the dictatorship as well:

\textit{Plutarch Marcellus 5.4}

\begin{quote}
Μινουκίου δὲ δικτάτορος ῥπαρχον ἀποδείξαντος Γάϊον Φλαμίνιον, ἐπεὶ τρισμὸς ἠκούσθη μοῦ ὁν σόρικα καλοῦσιν, ἀποψηφισάμενοι τούτους αὖθις ἐτέρους κατέστησαν, καὶ τὴν ἐν οὕτω σκόπους ἀκρίβειαν φυλάττοντες οὐδὲν προσεμίγνυσαν δεισιδαιμονίᾳ, τῷ μηδὲν ἀλλάττειν μηδὲ παρεκβαίνειν τῶν πατρίων.
\end{quote}

Moreover, because the squeak of a mouse (they call it \textit{sorex}) was heard just as Minucius the dictator appointed C. Flaminius his master of horse, the people deposed these officials and put others in their places. And although they were punctilious in such trifling matters, they did not fall into any superstition, because they made no change or deviation in their ancient rites.

\textsuperscript{34} They are: C. Claudius Inregillensis (#38, 337), P. Cornelius Rufinus (#40, 334), M. Claudius Marcellus (#43, 327), Q. Fabius Ambustus (#46, 321), L. Veturius Philo (#76, 217). There are a fews other cases where a resignation might actually have been a vitiation, but we have no information: for example, the first dictatorship of C. Maenius (#48, 320).

\textsuperscript{35} Was the shrew in particular seen as nefarious in the religious sense, or would any interruption have scuttled the ritual? Pliny suggested the “singing” of the \textit{sorex} wreaking havoc on the taking of auspices was not uncommon (“\textit{nam sauricum occentu dirimi auspicia annales refertos habemus}”, Plin. \textit{HN} 8.82 (57), 223), and that mice and shrews should be respected for the number of useful portents they had given. The \textit{sorex} was known generally for destructively eating into things, as shown by the anecdote from Varro about the pig who was so fat that a shrew ate into it, built a nest, and bore its young (Varro \textit{Rust.} 2.4.12). The squeaking of a \textit{sorex} was still seen as an ominous portent centuries later under Constantius (Amm. \textit{Marc.} 16.8).
Valerius Maximus told the same story but about M. Minucius’s counterpart in 217, Q. Fabius Maximus:36

VALERIUS MAXIMUS 1.1.5

...occentusque soricis auditus Fabio Maximo dictaturam, C. Flaminio magisterium equitum deponendi causam praebuit.

...and hearing the singing of a shrew furnished cause for the setting aside of the dictatorship for Q. Fabius Maximus and the magistracy of the horse for C. Flaminius.

Roman actions dependent on a religious ritual only went forward if the ritual was completed without error; if it an error was detected, as here, it was possible to understand that the action being contemplated, in this case the appointment of C. Flaminius as *magister equitum*, was not sanctioned by the gods. It is difficult to tell from this story what ritual was involved in the naming of the *magister equitum*—whether it involved the taking of the auspices, for example, in a process paralleling the consul’s appointment of the dictator.37 An interruption in a religious ritual such as the taking of auspices is recognizable here, but the fallout is more difficult to explain. It is reasonable that not only was C. Flaminius’s appointment voided but he was ruled out as M. Minucius’s *magister equitum*. It is less clear why this fault in the appointment of the *magister equitum* should have blighted the dictatorship as well, or why the ritual might not have been tried again the next day with a new candidate. After all, when a consul’s appointment of a dictator was vitiated, the

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36 Why are the two protagonists different? Plutarch may have been looking at Valerius Maximus or a common source—they both precede the bit about the singing shrew with similar anecdotes, including M. Cornelius Cathegus being forced to resign because he misread the entrails and Q. Sulpicius’s miter falling off (both in 223 BCE: Val. Max. 1.1.4, 1.1.5; Plut. Marc. 5.3, 5.4). Perhaps Plutarch thought Valerius was wrong about which dictator it was, having never heard of Q. Fabius, one of his biographees, having had to resign the dictatorship. But in fact both Q. Fabius and M. Minucius, dictator and *magister equitum*/*co-dictator* in 217 (##74, 75), were indicated by inscriptions as having been dictators iterum in 217 (Livy 22.9; CIL 06.00284 p3004, 3756), and so the story of the appointment of C. Flaminius and the shrew could have happened for either of them on their otherwise little-attested first appointments, probably in 219. The controversial and ill-omened C. Flaminius, the consul who died at Lake Trasimene in 217, would have been an attractive candidate for such a story.

37 Given that the *magister equitum* acted as a field commander and as the stand-in for the dictator he should have had *imperium*, and that suggests that the auspices would have needed to have been taken before *imperium* was formally granted by the *comitia curiata*. See Appendix G, *s.v.* “The Imperium of the Magister Equitum”.

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taint did not rebound back on the consul. Perhaps the *magister equitum* was so customarily seen as closely bound to the dictatorship that a dictator not having his personal choice of *magister equitum* wrong-footed the dictatorship right at the start: a dictator incurring an ill omen while appointing his *magister equitum* was an ill omen for the dictator himself, and, as the appointment of the *magister equitum* was always the dictator's first and immediate act on appointment, it was still before the magistracy was really under way and therefore proximate enough to the dictator's appointment for that to be “vitiabile”. Unfortunately we have no narrative sources at all for M. Minucius's first dictatorship in 219; the episode comes from a series of examples in which Plutarch and Valerius Maximus were separately demonstrating how important Romans considered both religious punctiliousness and the rejection of superstition to be to the preservation of the state—more so, Plutarch averred, than defeat of their enemies at war, since good commanders were sometimes removed.

Vitiation also claimed both dictator and *magister equitum* in the case of C. Claudius Inregillensis (#38, 337) mentioned above, but this derived from a flaw found in the dictator’s appointment. Naturally this would annul the dictator’s actions in office, namely the appointment of his *magister equitum*. The same thing happened in 217: L. Veturius Philo (#76) was named to hold elections and was in office four days, long enough to appoint a *magister equitum*; but the dictatorship was then adjudged invalid and both dictator and *magister equitum* were vitiated.38 Such cases mark a rare category in which an action of a dictator—the appointment of his *magister equitum*—was undone by other officials. Could vitiation have been employed to nullify a dictatorship that had actually gotten fully under way, where the dictator had started employing his authority and *imperium*—by, say, conducting a levy? Certainly such a scenario does not appear for any of the other magistracies, with the possible exception of that early panel of vitiated tribunes. Vitiation after assumption of the mandate certainly did not appear in the extant narrative of the

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38 Livy 22.23.12. If Polybius was right that Q. Fabius was still in office (see Polyb. 3.106), the existence of another incumbent dictator might have been the reason; but M. Fabius Buteo was made dictator during another dictator’s incumbency the very next year, in 216.
dictatorship. To vitiate an active dictatorship might not have been thought to have been possible, or, more likely, palatable. In fact the cases of M. Minucius and C. Claudius (both quoted above), taken together with the fact that the appointment of the *magister equitum* seems always to be the dictator's first act, suggest that the consul's appointment of the dictator and the dictator's appointment of the *magister equitum*, both involving the taking of auspices and taking place one immediately after the other, were closely linked. It is instructive that an ill omen occurring at the time of the rogation of a *lex curiata de imperio* but after the dictator's appointment did not vitiate the dictatorship.\(^{39}\)

Another vitiation felling both dictator (P. Cornelius Rufinus, \#40) and *magister equitum*, taking place in 334, sheds more light on the circumstances of vitiation:

> LIVY 8.17.4

> Religio deinde incessit uitio eos creatos magistratuque se abdicauerunt; et quia pestilentia insecuta est, uelut omnibus eo uitio contactis auspiciis res ad interregnum rediit.

> Then a religious issue arose on account of a fault in their appointment and they renounced their offices. In fact given the pestilence that followed it was as if all of the auspices were touched by the same fault, and matters reverted to an *interregnum*.

Here again we encounter the interesting and complex word *religio*. Cicero, like Plutarch in the anecdotes discussed above, made a careful distinction between those who were *superstitiosi* ‘superstitious’ (living a mindless life of constant prayer and sacrifice to ensure the survival of one’s progeny) and those who were *religiosi* ‘religious’ (studying and adhering to the lore of ritual), the latter being, in Cicero’s analytical view, the only true means of sincerely and innocently venerating the gods.\(^{40}\) *Religio* carried the idea of piety in the Latin sense of filial devotion, reflecting in the sacred as in the domestic both emotional loyalty or devotion and adherence to the proper actions necessary to express that devotion. Cicero likewise, as Plutarch, made explicit the connection between *religio* and the might of Rome, by both (a) favorably comparing Rome’s religious dedication to

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39 Livy 9.38.15.
40 Cic. Nat. D. 2.28, 72. Cicero’s approach was etymological, deriving *superstitiosi* from *superstes* ‘survivor’ and *religiosi* from *relegere* ‘to retrace or reread’. Other ancient and modern writers preferred *religare* ‘to bind up’ as the source, but that wouldn’t fit as well with the point Cicero was making.
that of other nations and (b) examples of disasters arising from ignoring religious duties, with the lessons readily learned by the disaster-makers’ contemporaries:

Cicero De Natura Deorum 2.3, 8

Quorum exitio intelligi potest eorum imperiis rem publicam amplificatam qui religionibus paruissent.

It may be understood from the ruination of those men that the advancement of the state is by those leaders who adhere to religious duties.

Religio during the time of the Republic did not mean the same thing as res divinae, all those affairs that were the exclusive purview of the priests and augurs. Rather it was a special aspect of a magistrate’s duty to the state, inasmuch as Rome’s success was soberly understood to be contingent on the gods’ sanction and therefore very directly on the proper veneration of the gods. Consequently these episodes in which religious scruple, what Plutarch called Roman ἀκριβεία ‘punctiliousness’, undid dictatorships in utero and cast down magistri equitum were not cases of the priests intruding into what we would now think of as the political arena, but rather indictments of the appointing magistrates’ incompetent or unlucky performance of a political duty that involved religious ritual. The consul who appointed P. Cornelius Rufinus (quoted above) failed in his duty to Rome through laxity in taking the auspices, and the proof was in the pestilence that followed that caused the state to founder and all of Rome to suffer.

Vitiation, and those vitiated, were sometimes rapidly passed over in the narrative, as in the case of Q. Fabius Ambustus (#46, 321). Q. Fabius was appointed to hold elections for the unusual reason that the consuls, humiliated after their loss at Caudine Forks, were holed up in their houses refusing to transact business:

Livy 9.7.12–14

Consules in privato abditi nihil pro magistratu agere, nisi quod expressum senatus consulto est, ut dictorem dicerent comitiorum causa. Q. Fabium Ambustum dixerunt et P. Aelium Paetum magistrum equitum; quibus vitio creatis suffecti M. Aemilius Papus dictator, L. Valerius Flaccus magister equitum.

The consuls, withdrawn to their homes and performing none of their public duties, were pressured by a senatorial resolution to appoint a dictator for the purpose of holding elections. They appointed Q. Fabius Ambustus and [he named] P. Aelium Paetum magister equitum; on account of a fault in their appointment M. Aemelius Papus was made replacement dictator, and L. Valerius Flaccus magister equitum.
A religious error having been discovered in the appointment of Q. Fabius, his dictatorship was voided as a matter of course, and Livy felt no need to explain further than a terse “...quibus vitio...”.

Like anything with a political aspect, vitiation could be controversial. In 327, during the lead-up to the Second Samnite War, M. Claudius Marcellus (#43) was named in camp to hold elections, with the consul taking the auspices there in the small hours of the night according to custom.\(^{41}\) When M. Claudius’s dictatorship was vitiated, Livy had some of the tribunes wondering how it was that the augurs in Rome were capable of discerning a flaw in the consul’s ritual when it was performed alone, in the middle of the night, in a camp on the Samnite frontier. Clearly the tribunes suspected a political motive in the vitiation of M. Claudius, but their protestations were ignored, and, wrote Livy, 17 interreges were named in succession before elections for 326 could be successfully completed.\(^{42}\) The augurs’ vitiation of L. Veturius Philo (#76, 217), who was also presumably appointed in camp, was afterwards said to have been possibly politically motivated as well.\(^{43}\)

These instances are instructive and make clear that vitiation could have a political component.\(^{44}\) But this capability is not what characterizes the vitiation of dictators. Cases in which the “wrong” dictator from the senate’s point of view was appointed and then vitiated in order to make way for the “right” candidate are not only difficult to single out (even though this is exactly the sort of thing Livy would seize on), but the logic does not follow through: the appointment of the dictator being the consul’s prerogative, the senate interfering by means of vitiation would have the effect of not of cowing but of provoking the consul, by attempting obstruct a choice that was, by long precedent, his alone to make.

Vitiation happened quickly. In one case, Livy reported that a dictator who was appointed to hold elections and then vitiated was “ordered to resign office” after having

\(^{41}\) Livy 8.23.16.
\(^{42}\) Livy 8.23.14–17.
\(^{43}\) Livy 22.34.10–11.
\(^{44}\) Mommsen linked vitiation with the senate’s interest in influencing the selection of dictator (Röm. Staatsr. 2.134 = Appendix E, M21).
held it for four days.\textsuperscript{45} In any event, no vitiated dictator is recorded as having taken any action other than appointing a \textit{magister equitum}, which also demonstrates that the selection of the \textit{magister equitum} occurred immediately on the dictator assuming his office.

\textsuperscript{45} \textit{“iis uitio creatis iussisque die quarto decimo se magistratu abdicare”}: Livy 22.33.
THE DESUETUDE OF THE DICTATORSHIP

The following sections explore the reasons the dictatorship was dormant between 202 and 82, and the effects and ramifications of this disuse. The Romans did not stop having crises in 202, but they stopped using dictators. Two questions arise from this. First: Why did the dictatorship fall into disuse? Second: During the 120-year “long second century” between Zama and Sulla, how did the Romans handle the kinds of problems that hitherto would have called for a dictator?

EXISTING THEORIES ON THE DESUETUDE

First, we should explore the existing theories about the desuetude of the dictatorship. The main modern assumption that the dictatorship, as an institution designed to protect the city of Rome, fell away unneeded once Italy was secure. We’ll call this Theory A. The secure-Italy idea is sometimes combined with the limitations afforded by the six-month term, which did not work with longer campaigns far from Rome.

“As Rome extended her sway over the peninsula and there was no longer any likelihood of a dangerous attack on the city there was no necessity for a military dictator.”¹

“No situation overseas, in Greece or Spain, would necessitate a dictator and the office was simply not needed in the second century.”²

¹ Bonner 1922, 146.
² Develin 1985, 35. Develin noted in this context that the dictator’s six-month tenure was now too short for imperial campaigns; but as we have seen, it was possible for dictators to serve for longer than six months.
“After the Second Punic War the office of dictator fell into disuse, partly because this short-term office was inappropriate for the new needs in campaigning, partly because there was for a long time no sedition to quell.”

This explanation is attractive, since it does parallel a real change in Rome’s condition as it acquired its empire during the Middle and Late Republic. As an explanation for the disuse of the dictatorship, however, it is insufficient on three counts.

First, the dictatorship was never solely a military supermagistracy; it had always had the dual function of dealing with problems at home and in the field. Domestic emergencies that would in previous times have been met by the creation of a dictator continued unabated in the second century. That there were domestic dangers, and even potential uprisings, in the second and first century will be discussed in detail.

Second, in a military context there were still significant threats to Italy even in the second century, notably the servile wars in Sicily and the Cimbrian wars, especially the fallout from Arausio. (Also, the Roman sense of northward insecurity—the *metus gallicus*—was as likely to be stirred up by direct engagement with the Gauls as quelled.)

Third, in the immediate wake of the Hannibalic War, second-century Italy itself was, arguably, less pacified than ever, having divided itself into friends and enemies of Rome during Hannibal’s invasion and been subjected to harsh, embittering reprisals in its aftermath. The worst turbulence among the Italian peasantry also took place in the second century. Far from being stable, placid, and thoroughly Romanized, Italy by the end of the second century was so seething with tension, distress, and rancor that it culminated in the formation of a rebel Italian nation and an explosive and desperate final war for independence from Rome.

Other proffered explanations offered by modern historians for the lapse of the office are also unhelpful or incomplete in one way or another.

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3 Lintott 1999, 112.
4 Appian expressed surprise that it was not revived to deal with the Gracchan crisis (*B Civ.* 1.16.67).
5 On difficulties interpreting the second-century Italian land crisis see Morley 2001.
Theory B involves the dictatorship being diluted over time until it was no longer the obvious tool needed to meet a crisis. Fritz posited a gradual process of limitation on the dictatorship in the third century, until it was similar to the consulship and had “lost its meaning as an emergency institution”.\(^6\) Hartfield, whose work concentrated on the *caussa*, noted a shift over the course of the third century from *rei gerundae caussa* to *comitiorum habendorum caussa*, with the latter form more vulnerable to being superseded by an increase in the number of promagistrates with *imperium* in the second century.\(^7\) The employ of military dictators in the Hannibalic War that were every bit as integral to the war effort as those in the Second Samnite War a century earlier undermines the utility of Theory B, though the rise of the promagistrates is a topic to which we will return.

Theory C, associated with Mommsen, is related to the idea of dilution. It has it that the end of the dictatorship came about when the dictatorship lost the attributes that set it apart from the consulship: it was opened to elections and made susceptible to *provocatio* and *intercessio* by the tribunes. These developments eliminated the office’s significance and made it “superfluous”.\(^8\) This approach is distractingly legalistic and is rooted in Mommsen’s untenable theory that the dictator was constitutionally a consul with greater *imperium* and certain exemptions. The usefulness of the dictatorship lay in the ability for the needed man to be appointed with sufficient authority to meet a specific crisis; for the ending of the dictatorship we need to look not for the dictator’s constitutional standing, but the changing nature of Rome’s emergency management.

Theory D has the controversy surrounding the dictatorship itself during the Second Punic War—a contentious election of a dictator, a disastrous co-dictatorship, M. Fabius Buteo’s precedent-smashing dictatorship, and a dictator unable to get elections held even after the consular year was already started—casting a pall over the office, causing Rome to look for other solutions apart from the tarnished dictatorship. Scullard in particular

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\(^7\) Hartfield 1982, 247–264.
blamed the scandal of 201 BCE, in which the dictator appointed to hold the elections for 201 did not do so (because of storms), as a result of which Rome was without curule magistrates when the previous terms expired on March 15. Somehow, “this misuse of the dictatorship led to its desuetude”. More usefully, Develin discussed how the events of the Second Punic War showed “alternatives” that might have helped encourage finding a broader variety of solutions to problems and crises. The dictatorship had survived other scandals, including outright misdeeds by both a dictator and an appointing consul; this was an institution that was rooted in the nascence of the Republic and integral to its operation hitherto. The acceptability of its not longer being a viable option in case of emergency must be explained by larger factors than a wartime anomaly.

Theory E assumes that after the Second Punic War the Romans finally woke up to the dangers of investing so much power in one man, and so deliberately stepped back from the dictatorship. This theory would have more going for it if there were powerful dictators in the late third century who exposed the danger of dictators exceeding their authority; but the most prominent dictator of the Second Punic War was Q. Fabius Verrucosus, and while he was concerned with the majesty of the office Q. Fabius was the opposite of reckless. The one who changed everything by bucking the senate’s sober counsel and risked everything was the proconsul Scipio Africanus, not any of the dictators.

Theory F involves alteration in the center of gravity away from the executive. When Wirszubski remarked in passing that “it was probably no fortuitous coincidence that the dictatorship fell into disuse about the same time as the Senate gained ascendancy,” he suggested a shift in auctoritas away from the executive that might account for the dictatorship falling into disuse. But this theory needs to be backed up by evidence and examples. The process by which emergency management passed from dictatorship to other options after the Hannibalic War has not been carefully investigated. More to the point,

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9 Scullard 1973, 81. On this see also MRR 1.318 n. 1; Münzer 1999, 136–127.
10 Develin 1985, 33.
11 Mentioned by Develin 1985, 35 as a contributing factor.
12 Wirszubski 1950, 56.
in my view the appointment of dictators was not about the power of the executive: the critical point in the invocation of the dictatorship was the call, and that could not come from the executive at all. Few things were more “SPQR” than the call for a dictator.

McDonald suggested that the primacy of the senate with regard to the dictatorship was a deliberate reaction motivated by the innovation of elected dictators in 217.

It is significant that as soon as the People gained control over the dictatorship in the Second Punic War, the office fell into abeyance. … Through its interpretation of the term ‘conspiracy’ the Senate was able in effect irregularly to assume dictatorial powers in any internal emergency which could be held to be marked by association subversive of the State: thus in Rome it succeeded to the old dictator, in the confederation it undertook central executive authority which should now have been provided by legislative reform.¹³

Some of the thinking in this direction has been focused on the relationship between the senate and the consuls as expressed in an emergency through the senatus consultum ultimum;¹⁴ according to this way of thinking, the s.c.u. represented the senate claiming power it could then delegate to the consul in a crisis, in contrast to the dictatorial process of petitioning a consul to make use of his own capacity to create a dictator at his discretion. We’ll be discussing the role of consular empowerment and the s.c.u. as a replacement for dictatorial power below; for now, let’s just say that the senate’s so-called ultimate decree was not institutionalized until long after the lapse of the dictatorship, after the acquittal of L. Opimius in 121,¹⁵ so the late empowerment of consuls by this means does not speak to the second-century drought.

Another reason for the primacy of the senate had to do with its changing make-up—and, perhaps ironically, this can potentially be put down to our friend M. Fabius Buteo. After Cannae there were 177 vacancies in the senate, so M. Fabius Buteo was made dictator and given authority to fill the curia. He seems to have changed the rules, enrolling new senators not on wealth or worthiness but “according to rank, by distinctions”: curule

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¹³ McDonald 1944, 16, 32. The “conspiracy” referred to is the Bacchic cult affair of 183 BCE.
¹⁴ Liebenam 1905, 387–8; Plauman 1913, 353–5.
¹⁵ See Lintott 1999, 89.
magistrates since the last census, plebeian officials, and decorated soldiers. As a result, the
senate was now “on its way to becoming an institution composed essentially of *ex-officio*
members, whose political and secular contributions to the state were recognized and whose
positions were obtained as a result of popular election. The assumption is that birth and
inheritance were no longer sufficient to obtain senate membership.”¹⁶ The senate of the
second century, in other words, was more of an extension of the people in the second
century than it had been in the previous era, when it was more of a bastion of the
conservative and religiously interconnected *patres*.

Modern scholars have noted some other transitions that reflect interesting side-effects
of the desuetude of the dictatorship rather than possible direct causes of it. M. Fabius
Buteo may also have inadvertently helped bring about a kind of increased majesty for the
censors, who in the second and first centuries had greater prominence and authority in
line with the position previously held by the dictators, “thereby replacing one mystery
with another.”¹⁷ Likewise the end of the dictators created a greater need for the evolution
of the praetorship.¹⁸

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¹⁶ Mitchell 1986, 147.
¹⁷ Suolahti 1963, 24. A senate composed of ex-magistrates was the ideal scenario according
¹⁸ Develin 1985, 36.
THE RISE OF THE PROCONSUL AND THE MAJESTY OF THE SENATE

One way to look at the desuetude is to examine the crises of the “long second century” between Zama and Sulla and discuss what the Romans did instead of dictators, and why. On so doing we find that the dictator, whose historic duty was to protect Rome, was superseded by the more versatile proconsul, who had a more variable brief; meanwhile, the protection of Rome was assumed by an increasingly proactive senate conscious of its role in ensuring Rome’s greatness.

THE STRUGGLE OF THE ORDERS

Brunt found the plebeians and their tribunes in the period between 287 and 133 to be so docile that he called it the “era of quiescence.” Nonetheless, at least twice during the long second century the plebs resisted the authority of the state and, in particular, blocked the formation of an army in ways that both strikingly recall and substantially differ from crises prompting the appointment of dictators during the archaic period. In 151 and again in 138, our narrative has the plebs defying strictly imposed levies to the point of the consuls being arrested by tribunes. The difference here is that the actions are attributed in Livy solely to the tribunes; the mass unrest that made it even into the epitome of Livy for 287 does not do so for 151 or 138, though it is clear that the wars themselves, both involving the pacification of Spain, were widely unpopular:

LIVY PERIOCHAE 48.16–17

L. Licinius Lucullus A. Postumius Albinus coss. cum dilectum severe agerent nec quemquam gratia dimitterent, ab tribunis pl., qui pro amicis suis vacationem impetrare non poterant, in carcerem coniecti sunt. Cum Hispaniense bellum parum prospere aliquotiens gestum ita confudisset civitatem Romanam, ut ne hi quidem invenirentur qui aut tribunatum exciperent aut legati ire vellent, P. Cornelius Aemilianus processit et excepturum se militiae genus, quodcumque imperatum esset, professus est. Quo exemplo omnes ad studium militandi concitavit.

The consuls L. Licinius Lucullus and A. Postumius Albinus, when they conducted a levy strictly, not releasing anyone on account of favor, were thrown in prison by the tribunes of the plebs, who were not able to obtain exemptions for their friends. With

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19 Brunt 1971, 60. See also Williams 2004.
20 For a discussion of these events see Taylor 1962.
21 Livy Per. 11.11.
the Spanish war having been waged with so little result that the Roman people were
disordered, such that no one even wanted to go there and find himself either military
tribune or legate, P. Cornelius |Scipio| Aemilianus came forward and declared he would
accept whatever command there might be of a military kind.

Livy Periochae 55.1–3

P. Cornelio Nasica (cui cognomen Serapion fuit ab inridente Curiatio tr. pl. impositum) et Dec.
Iunio Bruto coss. dilectum habentibus in conspectu tironum res saluberrimi exempli facta est.
Nam C. Matienius accusatus est apud tribunos pl., quod exercitum ex Hispania deservisset,
damnatusque sub furca diu virgis caesus est et sestertio nummo veniit. Tribuni pleb. quia non
inpetrarent ut sibi denos quos vellent milites eximere liceret, consules in carcerem duci iusserunt.

When the consuls P. Cornelius Nasica (whose cognomen Serapio was invented by the
sneering tribune of the plebs Curiatus) and Dec. Iunius Brutus were conducting the
levy, something happened in front of the recruits that served as a most beneficial
example: C. Matienius was accused by the tribunes of the plebs on the charge of
desertion from the Spanish army, and, condemned, for a long time was struck with
switches under the yoke and then was sold for a farthing. The tribunes of the plebs,
because they could not arrange matters such that they were allowed to choose ten each
to release from military service, ordered the consuls to be led into prison.

Three dictatorships, dated in the narrative to the fifth, fourth, and third centuries,
were associated with plebeian unrest over debt relief. Two of those involved a collective
refusal to levy; the third, given our sketchy information, cannot be explicitly tied to
military service, but it is reasonable to suppose there was a flashpoint for the secession
that capped an extended period of turmoil and riots, and a levy is one possibility, the
young men of the plebs having determined that refusal to enlist was their “sharpest
weapon” against the nobles;22 Livy listed disruption of levies as one of the common
obstacles to Roman generals that proved, by their succeeding despite these hindrances,
that they were more than a match for Alexander.23

In 495, owing to unrest over debt the plebs refused to answer a levy against a possible
Sabine invasion; the consul Ap. Claudius Sabinus Inregillensis had one of the leaders
hauled away, inciting months of unrest.24 In 473, when the murder of one of their number
had intimidated the tribunes into not hindering a levy, the plebs were riled into violence,

22 “luventus quoque, quae inter tales metus detractationem militiae telum acerrimum adversus patres habere
solita erat...”: Livy 3.69.2.
24 Livy 2.27.10. Another refusal the next year did require to a dictator (M.’ Valerius
Maximus, #3): Livy 2.28.7.
attacking a lictor sent to arrest one of their leaders and breaking the *fasces*; the consuls fled from the Forum. In 431 a levy had to be conducted under the *lex sacrata*, making refusal to serve a religious crime. In 410, a tribune pushing an agrarian law successfully prevented sympathetic plebs from enrolling until news of a military setback turned the other tribunes against him, allowing the consul to fine and punish resisters; but the following year the tribunes had better luck blocking another levy.

On other occasions only the tribunes are mentioned as blocking the levy, rather than the plebs themselves, as in the second-century cases. In 482, a tribune sought to obstruct the levy to get a land law passed, but was shouted down by his fellows, and again in 480, though this time through senatorial manipulation of pliable tribunes. Two decades later, according to Livy, the tribunes’ efforts to reduce consular power by empanelling a board of five lawmakers (the Terentilian law) led to an ongoing contest involving the tribunes blocking levies, normally against the Aequi and Volsci, in retaliation for the nobles blocking the law: the first occasion was in 461, the tribunes claiming the war was being manufactured; in 460, the hurriedly elected suffect consul Cincinnatus cited the citizens’ prior oath to assemble the next day; in 458 and 457, the tribunes sought “as usual” to disrupt the levy, but the plebs enrolled willingly when Sabines attacked as well as Aequi. In 445 the senate sought to divert a tribune’s proposals for inter-order marriage and plebeian access to the consulship with a war and levy, but the tribune vowed there would be no levy until his proposals had been voted on. In 441, an ambitious tribune was

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25 Livy 2.45. Against whom the levy was to be raised is not clear; Livy had mentioned a war against Veii, possibly offensive, that had not only failed to materialize the prior year but had been turned into an imposed truce and indemnity to last 40 years (2.44.1). The Volsci and Aequi next attacked in 471, according to Livy, while Rome was distracted by the ongoing class turmoil (2.47.3).

26 Livy 4.26.3. A dictator was named soon after against the Aequi and Volsci, namely A. Postumius Tubertus (#9).

27 Livy 4.53.2-8; 4.55.2-5

28 Livy 2.43.3; 2.44.1.

29 Livy 3.9-11; 3.20; 3.25.9; 3.30.

30 Livy 4.1.6, 4.2.13, 4.5.3.
laughed at for threatening to disrupt a levy, as there was no war pending that would call for one.\(^{31}\) In 427, the tribunes threatened to disrupt the levy against Veii unless the declaration of war was decided by the centuriate assembly rather than the senate.\(^{32}\)

In 397, a harrying force launched from Tarquinii while the Roman armies were already engaged elsewhere had to be met by a contingent of volunteers, as the tribunes of the plebs had blocked a levy.\(^{33}\) In 378, a sudden Volscian attack allowed the tribunes to obtain debt-related concessions in exchange for a levy.\(^{34}\) Valerius Maximus had another story: in 275, at the height of the Pyrrhic War, the *iuniores* refused to answer the levy, so the consul M.’ Curius had their names put in an urn and ordered the property of the first name drawn be sold; on the man’s appeal to the tribunes, the consul ordered him sold, too.\(^{35}\) This case was not explicitly attached to the plebeians’ various movements to gain rights or ameliorate debts, and after the Pyrrhic War the disruption of the levy apparently falls away from the narrative until the incidents in 151 and 138.

Two situations, in 367 and 363, did involve dictators. In the former, M. Furius Camillus, in his fifth dictatorship (#20), came home from victory over the Gauls only to face turmoil over the patricians refusing to allow inauguration the first plebeian elected consul; the dictator prevented a secession through compromise. In the latter, L. Manlius Capitolinus Imperiosus (#21, 363) had already been appointed in order to drive the nail, and the resistance to the levy stemmed from the dictator’s violation of his mandate.\(^{36}\)

Livy understood the tribunes’ capacity to hold the state hostage by threatening to prevent the plebs from enrolling in response to a levy to be essentially routine during the fifth and fourth centuries and was by far the main means of plebeian resistance to the nobility. This conventionality meant that disruption of a levy, threatened or actual, was

\(^{31}\) Livy 4.12.5.

\(^{32}\) Livy 4.30.15.

\(^{33}\) Livy 5.16.5.

\(^{34}\) Livy 6.31.4.

\(^{35}\) Val. Max. 6.3.4.

\(^{36}\) Livy 6.42, 7.3.9.
not in and of itself an emergency that called for a dictator. Later, with the resolution in the late fourth century of the overarching conflict over lack of access to power and the associated debt-exploitation of the masses, otherwise known as the struggle of the orders, and the rise of the Roman standard of living owing to imperialism dating from the second century onwards, the circumstances that would incite plebeian resistance to the demand of a levy became less frequent.\(^{37}\)

The mandate in the three cases involving the appointment of a dictator in the wake of plebeian mass resistance bears closer scrutiny. Each of the three dictators—M.’ Valerius Maximus (#3, 494), T. Quinctius Cincinnatus Capitolinus (#17, 380), and Q. Hortensius (#60, ca. 287)—was appointed in reaction to plebeian withdrawal from their responsibilities as Roman citizens; but their mandates were clearly not to impose order and reestablish the nobles’ supremacy. On the contrary, all the dictators not only acted according to a mandate that might be expressed as “Do what is necessary to reunite the Romans,” but were selected as men whose very appointments as dictator would, by the appointment itself, cast oil on troubled waters. M.’ Valerius has already been noted as chosen out of rejection of the oppressive path; the narrative has T. Quinctius’s appointment as terrifying the enemy and thereby rallying the hitherto recalcitrant plebs;\(^{38}\) and Q. Hortensius was a plebeian named in reaction to plebeian uprising, whose response to rioting and secession was conciliation and a series of long-remembered and far-reaching pro-plebeian reforms.\(^{39}\) Even M. Furius Camillus, who seems to have opposed plebeian consuls, was described as having approached the prospect of plebeian secession as dictator through conciliation.

By these examples, the confrontations in 151 and 138 would not have been dictatorship crises, because dictatorships were not used as reaction (in a political sense) to acts of the tribunes on behalf of the plebs. The dozen or so cases in which tribunes held up levies

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\(^{37}\) On this transition see Hölkeskamp 1993 and 2010.

\(^{38}\) Livy 6.28.

\(^{39}\) For more on the circumstances and ramifications of the lex Hortensia, see Maddox 1983. That his gens was plebeian is suggested by Q. Hortensius, tr. pl. 419 (Livy 4.42, Val. Max. 6.5.2), and Q. Hortensius the orator, aed. pl. 75 (MRR 2.96 and n.2).
and there was no call for a dictator should amply demonstrate this. The call for dictatorship in event of emergency came from a sense of immediate danger to Rome by either the people or the senate, but—apart from the very narrow window in which the dictatorship was employed to interfere with elections—dictators were called for when the city was in danger, not when the prerogatives of the elite were threatened.

If the tribunes in the dozen cases of levy-blocking, or in the consul-detentions of 151 and 138, had been seen as revolutionaries, then we might have been closer to a dictator crisis. But tribunes of the plebs seeking to block government actions seen by the masses as repressive is entirely within the writ and mandate of the plebeian tribunate. These tribunes were thus within the bounds of the normal functioning of the state, as long as they did not seek personal power or called for the violent destruction of the constitutional government. In a way it is not surprising that Ti. Sempronius Gracchus and his brother fell victim to vigilantes a few years later: their actions on behalf of the commons, however incendiary, were within the bounds of what tribunes did and had been expected to for as far back as any Roman cared to look, and so, as in 151 and 138, there were no grounds for invoking the main constitutional mechanisms to combat sedition, the most potent of which had been the dictatorship.

What would correspond to the three plebeian-secession dictatorships, if we were looking for something similar in the long second century, would be a situation of great popular unrest that was resolved by the accession of a man whom all Romans, plebs and nobles alike, trusted to resolve the crisis, the very precedent established by the appointment and actions of the third dictator, M.’ Valerius Maximus. This commodity, a

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40 The comment attributed to Q. Tullius Cicero, that the office of the tribune of the plebs was “born in sedition and destined to create sedition” (“in seditione et ad seditionem nata sit”, Cic. Leg. 3.19), might be looked at from this point of view: the tribunate of the plebs was created in order to protect the masses from acts of the state dangerous to them collectively and individually, and so inherently sanctioned the tribunes acting against official actions of duly elected magistrates. That this could be done on behalf of the elite as well as the masses was also obvious (tribunes described as mancipia nobilium, Livy 10.37.11; cf. Zon. 7.15).
problem-solving man trusted by the elites and the masses, seems to have come to be in shorter and shorter supply as the Republic progressed, so that by the arrival of the Gracchi—and perhaps even by the time of their forerunners in 151 and 138—the species might have been counted by the Roman plebs as practically extinct, with future heroes trusted only by their own factions down to the advent of Augustus.

**Military Threats after Zama**

As Rome’s military actions moved away from central Italy in the third and second centuries, it becomes increasingly easy to categorize Rome’s wars as either aggressive or defensive. In earlier times, wars fought close to home against nearby enemies like the Aequei or the Etruscans, or even the Samnites, might start out at Rome’s initiative but still create a direct threat to Rome if the tide turned unexpectedly; that was less likely to happen if Rome went to war in far-off lands.

Thanks to a fluke of the modern Christian calendar, Rome fighting for its life against Hannibal in Italy in the third century BCE appears to divide cleanly and easily from a second century characterized by wars abroad that forged and consolidated the expanding Roman dominion around the Mediterranean. The key conflicts of the second century—the Second, Third, and Fourth Macedonian Wars, the Syrian War, the Achaean War, the Celtiberian Wars, the Third Punic War, the Iugurthan War—were thoroughly and intrinsically “away games”. Their immense physical distance from Rome, not just over the hill but dispersed far beyond Italy, meant that even if they went sour—even if Roman legions were to somehow suffer devastating losses on the order of Caudine Forks or Cannae—the citizenry and even the senate were unlikely to experience the kind of tumultus that came from imminent danger and an urgent need to act to protect Rome.41

41 For example, Q. Pomepius’s (cos. 141) disastrous defeats in the Second Celtiberian War resulted mainly in his replacement (Mommsen 1908, 226–27); likewise, the humiliating envelopment of C. Hostilius Mancinus, who ended up being sent to the enemy as a prisoner at the direction of the senate (Plut. Ti. Gracch. 5.1, 5.4, 7.2–3).
An additional factor helped to cushion the impact of foreign wars on Rome itself. While Rome was still expanding in Italy, its armies were commanded by the magistrates of the year. That meant that individuals available for direct military command consisted of either two consuls or (before the mid-fourth century) up to six consular tribunes, plus praetors as back-up. The ability to appoint a dictator meant that the consuls, and the magister equitum and praetors if necessary, could be doled out in charge of various forces under the dictator, thus providing a little extra flexibility; but at the end of the day you were still limited to the magistrates of the year. The systematic resort to proconsular imperium fundamentally altered that dynamic. \(^{42}\) Though the proroguing of consular power turned up as early as the Second Samnite War, \(^{43}\) as there was little need yet for additional commanders its use in the third century was sporadic if it was employed at all, as far as we can tell giving the holes in the narrative as it is come down to us. \(^{44}\) The Hannibalic War changed things, as there were not only multiple fronts in Italy, but extensions of the conflict in Spain, Sicily, the Aegean, and ultimately North Africa. Three proconsuls were created in 217 alone, on top of a dictator, “co-dictator”, consul, suffect consul, and the praetors keeping things together in Rome. \(^{45}\) Six promagistrates were in play the following year, and there were between seven and ten every year from 215 to 202. \(^{46}\) Even outstanding leaders who had not been consuls the prior year, and so were not being prorogued, could

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\(^{42}\) For the development of the proconsular imperium, see in particular Jashemski 1950; Develin 1975.

\(^{43}\) Q. Publilius Philo’s consular powers were prorogued into 326 so that he could continue to hold the Greek front at Neapolis: Livy 8.23.12; Develin 1975, 716–17.

\(^{44}\) Develin 1975, 718–21, who is skeptical of any actual proroguing of consular imperium between 291 and 217. Q. Fabius Maximus Gurges, procos. 291, is reasonably solid (Cass. Dio 36.31; Zon. 8.1; cf. also Livy Per. 11, Dion. Hal. Ant. Rom. 17.1–18.4; Val. Max. 5.7.1; Plut. Fab. 24.3; AT). Other possibilities, all based only on triumphs recorded as taking place after their consulships, include L. Aemilius Barbula in 280 (AT, MRR 1.191), the consuls of 255 the following year (AT, MRR 1.210); Cn. Cornelius Scipio in 253 (AT, MRR 1.212).


\(^{46}\) MRR 1.250–317.
be appointed proconsul or propraetor and invested with promagisterial *imperium*.47 These proconsuls and propraetors were being used as commanders of Roman territory where there was active fighting, but also where the territory simply needed to be held and administered; and after the war, in 200 and 199 for example, we still find promagistrates in Spain, Sardinia, and Italy as well as in Greece where the fighting was ongoing.48 What is just as interesting is that these promagistrates were being used not just to command armies or hold territory, but to conduct other activities associated with consuls and dictators: one of the praetors of 200, C. Sergius, had his command prorogued in order to assign land to veterans, for example, while another, Q. Minucius Rufus, was held over at Bruttium in order to continue an investigation into thefts and sacrilege at Locri.49

A proconsul seems at first blush to be simply a consul whose power have been held over; but the differences are revealing if looked at from a certain point of view. First, a proconsul was an individual who had been granted consular *potestas* and *imperium*, but was not a consul of the city government of Rome, and was therefore free from the duties and responsibilities appertaining thereunto. Second, a proconsul was normally charged with a specific task, or *provincia*, on which his energies were to be exclusively focused. These are two of the key functional attributes of the archaic dictatorship. It is not a coincidence that the first years of extensive reliance on the proconsulship overlap with the last years of reliance on the dictatorship, even leaving aside all the specific circumstances of the second century being discussed in this chapter. During this war, Rome shifted from one-off, intermittent special consuls to the regularized manufacture of special consuls by the dozen.

Moreover, the main remaining difference between the proconsul and the dictator would be that the proconsulship functioned like an ordinary magistracy in that it was

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47 Scipio Africanus as the first *privatus cum imperio*: Schur 1927, 24; Ehrenberg 1953, 125; Scullard 1970.
49 Livy 32.1.6–8, 11.
bound to a set period of time, rather than being bound to a mandate and obliged to resign upon its resolution. This might help to explain why the archaic dictatorship worked with great effectiveness and utility for three centuries, while proconsuls in the form of provincial governors would become a plague on the stability of the Roman empire from Marius all the way through to the fall of Constantinople over fifteen hundred years later.

Nonetheless the transition happened for a reason. The systematic implementation of promagistracies from the Hannibalic War onward dramatically lessened the pressure on the consuls and on the apparatus of city government at Rome, and not just in fielding additional commanders for Rome’s legions. The use of proconsuls as commanders in the field made it much less necessary for both consuls to be away from Rome for months at a time, so that there was less of a need for dictators (or interreges) to stand in to preside over elections, games, and other vital domestic consular duties. Thus the dictator, the original emergency in-lieu-of-the-consul unelected magistrate, was surpassed by a more structured process for mass-producing pseudoconsuls as needed for any province and occasion.

That said, the promagistrates were an extension of the ordinary magistrate system. When a dictator-type military crisis did occur in the second century, the promagistrates were embedded in the established process and therefore part of the problem, not the solution, meaning that a new kind of extraordinary response was required.

Two military situations stand out as producing public alarm during the second century. The first of these, and by far the milder, is Iugurtha’s storming of Cirta, which resulted in the torture and assassination of Rome’s allied king, Adherbal, as well as the massacre not only of the king’s Numidian supporters, but also of the Italian traders who had armed themselves to help Adherbal defend the city.\(^5^0\) According to Sallust, however, popular outrage over these appalling but distant events manifested primarily as hostility toward the senate, which was presented as being susceptible to the bribery and influence of Iugurtha and his allies. This precipitated a need for direct action in order the placate the

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\(^5^0\) Sall. *Iug.* 26.3.
masses and fend off tribunes.\textsuperscript{51} There was no need or call for unusual action, however; the action taken was that Numidia was one of the provinces assigned for 111 and a new war undertaken against Iugurtha by the consul L. Calpurnius Bestia. The war dragged on, but even the startling defeat of an acting commander, the praetor A. Postumius Albinus Magnus, in 110 only resulted in another consul, the “great and prudent” Q. Caecilius Metellus, having a go on his own terms.\textsuperscript{52} That war was eventually linked to public upheaval was owed to the demagoguery of C. Marius, rather than any dictator crisis.

The real shock came in 105, however, in the wake of the calamitous annihilation of Roman and allied troops at Arausio. Unlike the Numidians, the Celtibarians, or even the Macedonians, the Cimbri and Teutones posed a real and urgent threat to Italy and to Rome—and Arausio not only opened the doors to Italy but demonstrated that the existing ordinary system, as represented by the consul Cn. Manlius Maximus and the proconsul Q. Servilius Caepio (\textit{cos. 106}), was not equipped to stop them. This was a genuine dictatorial situation, with a \textit{tumultus} in the form of popular fear that these “courageous and daring” barbarians, who had brought about the inglorious destruction of large Roman armies in Transalpine Gaul, were now bent on ravaging Italy.\textsuperscript{53}

But on this occasion no dictator was called for. Rather, it was \textit{“propter metum Cimbrici belli”} that C. Marius was irregularly, if not illegally, returned as consul for the second time despite being both absent from Rome and a consul only two years prior.\textsuperscript{54} Why was the election of a consul, rather than a call for a dictator, the response of the angry and terrified Roman people? A century or two before, such popular terror might well have resulted in a call for a dictator; and the consul P. Rutilius Rufus was on the spot in Rome, available

\begin{footnotes}
\item Sall. \textit{Iug.} 27.1–3.
\item Sall. \textit{Iug.} 38–39, 43, 45.
\item Gran. Lic. 33.11–12; Plut. \textit{Mar.} 11.8–9. Such was the alarm in the wake of Arausio that the consul in Rome, P. Rutilius Rufus, imposed an oath on the young men not to leave Italy (“\textit{itaque cum metus adventantium Cimbrorum totam quateret civitatem, ius inrandum a iunioribus exegit, ne quis extra Italian quoquam profisceretur}”: Gran. Lic. 33.14).
\end{footnotes}
to heed the call and appoint one. It seems—certainly in retrospect—that the outcome would have been the same, however: that is, if P. Rutilius had been called upon to appoint a dictator, there would have been, as had been the case on other occasions in the past, only one choice. In 390 there was no hero to be had but M. Furius Camillus; in 310 no man but L. Papirius Cursor so much as crossed anyone’s mind; and in 105, as Plutarch said, “the Romans summoned Marius to command.”55 C. Marius was a gifted leader of men and a peerless general; he was patently, in the terms we have been using in this study, the needed man. Both the dictatorship and the consulship would put him in command of the Roman forces to be arrayed against the invaders, positioning him to save Rome where no one else could. What explains the choice, then, of electing C. Marius consul illegally rather than appointing him dictator legally?

There may have been a sense that the dictatorship was suited to wars in Italy; it is also true that the dictatorship had been dormant nearly a century. But the dictatorship had been reinvented and expanded before; and it had been moribund even longer when L. Cornelius Sulla revived it and, indeed, reshaped and amplified it according to his own needs. The defense against the Cimbri, moreover, was to be waged on Italy’s doorstep and in its defense, and very likely on its soil; like the Gauls of 390, Romans feared they were heading straight for the jugular. If C. Marius’s partisans, who were active enough in Rome to get the man illegally elected consul even though he was still busily engaged on another continent and so could not bring his own presence and charisma to bear, had thought the dictatorship the right tool to use, it would have been as possible to resurrect it in 105 as it was in 82 (more so, as in 105 there was a consul present in Rome). Given the tendencies of the populares it is easy to envision the propaganda necessary to paint the dictatorship as the ultimate weapon to be employed against these dangerous barbarian hordes.

What was different now, however, was the circumstances under which the need for dictators had been felt in the past. The problem was not that the individual men who

happened to occupy the consulship in 105 were not ideally suited to this particular crisis; nor was the problem what it was possible or not possible to do within the bounds of the consulship. Normally, a dictator stood in place of one of the men who happened to occupy the consulship, because the consuls were unavailable or because the qualifications and temperament of the dictator, along with the freedom of action against the mandate afforded by the dictatorship, better positioned him to achieve a positive result. From the point of view of C. Marius’s partisans, however, the problem was not circumstantial but endemic. Just as had been the case when he was first elected consul for 107, Rome was being endangered because the consulships were being routinely stocked from a pool of men increasingly, though not nearly completely, bred into incapacity for war and a predilection for vanity and tyranny; worse, these same men were not merely afflicting Rome for a single year, but were being held over for years at a time as proconsuls, imperiling Rome in greater numbers and for longer periods. C. Marius had already pilloried his predecessor in Numidia, the proconsul Q. Caecilius Metellus, as representative of the failings of the existing consular system, the latter untrusted by the masses despite his manifest talents;\(^56\) and now the blame for Arausio was put down to the rashness and incompetence of the proconsul Q. Servilius Caepio, so that he became, according to Livy, the first ever official of the Republic to be convicted of betraying his troops and stripped of his entire estate and all his possessions.\(^57\)

The underlying mandate of the dictator was to return Rome to the ordinary system as soon as possible; but it was the ordinary system that was the problem. The remedy to be sought by the *populares* for this enervation of the consulship, and the corresponding weakness and vulnerability of Rome, was not the temporary expedient of making C. Marius dictator long enough to defeat the Cimbri and Teutones in battles fought far from the milling crowds of the Forum and the dark whispers in the senate. In that case, C. Marius might save Rome from the invaders, but unless he wanted to wreck the state and incur

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\(^{56}\) Sall. *Iug.* 64; Plut. *Mar.* 8.5.  
\(^{57}\) Livy *Per.* 67.3.
guaranteed action by his enemies by retaining the dictatorship after the resolution of his mandate against centuries of precedent, the end result would be that C. Marius would return home, triumph, and revert to the front benches of the senate, while the system continued feeding effete and elitist aristocrats into an increasingly debilitated executive.

The dictatorship, in other words, was no solution at all. C. Marius could defeat the invaders however he was empowered; but only by positioning himself as the instrument of the people wresting the consulship from the so-called “boni” could he also defeat his true enemies. The thrill and bite of being elected illegally, by popular demand, made the breaking of the existing system that much more obvious, while also providing the people with that crucial sense of invoking an extraordinary response to an emergent terror. This was, as Syme intimated in relation to the later stages of this struggle, a Roman revolution, and Arausio was a call to arms in the streets of Rome as much as on the fields of Gaul.

**HOLDING ELECTIONS AND GIVING GAMES**

The holding of elections when the two consuls were unavailable for the task was a common use for the dictatorship in the fourth and third centuries. It is therefore remarkable that this particular use for the dictatorship vanishes after Zama.

The dictators that fell into this category were not, by and large, standing in for consuls on routine occasions or during chronic dust-ups with the neighbors; dictators were appointed to hold elections or give games when the consuls were mired in extended conflicts and not in a position to return to Rome. Of the 22 dictators identified in the taxonomy as appointed to hold elections or give games because the consuls could not, six were appointed during the second Samnite war or the run-up to it, one was during the Pyrrhic war, and ten were during the Punic wars. In total 17 were associated with major, all-consuming wars. For three of the others we do not know the circumstances.

In order for there to be a similar situation during the long second century, then, we would need to look for occasions on which the consuls were unavailable because they were both tied up with, or casualties of, a war of similar scale; but even though the consuls
continued the tradition of fighting major wars in person during their year in office, the wars Rome engaged in during the second century tended to prevent the removal of both consuls from Rome by making use of a broader pool of commanders.

During the Syrian war of 192–188, for example, the commanders included M’. Acilius Glabrio (cos. 191), succeeded by L. Cornelius Scipio (cos. 190) and P. Cornelius Scipio Africanus (cos. 205, 194, acting as his brother L. Cornelius’s legate); as fleet commanders there were M. Iunius Brutus (pr. 191) and L. Aemilius Regillus (pr. 190). 58 M.’ Acilius’s co-consul in 191, P. Cornelius Scipio Nasica, had a brief but decisive engagement with the Boii but returned home and triumphed; he then held the elections for 190. 59 L. Cornelius’s co-consul in 190, C. Laelius, received Italy as his province (to his chagrin, we are told) and dealt with such domestic issues as drawing up colonists for Placentia and Cremona in Cisalpine Gaul; Livy explicitly had him returning to Rome deliberately in plenty of time to hold elections. 60

The Romans were committed more broadly around the Mediterranean in the second century, resulting in a greater likelihood of overlapping wars. The parallel wars of the early 140s, during which the Romans were engaged in simultaneously reducing both Carthaginians and Achaeans, still were managed so as to keep one consul at home. In Greece the Roman commanders included Q. Caecilius Metellus Macedonicus, who commanded the defeat of Andriscus while only a praetor (148), continuing to fight the Achaeans in 147 as propraetor; and L. Mummius Achaicus (cos. 146), who commanded the Achaean war with Q. Caecilius’s ongoing assistance. In Africa, the leadership included M.’ Manilius (cos. 149), L. Marcius Censorinus (cos. 149), L. Calpurnius Piso Caesoninus (cos. 148), and P. Cornelius Scipio Aemilianus (cos. 147). 61 The early stages of the third

58 Polyb. 21.4–5, 21.13–17, 21.24.16; Livy 36.3–4, 36.12, 36.22, 36.35, 36.45, 37.1–4; Cic. Phil. 11.7. The proconsul T. Quinctius Flamininus (cos. 198) was also about.
59 Livy 36.38 (victory), 36.40 (triumph in year of office), 36.45 (elections). The Fasti Triumphales does not preserve the day of the triumph in this case.
60 Livy 37.1, 37.46–47.
Punic war engaged both consuls of 149 in a two-pronged attack on the city of Carthage by land and sea respectively; yet Appian explicitly had L. Marcius return to Rome to hold the elections for 148, not long after a major setback on his end involving a combination of illness and the ingenious Carthaginian use of fire-ships. This is, perhaps, our closest call; if L. Marcius had been more successful in his naval campaign, such that he was fully engaged in pressing the Carthaginians when the time came for elections, there might have been impetus for a fallback plan for holding elections involving a dictator or interrex. As it was, however, L. Marcius went home, and elections remained in the hands of the consuls.

The elections for 147 were notable more for P. Cornelius Scipio Aemilianus’s election to the consulship despite his ineligibility, but there is reason to believe that while L. Calpurnius Piso Caesoninus was fighting in Africa the other consul of 148, the orator Sp. Postumius Albinus Magnus, was at Rome, since he was not mentioned in connection with Appian’s account of the Punic war. Likewise C. Livius Drusus, P. Cornelius Scipio’s colleague as consul in 147, dropped out of the narrative after he tried to get the African command chosen by lot, and can be assumed to have been available for elections in Rome. The same goes for Cn. Cornelius Lentulus, co-consul with L. Mummius in 146 and apparently not attached to either war.

The next major period of overlapping wars took place across the years 112–105, when the Romans were dealing with the upstart Iugurtha in Numidia even as the Cimbrians and their fellow Teutons were increasingly proving themselves a threat to the north. Much was in upheaval at Rome, but elections were nonetheless managed in such a way as for the presence of a presiding consul to not be a question. In the devastating year of 105, for example, the Battle of Arausio was fought by the consul Cn. Manlius Maximus and the proconsul Q. Servilius Caepio (cos. 106), while the proconsul C. Marius (cos. 107) was
wrapping things up in Numidia; this appears to have left the remaining consul, the scholar P. Rutilius Rufus, available in Rome for elections, which resulted in C. Marius being elected in absentia.66

The conclusion would seem to be that even when warring in more than one theater, after Zama making increasing use of praetors and promagistrates allowed the Romans to plan things well enough for one of the consuls to be at Rome or easily able to return in time to hold consular elections. Roman military potency and capacity expanded rapidly over the course of the Republic; as a result, individual wars no longer required employing its full executive leadership, including both consuls, in order to achieve a positive outcome.

THE CONCOMITANT DESUETUDE OF THE INTERREX

The interrex filled an extremely useful role in the Roman government, during both the regal period and the Republic: to preside over elections for the next executives. During the Republic this role was normally performed by one of the sitting consuls, probably the senior of the two consuls if available; but if neither consul could do it, the interrex was there to stand in.67

The problems with the interrex were logistical and social. Logistically, the interrex could only stay in office a maximum of five days, so if the elections could not be accomplished in that time another had to be appointed; the first interrex often did not hold the actual comitia, and it is not unheard-of for Livy to report successions of interreges into the double digits before elections were accomplished.68 Socially, the interrex was unrepresentative,

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66 Livy Per. 67.1–6; Plut. Mar. 11.1.
67 For conflicting accounts of the origin of the interrex during the regal period, see Livy 1.17, 1.22; Dion. Hal. Ant. Rom. 2.57, 4.40, 4.80; Plut. Numa 2; Cic. Rep. 2.13, 2.17–21.
For the transition to the Republic: Dion. Hal. Ant. Rom. 4.84, 8.90; Livy 1.60.
68 Livy 3.8, 9.7, 10.11, 5.31. Double digit counts of interreges: Livy 7.22, 8.23. There is some indication that the first interrex could not hold elections at all, because there was no one person to inaugurate him and therefore he was not appointed auspicato; cf. “non fuit autem moris ab eo qui primus interrex proditus erat comitia haberī” and the subsequent demand that Lepidus call the election “contra ius”: Asc. Mil. 43C.
since he was chosen by and from among the patrician members of the senate;\textsuperscript{69} elections being controlled by an agent of the patrician elite did not always sit well with Roman masses and were sometimes objected to by tribunes of the plebs.\textsuperscript{70} This is one reason why dictators, chosen by the elected consuls, were used more and more frequently to stand in for the consuls for the purpose of holding elections during the third century, along with consuls preferring that the executive control elections rather than the senate.

Both the dictator and the \textit{interrex} fell out of use after the Second Punic War; the last \textit{interrex} we hear of is in 217, though an \textit{interrex} was raised as a possibility in 193 if the consul did not return to Rome from his province for elections, which he did.\textsuperscript{71} The office was apparently a living magistracy 16 years later: the \textit{interrex} was one of the listed magistrates who could act under a law on manumission passed in 177 BCE.\textsuperscript{72}

The \textit{interregnum} of 217 is a nice instance of what could go wrong with both the dictatorship and the \textit{interrex} when the consuls were unavailable to hold elections. According to Livy, the sequence of events was as follows. The senate wrote to both consuls, asking if they were able to come to Rome for elections. Both replied that leaving their armies while they faced the enemy would endanger the Republic; the consuls suggested an \textit{interrex} would be preferable. The senate, reacting to heightened anxiety of the citizenry, avoided appointing an \textit{interrex} and opted to recommend a dictator be appointed. The dictator, L. Veturius Philo (#76), presumably appointed in camp, was vitiated in what demagogues afterward claimed was a political move; and so there was an \textit{interregnum} anyway, in which two successive \textit{interreges} presided over elections fraught with plebeian/patrician tension and vitriolic debate over the tactics of Q. Fabius Verrucosus as dictator.\textsuperscript{73} Here’s the climax of what Livy has C. Terentius Varro say in haranguing the people:

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\textsuperscript{69} Livy 3.40, 4.7, 6.41; Cic. \textit{Dom.} 14.38.

\textsuperscript{70} Cic. \textit{Brut.} 14.55; Livy 4.43, 22.34. Livy claimed that the plebs complained about patrician control of the office even under the monarchy: “\textit{Fremere deinde plebs multiplicatam seruitutem, centum pro uno dominos factos}”, Livy 1.17.

\textsuperscript{71} Livy 35.6.

\textsuperscript{72} Livy 41.9.11. The listed magistrates were “\textit{dictator, consul, interrex, censor, praetor}”.

\textsuperscript{73} Livy 22.33–34.
Who does not see that their one aim and object was to bring about an *interregnum* in order that the elections might be controlled by the patricians? That was the object of the consuls in both staying with the army; then afterwards, because they had to nominate a dictator against their will to conduct the elections, they had carried their point by force, and the dictator’s appointment was declared invalid by the augurs. Well, they have got their *interregnum*; one consulship at all events belongs to the Roman plebs; the people will freely dispose of it and give it to the man who prefers an early victory to prolonged command.

(There is a nice irony in C. Terentius lambasting the senate for not allowing a dictator, when it was a dictator who, by his argument, had landed them in the current mess.)

The debate as framed by Livy makes it clear that both the dictator and the *interrex* suffered the same disadvantage: both were indirectly installed and therefore, in the minds of some, potentially turned to the benefit of one faction or another. Though the people were generally amenable to dictators holding elections, that office could be, and had been, manipulated to try to produce election results favorable to patricians in the past, and cases were remembered of *interreges* attempting to bar plebeian candidates as well.⁷⁴ Consuls, who were at least directly elected, were preferable to either of the two appointed offices for the holding of elections. The increased availability of consuls after Zama meant that the people could begin to rely on elections being held by consuls.

Strikingly, it appears that the *interrex* was disinterred simultaneously with the dictatorship in 82, when Sulla arranged for the appointment of an *interrex* to preside over his nomination as dictator. In between, we can find no evidence of an *interrex* having been appointed; this may be partly due to the choppy source material we have for the second century. In relating the ascension of Sulla to the dictatorship, Appian did not remark on the office of *interrex* having been long in abeyance as the dictatorship had been; rather he blandly described the *interrex* as an official Romans appointed to hold elections if the

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consuls were unavailable.\textsuperscript{75} Of course, Appian’s target was Sulla; but it might have served him to charge Sulla with reviving two defunct offices to legitimize his tyranny rather than just one, had he been aware of the \textit{interrex} also having fallen out of use.

After Sulla, the \textit{interrex} became more frequently resorted to. According to Sallust, in \textsuperscript{76} it was suggested that an \textit{interrex} standing in for not-yet-elected consuls be called upon to help defend the Republic against a possible uprising led by the ex-consul M. Lepidus.\textsuperscript{76} The disruptions of the civil wars led to a succession of \textit{interreges} in 53 so long it literally became a joke,\textsuperscript{77} apparently reminding everyone why the office had been allowed to lapse.

\textbf{THE POWER OF THE SENATE}

We have already seen a theory that the senate undertook to resolve some kinds of internal crises on its own, rather than rely on a dictator, the earliest and most telling example being the Bacchic cult crisis of 186 BCE. It is worth looking closely at these events to see how things were handled as compared with the previous century.\textsuperscript{78}

Several elements of the crisis stand out sharply in the context of the present study. First, Livy presented it as having been instigated by a charismatic leader who stirred Romans in the direction of disorder, a description reminiscent of the kinds of social and political insurrectionists against whom dictators were named on several occasions. The original malefactor worked among the Etruscans and was described as an itinerant “nameless Greek” rather than a Roman nobleman; but the movement grew rapidly, spreading “like a contagion”, and by the end Livy was describing it as a conspiracy of thousands, led by two authentic anti-establishment Romans named M. and C. Atinius, among others.\textsuperscript{79} Second, according to Livy the effects of this movement was not just secret

\textsuperscript{75} App. \textit{B Civ} 1.98.
\textsuperscript{76} Sall. \textit{Hist. Phil.} 22. Similarly after the death of Milo, Cic. \textit{Mil.} 23.61.
\textsuperscript{77} Cic. \textit{Fam.} 7.11.
\textsuperscript{78} On the Bacchic crisis see Livy 39.8–23; McDonald 1944, 26–33; North 1979; Bauman 1990; Gruen 1990; Takács 2000; Perri 2005.
\textsuperscript{79} Livy 39.8.3–5, 39.9.1, 39.17.6.
religious meetings and private libertine activities that might disrupt families and marriages but have largely private implications, but also criminal activities with broader, disruptive public impact including perjury, forgery of wills and evidence, and even “poisonings and secret murders”, as well as establishing an expanding conspiracy to subvert a wide range of Roman traditions.\textsuperscript{80} Third, the insidiousness of the Bacchic threat was originally brought to the attention of the senior consul, Sp. Postumius Albinus, as a result of the entanglement of a youth named P. Aebutius, whose tale Livy related in considerable detail.\textsuperscript{81} Once the consul had dug into the matter and got the testimony of two witnesses, however, what happened next was “\textit{rem ad senatum Postumius defert}”: the consul deemed the appropriate action in response to the encroachment of an elaborate religious conspiracy undermining Rome was not to act on his own authority, but to defer the whole matter to the senate.\textsuperscript{82} What happened next is just as interesting:

\textbf{Livy 39.14.6}

\textit{Quaestionem deinde de Bacchanalibus sacrisque nocturnis extra ordinem consulibus mandant…}

The investigation of the Bacchanals and their nocturnal rites they then entrusted to the consuls as an extraordinary duty…

The situation here had all the hallmarks of an incipient dictatorship. There was a \textit{tumultus}, with the senate explicitly stated to have reacted to the consul’s report with “\textit{pavor ingens}”; the corruption of religious scruple had the terrifying potential to eviscerate the crucial authority of priests, haruspices, and the senate itself, opening Rome to the breakdown of morality and the retribution of the gods.\textsuperscript{83} In response there is a call from the senate—but the call is not for a dictator, but for the consuls themselves to act in an “extraordinary” capacity, outside the parameters of their normal duties.\textsuperscript{84} Implicit in this charge is that the consuls should concentrate on this problem to the exclusion of their

\textsuperscript{80} Livy 39.8.6–8.  
\textsuperscript{81} Livy 39.9–13.  
\textsuperscript{82} Livy 39.14.3.  
\textsuperscript{83} Livy 39.14.4, 39.16.6–7; Nock 2003, 95.  
\textsuperscript{84} The same formula was repeated in the consul’s address to the people: “\textit{senatus quaestionem extra ordinem de ea re mihi collegaeque meo mandavit}”, Livy 39.16.12.
more mundane duties, and sure enough the consuls appear in the narrative to remain focused on the Bacchic crisis until its resolution.\textsuperscript{85} It is debatable whether this allowed the consuls “extraordinary powers” (as is sometimes said): in the event, much like dictators, they did the same kinds of things consuls could normally do. The point of this special charge was to invest the consuls with extraordinary focus—in other words, with a mandate.

The consuls then oversaw the investigation, delegating the surveillance and arrest of implicated priests to the curule aediles and setting guards to prevent the performance of the nightly rituals, and addressed the people, exhorting them against the corruptions of this cult and ensuring that they would zealously prosecute everyone incriminated in the conspiracy.\textsuperscript{86} In the resulting panic within the cult, some people fled, others committed suicide, and the consuls judged those brought before them while the praetors, again at the senate’s direction, scoured the surrounding cities and conducted trials over the fugitives they found there.\textsuperscript{87} After this, the senate then charged the consuls with eradicating the Bacchic cult in Rome and among Roman allies throughout Italy.\textsuperscript{88} Finally, the senate passed resolutions relating to the disposition of the informers (which was ultimately left to the consuls’ discretion), and other loose ends, including special dispensations given to P. Aebutius; these were then passed by the assembly at the senate’s recommendation.\textsuperscript{89}

On examination of the sequence of events, the reason no dictator was appointed in 186 becomes obvious: the senate intended to remain firmly in control of the whole crisis from start to finish. The “call” was similar in that it involved the senate resolving that the consuls should take a specific action; but this time the senators handled things so as to not pass off the initiative to a dictator. The senate doled out responsibilities to the consuls

\begin{itemize}
  \item \textsuperscript{85} Only after all the investigations in Rome were completed did one of the consuls, Q. Marcius Philippus, go to war against the Ligurians (Livy 39.20.1); the other, Sp. Postumius, essentially took the Bacchic investigations in the rest of Italy as his province and so spent the balance of his consular year (39.23.1).
  \item \textsuperscript{86} Livy 39.14.9–17.3.
  \item \textsuperscript{87} Livy 39.17.4–18.6.
  \item \textsuperscript{88} Livy 39.18.7. The \textit{s.c.} survives as an inscription, \textit{CIL} 1\textsuperscript{2}.581. For comparison with Livy see Perri 2005.
  \item \textsuperscript{89} Livy 39.19.
\end{itemize}
that were specific and circumscribed, and retained the initiative in each stage of the crisis even as the consuls did the actual leg-work. The appointment of a dictator would have involved handing over authority, initiative, and choice of actions; but in 186 the consul Sp. Postumius saw the authority and responsibility for such an immense and grave undermining of Rome and Roman values as obviously laying with the senate, and the senate agreed, retaining the mandate for themselves and regulating the whole affair through the consuls rather than giving everything over to a dictator. The advantage of the dictatorship in its earliest days—free action without the constraints of ordinary political processes—had finally become its greatest liability.

The way in which the sitting consuls were employed here is fascinating. Taking care of this business might have been easily understood as being part of the consul’s ordinary duties; consuls regularly investigated conspiracies and corruption, both in Rome at large in Italy. But by charging the consuls to act in an explicitly “extraordinary” capacity, while at the same time laying down the rules and parameters via a series of unequivocal resolutions, the senate was in effect declaring a state of emergency while at the same time bypassing the invocation of the constitutional second system, a dictator and magister equitum, that normally resulted. Instead, the consuls were themselves turned into extraordinary magistrates, with their normal activities—preparing to take up their provinces and the military actions contemplated there—suspended for the duration of the crisis; yet whereas a dictator would have normally have had total discretion to handle a crisis however he saw fit, the consuls acted in this case as executive agents of the senate, performing specific tasks decreed by them and conducting investigations with unambiguous reference to the senate’s authority rather than the people’s or their own as elected, imperium-invested executive magistrates of Rome.

Moreover, the tenor of this story is that the senate working through the consuls proved to be an extremely effective means of addressing a crisis of this nature and magnitude. Livy praised the investigations in Rome and Italy under Sp. Postumius as having been
conducted “cum summa fide curaque”, and many individuals, male and female, had proper justice visited upon them, capital more often than not. Rome and Italy come across as purged and cleansed of a dire corruption, and with remarkable speed, all within the space of less than a single consular year. It might not have been his intent in telling this story, but Livy might as well have postscripted his account with the legend “And thus the dictatorship was proved obsolete.”

It is possible to overstate, as Gruen arguably did, the extent to which the senate, in the course of this remarkable and ruthless persecution, was seeking to deliberately “claim new prerogatives in the judicial sphere, in the regulation of worship, and in the extension of authority in Italy”; for one thing, in this story the authority in such matters is tacitly presented as already residing with the senate, and the senate as acting accordingly, managing a crisis that had been appropriately deferred to them. It is true that extent of the decrees laid down regarding the permanent ban on Bacchic related activities was an innovation or an escalation by the senate, especially as related to Italian allied territory, and along with the impiety rulings of 204 left a legacy of perceived senatorial jurisdiction over such matters far beyond Rome. But this was essentially a side effect of the senate’s immediate and reactive response to a new kind of threat to the integrity of Rome and Roman culture. What is truly remarkable for our purposes is that the senate’s assertiveness and its careful maintenance of the initiative in its own hands represented a new stage of Republican evolution in crisis management beyond the dictatorship. The effectiveness of this precedent meant that a closely structured response involving the consuls acting as

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90 Livy 39.23.1.
91 Livy 39.18.4–6.
92 Gruen 1996, 78. The argument that the senate was actively claiming these rights was also made by Takács 2000, 310. See also Millar 1984, 7. Conversely Wells 2010, 238-9: “the Romans chose to defend the integrity of local religious structures” in Italy, the stability of Roman allied territory being of pressing interest to Rome and therefore the senate.
93 See in particular Takács 2000, 308–310.
agents of senatorial authority essentially precluded the need for resort to dictatorships until the breakdown of the senate’s authority in the final century of the Republic.

**THE POWER OF THE CONSUL AND THE *SENATUS CONSULTUM ULTIMUM***

In the long second century, it became increasingly likely for domestic crises—if they were handled at all by the state, as opposed to private vigilantes—to be addressed by the consul in Rome instead of a dictator being called for. This was more feasible in the second century than the third, because, as noted, thanks to reliance on proconsuls for foreign command and provincial administration there was more likely to be a consul present in the city than had previously been the case; but this is also part of a phenomenon that was, with some oversimplification, represented by the *senatus consultum ultimum.***

The exact nature of what is always described as the *senatus consultum ultimum*, even though the senate did not call it that, is worth exploring briefly, though there is no need to add generally to the extensive secondary discussion of the decree. One key reference is to the resolution passed in 63 under M. Tullius Cicero:

**CASSIUS DIO 37.31.2-3**

καὶ προσεψηφίσαντο τοῖς ὑπάτοις τὴν φυλακὴν τῆς τε πόλεως καὶ τῶν ὅλων αὐτῆς πραγμάτων, καθάπερ εἰώθεσαν: καὶ γὰρ τούτῳ τῷ δόγματι προσεγράφη τὸ διὰ φροντίδος αὐτοὺς σχεῖν ὡστε μηδεμίαν ἀποτριβὴν τῷ δημοσίῳ συμβῆναι.

And they voted further both the protection of the city and all of its affairs to the consuls, as they were accustomed; for it was written in addition in this decree that they should have care that no harm was suffered by the state.

Another is Caesar’s more hostile rendition concerning events preceding the crossing of the Rubicon in 49:

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94 For the *senatus consultum ultimum* and the conflicts that provide its context, see Cass. Dio 37.31.2-3, 38.14.5-6, 40.49.5, 41.2.2; Cic. Phil. 8.4.14, Catil. 1.2.4, 1.3; Sall. Cat. 29, 51, 55; Caes. B Civ. 1.5.3; Livy Per. 61; App. B Civ. 1.31, 1.107; Plut. Ti. Gracch. 8, 18–19, C. Gracch. 14, 17, Cic. 15, Caes. 14, 17; Suet. Iul. 12, 20.4; Val. Max. 3.2.17.

95 The expression comes from Caes. B Civ. 1.5.3.

Recourse was had to that extreme and ultimate decree of the senate which had never previously been resorted to except when the city was at the point of destruction and all despaired of safety through the audacity of malefactors: the consuls, the praetors, the tribunes of the plebs, and all the proconsulars who were near the city were to take measures that the state incur no harm. These resolutions were recorded by decree of the senate on January 7. So on the first five days on which a meeting of the senate could be held after the date on which Lentulus entered on his consulship, except two election days, decrees of the severest and harshest character were passed affecting Caesar's imperium and those highly important officials, the tribunes of the people.

The sense of the senate’s resolution in both cases is clear: The consuls, and by 49 all the ordinary magistrates, were called upon to defend and protect the state against a harm capable of its destruction. The phrasing is evocative: the directive to the magistrates to act is couched not in what they are to do, but in the passive-voice idea that “the state incur no harm”, an idea that recalls the dictator’s paramount duty to protect Rome. To ensure this, the magistrates were asked to take whatever actions they thought necessary—which could be said to describe the actions of ordinary magistrates in all cases. The senate, it bears repeating, did not have the constitutional authority to “authorize” the consuls to do whatever they liked or to legally remove any official’s restrictions of action or answerability; as Cicero himself put it, the most the senate could to was exhort the consul that he “ought to see to it” that the state suffer no harm. What was being communicated was more of a moral authority and a distillation of a social imperative: the consuls (and the rest) were being formally called upon to save Rome.

In past centuries this was the job of the dictators. Most, if not all, of the situations that gave rise to the so-called senatus consultum ultimum over the years between its introduction in 133 and its last known instance in 40 count as tumultūs, with widespread

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97 “consul videret ne quid res publica detrimenti caperet” ‘the consul ought to see to it that the state not take any harm’: Cic. Cat. 1.4.
fear and agitation among the people, the senate, or both. There was a call for emergency action, and that action was taken—not in the appointment of a dictator by a consul, but in the passing of the senatus consultum ultimum to direct the consul to handle the emergency himself. As in 186, the senate’s resolution exhorted the consuls to consider the emergency a crisis mandate, and to act as their own extraordinary magistrates, setting aside everything else and subordinating the usual considerations in order to address the overriding priority of saving Rome. In each implementation of the senatus consultum ultimum, as in 186, there was no sense that the sitting consuls were not best suited to handle the given crisis; on the contrary, where in earlier times that system would have been shifted aside by the second, extraordinary system, the consuls and the ordinary annual system was being relied upon to save Rome.

There are two interesting differences from the events of 186, however. First, in contrast to the Bacchic crisis, the senate disclaimed responsibility for what came next. The senate was pleased to claim religious authority and a kind of oversight over Italian affairs; but it did not claim authority for the crushing of dissent. Since the senatus consultum ultimum had social sanction but not legal force and did not actually “empower” anyone to color outside the lines, the senate was at least legally indemnified; by exhorting the magistrates in very nonspecific terms to act according to their own discretion in resolving the crisis, liability for any extreme actions undertaken by the consuls—in particular, actions that it would normally be illegal for consuls to perform—remained with the consuls.

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98 The major instances are: the reelection of Ti. Sempronius Gracchus to the tribunate in 133; the outbreak of violence in C. Gracchus’s second tribunate in 121 and L. Appuleius Saturninus in 100; the return to Italy of M. Aemilius Lepidus in 77; the Catiline conspiracy in 63; riots following the murder of P. Clodius Pulcher in 52; and C. Iulius Caesar’s threatened return to Rome in 49. Minor examples are cited for 88, 87, 62, 48, 47, 43, and 40. See Plaumann 1913, 329–34, 339–40, 363–64, 373; Lintott and Momigliano 1996.

99 For example, despite being equipped with an s.c.u., M. Tullius Cicero still feared prosecution or retaliation for execution of the Catilinarian conspirators, which C. Iulius Caesar flagged as both illegal under the lex Sempronia and still susceptible to provocatio; and indeed, M. Tullius was subsequently exiled for violating the lex Sempronia, though he later returned. Sall. Cat. 51, 55; Cass. Dio 38.14.5-6, Plut. Cic. 32; Sage 1920, 186; Meier 1968, 104.
Second, the *senatus consultum ultimum* did not really represent the objective preservation of the Roman commonwealth on behalf of all Romans. It was, at root, partisan. In the crises that incited the passage of the *s.c.u.*, the senate represented a side—a side that was *not* that of the firebrands among the *populares*. The danger the senators perceived, and against which they called upon the consuls to protect Rome, was that of riots and revolution against what the senate had come to represent. In passing this resolution, the consuls were called upon not just to protect Rome, but to choose a side, and to call that the Rome they were defending.

The crisis of 133 was triggered by the re-election of the populist leader Ti. Sempronius Gracchus to the tribune, an event that caused a *tumultus* within the senate and incited the more extremist members to call for patently illegal violent reaction against a duly elected tribune of the plebs—action that was later taken unilaterally by the *pontifex maximus*, of all people.\(^\text{100}\) During the uproar, the senate passed the first *s.c.u.*, calling on the consuls, P. Mucius Scaevola and L. Calpurnius Piso Frugi, to defend Rome against a tribune of the plebs who was calling for anti-elitist reforms hungered for by the Roman citizens themselves. In the pre-Rubicon crisis, even the events of the last month of 50 and first days of 49 can be read as the senate positioning itself to oppose by force of arms the will of the Roman citizens, whose loyalty as civilians and soldiers had been gained by C. Iulius Caesar. Under such circumstances, a decree to protect Rome issued by the senate constituted not the kind of situation represented by dictators, in which all else took a back seat to a leader trusted by Rome saving Rome for all Romans, but rather a call to use the hand of the state to defend one faction’s idea of Rome against another’s.

The Roman Republic had come full circle. The dictator named in response to an uprising of the plebs reported for 494 was the widely liked M.’ Valerius Maximus (#3), and both Livy and Dionysius had him being chosen as a deliberately conciliatory alternative to the inflammatory anti-populist ideologue Ap. Claudius Sabinus Inregillensis.

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\(^{100}\) *Plut. Ti. Gracch. 18–19; Val. Max. 3.2.17.*
(cos. 500), who wanted the agitators scourged and beheaded as traitors.\textsuperscript{101} Ap. Claudius represented the side that argued for the protection of tradition and conservative ideology against the obstreperous mob; but the dictatorship was deliberately forged in those days, in reaction to Ap. Claudius and his ilk, as a weapon for the bridging of divides and for the protection of all of Rome. It was not until the last decades of the Republic, hundreds of years after his fiery speeches to the elders of the young Republic, that Ap. Claudius was finally heard, and the senators and ordinary annual system at last became the agents of the violently repressive conservatism men like him had argued for from the beginning.

**PROPITIATION OF THE GODS**

Appended to an excerpt in the Internet Ancient History Sourcebook of Livy's recounting of the nail-driving dictatorship of L. Manlius Imperiosus (#21, 363),\textsuperscript{102} as if it were part of Livy's text, are the tantalizing words, “Since then, this rite has been performed by the *rex sacrorum*.”\textsuperscript{103} Unfortunately, this comment is not present in the Latin as rendered in any recent edition of Livy; it is not in the versions of the late 19th-century Spillan English translation cited on the web page; and neither Paul Halsall, who created the Sourcebook while he was Fordham in the 1990s, nor J. S. Arkenberg, who performed the digitization, could explain the sentence's provenance when consulted by email.\textsuperscript{104} Aside from being an excellent cautionary tale regarding the reliability even of simple transcriptions on the internet, this anomaly is also illustrative of the meager and jumbled information regarding this particular means of propitiation of the gods. Despite “driving the nail” apparently becoming figurative Latin for starting the year, at least for the likes of Cicero,\textsuperscript{105} almost all secondary references regarding driving the nail, annual or

\textsuperscript{101} Livy 2.30.4–5; Dion. Hal. *Ant. Rom.* 6.38.3.
\textsuperscript{102} Livy 7.3.3–8.
\textsuperscript{103} https://legacy.fordham.edu/halsall/ancient/romrelig3.asp.
\textsuperscript{104} Faint support for the *rex sacrorum* being the official chiefly responsible for responses to extraordinary portents by such actions as purifying the Forum can be inferred from *Festus*, *s.v.* *Regiae feriae*; but instances in the narrative are scant.
\textsuperscript{105} E.g., *Cic. Att.* 5.15.
extraordinary, have pointed to Livy 7.3—which, as has already been noted, miserably confuses the two. Given the way that Livy framed the driving of an emergency-related nail, as opposed to the annual nail, as an obscure custom remembered from olden times even in the fourth-century instances in which he described it as being implemented by dictators, it is reasonable to presume that this was a ritual that either fell away with the dictators or preceded them in obsolescence.

Since the use of dictatorship to propitiate the gods was most often in reaction to a widespread and deadly epidemic within the city of Rome, an overview of Roman response to pestilence is in order. Early Roman response to pestilence in the city was reactive and unsystematic. The senate’s response to a devastating epidemic in 462, which further endangered Rome by leaving it open to the marauding Voscians and Aequi (who contented themselves with plunder), was only to call on the citizens to pray with all fervor and entreat the gods to be gracious; another pestilence and famine in 451, which carried off many important Romans including the flamen Quirinalis, had no recorded response by the state (though the city was in the midst of constitutional distress anyway); likewise for the one in 412. There may nonetheless have been a consultation of the Sibylline Books on these occasions, as was specified almost in passing for the epidemics in 436, 433, and 399. The duumviri sacrorum, in charge of the Books at that point, were mentioned in the first two instances as directly acting in response to its prescriptions, without reference to the senate or magistrates.

106 See above p. 36 and Appendix H, s.v. praetor maximus. The other major reference is Festus s.v. clavus annalis: “Clavus annalis appellabatur qui figebatur in parietibus sacrarum aedium per annos singulos, ut per eos numerus colligeretur annum” (Ling. 49L). Livy 8.18.11–12, also relating to a dictator driving the nail, Cn. Quinctius Capitolinus (#42, 331), oddly emphasized how effective the act was as a public focus and distraction more than its role in propitiation; Livy 9.28.6 was in response to pestilence, but adds little. For Etruscan origins of the rite see Versnel 1970, 271–5.

107 Livy 3.7. It seemed to work, as the pestilence passed in due course (Livy 3.8.1).

108 Livy 3.32, 4.52.3–4.

No formal response to a pestilence in 384 was described, presumably because the public believed it was the gods’ displeased response to the execution of the insurrectionist M. Manlius Capitolinus, which could not be reversed.\footnote{Livy 6.20.16.} The great pestilence that began in 365 was met in the second year with a \textit{lectisternium}, presumably as a result of the senate directing the \textit{decemviri} to consul the Sibylline Books—as was explicitly the case of the propitiatory \textit{lectisternium} during the epidemic of 347\footnote{Livy 7.27.1.}—and then with frantic attempts at appeasement through the innovation of “Atellane plays,” before driving the nail was tried in the third year (363) at the direction of the senate after it had been suggested by old men who recalled some ancient prior recourse to such an act.\footnote{Livy 7.1–7.3.} The next major pestilence in 331, the one blamed on the matron-poisoners, resulted in the senate again calling for a dictator to drive the nail.\footnote{Livy 8.18.} The response to a pestilence in 295, however, had the senate calling for the \textit{decemviri} to consult the Sibylline Books, which seems to have resulted in an aedile, also the consul’s son, building a new and prominent temple to Venus funded by fines imposed on adulterous women; when the Books were consulted during the epidemic of 292, the answer was a day of supplication to Aesculapius.\footnote{Livy 10.31.8–9, 10.47.6–7.}

Already in these notices we can see an developing prominence of the senate, who have taken hold of the irregular reaction to pestilential disaster and instituted a regular response, a public call to consult the sacred books which would itself, like the appointment of a dictator in times of terror, have made a show of the state’s action to the populace. By the late third century, propitiation of the gods was already shifting away from such arcane practices as driving the nail, and the bottom line seems to favor the developing preeminence of the senate as long-term protector of Rome and its traditions. Ownership of the Republic’s relationship with the gods, especially in times of crisis, was increasingly centralized and regularized, and, as with many matters of tradition, the senate was
increasingly involved in determining the need for important measures. The situation in 217, after the disaster at Lake Trasimene, is a case in point: the dictator, Q. Fabius Verrucosus, deferred to the senate on the matter of consulting the Sibylline Books; the senate directed the *decemviri* to do so, and then took up their recommendations, which included not only Great Games and temples, but the performance of a *ver sacrum*, or general sacrifice of young animals. The last measure was grave enough to for the question to be put to the people; but the initiative came from the senate. The appeasement of the gods in this direst hour involved the senate and the people, as facilitated by priests and magistrates where necessary: the urban praetor, M. Aemilius Regillus, put the question to the people, and though Q. Fabius, as dictator, dedicated the temple to Venus Erycina because the Sibylline books indicated this should be done by the available magistrate with maximum *imperium*, the other tasks were performed by the priests and the praetors. The roles of both praetor and dictator, like the priests themselves, comes across as subordinate to senate and people in seeking the appeasement of the gods. In 208, it was at the senate’s direction that the urban praetor vowed *ludi Apollinares* in perpetuity in response to an epidemic. The senate likewise took responsibility for the response to desecrations at temples in southern Italy in 204, signaling both Rome’s assertion of stewardship of religious matters in southern Italy, and the senate’s oversight of such stewardship.

The regular response to portents and plagues was taken on by the senate, who ordered consultation of the Sibylline Books and oversaw subsequent acts of collective public propitiation, as was the case in the birth of hermaphroditic humans and monstrous animals in 200. In 181, a great pestilence and accompanying portents drove the senate to call on the consuls to make sacrifices *and* for the *decemviri* to consult the Books; the

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115 Nock 2003, 94.
116 Livy 22.9.7–10.6, 33.44.1–2; Plut. *Fab.* 4.3–4; Nock 2003, 84–85.
117 Livy 22.10.7–10.
118 Livy 27.23.5–7.
119 Wells 2010.
120 Livy 31.12.7–9.
ensuring supplications and festivals were then overseen by the senate with the assistance of the consuls (though the plague nonetheless raged for three years); a recurrence in 174 had the senate again order consultation of the Books, resulting in a day of prayer by the entire people assembled in the Forum. The next year went similarly.¹²¹

More abstractly, with regard to appeasement and propitiation Rome seemed to undergo a steady shift from a haphazard, reactive response to prodigies and portents to a more systematized approach, as a means of asserting control over chaos.¹²² One might regard the evolution of the dictatorship as a stage, or phase, in this process: dictators developed as emergency magistrates, but by the time of the social watershed of the 370s and 360s the dictatorship was being adapted to specialized roles, including being a reusable, systematic way of signaling special priority in an act of mediation with the gods. By the third century, however, a more regular process was developing through the traditional resort to the Sibylline Books: the senate watched for moments of need; they called upon the decemviri to consult the books; the senate then directed the implementation of their recommendations by the state, presenting the gravest matters to the people, and propitiation was often undertaken by the people as a whole through collective prayers, festivals, and other organized, communal, public events rather than through the actions of magistrates on their behalf.

¹²¹ Livy 40.19.1–6, 40.36.14, 41.21, 42.2.7.
¹²² On this with regard to games, see Poynton 1938.
The traditional explanations for the abandonment of the dictatorship are exploded by the facts of the period between the last archaic dictator and the resurrection of the office by Sulla, as well as the way in which the reestablishment itself was brought about (as will be discussed in the next chapter). But from the shards of those theories some useful ideas can be assembled.

In particular, the proposition that Italy was “safe” after Zama and that therefore the kind of public terror that necessitated a dictator could not occur is contradicted by the events of the second and first centuries. This kind of speculation comes, I think, from a tendency to view Roman history in terms of the assembly of the Roman empire, as if the Rome’s story, from Romulus to Romulus Augustulus, were a time-lapse video of the construction of a Lego model of the Roman Mediterranean world in which Italy is “locked in” at the time-stamp marked “202 BCE”. Italy was not “safe”, of course; even presupposing a conquest and dominion model of history, Rome was still directly threatened in 105 by the Cimbri, in 90 by the Italians themselves, and throughout the first century BCE by the armies of Marius, Sulla, Pompey, Caesar, and so on. The scare afforded by Arausio was of just as great a magnitude and intensity as any dictator-invoking report of Gauls on the march back in the fourth century, perhaps all the more so because better lines of communication informed the Romans of just how badly things had gone wrong and how vulnerable Rome had been made.

But the dictatorial need and call were never exclusively about the march of Rome’s enemies toward the Colline Gate. Dictators were required in the archaic period to defuse insurrections, perform consular duties in the consuls’ absence, and propitiate the gods in moments of extreme divine displeasure. It could hardly be said that the end of the Republic was proof against social turmoil of the kind that had once been addressed by dictators; rather the opposite. As empire increased, so did the demands of the Republican executive; and of course the gods never stopped smiting the Romans from time to time.
with disease, floods, and the occasional disastrous defeat. The circumstances that had in
the first three centuries of the Republic had generated the public sense of need for
extraordinary action did not end in 202; what changed was the sense among the senate
and the people of what extraordinary action best suited the crisis at hand.

In a way this is a stirring example of how Rome survived through constant adaptation.
The dictatorship itself developed as a possible new means of fixing a problem in a more
focused and effective way than the ordinary annual system of magistrates might; it worked,
and stuck, and became an integral part of the Roman commonwealth’s way of handling
things—until such time as the Republic started exploring new ways to fix serious problems
in the context not of a thriving city state but an expanding empire. The stopgap of a
dictatorship, ideal for immediate threats to a burgeoning city, gave way to new systems
and more complex solutions, and to an evolving sense of the relationship between the
citizens and the state.

In this context the shift in propitiation is particularly interesting. The use of the
dictatorship for this purpose was itself both an innovation—a contraction of focus for the
office—and a throwback to the days in which a priest-king had conducted arcane rituals
around the little Regia in order to mediate between the fearful citizens and the ineffable
gods. But more and more, when the elaborate machinery of the Roman state religion was
not enough and extraordinary action was needed to entreat the gods to love Rome again,
what was wanted was not a priest-king to mumble archaic words and shift iron about, but
for the gods to hear the prayers of the Roman people themselves. Collective propitiation
in moments of greatest fear was empowering, and represented a shift in public ownership
of their own fate.

Diffusion of responsibility is also a theme with the functioning of the executive. At
the beginning, everything was about the consuls, and while the king had been dispensed
with Rome now had a two-headed king instead; the struggle over hedging in the two-
headed king when there were supposed to be no kings dominated much of the political
history of the early Republic, and the dictator emerged as an extension of the same
dilemma, a one-headed king who was hedged by task instead. But by the time of the Hannibalic War, things had changed, and the two-headed king who did everything, and the one-headed king who jumped in when necessary, was replaced by a team of magistrates and promagistrates with a variety of capabilities and a deep bench; they could be farmed out to handle any need that arose nearby or on the frontiers. This allowed the members of the nobility to take on a more sustained involvement in the interests of the city and the empire, both collectively and personally, so that instead of taking a brief turn and then handing off to someone else, the members of the ruling class could be come more deeply involved over a longer period of time.

The assertiveness of the senate is of a piece with this phenomenon. The senate taking greater responsibility for the maintenance of custom and tradition, visible both in the Bacchic crisis and in ideological conflicts that produced the senatus consultum ultimum, smacks of the same shift toward collective engagement of the nobility.

The upshot of all of this was that by the time of the second century there was little room for a dictator to act on behalf of all of Rome, because it was becoming increasingly important for both the senate and the people to act on their own behalf.
But Sulla sent to Flaccus that he should inform the people that Sulla deemed it useful in the present circumstances for there to be a magistracy known as the dictatorship...

THE RESURRECTION OF THE DICTATORSHIP

The following sections address the disinterred dictatorship of the first century BCE, and its role in the collapse of the Republic and the transition to the Principate.

SULLA’S DICTATORSHIP AS BOTH TRADITIONAL AND LEGITIMATE

Historians enjoy both quoting and debunking the aphorism that history is written by the victors.\textsuperscript{1} Ultimately, once the long collapse of the Republic had run its course, L. Cornelius Sulla was on the losing side, and from Caesar’s day onward his every action was to be viewed largely through the distorted lens of the \textit{populari} having gained a bloody and permanent preeminence over the \textit{optimates}.\textsuperscript{2}

Classical writers, living under the sway of a Roman world created by the successors of Sulla’s enemies, tended to deride Sulla’s dictatorship, indicting both its inception and its execution, and ascribing to Sulla the worst possible motives for setting himself up as the all-powerful ruler of the wounded Roman state. Sallust accused him of bringing

\textsuperscript{1} The idea is customarily attributed to Winston Churchill, but it is without known origin. In the context of a discussion of painful cultural memories and their “historical refraction,” Dean MacCannell noted a passage from Walter Benjamin (1969, 256–257) that, while often oversimplified, actually said that “history is written by scholars and intellectuals who empathize with the victors and not with the people, the ones who make history” (MacCannell 2011, 171). This take would be even more apt in Sulla’s case than the common version.

\textsuperscript{2} For Sulla’s dictatorship, see in particular Baker 1927; Carcopino 1931; Hurlet 1993; Keaveney 2005; Thein 2006. See also Bellen 1975; Sumi 2002; Vervaet 2004; Santangelo 2007; Telford 2014.
everything to a bad end from a good beginning, inaugurating a mentality of pillage and destruction among Romans. Tacitus called him “that most cruel of nobles” who “defeated liberty with arms and turned it into tyranny.” Plutarch called Sulla a usurper who sought political revolution through the overturning of society. Velleius Paterculus chastised him for using the power of the dictatorship to unleash an orgy of wanton cruelty. Here’s Appian, still warming to his subject in the introduction to The Civil Wars:

Appian Bella Civilia 1.3.1

Not one odious deed was wanting until the days when a faction leader fifty years or so on from the Gracchi, Cornelius Sulla, repairing evil with evil, proclaimed himself sole ruler to the greatest extent. Such men were called dictators, an office established in case of most fearsome need for six months and long disused. But while Sulla, though said to be elected, indeed compelled by force his becoming unending dictator, nonetheless later had his fill of power and became the first man to my knowledge with the courage to deliberately lay down supreme executive power, even promising to give account afterwards for those finding fault. As a private citizen, perceived by anyone, he walked through the forum and returned home unmolested. Either this was out of their being so greatly in awe of his rule, or amazed at his resignation, or ashamed to call him to public account, or believing that his tyranny even so was beneficial.

Appian presented Sulla’s resolution of fifty years of turmoil as “healing evil with evil” through the forced imposition of his rule onto the Roman people. Specifically, Appian’s assertions were (a) that Sulla, though nominally elected, in fact compelled the Romans to give him sole rule; (b) that this was a resumption of a now-disused emergency magistracy previously invoked for six-month periods; (c) that he made himself αἰεὶ δικτάτωρ, or

Sall. Cat. 5.6, 11.4; “nobilium saevissimus L. Sulla victam armis libertatem in dominationem verterunt”: Tac. Hist. 2.38; Plut. Comp. Lys. Sull. 1–2; “imperio, quo priores ad vindicandam maximis periculis rem publicam olim usi erant, eo in inmodicæ crudelitatis licentiam usus est”: Vell. Pat. 2.28.
‘dictator unending’; (d) that it was remarkable that he nonetheless resigned his sole rule, and that he was the “first man” to so give up total power; and (e) that the Roman people did not subsequently prosecute him for his actions while in office out of either fear, shame, or respect.4 Let us consider these statements in turn.

The irony of Appian’s first suggestion, that Sulla was supposedly elected but actually was not, should be apparent: it was the election itself that was the aberration, the appointment of dictator having been firmly established as being within the sole discretion of the consul. At the time of Sulla’s investment of Rome, appointment by a consul was impossible: the consuls of 82 were absent, Cn. Papirius Carbo a fugitive and the illegally elected C. Marius the Younger a suicide at Sulla’s siege of Praeneste.5 Lacking both consuls, the senate took the appropriate, if not recently used, step of appointing an interrex, L. Valerius Flaccus, but instead of conducting consular elections L. Valerius, acting on Sulla’s instructions, instead brought about the “election” of a dictator. Sulla’s appointment was not held to be illegal on the grounds that he was elevated by an interrex and not a consul; even the classical authors who were the most unsympathetic to Sulla do not try to make that claim.6 Of greater concern to these authors was a law attributed to L. Valerius ratifying all Sulla’s actions up to that point, clearing the decks for his dictatorship.7

4 Sulla was also accused in Appian and Livy of inaugurating the blatant despotism of being preceded by 24 lictors bearing axes in their fasces. See above, p. 205.
5 App. B Civ. 1.92, 94, 96; Livy Per. 88; Plut. Sull. 32. Cn. Papirius was later killed by Cn. Pompeius, though notice of this in Livy and Appian come before those of Sulla becoming dictator (App. B Civ. 1.98, Livy Per. 89).
6 Cicero referred to Sulla’s appointment by means of an interrex, somewhat glumly, as a precedent that might short-circuit the illegality of a praetor appointing Caesar dictator in 49: Cic. Att. 9.15. Mommsen referred to Sulla’s appointment by an interrex and the fact that this was “irregular”; but he was compressing during a discussion of the consular prerogative (Röm. Staatsr. 2.131 = Appendix E, M13), and later came back to the topic of Sulla’s dictatorship to argue that it was a perversion of the original office, as will be discussed in a moment.
7 “omnium legum iniquissimam dissimilissimamque legis esse arbitror eam quam L. Flaccus interrex de Sulla tulit, ut omnìa quaecumque ille fecisset essent rata”: Cic. Leg. agr. 3.2.5; cf. Cic. Leg. 1.42. On the lex Valeria see Vervaet 2004.
That Sulla was appointed by the people via legislation in assembly, not “appointed” by the interrex in the way consuls had done previously, is clear from most accounts. What was presented as problematic in the source material is (a) that Sulla was elected by the assembly, and (b) that his election was fraudulent because it was accomplished under duress. The election itself, as we have had opportunity to note, was no innovation: there was a precedent for this very situation, a dictator chosen in the absence of both consuls by legislative act of one of the Roman assemblies—and in fact the two dictators remembered as having been so chosen were two of the famous dictators most likely to be remembered by any Roman with the slightest historical awareness, M. Furius Camillus (#14, 390) and Q. Fabius Verrucosus (#74, 217). Given these precedents, it is very likely that L. Valerius oversaw not an “election” per se, with a dictator resulting instead of a consul, but the passage of a law by the comitia centuriata naming Sulla dictator, under the auspices of an assembly rather than of a consul, following the manner previously established in the two prior cases. One might presume—given that imperium never came automatically with any office, dictator included—that Sulla was thereupon installed in office with the necessary inauguration and the granting by the comitia curiata of imperium, without which Sulla could not have proceeded.

Was the passage of a law creating a dictator conducted under duress, with the citizenry unwillingly handing over power because they perceived themselves as having no other recourse but to do so, and to him? The question can be argued in more than one way. The people were not literally at swordpoint, Sulla and his army having withdrawn a distance away from Rome. Appian himself admitted that, if the question were who was to be made

8 Plutarch eschewed the whole discussion, stating simply that Sulla had himself declared dictator: Plut. Sull. 33.
9 Camillus: iussu populi ... diceretur ‘named by order of the people’ Livy 5.46; appointed by the senate, Plut. Cam. 25.4. Fabius: see case study above, p. 157. The fact that the story of M. Furius Camillus’s second dictatorship in 390 is now thought to be dubious is irrelevant to the precedent the legend established in the narrative of the dictatorship during the late Republic, and there is no question regarding Q. Fabius’s election in any case.
dictator at this time, “common sense” pointed to Sulla, as leader of his faction, as victor over the now-leaderless Marians, and as a preeminent and obviously capable warlord and ex-consul. The Romans had no choice about who might be dictator, but Sulla accomplished this by force only in the sense that he had wrested Rome by sword from the hands of revolutionaries who had taken power by coup the moment he had left Italy to war against Mithridates, and had conducted proscriptions retaliatory for two waves of Marian massacres of the nobility conducted in his absence, the second of these having taken place immediately in advance of his arrival before the gates of Rome.

In terms of the legal process of making Sulla dictator, the key thing that involved imposition on the Roman people was the fact that L. Valerius moved a dictator-creation law rather than conducting elections for suffect consuls to fill out the rest of 82. (Consular elections for 81 were indeed held in due course, apparently not long after Sulla’s accession to the dictatorship.) It is worth noting that under these circumstances consular elections might have been even more of a farce than choosing a dictator: in the wake of Sulla’s bloody victories at the Colline Gate and elsewhere, with the leaders of the Marians killed or fled, no one would have been put up for the consulship who was not acceptable to Sulla. The actual viable possibilities for leadership were few on both sides: Sulla’s top lieutenants were hunting down Marian renegades in Spain, Sicily, and elsewhere, and the most prominent and capable optimates in the senate had been slaughtered in two waves of Marian proscriptions. Even if we see the Roman populace in 82 as being cowed, “quaking

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10 App. B Civ. 1.98.
11 Marian proscriptions, under Marius and Cinna (in 87): App. B Civ. 1.71-73; Livy Per. 80.6; Cic. De or. 3.2.8; Diod. Sic. 38.2; Plut. Sert. 5, Mar. 43-44; Val. Max. 2.10.6, 6.9.14, 9.2.1-2; Vell. Pat. 2.22; Carney 1962, 325-29.

   Under Marius the Younger (82): App. B Civ. 1.88; Livy Per. 86.5; [Victor] de Vir. Ill. 68.
   Under Sulla (82): App. B Civ. 1.95; Livy Per. 88; Vell. Pat. 2.28; Plut. Sull. 31; Oros. 5.21; Cic. Dom. 17.43.
12 App. B Civ. 1.100. The civil wars of 82 began in the spring, delayed by a hard winter (App. B Civ. 1.87), and included several battles and an extended siege of Praeneste, so that it is reasonable to suppose Sulla's elevation to dictator took place in the summer if not the fall of 82.
with fear and lying low or keeping silent”,\textsuperscript{13} “common sense” may have indeed suggested to many that, his vengeance having already been satisfied, Sulla taking things in hand offered a reasonable prospect of restored stability in place of continued turmoil.

The fact that the dictatorship had become moribund seems to have been something that was also held against Sulla. Appian said that the office had been resurrected after “400 years” of dormancy.\textsuperscript{14} Plutarch, with a better grasp of the chronology, stated that the office had been in disuse for 120 years; he brought this up specifically in the context of things Sulla had done to give offense,\textsuperscript{15} suggesting Sulla had revived the office solely as an excuse for the exercise of power. Here’s the notice in Velleius Paterculus:

\begin{quote}
\textit{Velleius Paterculus 2.28}

dictator creatus cuius honoris usurpatio per annos centum et viginti intermissa; nam proximus post annum quam Hannibal Italia exesset, uti adpareat populum Romanum usum dictatoris haud metu desiderasse tali quo timuisset potestatem.

He was made dictator, which position had fallen into disuse for 120 years; the last occupant had been the year after Hannibal left Italy, which reveals that dread causing the Roman people to desire a dictator was outweighed by the fear of such power.
\end{quote}

The author’s implication was that the dictatorship belonged to a distant and closed chapter of Roman history, and that better solutions to crises had since developed. Sulla’s resurrection of the dictatorship was a throwback and indicative of a power-hungry desire to ride roughshod over the modern, more evolved constitution by resorting to the rawest and most primeval means of exercising total power. In fact, the dictatorship had never been an office of unmitigated power. More to the point, the constitutional evolution of the Roman Republic had brought into being an even more insidious creature, the proconsul, who, free to act alone and prorogued as necessary, was untrammeled by the traditions and laws that bound consuls and dictators. At a time when civil war had unbalanced Rome and its dominions to an extent not even Hannibal could have achieved, it is difficult to

\textsuperscript{13} App. \textit{B Civ.} 1.97.
\textsuperscript{14} App. \textit{B Civ.} 1.98.
\textsuperscript{15} Plut. \textit{Sull.} 33.
see how Sulla’s reestablishment of an office specifically designed to resolve an urgent need of the state could have been counted an offense even if 120 years had elapsed.

Discussing Sulla’s making himself dictator, Appian reserved his greatest vituperation for Sulla having perverted the office by removing the previously absolute six-month limit, thus, by implication, laying bare his desire for open-ended and unfettered dominion.

Appian’s assertion that the dictatorship had been in abeyance for 400 years is risible but not important. His true mistake involves what he said next. For once the language about the dictator’s term is in terms of the mandate, explicitly in contrast to a fixed period of time. That this is described ominously betrays awareness of the possibility for abuse exploited by Caesar, who developed a permanent mandate out of a finding of permanent need. But Appian’s accusations of tyranny on the basis of an unfixed term were misplaced. Sulla’s use of the mandate, and his abdication on his assessment of its resolution, was entirely in keeping with archaic precedent.

A chronological term of office would defeat the very purpose of the dictatorship. The overriding truth of the dictatorship, established and reestablished by dictator after dictator,
century after century, was that it was bound not by an arbitrary interval of time but by the satisfaction of the mandate. Ordinary magistrates were governed by time, and were expected to deal with anything that came up within the parameters of their office within the brackets of a year’s duration. The dictatorship was not an ordinary magistracy; it was invoked to deal with one specific crisis—the danger to the state that had brought it about—and nothing else, and ended when and only when, in the judgment of the dictator, that crisis was resolved. Its brackets were not temporal but situational.

Appian, through his sneers, himself told us that Sulla’s dictatorship was exactly in conformance with this model. The state was wrecked by revolution, counterrevolution, faction, and distress, and the dictator’s job would be to resolve the crisis and put things right, which would involve both the capacity to rule by edicts until the government were functional and the revision of the constitution to bring about that functionality. Indeed, the people were explicitly told in advance that the dictator would remain in place until such time as both city and empire were “on firm footing”, which would indicate the amelioration of the crisis and the satisfaction of the mandate.

The flip side of this was the dictator’s duty to resign immediately on attaining the fulfillment of the mandate; Sulla, I would argue, satisfied this half of the archaic model as well, resigning the dictatorship after having accomplished the reparation of the political system to the extent of overseeing the installation of freely elected consuls—no mean feat after a decade of revolution, counterrevolution, and coup d’état.

Onlookers from Caesar to Appian have wondered that Sulla resigned rather than hold onto power, and that he abdicated not in favor of his own progeny but “of those who were the subjects of his despotism”; but it seems clear that Sulla abdicated his dictatorship when he thought the state was stable again. He held the consulship instead for 80 along with his protégé Q. Caecilius Metellus Pius; in the elections for 79 he would not stand at all.\textsuperscript{16} Appian averred that Sulla was still dictator while he was consul in 80, but this seems to

\textsuperscript{16} App. B Civ. 1.103. See also Plut. Sull. 34.
be an anachronistic transference of the habits of Caesar and the ensuing *principes*, as Appian himself suggested. Sulla, a deeply conservative individual whose motivating goal was the reestablishment of the stable, automatic functioning of the traditional forms of the Republic, would have wanted to transition to normal functioning, from dictators to consuls, at the earliest possible moment in order to reinstill rock-solid faith in the state among senators and populace. This corresponded directly to the archaic dictator’s core purpose, to resolve the danger to Rome and return the state to ordinary functioning at the first opportunity. Sulla’s abdication, far from inscrutable, was the mirror of his ascendance to it in his adherence to dictatorial tradition. Sulla’s dictatorship hewed strikingly to the most venerable and firmly established precedents of the archaic dictatorship.

Thus the phrase αἰεὶ δικτάτωρ, or ‘dictator unending’, is robbed of the menace Appian apparently intended. Appian further muddled things by subsequently asserting that Caesar “δεύτερος ἐπὶ Σύλλα δικτάτωρ ἐς τὸ διηνεκὲς ἥρεθη” ‘second after Sulla was made perpetual dictator’; but Caesar’s making himself dictator for life was the innovation, and he was killed a month later. Elsewhere Appian said, quite wrongly, that “a dictator is exactly like a king”. The king was bound to the polity and ruled as long as the polity had use of

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17 The *Fasti Capitolini* have him as dictator for 82 and consul for 80. Contrast the treatment of Caesar: the *Fasti* list him as dictator in 49, 47, 45, and 44 with consuls in the same year, plus a separate notice for his appointment as *dictator perpetuo*. This might suggest that Sulla ought to be listed as dictator for 81 if he occupied that office concurrent with the consuls, as most of the narrative sources want to suggest. Arguably, however, the notices in the *Fasti* were for appointments, not terms of office, so that if Sulla’s dictatorship lasted into 81 it would not have been listed separately unless it was a separate appointment. Support for this is Suetonius’s assertion that Caesar’s third and fourth consulships were concurrent with dictatorships (Suet. *Iul.* 76); these are the consulships for 46 and 45, and the former has to overlap with Caesar’s dictatorship from 47 if the *Fasti* and Suetonius are to be reconciled. The *Fasti* list Caesar’s dictatorships for 45 and 44 as separate terms, his third and fourth instances of the office, with the fourth resigned in favor of a separate appointment as *dictator perpetuo*.

All that can be concluded from the *Fasti*, therefore, is that Sulla apparently did not receive a separate appointment as dictator for 81; either he resigned when the consuls for 81 took office, or the dictatorship to which he was appointed in 82 persisted into 81 over the heads of the consuls of the year.

19 App. *B Civ.* 2.111; cf. 1.100.
him, while the dictator was bound to a crisis, was empowered only toward its resolution, and resigned on fulfillment of the mandate. Appian’s conflation of dictators, perpetual dictators, and kings served mainly to reveal the author’s fundamental and comprehensive misunderstanding of the Roman dictatorship.

After Sulla stood down from the consulship, making way for the consuls of 79, Appian had him promise his fellow Romans that he would make an accounting of his deeds.\(^{20}\) In his introduction Appian suggested that Sulla walked the forum unmolested once he was a private citizen, though in the narrative itself Appian told a howler about how the citizenry, instigated by a lad bold enough to criticize him, set about insulting the newly retired Sulla “all the way to his door”; Sulla’s response was only to opine that this boy was so obstreperous that no one would ever lay down such power again. The boy, you see, was C. Iulius Caesar.\(^{21}\) This ridiculous anecdote aside, Appian may have been wondering that no one brought charges of genocide or abuse of power against Sulla for his actions as dictator;\(^{22}\) but Sulla had indeed restabilized the Roman state. Perhaps with the government operating normally again, to the extent of the consuls for 78 including one who was not Sulla’s candidate,\(^{23}\) it is reasonable to suppose that few were disposed to act overtly against Sulla himself and risk a renewal of civil war (and the awakening of Sulla’s thousands of veterans who were in that moment being settled across Italy).\(^{24}\) Prosecution might have

\(^{20}\) App. B Civ. 1.104. This accounting might include his memoirs, which Plutarch said he completed scant days before his death (Sull. 37).

\(^{21}\) App. B Civ. 1.104. According to Plutarch and Suetonius, Caesar would already have left Rome at this point, not returning until three years after Sulla’s death: Plut. Caes. 1-3, Suet. Iul. 1, 46. Moreover during Sulla’s dictatorship Caesar was no longer a boy, having reached 21 years of age and become head of his family.

\(^{22}\) His actions as consul for 88 and proconsul afterward were protected by a law passed on his return to Italy: App. B Civ. 1.97, Plut. Sull. 33.

\(^{23}\) Q. Lutatius Catulus (pro-Sulla) and M. Aemilius Lepidus (anti-Sulla): App. B Civ. 1.105. Plutarch said this was engineered by Cn. Pompeius as an act of political independence and muscle-flexing: Plut. Sull. 34.

\(^{24}\) App. B Civ. 1.104.
come later, perhaps, as the populari recrudesced; but Sulla was dead before the year was out, whereupon the renewal of internal conflict and civil war did indeed come to pass.  

Given everything I have argued in this study, it follows that dictators should be judged to have abused their power if they superseded their mandate. Here’s Velleius Paterculus:

\[
\text{Velleius Paterculus 2.28}
\]

\[
\text{imperio, quo priores ad vindicandam maximis periculis rem publicam olim usi erant, eo in inmodicae crudelitatis licentiam usus est.}
\]

This power, which previous occupants had used to protect the republic in times of greatest peril, he used for the indulgence of cruelty beyond measure.

What are the counts on which Sulla might be indicted for abusing his power as dictator? The incidents in the narrative history fall into four general categories: (a) the proscriptions, confiscations of property, and blacklisting of descendants of the proscribed; (b) acts of cruelty while dictator separate from the proscriptions; (c) libertine excesses; and (d) the nature of his political reforms.

No act has been more useful to those desiring to paint Sulla as a monster than the proscriptions of his enemies undertaken prior to his entry into the city after the Battle of the Colline Cate. Plutarch spoke of Sulla devoting himself to σφάττειν ‘slaughter’; Velleius Paterculus even credited Sulla with inventing the vile practice.  

An argument can be made for the proscriptions themselves being consonant with the mandate he assumed as dictator. The peril to Rome that brought about the dictatorship was the dangerous destabilization of the state brought about by the Marian revolution. Marius and Cinna had taken Rome by coup and had held it through terror and un-Republican successive consulships; in order to reestablish normal constitutional

\begin{footnotes}
26 Plut. Sull. 31.1; “Primus ille, et utinam ultimus, exemplum proscriptionis invenit…”: Vell. Pat. 2.28.3.
27 L. Cornelius Cinna was consul in 87, 86, 85, and 84; Cn. Papirius Carbo was consul in 85, 84, and 82. The laws on the subject are not completely clear; Livy 7.42.1-2 and 10.13.8 and Zon. 7.25.9 are the sole sources for there being actual legislation against iteration. Nonetheless a long precedent against successive consulships (though not against successive consular tribunates) was apparently established in the first decade of the Republic, judging by the Fasti and the corresponding notices in the annalistic historians; this was almost never broken before C. Marius’s reelections for 103, 102,
functioning in Rome and throughout Italy Sulla had to eliminate the insurgent threat posed by the leaders of the Marian faction and allied hostile forces (such as the Samnites who fought with Marius the Younger at Praeneste) within immediate marching distance of Rome. The sanctioned bloodletting is best understood as an integral component of Sulla’s counterrevolution: Sulla knew that he must both take Rome from the revolutionaries and hold it once it was in his control; the former required a bloody pitched before the gates of the city itself, and the latter demanded purging the city of revolutionaries who might marshal the mob against him. In this light, the two waves of massacres conducted by the Marians against their conservative enemies, one mere weeks before Sulla’s investment of Rome, inform Sulla’s actions not merely as a source of rage-driven retaliation but as an almost mortal wound to the conservative cause. Sulla’s targets were not merely the leaders of the revolutionary faction, but two additional groups: anyone who might be suspected of sympathizing with them through past associations, however inconsequential; and the sons and grandsons of the proscribed, who were disempowered both by confiscation of the family’s property and by suspension of the descendants’ civil rights.28 These are the actions of a ruthless man determined to restore Rome at all costs.

The dictatorship was created in order to empower its occupant beyond the capacity of the carefully circumscribed consul to do what was necessary: from that perspective, Sulla’s extreme slash-and-burn approach to rooting out the Marian insurgency would be a perfect, if unusually ruthless, example of a dictator doing what an ordinary magistrate could not in order to save Rome. According to Appian, his own self-justification was the ultimate benefit that would come to the people if they obeyed him and if everyone who cooperated with the Marians after a certain date (when the consul L. Cornelius Scipio Asiaticus had

101, and 100. See Mommsen Röm. Staatsr., 1.519–520; Stout 1918; Nicholas 1962, 3–7; Develin 1985; Yakobson 1999, 135–136, who typifies most Roman scholarship in taking a “ban on re-election” in the late Republic for granted. Billows 1989 argued that any actual laws against re-election, especially involving a ten-year interval, are suspect interpolations in the narrative (see esp. 129, n. 31). The underage consulship of C. Marius the Younger was also illegal under the lex Villia (Livy 25.2, 40.44).

broken his agreements with Sulla the prior year, Sulla’s formal justification for treating the Marians as an enemy) were pursued and punished.²⁹

That said, it seems quite clear from the evidence remaining to us, most of it virulently hostile to Sulla, that the proscriptions, exiles, and confiscations were all ordered before Sulla became dictator.

Observe the sequence of events in Appian. Sulla marches on Rome and makes battle with the Marian defenders before the Colline Gate (1.93); Q. Lucretius Ofella accepts Praeneste’s surrender, leading to the suicide of Marius the Younger and the slaughter of non-Romans and sack of the city, as well as the fall of Norba (1.94); Sulla garrisons Italy, sends Pompeius against Carbo, and after intimidating the assembled Romans in a speech began proscribing his enemies (1.95); Sulla executes, exiles, and confiscates property among Italians as well, while Cn. Pompeius chains and then executes Carbo (1.96). Then:

Appian Bella CIVILIA 1.97.1

ὅ δ᾽, ἐπεί οἱ πάντα, ὡς ἐθούλετο, ἐπὶ τοῖς ἐχθροῖς διώκητο καὶ πολέμιον οὐδὲν ἦν ἐπὶ πλὴν Σερτωρίου μακρὰν ὄντος, Μέτελλον μὲν ἐπὶ τοῦτον ἐξέπεμπεν ἐς Ἰβηρίαν, τὰ δ᾽ ἐν τῇ πόλει καθίστατο ἅπαντα ἐφ᾽ ἑαυτοῦ, καθ᾽ ὃν ἐθούλετο τρόπον.

When all things were as he wished, his enemies dealt with and hostile forces eliminated apart from the far-distant Sertorius, he sent Metellus against the latter in Spain while at home he himself set about reshaping everything according to his own wishes.

Only after he had eliminated the Marian threat in Italy, in other words, did he begin reforming the Roman political state. Still acting by fiat, he had his actions as consul and proconsul indemnified by legislation (the lex Valeria), and a statue in his honor was raised in the Forum (1.97); he called upon the senate to name an interrex, and it was at this point that he had the interrex inform the people of the necessity of a dictator being appointed (1.98). Only now, after the proscriptions and the slate-cleaning indemnifications, was Sulla made dictator (1.99). This is not a matter of the historian telling things in something other than chronological order; Appian’s narrative is here indisputably clear that the proscriptions were conducted by Sulla the proconsul, who had marched on Rome (and

²⁹ App. B Civ. 1.95.
Praeneste and Norba) and had fought the revolutionaries at the Colline Gate. Only after the Marians were extinguished and he could safely stand down from his role as warlord did he turn to the work of rescuing the Roman constitution, for which purpose he brought about his appointment as dictator *legibus faciendis et reipublicae constituendae caussa* ‘for the purpose of making laws and organizing the state’.

Plutarch, whose vitriol against Sulla at times ran even hotter than Appian’s, and who may have had access to Sulla’s memoirs, understood the sequence of events in almost exactly the same way. Only after Sulla had proscribed his enemies (*Sulla 31*) and taken Praeneste (*32*) did he “proclaim himself dictator”, indemnify his past actions, and begin governing Rome (*33*). Livy concurred: the proscriptions and executions throughout Italy and Marius the Younger’s suicide are in book 88; the appointment to the dictatorship and the constitutional reforms are in book 89.30 Sources that do not hew to this order of events are problematic. Velleius Paterculus said Sulla used his dictatorship to indulge in cruelty, and then brought up his having invented proscriptions;31 but this author was not engaged in telling a narrative history and did not bind his anecdotes to strict chronology.

The remaining main allegation of abuse of power against Sulla the dictator involved his treatment of Q. Lucretius Ofella, who had taken Praeneste for him while Sulla was busy reducing the defenses at Rome. According to Livy, Plutarch, and Appian, Sulla had Ofella killed; in the words of the epitomator, he did so because “*adversus voluntatem suam consulatum petere ausum*” ‘he dared to stand for the consulship against his wishes’.32 Appian gave this as an example of Sulla being “terrible and quick to anger”,33 Plutarch of his “arrogance and tyranny”.34

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30 Livy *Per.* 88–89.
31 Vell. Pat. 2.28.3.
34 Plut. *Sull.* 33.
Ofella was an ex-Marian,\textsuperscript{35} so presumably he owed his continued existence through the proscriptions to his having successfully taken Praeneste for Sulla, a command Sulla had apparently granted him over the heads of more long-serving commanders.\textsuperscript{36} This was a civil war that, at heart, was ideological: both the supporters of Sulla and the Marians were fighting not for their leaders’ personal power (what leader's power would a Marian have been fighting for at the Colline Gate, with Marius and Cinna both dead?) but for mutually exclusive visions of the Roman polity; a man who switched allegiances in the midst of such a conflict might justifiably be suspected by both sides, and by later observers, of a certain opportunism.

Plutarch told how Ofella, blocked from standing for the consulship by Sulla’s orders, brought a large crowd of supporters to the Forum, where Sulla, now dictator, was seated on a raised platform. Sulla at this point ordered a centurion in his bodyguard to strike Ofella down.\textsuperscript{37} According to Appian, Ofella, an equestrian, had held neither the quaestorship nor the praetorship and was aware that he was not eligible to stand for consul, but assumed that his achievements on Sulla’s behalf trumped all other factors. Sulla, denying him this indulgence, referred the matter to the senate (which presumably supported Sulla’s prohibition). It was after this, Appian said, that Ofella appeared in the Forum, at which point Sulla had him cut down. For a tag, Sulla was said to have told the Romans present that he had killed Ofella “because he did not obey me” and further explained himself with a parable about a farmer whose tunic was afflicted with lice; twice upon being bitten he shook out the tunic, but the third time he burned it.\textsuperscript{38}

To anyone who has studied the dictatorship, and (more to the point) to any Roman who knew anything of his city's history and legends, the appearance in the Forum of a

\textsuperscript{35} Vall. Pat. 2.27.6.
\textsuperscript{36} Cass. Dio 33,108.
\textsuperscript{37} Plut. \textit{Sull.} 33. It is remarkable that Sulla is here spoken of as having a “bodyguard” with a centurion in it, which would seem to be in addition to his official retinue of 24 lictors with axes in their \textit{fasces}.
\textsuperscript{38} App. \textit{B Civ.} 1.101.
would-be leader at the head of crowd of his supporters would be instantly reminiscent first of the tale of the rebel Sp. Maelius and the great dictator L. Quinctius Cincinnatus (#5, 439), and second of the story of the tribunes who tried to hale M. Furius Camillus from his seat in the Forum (#20, 367). The story of Sp. Maelius was well known in the late Republic, not least because it provided a precedent for the summary execution of seditious faction-leaders by dictators;\(^{39}\) and the sin that Sp. Maelius committed, which got him killed by L. Quinctius Cincinnatus’s *magister equitum*, was *exactly* the offense that Sulla ascribed to Ofella: disobedience of the dictator’s command. Sulla’s glib-sounding remark in Appian, which made the execution sound like a cavalier response to a slight (a response of the sort that would not be out of place among the more imperious of the Julio-Claudians), may actually have been Sulla citing the one firm precedent in the Roman historical narrative that corresponded with his actions against Ofella; the “lice parable” further showed that Ofella was like Maelius, in that Ofella had likewise been given opportunities to comply with the dictator’s will before demonstrating himself a dissident and, *ipso facto*, a potential insurgent. Sulla’s murder of Ofella, while brutal and chilling, was nonetheless entirely consonant with the dictatorship as it was understood and remembered in the late Republic.

For his final dictatorship, Caesar had himself declared *dictator perpetuo*.\(^40\) Since his death followed soon after,\(^41\) it has been traditional to make a connection between the two events, as if assuming the dictatorship in perpetuity were the last straw—and a lesson in what not to do for his grand-nephew and wiser successor in autocracy, Octavian. What was the nature of the perpetual dictatorship? Was the assumption of this title really so great an outrage that it led directly to Caesar’s assassination?

What is remarkable is that most sources mention the title being conferred but convey at the same time that it brought about no material change. As far as we can tell from the

\(^40\) The title is variously rendered. Cicero had “*dictatori perpetuo*” in the dative as a transcription of an official notice placed by Caesar (*Phil. 2.87*). The simplest reading of this is *dictator perpetuus*, and that construction appeared in Fronto (“*perpetuus dictator*”, *Ep. 19.8.3*) and Florus (2.13.91). It is also sometimes preferred in secondary literature on the subject, e.g. Carson 1957; Kaplan 1974; Pucci Ben Zeev 1996.

However, coins exist that are clearly marked CAESAR DICT PERPETVO; Cicero’s “*dictor perpetuo*” could also be read this way, with the noun *perpetuum* in the ablative. This was preferred in e.g. Alföldi 1953, who was adamant that the reading was never *perpetus* (36); Kraay 1954; Sumi 2005.

In the *Periochae*, meanwhile, Caesar was given the distinction “*dictator in perpetuum*” (Livy *Per. 116.1*; likewise Eutr. 1.12.2), and some scholars have preferred this rendering, e.g. Ehrenberg 1953, 132. Suetonius, unhelpfully, had him honored with “*perpetuam dictaturam*” (*Iul. 76.1*). The *Fasti* are not fully intact for this notice.

The version “dictator for life” derives from Greek accounts: thus the *s.c.* fragment in *Jos. AJ* 14.211 (“*δικτάτωρ ἀποδεδειγμένος διὰ βίου*”); likewise Plutarch (“*δικτάτορα μὲν αὐτὸν ἀπέδειξαν διὰ βίου*”, *Caes. 57*); *App. B Civ. 2.16.106*; *Cass. Dio. 46.8.4*, 46.17.4. But the Greek for “perpetual dictator” occurred as well, notably “*Γάιος Καῖσαρ ὁ καὶ δικτάτωρ ὑστερον αὐτοῖς διηνεκὴς γενόμενος*”, *App. Pun. 20.136*.

As the version on the coins is most likely to have had a connection with Caesar’s own instructions, I’ll use *dictator perpetuo*.

\(^41\) The dating of the fifth dictatorship and hence of the title *dictator perpetuo* is open to debate. He was already *dictator perpetuo* by the time of the festival of Lupercalia, 15 Feb. 44, according to Cic. *Phil. 2.87*. According to Raubitschek 1954, Caesar’s fourth dictatorship would have ended during February 44, and the perpetual dictatorship was the next iteration of Caesar’s reign. See also Alföldi 1953, 15; Kraay 1954, 22. Pucci Ben Zeev 1996 concluded that the appointment must have taken place between 26 Jan. (at which an inscription has him as *dict. IIII*) and 15 Feb., and that in fact, given the dating of the decrees mentioned by Josephus cited below, the commencement of the fifth dictatorship took place after 9 Feb., the date of the decree in which he referred to himself as dictator for the fourth time and “designated” *dictator perpetuo*. See also Sordi 1976.
narrative, Caesar went from referring to himself as “Gaius Caesar, imperator, dictator, consul” to “Gaius Caesar, imperator, dictator the fourth time, consul the fifth time, designated to be perpetual dictator” without significant impact in his governance. It seems moreover that his attainment of this title was insignificant compared to both the actions that smacked most of tyranny in his last months, and, most intriguingly, the prospect of his abandoning the title of dictator altogether.

Typically, the Periochae had the title as one of many honors granted by the senate in response to Caesar’s defeat of Pompeius and the consequent end to the civil wars.

Livy Periochae 116.1-2

*Caesar ex Hispania quintum triumphum egit. Et cum plurimi maximique honores a senatu decreti essent (inter quos ut parens patriae appellaretur et sacrosanctus ac dictator in perpetuum esset) invidiae adversus eum causam praestiterunt, quod senatui deferenti hos honores, cum ante aedem Veneris Genetricis sedet, non adsurrexit, et quod a M. Antonio cos., collega suo, inter lupercos currente diaedema capiti suo impositum in sella reposuit, et quod Epidio Marullo et Caesetio Flavo tr pl invidiam et tamquam regnum adefactam] abrogata est.*

Returning from Spain Caesar conducted his fifth triumph. And with many and great honors having been decreed by the senate, among them that he be called father of the country and that he be sacrosanct and dictator in perpetuity, grudges emerged against him: because, when the senate was conferring these honors as he sat before the temple of Venus Genetrix, he did not stand; because, when a diadem was placed on his head by his colleague M. Antonius during the dancing of the Luperci, he laid it on his seat; and because, tribunes of the plebs [C.] Epidius Marullus and [L.] Caesetius Flavus having brought about ill-will toward him by insinuating he aimed at monarchy, he removed them.

Livy’s epitomator seems to have deliberately deemphasized the perpetual dictatorship, listing it in a parenthetical aside as an example of the “many and great” accolades the senate heaped on him after Cn. Pompeius’s death. This was senatorial behavior normally associated with the Principate: it is a little shocking for a student of Tacitus, say, to see such craven behavior attributed to the senate this long before Augustus. It was the petty slights Caesar affected as demonstrations of his position that spurred the assassination:

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42 From the list of Caesar’s decrees to Judaea as cited in Jos. AJ 14.190–216, specifically “Γάιος Καῖσαρ αὐτοκράτωρ δικτάτωρ ὑπάτος” (14.199) and “Γάιος Καϊσαρ αὐτοκράτωρ δικτάτωρ τὸ τέταρτον ὑπάτος τε τὸ πέμπτον δικτάτωρ ἀποδειγμένος διὰ βίου” (14.211).

43 For a fuller account of these honors, see Cass. Dio 44.4–7; Plut. Caes. 57.2–4; Suet. Iul. 76.1; Flor. 2.13, 91; Cic. Phil. 2.110; Nic. Dam. 130.67; App. B Civ. 2.106.
the next words in the epitome are “ex his causis conspiratione in eum facta”.\textsuperscript{44} According to Livy’s epitomator, in other words, Caesar was assassinated not because he had accepted the dictatorship in perpetuity but because of his autocratic behavior—his abuse of the trust the people and senate had placed in him to lead Rome out of its darkest tumult.

All three of these “grudges” were of a kind. In the first, he declined to stand before the senate as they came to heap honors onto him.\textsuperscript{45} This was a gesture of deliberate disrespect to the senate, and while it was certainly not Caesar’s first, this time the situation was different. During the Civil Wars, Caesar, leader of the populist faction, made use of his party’s age-old tactic of demonizing the senate as representative of the conservative forces that sought to oppress the people. The senate, while the Civil Wars were under way, was the enemy. But the Civil Wars were now over; Caesar was now the undisputed leader of the Roman people entire, and as a magistrate of the Republic ought to have treated the domestic government of which he was a part with respect. Though they had generally operated without reference to the senate, owing to the nature of their position, dictators had always recognized themselves as a part of the same functioning body of the Roman state that also included the senate. Consider L. Papirius Cursor (#44, 325), who, even in the certitude that he was in the right in prosecuting a mutinous \textit{magister equitum}, treated the senate with deference and risked enough \textit{maiestas} to explain his decision to them. Other precedents existed for dictators leaving important decisions relating to their mandate to the senate, including the disposition of booty,\textsuperscript{46} whether to consult the Sibylline Books,\textsuperscript{47} whether the dictator could stand in elections he was himself conducting,\textsuperscript{48} or even whether

\textsuperscript{44} Livy \textit{Per.} 116.3.
\textsuperscript{45} Cass. Dio 44.8 includes Caesar’s defenders’ excuse that the dictator was suffering from diarrhea at the time, which, the historian said, was not believed by everyone since he seemed fine later. See also Nic. Dam. 130.78–79; Plut. \textit{Caes.} 57.2–4, 60.4-8; Suet. \textit{Iul.} 76.1, 78.1; App. \textit{B Civ.} 2.106-107.
\textsuperscript{46} In the first dictatorship of M. Furius Camillus (#13, 396), after Veii, Livy 5.20.
\textsuperscript{47} Q. Fabius Maximus Verrucosus (#74, 217), Livy 22.9.
\textsuperscript{48} Q. Fulvius Flaccus (#80, 210), Livy 27.6.9.
to declare war.\textsuperscript{49} The snub to the senate showed that Caesar thought himself above the responsibilities of a component of a constitutional government, and \textit{that} was tyranny.

The venue was also significant. Caesar, newly returned from Ptolemaic Alexandria, sat before the house of the Maternal Venus, a temple vowed and commissioned by Caesar himself in honor of the Iulian claim of descent from that goddess,\textsuperscript{50} and in the midst of his own (partially completed) forum, the Forum Iulium, not far from two different statues of himself.\textsuperscript{51} It would not have been a leap to have inferred that Caesar, refusing to rise as he sat before the temple of a goddess he considered the mother of his clan, saw himself above not only the ordinary workings of the state but non-goddess-born mortals in general.

The second incident, involving the royal diadem amid the Lupercalian festivities, was told in many ways in various accounts of Caesar’s career. (According to Cicero, Caesar was already declared \textit{dictator perpetuo} when the incident occurred.)\textsuperscript{52} The thrust of the epitomator’s account here was that, while he removed the diadem from his head, Caesar did not reject the crown outright but set it aside. That he laid the royal diadem on his (curule) chair, a symbol of his position as a magistrate of the Republic, would have seemed significant; but the reports are conflicting.\textsuperscript{53} What offended Caesar’s enemies was that the offering occurred at all: in a Rome controlled by Caesar, the theater of being presented the crown could not have happened without monarchy being contemplated as a possible future option, and the charade with the diadem, taking place in the most public venue possible, would have served as forewarning for the people and a testing of the waters.

\textsuperscript{49} T. Manlius Imperiosus Torquatus (#27, 353), Livy 7.19.
\textsuperscript{51} Plin. HN 34.18, 8.155; Suet. Iul. 61; Stat. Silv. 1.1.84-85. In light of this it is even more apt that Caesar was killed before a statue of Pompeius.
\textsuperscript{52} Cic. Phil. 2.87. See also Nic. Dam. 21.71-74; Cic. Phil. 3.12, 5.38, 13.17; Cass. Dio 44.11; Vell. Pat. 2.56.4; Plut. Caes. 61.1-7, Ant. 12.1-4; Suet. Iul. 79.2; App. B Civ. 2.109.
\textsuperscript{53} According to Nicholas of Damascus, Antonius attempted to crown him twice after others had failed, both times at the behest of the enthusiastic populace: the first time he tossed the diadem to the crowd, the second he ordered it taken to the temple of Capitoline Jupiter: Nic. Dam. 21.71-74. The second action is also in Dio.
In the third incident, which seems to have occurred before the events at the Lupercalia, he removed from office two tribunes who had stirred up animosity against Caesar by suggesting he aimed at the monarchy. The story went that they had removed a diadem from the golden statue of Caesar on the Rostra; Caesar claimed to the senate that they had put it there in order to make a show of taking it down, giving them a basis for stirring up insurrection and open the way to assassination. In some versions, he brought about their removal from office through a motion in the senate made by another tribune, after which he removed their names from the senate rolls; in others, he banished them into exile with the concurrence of the senate, but later recalled them. The impression in all accounts is that Caesar had at least some popular support for his actions, but that Caesar’s enemies saw the cashiering of two tribunes, however achieved, as an ominous harbinger of a tyrannical reign.

In summary, then, the brief account we have from the epitome of Livy emphasized that it was not Caesar’s attainment of the dictatorship, perpetual or otherwise, but his inclination to abuse his power in intolerable ways that set in motion the conspiracy that brought about his assassination.

Florus’s version attributed the perpetual dictatorship to the public’s eagerness to honor Caesar out of gratitude for his leadership and for having ended the civil wars:

**Florus Epitome 2.13.90–95**

_Hic aliquando finis armis fuit; reliqua pax incruenta pensatamque clementia bellum._... _Itaque non ingratis civibus omnes unum in principem congesti honores: circa templa imagines, in theatro distincta radiis corona, suggestus in curia, fastigium in domo, mensis in caelo, ad hoc pater ipse patriae perpetuque dictator, novissime, dubium an ipso volente, oblata pro rostris ab Antonio consule regni insignia. Quae omnia velut infulae in destinatam morti victimam congerebantur. Quippe clementiam principis vicit invidia, gravisque erat liberis ipsa beneficiorum potentia. Nec diutius lata dominatio est, set Brutus et Cassius aliique patres consensere in caedam principis._

At this point there was at last an end of fighting; the ensuing peace was free from bloodshed, and clemency made atonement for war. ... His fellow-citizens were not ungrateful and heaped every kind of honor upon him as sole ruler. Statues of him were

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54 Cass. Dio 44.9–10. Dio attributed the placing of the diadem to Cassius’s conspiracy, as a deliberate provocation.

55 Nic. Dam. 130.69; 130.76. See also Cic. _Phil._ 13.31; Vell. Pat. 2.68.4-5; Val. Max. 5.7.2; Plut. _Brut._ 9.8, 12.4, _Caes._ 61.8–10; Suet. _Iul._ 79.1, 80.3.
set up in the temples; in the theatre he wore a crown adorned with rays; he had a raised chair in the senate-house; a high gable was added to his house; a month in the calendar was named after him. In addition to this he was called father of his country and perpetual dictator. Finally—though it is doubtful whether it was by his own wish—he was offered the insignia of royalty in front of the rostra by the consul Antonius. But all these things were decorations heaped upon a victim doomed to die; for the envy which he inspired influenced men more than his clemency, and his very power to confer favors was intolerable to free citizens. His rule was not long endured; Brutus and Cassius and other senators conspired together to kill their leader.

Florus, following Livy, had the new title as one of many gestures honoring a man already destined for death; by the time he received these honors he had already incurred his fate through the imbalance of the power he had achieved.

Though discussing the various ways by which Caesar instigated his own downfall at some length, Dio provided no information on the perpetual dictatorship itself:

Cassius Dio 44.8.4 – 9.1

τούτου δὲ δὴ τοιούτου γενομένου προσεπηύξησε τὴν ύποψίαν ὅτι καὶ δικτάτωρ διὰ βίου μετὰ ταῦτα ἀποδειχθεῖς ἦνέσχετο. ἔνταυδα οὖν αὐτοῦ ὅντος οὐδὲν ἐτι ἐνδοιαστὼς οἱ ἐπιβουλεύοντες οἱ ἐπιραττόν...

After this occurrence [the snub at Venus’s temple], striking as it was, he increased the suspicion by permitting himself somewhat later to be chosen dictator for life. When he had reached this point, the men who were plotting against him hesitated no longer...

Reported here separately, the perpetual dictatorship here was not one of many honors eagerly bestowed on him by the senate or people, but one of Caesar’s many provocations that incited the conspirators against him. Dio’s use of the verb ἀνέχω ‘lift up’ (viz., Caesar put himself forward to be chosen dictator for life) only underlined the idea that Caesar did not merely accept this honor but engineered it; but the subsequent advancement of the conspiracy, involving assertive actions like the diadem on Caesar’s statue, resulted not so much from Caesar’s taking this title but by Caesar having reached such a level of tyranny that he was doing things like refusing to stand for a senatorial delegation, bringing about his own appointment as dictator for life, and so on.

56 Listed at great length in Cass. Dio 44.4-7, including both the tribunician sacrosanctity mentioned in the Periochae and the sole censorship for life (Cass. Dio 44.5.5).
Like Livy and Florus, Appian reported the new title as part of a long list of honors heaped on Caesar on his return from Spain, and even the clause mentioning the perpetual dictatorship had it as one of several titles:

**Appian Bella Civilia 2.106**

ἀλλ᾽ ὅδε μὲν ἐτι λανθάνων καὶ διαδιδράσκων ἐλῆστεν, ὃ δὲ Καῖσαρ ἐς Ρώμην ἤπειγέτο, τὰ ἐμφύλια πάντα καθελὼν, ἐπὶ φόβου καὶ δόξης, οίας οὐ τις πρὸ τοῦ .... ἀνερρήηθη δὲ καὶ πατὴρ πατρίδος, καὶ δικτάτωρ ἐς τὸν ἑαυτοῦ βίον Ἴρεθη καὶ ὑπατος ἐς δέκα ἑτη, καὶ τὸ σῶμα ιερὸς καὶ ἰασυλὸς εἶναι...

[Sextus] for the present kept hid and lived by piracy, but Caesar having defeated his countrymen hastened to Rome, honored and feared as no one had ever been before. ... He was proclaimed the father of his country and chosen dictator for life and consul for ten years,\(^{57}\) and his person was declared sacred and inviolable ...  

There is nothing to indicate that being made dictator for life was any more of an unbearable manifestation of tyranny than being dictator, or his other new honors, like being called *pater patriae*, gaining tribunician sacrosanctity, or getting a month and a tribe named after his clan. It was his position as sole remaining warlord and his capacity to exploit that power, derived from the loyalty of the army and the masses, that caused him to be “honored and feared” and that led to his assassination.

Suetonius described the honors accorded to Caesar in two buckets: “excessive honors” and “honors too great for mortal man”—and *dictator perpetuo* went in the first bucket.

**Suetonius Divus Iulius 76.1**

Yet after all, his other actions and words so turn the scale, that it is thought that he abused his power and was justly slain. For not only did he accept excessive honors, such as an uninterrupted consulship, the dictatorship for life, and the censorship of public morals, as well as the forename Imperator, the surname of father of his country, a statue among those of the kings, and a raised couch in the orchestra; but he also allowed honors to be bestowed on him which were too great for mortal man: a golden throne in the House and on the judgment seat; a chariot and litter in the procession at

\(^{57}\) Appian later observed that Caesar accepted the honors except the ten-year consulship: App. B Civ. 2.107.
the circus; temples, altars, and statues beside those of the gods; a special priest, an additional college of the Luperci, and the calling of one of the months by his name. In fact, there were no honors that he did not receive or confer at pleasure.

Plutarch’s account had the Romans accede to the perpetual dictatorship, whether eagerly or grumpily according to faction, as the price for ending the Civil Wars. Writing from the position of a Greek benefiting from the perspective of history, Plutarch explicitly equated monarchy and dictatorship.

The Romans gave way before the good fortune of the man and accepted the bit, and regarding the monarchy as a respite from the evils of the civil wars, they appointed him dictator for life. This was confessedly a tyranny, since the monarchy, besides the element of irresponsibility, now took on that of permanence.

Plutarch suggested here that “dictator for life” was distinct from the dictatorship in that, like a king, a dictator for life was no longer responsible to the people; but examination of Caesar’s actions make clear that he was already ruling in a way that indicated a lack of a sense of answerability while he was merely dictator in renewable installments, and that his style of rule did not change on being appointed dictator for life. To take just one example from the current discussion, according to Dio and Appian the incident at the temple of Maternal Venus took place before Caesar was named dictator perpetuo.

Appian, when he reached the assassination itself, suggested that the conspirators were inured to the title of dictator, perpetual or otherwise, and feared only that Caesar would assume actual kingship once he had completed the conquest of Parthia—not appreciating that he had already done so in all but name in his successive dictatorships.
Four days before his intended departure he was slain by his enemies in the senate-
house, either from jealousy of his fortune and power, now grown to enormous
proportions, or, as they themselves alleged, from a desire to restore the republic of their
fathers; for they feared (and in this they knew their man) that if he should conquer
these nations also he would indeed be indisputably king. On mature consideration, I
conclude that they did actually find an excuse for the conspiracy in the prospect of this
additional title, though the difference it could make to them turned on a mere quibble,
since in truth “dictator” is exactly the same as “king.”

This passage, perhaps, is the most helpful in understanding what led to Caesar’s
assassination. What was there to fear about the difference between *dictator* and *rex*?
Fundamentally there had to be a connection to the original form of the archaic
dictatorship. A true dictator was an agent of the Roman people, called upon to save Rome
in the event of an emergency; he was bound to act only according to his mandate. A king,
however, as the Romans knew from their legends and from contemporary dealings with
peoples who did have kings, governed as an autonomous force, unbound by any crisis or
mandate, and capable of both caprice and rule by fiat; and after dictators might come
consuls, but kings came more kings. That Caesar had already attained the latter means of
governing was in some ways less important than the prospect of his abandonment of the
forms of a Republican office, as if shedding the skin of accountability and respect for the
*mos maiorum* once and for all.\footnote{There is some debate over whether the monarchy contemplated by, or for, Caesar was
a hellenistic one or the form of monarchy once held in Rome by Tarquin and his
predecessors. It is not necessary to resolve this here, since either would be a departure
from the Republican constitution. Carson 1957 sensibly concluded that what would have
happened once Caesar returned from Parthia was unknown and probably unplanned;
what mattered on the ides of March was what Caesar had already become and the
obvious prospect of Caesar’s autocracy only deepening in the months to come.}
The dictatorship was reinvented by Caesar, not Sulla.

A Caesarian dictatorship was more or less the same as being king to those being ruled,
as Appian soberly observed; but while he remained dictator, Caesar and everyone else
could pretend, by virtue of that office’s long and still-remembered history and even its
unusual resurrection under Sulla, that he was serving a constitutional role as extraordinary
magistrate of the Republic, there to save Rome from the crisis of the civil wars.\footnote{Thus, as late as early 44, Appian could remark that the people maintained hope that
Caesar would restore the Republic to them, just as Sulla had when he had attained the
same power (App. *B Civ.* 2.107).} To set
that aside and accede to monarchy would be to formally and finally admit that the Republic—the set of institutions that collectively preserved the power of the noble families in concert with the masses for nigh on five centuries—had been destroyed beyond possibility of resurrection. Such an occurrence would mean that the Republic’s system of joint government by *aristoi* and *demos* was replaced with a state consisting of a single man.

In this context, then, it is remarkable that in this passage “dictator for life” remained an extension of the constitutional structure of the Republic, in exactly the same way as “consul for ten years”; and that this was to be contrasted with Caesar potentially assuming the title of king, which could not be reconciled with the Republic at all.
E in tanto si mantenevano interi e rispettivi di non dare ombra di alcuna ambizione né cagione al popolo, come ambiziosi, l'offendergli, che, venendo alla dittatura quello maggiore gloria ne riportava che più tosto la diponeva. E così, non potendo simili modi generare sospetto, non generavano ingratitudine.

And thus they kept themselves so pure, and careful not to give the least umbrage, that they afforded the people not the least ground for suspecting them of ambition; and if any of them arrived at the dictatorship, their greatest glory consisted in promptly laying this dignity down again; and thus, having inspired no fear or mistrust, they gave no cause for ingratitude.

CONCLUSIONS

The Hannibalic War, as befits the greatest turning point in Rome’s history, is replete with figures who cast a long shadow. Hannibal himself, the last great threat to the city of Rome, and the last enemy they could see as any kind of equal, a Hector where they were for once the nearly undone Greeks. Marcellus, who looked out over the soon-to-be-sacked Syracuse and wept, recognizing in himself the barbarian at the gates.

Fabius famously kept Hannibal at bay during the fraught months following the disaster at Trasimene, preventing another catastrophe while Rome rebuilt its forces and regained its confidence. Scipio pushed Rome into the terrible gamble of attacking Carthage while its forces were in Italy, ultimately eliminating the true threat of which Hannibal was only an agent. Fabius, the dictator, saved Rome as it had been, that great Latin city-state on the Tiber; Scipio, the proconsul, saved Rome as it would be, the force and phenomenon that would penetrate and reshape every corner of the known civilized world. In this juxtaposition we see both the unique utility of the dictatorship and the circumstances of its abandonment.

The great, untrammeled power attributed to the archaic Roman dictatorship has always been singled out as perilous for the Romans, because Titans rampage, and Leviathans destroy. The greatest irony of the dictatorship is the one no one sees. The
fearsome dictatorship was no threat to the scaffolding of Rome, but the reasons for this are not simply that everyone has gotten everything wrong about the most misunderstood office in all of ancient history. Sure, the dictator’s supposed *summa potestas* was limited to the mandate, and his *imperium* was no “bigger” than a consul’s. Sure, his mere presence didn’t eclipse the entire magistracy of Rome, and his “unaccountability”, given his function as an agent of the Roman people, is a legalistic illusion. Yes, he was neither a tool of repression nor a military governor throwing Rome under martial law, and was as likely an agent of reform as a protector of its walls because the consul’s duty was in choosing the man that all Rome needed, the special potency of “*haec imperiosa dictatura*” not only used always on behalf of the commonwealth of Rome, but as important for its effectiveness in bolstering stammering faith and shaken confidence as it was in actions to resolve the crisis itself. Yes, he was bound by task not time, because he was fundamentally a different kind of magistrate than a consul; and yes, he was not a solitary autocrat, because his first act was always to name his own junior colleague. The mythology of the almighty dictator is wrong on almost every count, but that’s not why the dictatorship was safe enough to invoke and keep invoking for three long centuries.

Dictators were appointed when there was a need or crisis requiring resolution for which the current magistrates of the Roman Republic were not sufficient. In such a case, the consul appointed a dictator, resolved the need or crisis, and stood down, removing the reason for his appointment, upon which the ordinary government resumed. In other words, the dictatorship’s entire reason for being was to restore Rome to the *status quo ante*.

The Romans elected consuls (or consular tribunes) to take care of Rome and make sure it was strong; the ordinary government of the city of Rome was there to serve the purpose of all civilization, to ensure a stable present and a prosperous future, according to the evolving, expanding vision that the Romans had for themselves. The genius of Rome was that it allowed its own apparatus to adapt to new needs. When it outgrew dominion by kings, kings were dispensed with and a new annual system of elected leaders with a king’s *imperium* devised. When the nonpatrician families felt voiceless, a parallel magistracy
to give the plebeians representation emerged and grafted onto the Roman system. And when the Romans discovered a need to deal with emergencies not best dealt with by the sitting magistrates, they developed a second system: an emergency pair of magistrates whose sole purpose was to eliminate whatever had arisen that was out of bounds and then eliminate themselves, so that normal operation of the ordinary government as before could swiftly and systematically resume.

Under such circumstances, change was antithetical to the operation of a dictator. His job was to restore things back to the way they were before terror had raced through the senate or the people, to appease the gods in the face of flood and pestilence, to ensure transition to a new slate of curule magistrates after the consuls marched to war or died in battle. He restored balance when the elite forgot the perils of oppression or the masses listened to sedition. Consuls and senators might look to the future, and work to leave Rome in a better place than where they found it; but a dictator’s purpose was to move Rome backwards, reverting it to the condition of normality in which it existed before the need or crisis arose that required resolution.

This underlying raison d'être, restoration, explains everything else about the archaic dictatorship. The dictator was bound not by time but by mandate, because his responsibility was to eliminate the reason for his own existence. He resigned at the earliest moment, because the dictator existed in order to restore ordinary government; a dictator persisting in office was a contradiction in terms, like a defeated general triumphing. The fetters circumscribing a consul were absent, because nothing must interfere with the dictator’s ability to resolve the crisis and remove himself. The consul chose the needed man, because any other choice would risk the earliest restoration of normality, stability, and calm. The needed man was someone trusted by all Romans, because a divisive choice would worsen the crisis, and because faith in the dictator was one of the tools by which dictators resolved terror and tumultus. He appointed a magister equitum without fail because Romans found it easier to have faith in two men working together than in one man working alone. The call came from either the senate or the people, because it was these two bodies, the senatus
populusque romanus, that deliberated on Rome’s fears and fate; but the dictator was chosen by one man on behalf of all of Rome, because elections might be divisive and political, but a lone consul could feel fully the onus to choose the needed man—and one man alone could commune with the gods in the empty night to ensure his choice was true.

These characterizations of the dictatorship may be clearly delineated in hindsight, but the fact is that they were also obvious to the Romans themselves, and especially to the men named to that peculiar office. The urgent imperative of restoration pulses through every account of the archaic dictatorship. The stories of the first dictatorship tell us the need arose out of anxiety in Rome over tension with the Sabines; T. Larcius Flavus resolved the immediate crisis and resigned. The Sabines remained a source of tension for the next several years, but the dictatorship had been invoked not to deal with the persistent problem of the Sabines but to smooth out this one moment, and allow normal functioning to resume. The third dictator, M.’ Valerius Maximus, was the subject of stories that were all about how he was the man capable of restoring functional stability to a Rome in the midst of a heated schism. He could not remain in office to keep working on the conflict of the orders; in fact he resigned without being able to implement his own proposed reforms in the face of an intractable, long-term problem. He stabilized the situation, then restored ordinary government. The tales of Cincinnatus being called from his plow were all about the dictatorship being another duty of a Roman freeholder; his primary focus was to return things to normal, with consuls in Rome and himself at his plow.

Cincinnatus took just over a fortnight to lay down his office and hurry back to the Vatican fields, and other dictators were most remembered for office-holdings measured in days—Q. Servilius Priscus Fidenas (#11, 418), eight days; T. Quinctius Cincinnatus Capitolinus (#17, 380), twenty days, to take two examples. The promptness of resignation in dictatorship after dictatorship lays plain the dictators’ consciousness of their duty to protect Rome most of all by restoring ordinary government at the earliest moment. Each reinforcement of precedents imbued successive consuls with a sense of duty to choose the needed man, and successive dictators with a similar awareness that they must both protect
Rome through aggressive action toward speedy restoration, and also safeguard future dictators’ ability to protect Rome by upholding the urgency of restoration and the sanctity of the office’s precedents.

Over the centuries the dictatorship changed because Rome changed. In the mid-fourth century dictatorships were invoked against new needs, in which the insufficiency of the current magistrates might involve a single task and a quick restoration. In the third century, dictators were often used for domestic tasks so that both consuls could concentrate on wars away from Rome. But the existence of the dictatorship as a momentary correction, and the need to restore the ordinary government of Rome at the earliest moment and reestablish the *status quo ante*, did not change, as true for C. Servilius Geminus (#85, 202), prevented by storms from holding elections until Rome was left without any curule magistrates at all, as it had been for T. Larcius Flavus.

This unique focus intensified in the dictator the elements already present in ordinary magistrates. The *imperium* that a dictator received—the power to compel citizens—was not a blanket license for a year of executive government; it was provided in order to allow him to do what was necessary to resolve a single, critical need. Precedent was more potent for a dictator, as well. Consuls, elected as general-purpose officials, did all kinds of things and were elected with all kinds of expectations, depending on the moods and current priorities of the electorate. But dictators, in a manner of speaking, did one thing, and were called for with one expectation: namely, that a need be resolved and the dictatorship dispensed with. This pinpoint conception of what dictators did and what was expected of them, understood by every dictator, every senator, and every Roman from the moment T. Larcius stood before the Roman people for the first time, was reinforced with every single successive iteration, until an unsanctioned attempt to levy troops for a war with the Hernici by L. Manlius Capitolinus Imperiosus became instantly intolerable and the source of lasting ignominy. There was no need for laws to circumscribe the dictatorship. Laws were weaker than precedent. The law said a plebeian consul had to be elected every year, yet all-patrician consular colleges still kept appearing after 367; but no dictator ever defied
his mandate or the imperative of restoration again, not until Caesar shrewdly appropriated the title to make himself *magister Romanorum*.

Something else did not change either: the dictatorship was fundamentally about the city of Rome. Military threats that resulted in a call for a dictator were about danger for the city of Rome, and while that threat was sometimes indirect, in most cases it involved physical peril for the citizens of Rome itself. Other calls involved uprisings within Rome, or corruption affecting Roman citizens. Most of all, the increasing use of dictators standing in for consular duties involved the operation of the civil government of the physical city of Rome. On occasion dictators acted more broadly, on behalf of Rome’s interests; but the nature of the dictatorship was as a transient means of restabilizing the city government of Rome. It was on this count that Rome outgrew the dictatorship. Fabius’s job was visibly to protect Rome, because the dictatorship was invoked as a temporary special consul whose job was to eliminate the danger to Rome that was his own reason for being. His purpose was closed and his duty of restoration reinforced by centuries of tradition.

During the same war, however, the Romans embraced the utility of manufacturing special consuls in quantity that were not fettered in the way dictators were. There was no corpus of precedent impinging on either the appointment or the operation of a proconsul. Dictators were bound by a mandate—a specific crisis or need that had brought about their appointment; but proconsuls had something different. *Provinciae* amounted to a charge to handle whatever came up in a particular theater, territory, or category of operation, with a prerequisite of the general competency of ordinary magistrates that eliminated the imperative of the needed man. The open-ended responsibility also eliminated other factors that tethered dictators to Rome, like the need to retake auspices on the extension or change of mandate. The proconsul was, in some ways, the dangerous office that the dictatorship has often been held to be. It was the proconsul that operated alone; he wielded *imperium* over all as a general far from Rome; he was sometimes prorogued long enough to build a local power base; he was essentially unanswerable until such time as he returned to Rome, and that depending on the political winds when he did so, and on whether the senate or
people was even aware of his deeds during his time in office; and, as with the consulship, there was no centuries-deep, compelling tradition that kept him from identifying with a faction, or standing with some Romans against others. There was no responsibility of restoration, nor any purpose other than to be an extension of Rome’s power; yet there is no false mythology of the proconsulship, as dictators were singular where proconsuls were legion. Even Sulla and Caesar marched on Rome as proconsuls, a more enduring template for disorder under the principate than anything they did as dictators.

The dictators were remembered as distinctive individuals. They were momentary saviors called on as the remedy to one unique crisis or another. Their stories were full of exceptional characters like Camillus, Cincinnatus, Fabius, Q. Publilius Philo, L. Papirius Cursor, C. Maenius, M. Fabius Buteo, and even L. Manlius Capitolinus. Collectively such a body of singular men called on by Rome to do what others could not inspires awe, like the city of kings that Cineas was said to have reported to Pyrrhus, and produces a mystique for a bygone time, before the frequent production of promagistrates unencumbered by as noble a purpose.

The dictatorship was designed to allow the ordinary government of Rome to deal with even the things that it couldn’t deal with. But by the time of the Hannibalic War, the essentially reactive and defensive nature of the dictatorship was not enough. Fabius could only save Rome for the moment; it took Scipio, as proconsul unbound by the restrictive nature of the dictatorship, to end the war, and carry Rome forward into an age of empire.

The dictatorship was an integral Republican institution. Its origins, like that of the Republic itself, lay shrouded in legend even for the later Romans who sought to understand it. It was not only an emergency magistracy but an emergency alternative system: it was called for by the people or senate but unelected, entering office only at the consul’s whim and leaving it only by the dictator’s own; it was conceptually different from an ordinary magistracy, bearing responsibility not for all Rome’s problems for a fixed time but for one urgent Roman problem to be resolved with maximum dispatch. It flourished, transformed, and foundered; lay moribund in the Roman imagination; and was resurrected
in wrath and blood, its legacy forever stained by its last iterations. It was present at the end as it was at the beginning, its existence as axiomatic to the Republic as the senate and the assemblies, and its final death in perversion a sign that the Republic was dead, too.
APPENDICES

APPENDIX A. CATALOG OF DICTATORSHIPS

The following list of dictatorships is the framework used to refer to dictators and magistri equitum throughout this dissertation.

For the framework numbering of dictatorships, the list found in Hartfield (1982), based largely on notices in Degrassi (1954) and MRR, was the starting point, extensively modified and revised. My list of dictators is not identical to hers, and my numbering differs from hers. While we both adopted an inclusive approach, since questionable dictatorships were still a part of a narrative from which insights about the Roman perception of the dictatorship might still be profitably sought, dictatorships unattested in the main narrative and only present in questionable sources are here excluded or are given nonsequential numbering. For example, #1A, an alternate first dictator found only in Festus, was counted as #2 by Hartfield; similarly #3X is for a nonauthentic dictator present only in a corrupt passage in Lydus (her #6). Also excluded from sequential numbering are the “dictator years” dictatorships, ##40A, 44A, 56A, and 59A, which are emphatically not supported by the narrative. There are also a few differences in our (hesitant) dating of the earliest dictatorships, and here and there in the suggested caussa where not attested or where sources conflict.

The notes under each dictator derive directly from reference to classical sources.

† = died in office; ‡ = resigned; § = suffect.

* = dictator year. ° = appointing consul.

For ease of reference, the taxonomy of mandates is repeated on the following page. See also Appendix I, which provides a matrix of mandates and caussae.

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1 See Appendix G, s.v. “Dating the Earliest Dictatorships”.
**A Taxonomy of Mandates**

<table>
<thead>
<tr>
<th>I. Dictator needed instead of current consuls/consular tribunes</th>
<th>Count</th>
<th>First</th>
<th>Last</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Internal crisis at Rome</td>
<td>2</td>
<td>439</td>
<td>385</td>
</tr>
<tr>
<td>1. danger of insurrection</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. plebeian secession/refusal to levy</td>
<td>3</td>
<td>494</td>
<td>287</td>
</tr>
<tr>
<td>3. election crisis</td>
<td>5</td>
<td>368</td>
<td>350</td>
</tr>
<tr>
<td>4. propitiation of the gods (floods, pestilence, famine)</td>
<td>4</td>
<td>363</td>
<td>263</td>
</tr>
<tr>
<td></td>
<td>14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Isolated military threat to the city of Rome</td>
<td>4</td>
<td>390</td>
<td>332</td>
</tr>
<tr>
<td>1. special enemy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. multiple enemies</td>
<td>10</td>
<td>496</td>
<td>334</td>
</tr>
<tr>
<td>3. mutiny</td>
<td>1</td>
<td>342</td>
<td>—</td>
</tr>
<tr>
<td>4. weakened by prior disaster</td>
<td>1</td>
<td>431</td>
<td>—</td>
</tr>
<tr>
<td>5. weakened by divided leadership</td>
<td>2</td>
<td>426</td>
<td>418</td>
</tr>
<tr>
<td></td>
<td>18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Ongoing war in defense of Rome</td>
<td>4</td>
<td>320</td>
<td>313</td>
</tr>
<tr>
<td>1. special enemy</td>
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<td></td>
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<tr>
<td>2. alarm caused by major defeats</td>
<td>8</td>
<td>396</td>
<td>216</td>
</tr>
<tr>
<td></td>
<td>12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Anticipated military threat in the context of civil disquiet</td>
<td>3</td>
<td>497</td>
<td>339</td>
</tr>
<tr>
<td>e. Threat to Roman ally</td>
<td>6</td>
<td>437</td>
<td>302</td>
</tr>
<tr>
<td>1. military</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. civil</td>
<td>1</td>
<td>320</td>
<td>314</td>
</tr>
<tr>
<td></td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Total:</em></td>
<td>34</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| II. Dictator as acting consul or other official               |       |       |      |
| a. Standing in for absent/ill/dead consuls/consular tribunes | 20    | 349   | 202  |
| 1. holding elections                                         |       |       |      |
| 2. giving games                                              | 2     | 322   | 257  |
| 3. holding elections and giving games                        | 1     | 208   | —    |
| 4. military                                                  | 2     | 325   | 312  |
|                                                              | 25    |       |      |
| b. Standing in for censors                                   | 1     | 216   | —    |
| *Total:*                                                     | 26    |       |      |

No information

<table>
<thead>
<tr>
<th>Count</th>
<th>First</th>
<th>Last</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>320</td>
<td>219</td>
</tr>
</tbody>
</table>
1 497  T. Larcius Flavus  rei gerundae caussa  Sp. Cassius Vecellinus, mag. eq.

Consulibus: Post. Cominus Auruncus and T. Larcius Flavus (if 501; the dictatorship is placed in this consulship by Livy 2.18); Q. Cloelius Siculus and T. Larcius Flavus (if 498); A. Sempronious Atratinus and M. Minucius Augurinus (if 497). See Dating.

Dating: Both the year and the nominee are uncertain to Livy (Livy 2.18.4, cf. 2.19.1); possibilities include 501, 498, and 497, but in all events before Lake Regillus (A. Postumius, #2). Dionysius's first dictatorship is referred to retrospectively as having occurred one (or more likely two) years before A. Postumius, and he names Q. Cloelius as the other consul (Dion. Hal. Ant. Rom. 5.61.1–5.77.6).

Circumstances: Military threat from the Sabines and Latins.

Nomination: The need for a dictator was “suggested”, owing to “general anxiety” (Livy 2.18.3–4). Livy has the creation in response to Sabines and Latins, Eutropius to a large muster by Tarquin’s son-in-law (Eutr. 1.12). Livy prefers to assume the consular requirement to have already been legislated, and applied to for both offices (Livy 2.18.4–6).

Powers and Responses: The appointment intimidated the plebs, for there was no check or appeal from his actions (Livy 2.18.8). Eutropius likens the dictator's power to the emperor’s (Eutr. 1.12). From the outset in Livy there is a magister equitum (Livy 2.18.3).

Notes and Anomalies: Dedicated the temple of Saturn, says Varro (Macrob. Sat. 1.8.1). Lydus reports the first dictator as T. Marcius (Lydus Mag. 1.37.1, 1.38.1).

Mandate: (I.d.) Anticipated military threat in the context of civil disquiet.

1A 501  M.’ Valerius Volesi  caussa unknown

Dating: No dating, but listed as an alternative first dictator to Larcius per Festus (Festus 216L).

Nomination: Festus says only that he was appointed. Rejected by Livy as he was not a consular: see #1.

Powers and Responses: Originally the dictator’s authority was as wide as possible, Festus says, but it was later restricted.

Notes and Anomalies: Magister Populi was the formal name, called ‘dictator’ by the masses, says Festus (Festus 216L); cf. Cic. Fin. 3.75; Leg. 3.9; Rep. 1.63.

2 496  A. Postumius Albus Regillensis  rei gerundae caussa  T. Aebutius Helva

Consulibus: T. Aebutius Helva and C. Veturius Geminus Cicurinus (if 499); A. Postumius Albus Regillensis and T. Verginius Tricostus Caeiomontanus (if 496, per Livy 2.21). See Dating. According to the alternate tradition recorded in Livy, A. Postumius resigned the consulship because the loyalty of T. Verginius in question, upon which a dictator was appointed; if true this means the ex-consul was appointed dictator either by the suspect T. Verginius, or by some other means.

Dating: The dating is uncertain and is given as 499 or 496. Livy (2.21.3–4) is conflicted over whether this dictatorship and the battle of Lake Regillus belongs to 499 (Licinius; see #1) or 496 (preferred by Dion. Hal. Ant. Rom. 6.2.3, Val. Ant. 21.3, 22.4). The date of the dedication of the temple of Castor is secure (cf. Livy 2.42.5).

Circumstances: Military threat from the Latins.
Nomination: In Dionysius, “all men” had concluded that a single magistrate, unimpeded and unanswerable, was called for (Dion. Hal. Ant. Rom. 6.2.3). Postumius was the sitting junior consul, according to Dionysius, and was appointed by his colleague Verginius (who then served under him in command of a fourth part of the army) (Dion. Hal. Ant. Rom. 6.2.3). The commanders of the four wings of the army were: the dictator himself, the other consul, the magister equitum (thus not restricted to cavalry even at the inception of the office), and A. Sempronius (Dion. Hal. Ant. Rom. 6.2.3, Livy 2.19.7). In Livy, Postumius, already dictator, leads the army (but see above on the consuls); this follows directly the circumstance that it no longer being possible to postpone the Latin war, weakly suggesting that once the war was embarked upon, a dictator was necessary (Livy 2.19.2–3).

Exit from Office: Triumphed for his victory as dictator over the Latins (AT); Livy has the dictator and the magister equitum triumphing together, but this is probably mere compression (Livy 2.20.13), cf. Dionysius having Postumius triumphing alone (Dion. Hal. Ant. Rom. 6.17.2). Remained in authority as dictator after the battle to deal with the peace settlement (Dion. Hal. Ant. Rom. 6.21.1).

Notes and Anomalies: Dionysius gives him a large speech encouraging the Romans and scorning the Latins (Dion. Hal. Ant. Rom. 6.6–6.9). Postumius fought at the fore according to both Livy and Dionysius. During the battle, ordered any Roman seen running away should be treated as an enemy (Livy 2.20.5). Vowed (Livy 2.20.12), or was inspired by theophany (Dion. Hal. Ant. Rom. 6.13, Cic. Nat. D. 2.6, 3.11, Val. Max. 1.8.1, Plut. Cor. 3, Auct. Vir. Ill. de Vir. Ill. 16) to dedicate a temple to Castor and Pollux; according to Frontinus, Postumius used the appearances to rally the troops (Frontin. Str. 1.11.8; cf Flor. 1.5.2). Also dedicated temples to Ceres, Liber and Libera (Dion. Hal. Ant. Rom. 6.17.2), because of consultations of the Sibylline Books. According to Piso Frugi was the first to confer a gold crown, made from the spoils and given to the soldier whose valor was the main factor in victory (Plin. HN 33.12, citing Piso). Also granted an oak leaf civic crown to Coriolanus (Plut. Cor. 3).

Mandate: (I.b.2.) Isolated military threat – multiple enemies.

Consulibus: A. Verginius Tricostus Caeliomontanus and T. Veturius Geminus Cicurinus. The appointment is attributed to the consuls acting jointly in both Livy (2.30.4) and Dionysius (6.39.2).

Circumstances: Secession of the plebs, but in the context of a need for a levy to fight to Aequi and Volsci.

Nomination: The appointment of a dictator is urged by the plebs-hating Appius Claudius because his unanswerability would intimidate the plebs (Livy 2.29.9–12). Dionysius has Appian urging a dictator that will force both the senate and the people into What is traditional and best for the state (Dion. Hal. Ant. Rom. 6.38.3). Despite concern that it was immoderate, Appius’s suggestion prevailed because of faction; he himself was nearly appointed (Livy 2.30.2). Dionysius says the “young senators”, on hand for the occasion, supported him using violence (Dion. Hal. Ant. Rom. 6.39.1). The consuls and senior senators made sure a gentler man was appointed (Livy 2.30.4–5). [For M’. Valerius, brother of P. Valerius Poplicola, note corrupted reference as M. at Livy 3.7.6. Praenomen M’. in FT and Dion. Hal. Ant. Rom. 6.23, but M. in Cic. Brut. 54, Orosius 2.5, Zon. 7.14. No praenomen in Val. Ant (fr 17P). Tradition has M. Valerius killed at Regillus (Elogium, Inscr. Ital. 13.78).] The consuls chose Valerius as both favorable to the commons and an old man, reasoning that the terror of the office need not be augmented by the ferocity of its occupant (Dion. Hal. Ant. Rom. 6.39.2). Valerius points
out in his speech that the senate would not have given him absolute power if he were not the best suited or if he might be suspected of betraying the people (Dion. Hal. Ant. Rom. 6.40.3).

**Powers and Responses:** The plebs saw the dictatorship was aimed at them, but were mollified by the choice of Valerius (Livy 2.30.5). His success in getting the plebs to sign up for the levy owed to the greater credence in both the man and the office, compared to prior edicts from the consul Servilius (Livy 2.30.6). Cicero says he earned his cognomen by appeasing the plebs during their secession to the Sacred Mount (Cic. Brut. 54). But Livy says the actual placating of the plebs on the Sacred Mount was accomplished by Agrippa Menenius (2.32.8–12; 2.33.10–11). He is unable to carry the senate when asking a resolution regarding nexum (2.31.8). Valerius is prevented from carrying the promises of relief by the same “young and violent” senators who had supported Appius (Dion. Hal. Ant. Rom. 6.43.2).

**Exit from Office:** Valerius not only triumphed but was given a dedicated seat at the circus for himself and his descendants (Livy 2.31.3). Cf. Elogium, FT. The consul Vetusius is forced to fight another battle because his men accused him of delaying so that the dictator would be out of office (because his task was done, or because of time limits?) when they returned to the city, and so would not be able to fulfill his promises to them (Livy 2.31.4–5, Not reported in Dionysius.). [Perhaps creating a precedent.] Valerius lays down his office after the senate refuses his counsel, stating he won’t be a dictator to no purpose (Livy 2.31.10) (What sort of abdication is this? Had he “accomplished his task”, in that no more could be done; or did he “resign in protest”?). Valerius resigns because he says he is too old to face down his abusers (Dion. Hal. Ant. Rom. 6.44.3).

**Notes and Anomalies:** In the war with the Aequi and Volsci, the two consuls had three armies, and the dictator had four (Livy 2.30.7). Domus Valeriorum on the Palatine was said to have been presented by the state to M. Valerius Volusus Maximus, dictator in 494 B.C (Val. Ant. ap. Asc. Pis. 52).

**Mandate:** (I.a.2.) Internal crisis at Rome – plebeian secession/refusal to levy.

3X 463 C. Aemilius Mamercus cause unknown —

**Dating:** Lydus has a dictator being appointed in the 48th year of the consuls (Lydus Mag. 1.38). MRR suggests this C. Aemilius Mamercus, not otherwise attested, may have been an interrex (35); the previous sentence in Lydus, indicating A. Sempronius as dictator in 482, is definitely a mistake for an interrex (Dion. Hal. Ant. Rom. 8.90.1–5).

**Circumstances:** None listed, but the preceding and subsequent references in Lydus are in terms of the fractiousness of the plebs.

4 458 L. Quinctius Cincinnatus I rei gerundae causa L. Tarquitius Flaccus

**Consulibus:** C. Nautius Rutilus II and—Carve(tus)†, succeeded by L. Minucius Esquilinus Augurinus§. Since it was L. Minucius that was in distress, the appointer would have been the other, extricable consul, C. Nautius (Dion. Hal. Ant. Rom. 10.23.5; Livy 3.26.2).

**Circumstances:** Popular alarm at the Sabines’ trapping one consul and his army in his camp.

**Nomination:** The people set aside the other consul as unequal to the task and choose a dictator; “they” chose to nominate Cincinnatus unanimously (Livy 3.26.6). Conversely, Dionysius has the other consul returning briefly to the city, determining in consultation with the elders that a dictator was needed, appointing Cincinnatus, and then returning
to his camp (Dion. Hal. Ant. Rom. 10.23.5). Cincinnatus is famously called from rustic endeavors, hailed “dictator” at his plow once he had fetched and donned his toga (Livy 3.26.9–11). Cincinnatus’s call from the plow to the dictatorship is referenced in Cic. Fin. 2.12, and told more fully (to contrast with the same land being worked by slaves in the present day), in Pliny (Plin. HN 18.4). Called ille dictator ab aratro in Flor. 1.5. Wiped the sweat off his brow and put on the toga praetexta, Eutr. 1.17. Was plowing nude (Auct. Vir. Ill. 17). From farmer to warrior is only to change weapons: Veg. Mil. 1.3. See also the call to T. Quinctius by the mutineers in 342 (#35). Dionysius has the prefect’s emissaries presenting him with the fasces and purple robe there on the farm, and him vexed that his crops will be ruined because he’s been called away (Dion. Hal. Ant. Rom. 10.24.2; compare the call from the plow story in Dion. Hal. Ant. Rom. 10.17.3.). Cassius Dio, in addition to the call from the plow, explains his cognomen (“curly-haired”), 5.23.2 = Zon. 7.17. Lydus gives his name as T. Quintius (Lydus Mag. 1.38); Dionysius has L. Quintius. The Fasti triumphales has [L.] Quinctius L.f. L.n. Cincinnatus; the FC, L. Quinctius L.f. L.n. Cincinnatus.

**Powers and Responses:** The plebs are uneasy at his entry in to the city, deeming both the power of the office and the man holding it to be dangerous (Livy 3.26.12, Not mentioned in Dionysius). The tribunes’ awe of the dictator [personally? officially?] kept them from interfering with his trial of the perjurer Volscius, as they had previously done (Livy 3.24.7, Livy 3.29.6). The morning after his appointment he suspended business and commanded an immediate levy of all of military age (Livy 3.27.2–3). Livy rebukes the disgraced consul Minucius, depriving him of spoils and stripping him of command, upon which Minucius abdicates the consulship (Livy 3.29.2–3). Duplicated with M. Minucius in 217, in Livy 22.29.7–11. Dionysius phrases the depriving of spoils as Cincinnatus having already given them the gift of delivery from death; he has Cincinnatus forcing Minucius to resign his magistracy (Dion. Hal. Ant. Rom. 10.25.1–2). Minucius forced to resign as unworthy, for having cowered behind stockades (Val. Max. 2.7.7, brief mention in Zon. 7.17.).

**Exit from Office:** The Fasti have him triumphing for victory over the Aequi (Livy 3.29.4). He would have abdicated directly after the triumph, but for the need to preside over the trial of the perjurer Volscius (Livy 3.29.6). He then resigned after 16 days the office he had received for six months (Livy 3.29.7). Ogilvie 445: A triunvium had to elapse between the report of investigating magistrates and the vote of the comitia; 16 days is two thirds of that interval. Dionysius likewise specifies that he commendably forewent the opportunity to stay in office for six months, resigning after 16 days and refusing spoils proffered by the senate, glorying more in poverty than others in their riches (Dion. Hal. Ant. Rom. 10.25.3). His contentment with his three acres cited in Val. Max. 4.4.7. Likewise Florus, who gives 15 days for his speedy success, dropping the office and returning to his labors (Flor. 1.5, Auct. Vir. Ill. 17). Lydus says he quelled the discord and laid aside his magistracy after only 13 days (Lydus Mag. 1.38). Resigned directly after forcing Minucius to do so, Zon. 7.17.

**Notes and Anomalies:** The main problem here is that this dictatorship is legendary and the chief incidents of the call from the plow and the rescue of the trapped army are repeated in multiple contexts.

**Mandate:** (I.b.2.) Isolated military threat – multiple enemies.

5 439 L. Quinctius Cincinnatus II rei gerundae caussa C. Servilius Ahala

**Consulibus:** Agrippa Menenius Lanatus and T. Quinctius Capitolinus Barbatus’ VI.

**Circumstances:** Danger of insurrection.
Nomination: In the wake of a scandal involving the corn supply, a dictator was required precisely because the consuls had been limited by the law (Livy 4.13.11-12). Cincinnatus was chosen by the consul T. Quinctius Capitoinus as being equal to the power of the office (Livy 4.13.12). Cincinnatus declined, complaining he was too old for such a struggle, but acceded to popular demand (Livy 4.13.13). Dionysius says only that the senate was informed and then “they” “made” a dictator (Dion. Hal. Ant. Rom. 12.2.1). The circumstances were unknown to some, who marveled at the need for a dictator and the selection of the 80-plus Cincinnatus (Livy 4.14.2). Dionysius says the secrecy was deliberate to keep Maelius ignorant of the plans being made against him: Dion. Hal. Ant. Rom. 12.2.1. Later Maelius seems ignorant even that a dictator had been appointed, or who it was: Dion. Hal. Ant. Rom. 12.2.4. Ahala: old form Axilla ‘armpit’ leads to etiological myth, which Livy omits.

Powers and Responses: Maelius, confronted by Ahala with a summons before Cincinnatus to stand trial for plotting revolution, fled, seeking the people's help against patrician oppressors; Ahala overtook and slew him (Livy 4.14.3-5). Dionysius says it was the numerically superior supporters of the state that killed him en masse, not Ahala, as he fought back with a butcher’s cleaver (Dion. Hal. Ant. Rom. 12.2.4-8; Flor. 1.17). Zonaras says Maelius was right to suspect the summons! (Zon. 7.20). Similarly St. Augustine (De civ. D. 3.17). Cincinnatus gave the order (Auct. Vir. Ill. 17.5). Likewise Cicero (Cic. Sen. 56, conflating the call from the plow to this event). Cincinnatus congratulated Ahala for saving the republic (Livy 4.14.6-7; not in Dionysius). The people were not sure how to respond, but Cincinnatus justified the killing by Maelius’s refusal of the summons (Livy 4.15.1). Lawful for wicked citizens to be put to death: Cic. Mil. 3,8 (Obviously Cicero would think so!). Specifically, it was Maelius’s planning violence to avoid trial, and that he had abrogated his citizenship by plotting to reign over a free people (Livy 4.15.2). Similarly Dionysius (Dion. Hal. Ant. Rom. 12.3.1). Dionysius says he secretly killed pro-Maelian troublemakers in the aftermath of the incident (Dion. Hal. Ant. Rom. 12.4.1). He also commanded his estate be sold for the treasury and his house be torn down: Livy 4.14.8, 4.15.1. This dictatorship was shortly thereafter used as incitement to rebellion among the plebs (Livy 4.16.7). Valerius Maxium says Ahala was exiled (Val. Max. 5.3.2g). Exiled, but later restored once the people had calmed down: Cic. Dom. 86. Ahala among the saviors of the Republic (who suffered thereby): Cic. Sest. 143, Phil. 2.26; Rep. 1.6.

Exit from Office: Not recorded in Livy. Dionysus has him resigning immediately after the secret murders (Dion. Hal. Ant. Rom. 12.4.1).

Mandate: (I.a.1.) Internal crisis at Rome – danger of insurrection.

Consulibus: M. Geganius Macerinus III and L. Sergius Fidenas.

Dating: Lydus’s reference might be conflated with the more well-known troubles of his third listed dictatorship (#10, in 426).

Circumstances: Military threat from Fidenae.

Nomination: The senate, “as usual” in an alarming situation (a victory in which great losses were sustained), ordered the appointment of a dictator (Livy 4.17.8). Lydus says the event “necessitated” a dictator (Lydus 1.38).

Powers and Responses: The great power wielded by a man equal to it resulted in the enemy being pushed put of Roman territory (Livy 4.17.11).

Exit from Office: Triumphed after victory, though overshadowed by the remarkably handsome and courageous military tribune A. Cornelius Cossus, cos. 428 (Livy 4.19.1,
4.20.1, 3). Triumph recorded in Lydus, but the FT has only “-mus” from a cognomen. Ogilvie (562) suggests Maximus as an additional cognomen for Mam. Aemilius, but MRR (1.58) offers a suffect consul, M. Valerius Lactuca Maximus, to explain the partial triumphal notice.

**Mandate:** (I.e.1.) Threat to Roman ally – military.

7 435 Q. Servilius Priscus Fidenas I rei gerundae caussa
Post. Aebutius Helva Cornicen

**Consulibus:** C. Iullius Iullus II and L. Verginius Tricostus.

**Circumstances:** Invasion by the Faliscans, who were at the Colline Gate.

**Nomination:** Appointed in the temple of Quirinus by the consul L. Verginius after consulting both the senate and his colleague, the latter involving a delay (Livy 4.21.9–10). The temple of Quirinus on the Quirinal was not vowed until 325; but there may have been an older temple on the same site: it was thought to be among the oldest in Rome in later centuries (Plin. *HN* 15.120; Festus 303L).

Exit from Office: None listed.

**Mandate:** (I.b.2.) Isolated military threat – multiple enemies.

8 434 Mam. Aemilius Mamercinus II rei gerundae caussa A. Postumius Tubertus

**Consulibus:** M. Manlius Capitolinus and Q. Sulpicius Camerinus Praetextatus as consuls (Livy 4.23.1–3), or these plus Ser. Cornelius Cossus as consular tribunes (Diod. Sic. 12.53.1). Livy also reports a third tradition that the consuls of the prior year were reelected.

**Circumstances:** Anticipated threat from an Etruscan alliance (which did not happen). The dictator thereupon resolves a domestic conflict.

**Nomination:** The senate orders a dictator be named (Livy 4.23.5). According to Livy, called the foremost man of his time in war and peace by the tribune P. Sempronius (310 BCE) (Livy 9.34.9).

**Powers and Responses:** The war failing to materialize, the dictator resolves to accomplish something else so that his appointment will not have been in vain, namely to carry a law curtailing the censorship to 18 months (Livy 4.24.1–5). Referred to as the *lex Aemilia* (Livy 9.33.9).

**Exit from Office:** As proof of his disdain for prolonged authority, he thereupon resigned, to the delight of the people (Livy 4.24.6). But this abdication is ironic as he had extended his dictatorship beyond his mandate. The censors retaliated against his anti-censor legislation by disenfranchising him (Livy 4.24.7; Fraccaro 1933). The censorial rebuke resulted in general umbrage (Livy 4.24.8–9).

**Mandate:** (I.d.) Anticipated military threat in the context of civil disquiet.

9 431 A. Postumius Tubertus rei gerundae caussa L. Iulius Vopisci Iullus

**Consulibus:** T. Quinctius Poenus Cincinnatus and C. Iulius Mento. The former was chosen by lot to appoint the dictator after both refused (see Nomination).

**Dating:** In 432, according to Diodorus (12.64.1–12.64.3).

**Circumstances:** Military threat from the Aequi and Volsci, in a time of plague.
Nomination: With the Aequi and Volsci having upped their game, and a plague having depleted Roman numbers, the senate called for a dictator even though those nations were ordinarily regularly defeated (Livy 4.26.5). The discord between the consuls occasioned alarm (Livy 4.26.6). Some say the consuls’ defeat was the reason a dictator was named (Livy 4.26.6). The consuls refused (Livy 4.26.7). The consular and ex-dictator called on the tribunes to forced the consuls into naming a dictator (Livy 4.26.7-8). The tribunes demanded the consuls obey the senate, on pain of imprisonment (Livy 4.26.9). The consuls submitted, accusing the senate of having subjugated the consulship to the tribunate (Livy 4.26.10). The consuls could not agree which would appoint the dictator [and there was not a rule or tradition?], so which one would nominate the dictator was decided by lot (Livy 4.26.11). He appointed his father in law, a man of sternest character (Livy 4.26.11). Diodorus says simply he was made dictator on the revolt of the Aequi (Diod. Sic. 12.64).

Powers and Responses: Postumius suspended all activity but preparation for war (Livy 4.26.12). He levied not only the Romans but the Hernici and the Latins (Livy 4.26.12). And distributed booty to them, 4.28.4. Vowed great games if victorious, 4.27.1. Livy reluctantly reports the disputed tradition that Postumius executed his own son for disobeying orders, then discounts it, saying such precedent belongs to Manlius (Livy 4.28.5, 6). Val. Max. recounts the story alongside that of Manlius (2.7.6). Likewise Gellius (NA 17.21.17). Diodorus relates the story, finding it peculiar and unbelievable (12.64.3). An occasion for the distinction of an early Furius (Plut. Cam. 2.1).

Exit from Office: Explicitly, laid down his office upon completion of his triumph (Livy 4.29.4).

Notes and Anomalies: This makes it clear that, at least according to the rules as Livy understood them, the dictator must be appointed by the consul; if the senate could do it, or had the power to force it (say, by sacral means), they would have done so. The authority of the dictator was not only over the Romans but also the allies. Suggestive for all the other occasions where the dictator triumphs and then vanishes.

Mandate: (I.b.4.) Isolated military threat – weakened by prior disaster.

10 426 Mam. Aemilius Mamercinus III rei gerundae caussa A. Cornelius Cossus


Circumstances: Military threat from Veii and Fidenae, compounded by discord among the military tribunes.

Nomination: After disagreement among the four military tribunes with consular powers led to a disgraceful rout by the Veientines, the people demanded a dictator (Livy 4.31.4). But only consuls could appoint dictators (Livy 4.31.4). religio ‘fear of the gods’, ‘religious conscientiousness’, ‘punctiliousness’; but the gods are involved in public affairs, and the matter was decided by augurs, so it is not merely ‘rectitude’. A similar ‘scruple’ had interfered with the declaration of war, with the decision the fetials must be sent first to demand reparation (Livy 4.30.13). The augurs removed the impediment, apparently

2 Ogilvie 576: This contentious process reflects 2nd century power struggles. Who decided the state of emergency was arrogated by the senate in the 3rd century but bucked by fractious consuls: Livy 8.12.9, Per. 19, Suet. Tib. 2); stories live this are invented historical precedents (Livy 4.56.8–57.6). The tribunes never had the right to imprison consuls. On the senate determining the state of emergency. O’Brien Moore R.E. Suppl. 6.755; MacDonald JRS 34 (1944) 16.
concluding that the consular powers of the military tribunes included the appointment of a dictator (Livy 4.31.4). One of the tribunes appointed Aemilius, repudiating the actions of the vindictive censors of 434 (#8), and was in turn appointed *magister equitum* (Livy 4.31.5). Diodorus says a dictator was appointed directly in response to the original incitement, the Fidenates' execution of Roman fetials (Diod. Sic. 12.80.7). Livy says only that the fetials were ignored (Livy 4.30.14).

**Powers and Responses:** Livy implicitly attributes his effectiveness as much to his ability to rally the Romans through harangues as to his tactical genius [the other virtue of unified command]; Livy 4.32.1–7, 33.4–5. Ironically the Veientines were defeated by envelopment. Diodorus says the battle was indecisive (*ἰσόρροπος*), contradicting Livy (Diod. Sic. 12.80.8), which is a stock of folk tales embroidering a bare annalistic notice (surviving in 4.34.6): Ogilvie 585.

**Exit from Office:** The dictator triumphed, then ordered his *magister equitum* to abdicate, then he himself abdicated (Livy 4.34.4). There is no FT record for this year, but see the Praenestine Fasti (*CIL* 12 p. 231); Varrius Flaccus's alternative explanation for a second Carmentalia. He is again said to have done so on the 16th day, like Cincinnatus (#4) (Livy 4.34.5).

**Notes and Anomalies:** Valerius Maximus notes that Cossus, the *magister equitum*, was the next man after Romulus to dedicate his spoils to Jupiter Feretrius after defeating the enemy king in single combat (Val. Max. 3.2.4); ditto Auct. *Vit. Ill.* (25). Livy, oddly, mentions Cossus's offering in the dictator's orders in advance of the battle, as if as an inducement to succeed, but not after (Livy 4.32.11). Frontinus's reference is only to the Veientines and the Fidenates using torches to instill fear; ditto Florus (Frontin. 2.4.19; Flor. 1.6.7; Livy 4.33).

**Mandate:** (I.b.5.) Isolated military threat – weakened by divided leadership.

11 418 Q. Servilius Priscus Fidenses II *rei gerundae caussa* C. Servilius Axilla

**Consulibus:** L. Sergius Fidenas III, M. Papirius Mugillanus, and C. Servilius Axilla II, consular tribunes.

**Circumstances:** Military threat from the Aequi, compounded by discord among the military tribunes.

**Nomination:** Q. Servilius was named dictator as a result of a senatorial decree (Livy 4.46.10). [Did the decree specify Q. Servilius, or merely call for a dictator?] He was the obvious choice, both preeminent and having anticipated the problems among the tribunes (Livy 4.46.10). He was appointed by his son, one of the feuding tribunes, according to one tradition, and in turn made his son *magister equitum* (Livy 4.46.11). The son is C. Servilius Structus, consular tribune and urban prefect at the time. Diodorus mentions the war and the siege of Labici that ended it, but not a dictator (Diod. Sic. 13.6.7).

**Powers and Responses:** Frontinus says he executed a man for refusing to carry a standard against the enemy (Frontin. *Str.* 2.8.8).

**Exit from Office:** Led his army back to Rome and resigned after eight days (Livy 4.47.6)—Now it is one-third of the interval: cf. 3.29.7, 4.34.5.

**Mandate:** (I.b.5.) Isolated military threat – weakened by divided leadership.
Consulibus: C. Iulius Iullus, P. Cornelius Cossus, and C. Servilius Ahala (mag. eq. #12), consular tribunes.

Circumstances: Military threat from Antium, supported by the Volsci and the Aequi.

Nomination: General excitement led the senate to take its emergency recourse and order a dictator (Livy 4.56.7). Two of the three military tribunes resisted (Livy 4.56.9). The senate appealed to the tribunes of the plebs to reign in the military tribunes, but they refused to help (Livy 4.56.10–13). The third military tribune eventually broke his silence and appointed a dictator (Livy 4.57.4–5). Ahala appointed P. Cornelius, who in turn appointed him magister equitum (Livy 4.57.6). The consular tribune for 408 is P. Cornelius A.f. M.n. Cossus, distinct from the mil. tr. c. p. of 415. Son of the A. Cornelius Cossus who won the spolia opima; grandfather M. Cornelius Maluginensis the decemvir. Mag. eq. is C. Servilius P.f. Q.n. Ahala, nephew of the cos. of 427.

Powers and Responses: The objections of Iulius and Cornelius were that they were perfectly capable of waging the war, and appointing a dictator amounted to displacing them from what they had been elected to do (Livy 4.57.2).

Exit from Office: The dictator returned from battle and resigned (Livy 4.57.8).

Mandate: (I.b.2.) Isolated military threat – multiple enemies.

13 396 M. Furius Camillus I rei gerundae caussa P. Cornelius Maluginensis


Circumstances: The fated doom of Veii (so says Livy). More specifically, word of a defeat against the Faliscans and Capenates (owing to the rashness of the military tribunes). was aggrivated into rumors of imminent danger to the camp of the army besieging Veii for the tenth or eleventh year. At the same time, there were alarming oracles involving the Alban Lake and the Latin festivals (Plut. Cam. 4).

Nomination: Livy simply says that he was nominated as the one fated to destroy Veii (Livy 5.19.1–2). Diodorus just says he was named in the 11th year of the war (Diod. Sic. 14.93.2). Plutarch, notoriously, says that the other magistracies were abolished and Camillus made dictator in the 10th year of the war (Plut. Cam. 5.1). Zonaras just says he was chosen dictator after the expiations had been performed (Zon. 7.21.1).

Powers and Responses: The people’s alarm was immediately reversed by the change in command (Livy 5.19.2; Diod. Sic. 14.93.2). His first act was to punish the soldiers who had fled from the camp at Veii (Livy 5.19). Vowed, in pursuance of a senatorial decree, that on the capture of Veii he would celebrate the Great Games and restore and dedicate the temple of Matuta the Mother, which had been originally dedicated by Servius Tullius (Livy 5.19). The practice of evocatio is alluded to by Livy (5.21), as well as the subsequent removal of Juno Matuta to Rome (5.22; Val. Max. 1.8.3; Plut. Cam. 6.1). Spared the unarmed Veientine citizens but then sold them as slaves with vast return (Livy 5.22). He prayed that such great success not arouse punitive jealousy among the gods, or that the reaction against him and Rome not be too great; after making the prayer he slipped and fell down, which he contrived to signify the minimal punishment rather that portending a disgraceful fall (Livy 5.22, Dion. Hal. Ant. Rom. 12.14.2, 12.16.4; Plut. Cam.

3 Listed so in FC. Cognomen given as Scipio in Livy and Plutarch, which would be its first appearance.
5.6–7). His prayer directly antecedent to the sack of Rome (Dion. Hal. Ant. Rom. 13.6). Deferred to the senate the question of distribution of booty from the capture of Veii (Livy 5.20). Camillus annoyed the populace by his audacious and extravagant triumph, by the vow of a tenth of everyone’s booty to Apollo (Livy 5.23), and opposing the partial migration to Veii. Amid great tumult and dispute about what booty the vow applied to, anger mounted at Camillus and the senate (5.25). Vexed by the triumph and the opposition to the division (Plut. Cam. 7.2); most of all the tenth of the spoils (7.4). Both Plutarch and Appian say that Camillus “forgot” the collection of the tenth of the spoils until it became a hardship. The plunder was so great, says Florus, that it is hard to believe the city ever existed (Flor. 1.6.10).

Exit from Office: His triumph was so exceptional as to include his chariot being drawn by a team of white horses, as if he were Jupiter or Sol (Livy 5.23; Zon. 7.21, along with a complete description of a normal triumph). He painted his face with minim, just as was done with Jupiter (Plin. HN 33). Plutarch explicitly says that his success went to his head (Plut. Cam. 7.1). Having accomplished his duties to gods (the dedication of the temples) and men, he resigned (Livy 5.23).

Mandate: (I.c.2.) Ongoing war – alarm caused by major defeats.

14 390 M. Furius Camillus II rei gerundae caussa L. Valerius Poplicola

Consulibus: Q. Fabius Ambustus, K. Fabius Ambustus IV, N. Fabius Ambustus II, Q. Sulpicius Longus, Q. Servilius Fidenas IV, and P. Cornelius Maluginensis IV, consular tribunes.

Circumstances: The Gauls’ sack of Rome. Vae victis!

Nomination: The Roman forces gathered at Veii required a leader and were inspired by their location to think of Camillus, previously exiled over the alleged misappropriation of booty as military tribune (Livy 5.46). It was decided by general consent he be called for, but the senate was to be consulted first out of respect for custom (Livy 5.46). A senatorial decree rescinded his exile, and he was nominated dictator by order of the people (Livy 5.46). Camillus waited for a law to be passed in the comitia curiata conforming both the end of his exile and his appointment as dictator in absentia (Livy 5.46.10; Likewise Val. Max. 4.1.2; Cass. Dio 7.25). Dionysius has the Roman commander at Veii, Caedicius, naming Camillus directly, also making a point that it was in absentia (Dion. Hal. Ant. Rom. 13.6). This is also what comes of Plut. De fort. Rom. 12. [Q. Caedicius was military tribune in 258 (Cato fr. 83P).] Plutarch has the Romans at Veii hearing about victories by the Ardeans under Camillus (Plut. Cam. 23; Livy 5.45) and wanting him back to win victories for Rome; but he refused to take command before he had been duly elected by the besieged Romans holding the Capitol (Plut. Cam. 24). Plutarch then says that the senate heard the messenger and appointed Camillus dictator (25.4). Plutarch says the messenger appeared before “the magistrates”, who then convened the senate.

Powers and Responses: Livy has him setting aside the ransom deal, saying it was invalid without his imprimatur (Livy 5.49.2). Contrast again Plutarch, who has this as there being no other legal ruler (Plut. Cam. 29.2–3). Polybius says the Gauls left of their own accord, “unbroken and unscathed” (Polyb. 2.22.4–5).

Exit from Office: He returned to Rome and triumphed, called a second founder (Livy 5.49). He later calls this the most justly earned triumph that any down to that day had enjoyed (9.15). Florus actually says the Gauls’ fires were quenched by the deluge of their blood. The continuing turmoil and debate over relocating from the burned city resolved him not to lay down his office after his triumph, on request of the senate (Livy 5.49). Plutarch says the senate did not allow him to lay down his office within a year, despite
the precedent of six months (Plut. Cam. 31.3). He attended first to restoring the temples and dedicating the gold to Jupiter, then opposed the tribunes’ speeches exhorting removal to Veii (5.50–54; Plut. Cam. 32). Livy does not describe his actual abdication, but his dictatorship is not mentioned after his speech, which Livy equates with fighting another battle for his country. Likewise Plutarch (Livy 5.51).

Notes and Anomalies: There does not seem to be a consul or military tribune involved in Livy’s nomination of Camillus, despite their presence later in the story. Perhaps they performed this duty during the consultation with the senate?

Mandate: (I.b.1.) Isolated military threat – special enemy.

15 389 M. Furius Camillus III  
rei gerundae caussa  
C. Servilius Ahala 4


Circumstances: Hatred from foes and contempt from allies (so Livy). Military threat from the Volsci and from a reputed Estruscan league at Voltumna (which invested Sutrium), plus defection of the Latins and Hernicans.

Nomination: The senate turned to the city’s savior and nominated Camillus as dictator (Livy 6.2). Plutarch says only that he was appointed, for the third time (Plut. Cam. 34.1).

Powers and Responses: Suspended all business and the law courts, then enrolled all eligible citizens (Livy 6.2). After defeating the Volsci, unexpectedly attacked and defeated the Aequi as well (Livy 6.2). The senate passed a decree that the dictator should help an allied city, Sutrium, as soon as possible (Livy 6.3). Again ordered the unarmed be spared at Sutrium (Livy 6.3), and again they were sold into slavery after being paraded in the triumph (6.4).

Exit from Office: Returned to Rome and triumphed (Livy 6.4). Livy does not describe his abdication.

Mandate: (I.b.2.) Isolated military threat – multiple enemies.

16 385 A. Cornelius Cossus  
rei gerundae caussa  
T. Quinctius Cincinnatus Capitolinus


Circumstances: The threat of insurrection from ex-patrician M. Manlius Capitolinus, playing off a debt crisis deriving from the rebuilding; plus military threat from the Volscians, aided by the revolted Latins and Hernici.

Nomination: The senate nominated a dictator ostensibly for the military threat, but actually against Manlius (Livy 6.11). Livy has Manlius seeing through the deception (Livy 6.15). Plutarch says explicitly that the dictatorship was against the domestic turmoil, and makes no mention of the Volsci (Plut. Cam. 36.4). But then Plutarch names the wrong man, namely, the mag. eq. Quinctius.

Powers and Responses: When recalled to deal with the domestic crisis, he not only summoned the senate but ordered them in constant attendance on him as if as a bodyguard (Livy 6.15). When Manlius refused to back down, the dictator ordered him

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4 Pliny has praenomen P.
taken away and imprisoned (Livy 6.16). Despite widespread sympathy for Manlius no one dare gainsay the dictator (Livy 6.16). After his abdication, his right to summon Manlius, an ex-consul, or imprison him for perjury was questioned (Livy 6.17). The senate eventually freed him, after which he was put on trial and executed. Livy has Manlius say that dictatorships and consulships must be gotten rid of the free the plebs (Livy 6.18).

**Exit from Office:** Cornelius laid down his office after the triumph (over the Volscians), freeing the people to speak their anger (Livy 6.16).

**Mandate:** (I.a.1.) Internal crisis at Rome – danger of insurrection.

17 380 T. Quinctius Cincinnatus Capitolinus  
A. Sempronius Atratinus


**Circumstances:** Raids by the Praenesti in response to internal Roman conflict.

**Nomination:** The Praenesti advanced to the Colline gate, and great was the consternation in the city (Livy 6.28.3). The Romans abandoned civil strife for war and made Quinctius dictator (Livy 6.28.3). Diordorus’s brief reference to the victory over Praeneste does not mention a dictator (Diod. Sic. 15.47.8). Orosius has the name and the victory but not the office (Oros. 3.3.5). Lydus has the name and the office but not the war (Lyduis 1.38).

**Powers and Responses:** Terror of the dictatorship (itself, or its occupant as well?). caused the Praenesti to immediately withdraw (Livy 6.28.4).

**Exit from Office:** He returned from victory over nine towns bearing their image of Jupiter Imperator, bourne in triumph and installed in a new shrine on the Capitol (Livy 6.29.8). Dionysius’s capsule is to the effect that he took nine towns in nine days (Dion. Hal. *Ant. Rom.* 15.5). Eutropius, like Livy, says the whole thing took 20 days and earned a triumph (Eutr. 2.2). Likewise Festus (Fest. 498L, s.v. *trientem tertium pondo*). Thereupon he resigned (Livy 6.29.10).

**Mandate:** (I.a.2.) Internal crisis at Rome – plebeian secession/refusal to levy.

18 368 M. Furius Camillus IV※  
L. Aemilius Mamercinus※


**Circumstances:** Division over proposed laws allowing plebeians access to the *imperium*, leading to tribunes of the plebs refusing to submit to their colleagues’ veto.

**Nomination:** Plutarch says the plebs prevented the election of consuls (Plut. *Cam.* 39.1). Livy says that after electing a mixed board of decemviri they relented on the question of consuls and permitted election of consular tribunes. In the throes of a constitutional crisis, the senate fell back on their two last resorts—the greatest office and the greatest man (Livy 6.38.3). Livy first has the senate voting to ask for the naming of a dictator, then came the naming of Camillus (in the passive) (Livy 6.38.4). Plutarch has him appointed by the senate, against the peoples’ wishes and his own (Plut. *Cam.* 39.2).
**Powers and Responses:** Camillus sat before a tribal assembly “breathing wrath” (Livy 6.38.5). After a fight among the tribunes of the plebs between the legal power of the veto vs. the popularity of the law, Camillus abjured their lawlessness and sustained the veto, referring to his absolute authority and urging the rebellious tribunes to back down (Livy 6.38.6). The tribunes responded with “contempt” (Livy 6.38.8).—Plutarch has the people seeing this dictatorship, but not necessarily the hero Camillus, as a tool of the patricians’ hate (Plut. Cam. 39.2). Cf. the tribune’s sneer that the plebs had let themselves be menaced with “the thunderbolt of dictatorship” (Livy 6.39.7). Camillus responded by calling out the lictors to disperse the assembly and threatening a levy (Livy 6.38.8). Plutarch says he actually carried out the threat, calling out the citizens from the forum to the Campus Martius for muster (Plut. Cam. 39.3).

**Exit from Office:** Camillus and his mag. eq. resigned after issuing an edict about military service, according to a decree of the senate (FC), and were replaced by Capitolinus and Calvus (#19). Livy has Camillus suddenly resigning after the levy threat, and reports two possibilities: a flaw in the election, or a counterstrike by the plebs voting a huge fine on him should he take any further action as dictator (Livy 6.38.9). Livy expresses his doubts about the second story, for several reasons (Livy 6.38.10–13): a. that a man like Camillus would have been hindered by such an unprecedented law; a suffect dictator was immediately appointed; Camillus was not ashamed to be appointed again the very next year; as dictator, Camillus would have been able to ignore the plebs’ law; the dictatorship has always been above conflicts between tribunes and consuls, down to contemporary times. Plutarch supports the story of the fine, and says that in the face of it Camillus went home, pretended illness for a few days, then resigned (Plut. Cam. 39.4).

**Mandate:** (I.a.3.) Internal crisis at Rome – election crisis.

19 368 P. Manlius Capitolinus§ seditio sedendae et rei gerundae caussa
C. Licinius Calvus§

**Consulibus:** See above, #18.

**Circumstances:** Named as suffect dictator after the resignation of Camillus (#18), to deal with the constitutional crisis involving plebeian access to the imperium.

**Nomination:** Livy says there is an interval [to decide on the suffect? for the auspices? for the curia to meet?] between Camillus’s abdication and Manlius’s entry into office (Livy 6.39.1). The tribunes treated this as an interregnum (Livy 6.39.1), as if it was understood that a dictator should be holding sway, but there was a gap between office-holders. Manlius then took office (Livy 6.39.3). Plutarch has the senate responding to Camillus’s abdication by appointing another dictator (Plut. Cam. 39.5).

**Powers and Responses:** Manlius defused matters by appointing his plebeian friend C. Licinius magister equitum, the first plebeian to hold that office (Livy 6.39.3). P. Decius Mus refers to Licinius as the first plebeian mag. eq. in Livy’s speech at 10.8.8. Livy at 10.8.8 and Dio have C. Licinius Stolo; the FC has the cognomen Calvus but this is a reconstruction. Plutarch (Cam. 39.5) says the Licinius Stolo appointed mag. eq. was the leader of the sedition, rather than someone with the same name, which is the implication of Livy 6.39. His excuse is that the mag. eq. had only the imperium of a consular tribune (Livy 6.39.4). Dio has this act nearly reconciling the orders (Cass. Dio 29.5).

**Exit from Office:** No further mention is made of Manlius’s dictatorship in Livy after the appointment of the mag. eq., but this P. Manlius (or another?) was elected consular tribune for 367 when the plebs stood down from blocking elections. [Did the dictator preside over these elections? Or was an interrex appointed?]

**Mandate:** (I.a.3.) Internal crisis at Rome – election crisis.
367  M. Furius Camillus V  
rei gerundae caussa
T. Quinctius Cincinnatus Capitolinus


Dating: Polybius 2.18.6 does not mention a Gallic invasion in this year, causing certain historians to reject this entire dictatorship (Hartfield 366).

Circumstances: Military threat from the Gauls.

Nomination: Sudden rumor of a Gallic war drove the citizens to act, such that Camillus was named dictator (Livy 6.42.4). Plutarch has all Romans across all divides choosing the aged Camillus to meet the threat with one mind (Plut. Cam. 40.2).

Powers and Responses: After fighting the Gauls, the senate and dictator struggled with and were beaten by the plebs, leading to enactment of the tribunes’ laws and the election of the first plebeian consul (Livy 6.42.9). The dictator alleviated the ensuing crisis with a compromise, giving an urban praetorship to the patricians (Livy 6.42.11). The senate also directed the dictator to elect two curule aediles (Livy 6.42.14). Plutarch as an officer of the tribunes trying to hale the dictator from his seat in the forum, leading to consternation; Camillus went willingly, taking the senators with him (Plut. Cam. 42.2). He announced the senate’s compromise, to much rejoicing (Plut. Cam. 42.4). He then presided over consular elections (Plut. Cam. 42.5). Dionysius’s citation is solely about Camillus’s speech inciting the army to boldness against the dreaded Gauls (Dion. Hal. Ant. Rom. 14.8–14.10). Polyaen. 8.7.2 is about Camillus’s reforms to equipment in order to counter the Gauls’, also described in Plut. Cam. 40.3–4 but not in Livy. Dionysius attributes the Gauls’ inferiority to lack of discipline and training.

Exit from Office: For victory over the Gauls he earned a triumph with the consent of the patricians and the plebs (i.e., they both passed a resolution in favor of it?) (Livy 6.42.8). The triumph and his age (80), are mentioned in Appian. His exit from office is not recorded in Livy. The senate refused to allow him to abdicate after the triumph owing to the sedition, says Plutarch (Cam. 42.1). Zon. 7.21 says he returned from war and resigned, but omits the civil strife and simply mentions the reformed elections.

Notes and Anomalies: Camillus in this one dictatorship is made to deal with foreign war, domestic sedition, and the holding of elections, with only the first of these presumably in his original mandate.

Mandate: (I.b.1.) Isolated military threat – special enemy.

363  L. Manlius Capitolinus Imperiosus  
clavi figendi caussa  
L. Pinarius Natta

Consulibus: Cn. Genucius Aventinensis and L. Aemilius Mamercinus II (mag. eq. #18, #28).

Circumstances: Pestilence and a flooding by the Tiber causing a perceived need to propitiate the gods beyond what had already been done.

Nomination: Elders remembered a pestilence alleviated by the dictator driving a nail (Livy 7.3.3). [The Loeb editor says this was in 435 (#7).] The senate ordered a dictatorship to drive the nail (Livy 7.3.4). Livy then recounts the law (Livy 7.3.5–8).

Powers and Responses: Despite the nature of his mandate Manlius tried to drum up a war anyway (Livy 7.3.9).
**Exit from Office:** All the tribunes opposed him, Livy says, and either by force or from shame he resigned (Livy 7.3.9). Cicero says one of the tribunes brought suit on the charge of extending his dictatorship a few days beyond its expiration (Cic. Off. 3.112). The suit was withdrawn after the dictator’s son, T. Manlius Torquatus (#27), threatened to kill the tribune, Cicero says, extracting an oath from the tribune to do so; all in illustration of the saccty of oaths in the old days. The son’s peity is also the point of Val. Max. 5.4.3. Livy agrees that it was the son who rescued his father from persecution (Livy 7.10.2).

**Notes and Anomalies:** There is precedent for dictators doing other than what they were tasked for, once that task was done. Is the difference here that it was a religious coausa, and so did not involve the same kind of authority? Or that it was obviously a grab for glory rather than a task that also needed accomplishing? Or that the plebs were now empowered enough to hinder a glory-seeking dictator?—This bears on the question, what circumscribed the powers of a dictator.

**Mandate:** (I.a.4.) Internal crisis at Rome – propitiation of the gods.

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<tr>
<td>22</td>
<td>Q. Servilius Ahala* II (#24) and L. Genucius Aventinensis† II.</td>
<td>The first plebeian consul to fight a war is defeated and killed by the Hernici.</td>
<td>With the advice of the senate the surviving consul appointed as dictator Claudius, the loudest voice against the plebeian consulship law (Livy 7.6.12).</td>
<td>Not reported in Livy, though a victory is reported.</td>
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<td>23</td>
<td>C. Licinius [Stolo] Calvus° (mag. eq. 368) and C. Sulpicius Peticus II (#25).</td>
<td>Licinius Macer says T. Quinctius Poenus Capitolinus Crispinus was appointed by C. Licinius to hold elections, for reasons having to do with his colleague’s ambition. Livy doubts this and, on the basis of older annals, says it was a Gallic War.</td>
<td>Livy does say it is well established that Quinctius was dictator, regardless of caussa (Livy 7.9.3).</td>
<td>Omitted in Livy, but apparently there was a triumph.</td>
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<td>24</td>
<td>M. Fabius Ambustus° and C. Poetelius Libo Visolus.</td>
<td>Military threat from the Gauls, responding to Roman wars against their ally, Tibur.</td>
<td>He suspended courts and conducted a levy (Livy 7.9.6). He also sanctioned T. Manlius’s single combat (Livy 7.10.4), told in Gellius quoting Claudius Quadrigarius (NA 9.13.4–20).</td>
<td>Omitted in Livy, but apparently there was a triumph.</td>
</tr>
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Nomination: Livy says a consul (C. Poetelius) sufficed for war with Tibur, but fighting Gauls required a dictator (Livy 7.11.4). Servilius was appointed (Livy 7.11.4).

Powers and Responses: Kept the existing army of the consul in place facing Tibur, and created a new army by levy to fight the Gauls (Livy 7.11.5).

Exit from Office: The dictator praised the consuls, even crediting them for his achievements, and resigned (Livy 7.11.9). Livy says this was why it was the consul, Poetelius, that triumphed (as in the AT) (Livy 7.11.9).

Mandate: (I.b.2.) Isolated military threat – multiple enemies.

25 358 C. Sulpicius Peticus rei gerundae caussa M. Valerius Poplicola

Consulibus: C. Fabius Ambustis and C. Plautius Proculus° (mag. eq. #26).

Circumstances: During war against both Tarquinii and the Hernici, Rome learns that Gauls have advanced as far as Praeneste.

Nomination: In response to a Gallic threat, once again a dictator is needed (despite the alarm being less with the Latins in alliance) (Livy 7.12). One of the consuls was called back to Rome from the campaign against the Hernici to name the dictator (Livy 7.12). [The Hernici were reduced to submission in this campaign, and the previous campaigns had penetrated their territory. The territory of the Hernici beyond the Fucine Lake was at least 90 km away—7 hours on a trotting horse.]

Powers and Responses: Deciding that a war of attrition was the best strategy resulted in Sulpicius getting bad-mouthed by his troops, the grumblings accumulating into an assembly of protest (Livy 7.12). The spokesman’s appeal to Sulpicius is to reproach him for doubting their courage (Livy 7.13). Uneasy about the precedent set, Sulpicius confers privately with Tullius, who says that a dictator still had to keep his army in hand; convinced, Sulpicius orders attack (Livy 7.14). Frontinus, in describing a trick used against the Gauls in this campaign involving making muleteers look like cavalry, refers to Sulpicius as a consul (Frontin. Str. 2.4.5). Appian ascribes a different strategy involving pila to the dictator (App. Celt. 1). Eutropius just mentions the complete defeat of the Gauls (Eutr. 2.5.2); likewise Orosius.

Exit from Office: After a great victory, Sulpicius earned a triumph and dedicated a lot of gold booty (Livy 7.15). Suplicius’s exit from office is not recorded in Livy.

Notes and Anomalies: The dictator must be named at Rome (but later this is not true, as some dictators are named in camp), by the consul.

Mandate: (I.b.2.) Isolated military threat – multiple enemies.

26 356 C. Marcius Rutilus rei gerundae caussa C. Plautius Proculus

Consulibus: M. Fabius Ambustus° II and M. Popillius Laenas II.

Circumstances: After the Romans under M. Fabius trounce the Tarquinian army (despite scare tactics involving snake-haired, fire-brandishing priests!), the Etruscans unite behind the Tarquinians and Faliscans and march against the salt works.

Nomination: The threat to the salt works occasioned a dictator (Livy 7.17). The man named was the first plebeian dictator (Livy 7.17). Livy later mentions Marcius in his list of plebeian firsts (Livy 10.8.8). Eutropius and Orosius mention the victory but not that Marcius was dictator (Eutr. 2.5).
**Powers and Responses:** Livy has the indignant patricians trying to impede the plebeian dictator [perhaps hoping for a humiliation like the one that befell the first plebeian consul]; naturally this disposed the people to support him (Livy 7.17).

**Exit from Office:** His triumph was ordered by the people and not confirmed by the senate (Livy 7.17). The fact that this triumph was sanctioned by the people irrespective of the senate later comes up in Livy’s speech by a consul on a similar question (Livy 10.37.10). Livy implies that it would have been normal for the dictator to hold elections at this point, but they refused to allow a plebeian dictator to hold elections and instead installed a succession of *interreges* (the ultimate result of which was the election of two patrician consuls despite a tribunician veto) (Livy 7.17). The implication in Livy seems to be that the dictatorship became moot upon the ascension of the first *interrex*, but Marcius’s exit is not recorded.

**Mandate:** (I.e.1.) Threat to Roman ally – military.

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353  T. Manlius Imperiosus Torquatus I  *rei gerundae caussa*  
A. Cornelius Cossus Arvina

**Consulibus:** C. Sulpicius Peticus IV (#25) and M. Valerius Poplicola II (*mag. eq.* #25).

**Circumstances:** Concurrent threats from a Caere–Tarquinii alliance to the north, with successful raids on the salt-works, and a Volscian incursion from the south.

**Nomination:** The consul Valerius, fighting against the Volscians, was recalled to name a dictator (Livy 7.19). He was fighting on the frontiers of Tusculum, 20 km away. The nominee was T. Manlius (Livy 7.19).

**Powers and Responses:** He took over the consul’s army and, on being authorized by both the senate and the people, declared war on Caere (Livy 7.19).

**Exit from Office:** Caere sued for peace, which was granted; the Romans turned to ravage the territory of the Faliscans, but no army appeared, so the Romans went home. Manlius was still in office when elections were delayed; he is said to have sided with the senate in opposing plebeian consulships, favoring abolishing the office (Livy 7.21). The election issue was not resolved when the dictator resigned, so an *interrex* was necessary (Livy 7.21). The circumstances of the resignation are not clear; there was no clear victory over the Etruscans to mark the end of his mandate; this might be a case where a term of office lapsed. He did not feel obligated to stay in office and preside over the civil crisis.

**Notes and Anomalies:** Caere became the first *municipium sine suffragio*, but it is not clear the dictator had anything to do with this settlement (Gell. NA I6.13.7).

**Mandate:** (I.b.2.) Isolated military threat – multiple enemies.

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352  C. Iulius Iullus  *rei gerundae caussa*  L. Aemilius Mamercinus

**Consulibus:** P. Valerius Poplicola (#34) and C. Marcius Rutilus II.

**Circumstances:** Rumor of a 12-city Etruscan league (which did not materialize).

**Nomination:** The last two dictators were recalled to Rome to name a dictator, but this time Livy has the dictator being named in camp by “the consuls” on receipt of an s.c. (Livy 7.21.9).

**Powers and Responses:** Again he is said to be trying to deny plebeian consulships (so he seems to be holding elections?) (Livy 7.22). The result was another interregnum, and
elections were then successful (resulting in two patrician consuls, one being one of the interreges).

Exit from Office: Again it seems his office lapsed, to be superceded by interreges.

Mandate: (I.a.3.) Internal crisis at Rome – election crisis.

351 M. Fabius Ambustus comitiorum habendorum caussa Q. Servilius Ahala

Consulibus: C. Sulpicius Peticus V (#25) and T. Quinctius Poenus Capitolinus Crispinus II (#23).

Circumstances: According to Livy, to prevent the election of plebeian consuls.

Nomination: Livy explicitly says there was no foreign threat (was there truly one the prior year?) (Livy 7.22).

Powers and Responses: He was not successful, and a plebeian consul was elected (Livy 7.22).

Exit from Office: Not recorded, but must have lapsed with the elections.

Mandate: (I.a.3.) Internal crisis at Rome – election crisis.

350 L. Furius Camillus comitiorum habendorum caussa P. Cornelius Scipio

Consulibus: M. Popillus Laenas III and L. Cornelius Scipio.

Circumstances: Both consuls were wounded in battle and could not hold elections.

Nomination: Elections needed to be presided over (Livy 7.24). It sounds like Livy suspects another effort was being made to impede plebeian consuls, this time successful as Furius got himself elected (Livy 7.24).

Powers and Responses: There was popular anger against Furius as a result of his actions (Livy 7.25).

Mandate: (I.a.3.) Internal crisis at Rome – election crisis.

349 T. Manlius Imperiosus Torquatus II comitiorum habendorum caussa A. Cornelius Cossus Arvina

Consulibus: L. Furius Camillus* (#30, #33) and Ap. Claudius Crassus Inregillensis† (#22).

Circumstances: With the sole surviving consul engaged in a protracted campaign against a horde of Greek pirates, a dictator was necessary to hold elections.

Nomination: Appointed just to hold elections (7.26).

Exit from Office: The FC says Manlius resigned, but there is not implication of such or reason for it in Livy.

Mandate: (II.a.1.) Standing in for consuls – holding elections.

348 ... comitiorum habendorum caussa ...

Consulibus: M. Valerius Corvus (#35, #59) and M. Popillius Laenas IV.

Notes and Anomalies: Listed in FC, but imperfectly. Nothing is recorded in Livy 7.27 that would seem to have occupied the consuls for 348; were they taken by the pestilence Livy mentions? But M. Valerius is around later (#35).
**Mandate:** (II.a.1.) Standing in for consuls – holding elections.

33 345 L. Furius Camillus II  *rei gerundae caussa*  Cn. Manlius Capitolinus Imperiosus

**Consulibus:** M. Fabius Dorsuo and Ser. Sulpicius Camerinus Rufus.

**Circumstances:** Military threat from Auruncum, possibly heralding a revolt by the Latin League.

**Nomination:** The threat seemed major enough to require a dictator (Livy 7.28).

**Powers and Responses:** As usual, business was suspended (Livy 7.28). Despite making quick work of the Auruncans he vowed a temple to Juno Moneta (7.28).

**Exit from Office:** After the battle he resigned to discharge his vow (7.28).

**Mandate:** (I.b.2.) Isolated military threat – multiple enemies.

34 344 P. Valerius Poplicola  *feriarum constituendarum caussa*  Q. Fabius Ambustus

**Consulibus:** C. Marcius Rutilus III (#26) and T. Manlius Imperiosus Torquatus II (#27, #31, #50).

**Circumstances:** Evil portents.

**Nomination:** A dictator was appointed after consultation of the Sibylline Books seemed to require propitiation (7.28).

**Powers and Responses:** There was an interregnum during which (patrician) consuls were elected; Valerius did not stay in office to hold elections.

**Mandate:** (I.a.4.) Internal crisis at Rome – propitiation of the gods.

35 342 M. Valerius Corvus  *rei gerundae caussa*  L. Aemilius Mamercinus Privernas

**Consulibus:** Q. Servilius Ahala˚ III (#24) and C. Marcius Rutilus IV (#26).

**Circumstances:** An army of mutineers coalesced from ejections from the consul C. Marcius’s army in Capua.

**Nomination:** After forcing a nearby retired general to lead them, the army was marching on Rome [to relieve their debts?] when they heard a dictator had been named against them (Livy 7.39). The leader suggests that M. Valerius was chosen because he was popular with the soldiers (7.40). Livy records that in some annals Valerius was not named dictator, but rather the consuls took care of everything (7.42).

**Powers and Responses:** In his speech to the mutineers Valerius refers to *haec imperiosa dictatura*, “this mighty dictatorship” (7.40). In Livy Valerius wins them over with a speech, then urges pro-mutineer laws in Rome (also Auct. *Vir. Ill.* 29); in Appian, Valerius resolves the crisis by securing a law canceling debts, whereupon the mutineers dispersed (App. *Sam.* 1.2).

**Mandate:** (I.b.3.) Isolated military threat – mutiny.

36 340 L. Papirius Crassus  *rei gerundae caussa*  L. Papirius Cursor

**Consulibus:** T. Manlius Imperiosus Torquatus˚ III and P. Decius Mus.

**Circumstances:** Attacks by the Antiates on Ostia and other holdings.
Nomination: The consul, T. Manlius, was too ill to undertake a campaign (8.12.2). [Note here is there is no “call” so much as the consul unable to perform his duties.]

Powers and Responses: Livy says he encamped among the Antiates but accomplished nothing of note (Livy 8.12.3).

Exit from Office: No notice in Livy.

Mandate: (I.e.1.) Threat to Roman ally – military.

37 339 Q. Publilius Philo  
Consulibus: Ti. Aemilius Mamercinus* and Q. Publilius Philo (#37).

Circumstances: Rebellious Latins, but also continued discord over the consulship (says Livy).

Nomination: The consul, a plebeian already engaged in a hammer-and-tongs fight with the senate, responded to the senate’s anti-consular call for a dictator by naming his own colleague (also a plebeian) (Livy 8.12.12). Livy seems to confirm in this passage that it is the consul that holds the fasces that always appoints the dictator, apart from questions of availability.

Powers and Responses: Though supposedly appointed against the Latins, Livy associates Publilius with three populist laws—making plebiscites binding on all Quirites, bills before the centuriate assembly be first ratified by the senate, and that one censor must be plebeian (Livy 8.12.14–16). Thanks to the hatred of the nobles Philo was later tried, presumably for his actions as dictator in passing these laws (directly? indirectly?), and was acquitted, right after Maenius and his mag. eq (Livy 9.26.21).

Mandate: (I.d.) Anticipated military threat in the context of civil disquiet.

38 337 C. Claudius Inregillensis‡  
Consulibus: C. Sulpicius Longus (#55) and P. Aelius Paetus (mag. eq. #46).

Circumstances: Roman support of the Aurunci, under attack from the Sidicini.

Nomination: The consuls were late relieving the Aurunci, who had had to abandon their town and hole up in and fortify Suessa (Livy 8.15.3–4). The senate blamed the consuls and ordered a dictator (Livy 8.15.5).

Exit from Office: Someone then raised a “religious difficulty”; the augurs concurred and both Claudii resigned (Livy 8.15.6). [Could the fault have been deliberate, considering the consuls and senate were at odds?]

Notes and Anomalies: Nothing further is said about the conflict for that year.

Mandate: (I.e.1.) Threat to Roman ally – military.

39 335 L. Aemilius Mamercinus Privernas I  
Consulibus: M. Atilius Regulus Calenus and M. Valerius Corvus IV (#35, #59).

Circumstances: Both consuls marching to war against the Sidicini, a dictator was needed to hold elections.

Nomination: The senior consul at the time, by the senate’s design, was M. Valerius Corvus, which may explain why the dictator was not needed for the war (Livy 8.16.4).
The senate sent both consuls to fight (so they might both have glory) and directed them to have a dictator hold elections (Livy 8.16.12).

**Mandate:** (II.a.1.) Standing in for consuls – holding elections.

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<td>rei gerundae caussa</td>
<td>M. Antonius</td>
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<tr>
<td>Sp. Postumius Albinus</td>
<td>(mag. eq. #43)</td>
<td>Military threat from the Sidicini, with rumor of the Samnites arming.</td>
<td>In the face of increasing Sidicini threat and rumor regarding the Samnites, the senate called for a dictator (Livy 8.17.3).</td>
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**Exit from Office:** Another religious objection led to his abdication (Livy 8.17.4).

**Mandate:** (I.b.2.) Isolated military threat – multiple enemies.

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<tr>
<td>Nothing in Livy supports this “dictator year”, of course. In Livy, a pestilence was held to have interfered with auspices and there was an interregnum during elections; the fifth interrex achieved election of consuls (Livy 8.17.4–5).</td>
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**Exit from Office:** The Gauls being recumbent, and the Samnites drawn off to fight Alexander of Epirus, nothing further is said of Papirius’s dictatorship.

**Mandate:** (I.b.1.) Isolated military threat – special enemy.

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<td>clavi figendi caussa</td>
<td>C. Valerius Potitus</td>
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<tr>
<td>A major outbreak of pestilence (with attendant legend concerning mass poisoning by the city’s matrons).</td>
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<td>On this occasion Livy says it was remembered from the annals that the driving of the nail had originated during a secession of the plebs, which contradicts Livy 7.3 (Livy 8.18.12). Accordingly the senate called for a dictator to drive the nail, hoping to bring about “expiation” (Livy 8.18.12–13). Valerius resigned the consulship in order to become mag. eq (FC).</td>
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**Exit from Office:** The dictator accomplished his mandate and resigned (Livy 8.18.13).

**Mandate:** (I.a.4.) Internal crisis at Rome – propitiation of the gods.

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<td>L. Cornelius Lentulus</td>
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**Exit from Office:** The dictator accomplished his mandate and resigned (Livy 8.18.13).
Nomination: The senate arranged for the consul opposite the Greeks, to be prorogued by act of the assembly, the first instance in Livy of a proconsul (Livy 8.23.10–12). The senate sent to the other consul, calling for him to name a dictator to hold elections (Livy 8.23.13-14).

Exit from Office: The dictator could not hold elections because there was a religious objection; the augurs found that the procedure was faulty (Livy 8.23.14). The tribunes were suspicious, since the appointment had taken place alone, silently, in the night, at camp far from Rome (Livy 8.23.15–16). The tribunes’ objections had no effect, and there was an interregnnum (of 17 iterations as it turned out) (Livy 8.23.17).

Mandate: (II.a.1.) Standing in for consuls – holding elections.

44 L. Papirius Cursor I  
rei gerundae caussa  
Q. Fabius Maximus Rullianus  

Consilibus: L. Furius Camillus° II (#33) and D. Iunius Brutus Scaeva (mag. eq. #37).

Circumstances: The Vestini ally with the Samnites against Rome.

Nomination: The senate authorized commands for the consuls against the Vestini and the Samnites, but the consul designated to fight the Samnites fell ill (Livy 8.29.6–9). A dictator was called for to carry on the command in his stead, the most distinguished soldier of the day (Livy 8.29.9).

Powers and Responses: Their fame for their victories was soon outstripped by their notoriety for quarreling in this campaign, Livy says (Livy 8.29.10). Ambiguous auspices resulted not in abdication but in animosity and madness (Livy 8.30.1). The young mag. eq. Q. Fabius’s disobedience in leaving his position while Papirius was retaking the auspices, despite victory over the Samnites and extensive spoils, infuriated the dictator (Livy 8.30.10). Valerius Maximus adds that Fabius almost lost the battle but for the young cavalry forcing their horses into battle (3.2.9). Fabius burned the arms and sent his dispatch to the senate, not the dictator, suggesting to Livy he was ambitious and did not want to share the credit (Livy 8.30.9–10). Papirius’s fury is ascribed to Fabius’s having defeated the prestige of the dictatorship and of military discipline as much as the Samnites (Livy 8.30.11). Fabius convened the soldiers and called on them to bravely defend him against the dictator’s jealous wrath (Livy 8.31.1). Papirius, hailing Fabius before the soldiers, stated the paramount authority of the dictator, whom all obey regardless of personal opinion (Livy 8.32.3). He faced both scourging and beheading, says Frontinus (Frontin. Str. 4.1.39). Fabius at first tries to defend himself against the charge of disobeying the dictator’s order, but when the dictator orders the lictors to strip him and make ready the rods and axes, he makes a break for it and hides among the unruly triarii at the rear (Livy 8.32.10–11). The army broke into a tumult, with pleading (nearer). and threats (further), with the lieutenants on the tribunal urging delay to prevent mutiny (Livy 8.32.12–13). The dictator demanded silence, but did not get it; only darkness ended the assembly (Livy 8.33.1). Fearing to face Papirius’s increased wrath on the second day, Fabius escaped to Rome by night and convened the senate on his own authority as mag. eq (Livy 8.33.3–4). Papirius then appeared, furious, and ordered the lictors to again seize Fabius (Livy 8.33.5). Fabius’s father, seeing that neither his age nor the senate nor the army would move him, invokes, via the tribunes, an appeal to the people such that even kings submitted to (Livy 8.33.7–8). The elder Fabius accused Papirius of pride and cruelty; but Fabius spoke of the edict of the dictator and of the decline of military discipline (Livy 8.34.2–3). Fabius had not only disobeyed orders, but while the auspices were in question (Livy 8.34.4). He would not diminish the majesty of the dictatorship (Livy 8.34.5). He charged the tribunes not to extinguish the lawful might of the dictatorship (Livy 8.34.11). When the people turn to begging Papirius to spare him, he decides to do so, stating that submission to lawful authority has been achieved (Livy 8.34.12–13).
8.35.7). Eutropius says the tumult had been so great that the dictator was almost slain (Eutr. 2.8). The people were overjoyed with both Fabius and Papirius, but the lieutenant in camp was paralyzed with fear of the dictator’s wraith, and the army was still angry that Paprus had spurned their entreaties (Livy 8.35.12). Though his execution was commuted, Papirius forbade Fabius to exercise his magistracy (Livy 8.36.1). After a lost opportunity for victory, Papirius then had to overcome the soldiers’ umbrage with gladhanding and promise of all the booty, so that a victory was finally obtained (8.36). Fabius nursed a grudge, which came into play when the senate wanted him, as consul, to appoint Papirius dictator (Livy 9.38.10–14). The story had knock-on effect, discouraging action without orders under a dictator (10.3.8).

Exit from Office: Papirius would have resigned after his triumph, but the senate ordered him to hold elections first (Livy 8.37.1). Learning that Papirius had resigned emboldened the Samnites to back away from the treaty they had promised him (Livy 8.37.2).

Mandate: (II.a.4.) Standing in for consuls – military.

Nomination: The dictator is simply there in the year in Livy (Livy 8.38.1). Despite describing his successful conduct of the war, Livy reports an alternative tradition that the consuls of the year waged the war and Cornelius was made dictator to administer the Roman games since the praetor was ill and the consuls absent (Livy 8.40.1–2). Zonaras agrees that it was the dictator A. Cornelius who defeated the Samnites (Zon. 7.26). Livy lays out the problem caused by embroidered family histories and memorials and the lack of evidence contemporary to the time (Livy 8.38.4–5). Livy’s shrugging of the shoulders at this point suggests he preferred the version with Cornelius the dictator at war because it made a better story.

Powers and Responses: The dictator is said to have conducted an unusually rigorous levy (Livy 8.38.1).

Exit from Office: The senate voted him a triumph (Livy 8.38.15). The alternate tradition has him resigning after giving the games (Livy 8.38.3). The Fasti Triumphales has the consuls triumphing in that year, not the dictator Cornelius.

Mandate: (II.a.2.) Standing in for consuls – giving games.

Nomination: With the army humiliated and the consuls holed up in their houses refusing to transact business, the senate “forced” the consuls (neither is singled out) to name a dictator so elections could be held (Livy 9.7.13). Q. Fabius was named.

Exit from Office: Their appointment was then nullified because of a flaw and new a dictator and mag. eq. were named (#47). (Livy 9.7.14).

Mandate: (II.a.1.) Standing in for consuls – holding elections.
321 M. Aemilius Papus§ comitiorum habendorum caussa L. Valerius Flaccus

Consulibus: See #46 above.

Circumstances: Named suffect dictator on the vitiation of Q. Fabius.

Nomination: Livy explicitly calls him ‘dictator suffect’ (Livy 9.7.14).

Exit from Office: M. Aemilius was unable to hold elections anyway, and there was an interregnum on account of voter dissatisfaction with the candidates (Livy 9.7.14). The implication is that a dictator chosen for this purpose ends his office on completion of the elections or on his inability to hold them—i.e., he does not stay in office until he gets them right. Perhaps like interreges he only gets one shot? But this is not true of consuls holding elections, is it?

Mandate: (II.a.1.) Standing in for consuls – holding elections.

48 320 C. Maenius I caussa unknown M. Folius Flaccinator

Consulibus: L. Papirius Cursor II (#44, #56) and Q. Publilius Philo III (#37).

Dating: In the course of events set in the year 310, Livy (9.34.14) says that C. Maenius’s dictatorship had occurred ten years prior, but refers to events described in 9.26 and taking place in the year 314. Actually, Livy’s saying “recently, within the last decade”, so he’s not necessarily referring to 320 even here. The FC has Maenius dictator in both 320 and 314.

Mandate: (—.) No information.

49 320 L. Cornelius Lentulus rei gerundae caussa L. Papirius Cursor

Consulibus: See above, #48.

Circumstances: War with the Samnites.

Nomination: Livy mentions this dictatorship solely in the context of confusion in the annals as to whether the victory at Luceria was thanks to the dictator L. Cornelius, or to the consuls (Livy 9.15.9–10). The FC does have L. Cornelius as dictator in 320, after C. Maenius. Claud. Quad. mentions a dictator but not by name. The truce of six hours seems not to be mentioned in Livy, but it makes sense for the battles conducted in 320.

Exit from Office: Livy says (again) that, whether L. Papirius won victory as consul or magister equitum, this is the most-deserved triumph next to that of Camillus.

Mandate: (I.c.1.) Ongoing war – special enemy.

50 320 T. Manlius Imperiosus Torquatus III comitiorum habendorum caussa

Consulibus: See above, #48.

Hartfield suggested, by process of elimination, that a military or electoral caussa was unlikely and that C. Maenius was tasked with a religious duty for this dictatorship, but one that was not clavi figendi caussa as there was no attested pestilence that year. This assumes that the anticonspiracy investigations he undertook as dictator belong to his second dictatorship in 314.
Nomination: The elections of 320 for 319 are mentioned in Livy (9.15.11), only in the context of the confusion about the records mentioned under #49; he does not say a dictator conducted them.

Mandate: (II.a.1.) Standing in for consuls – holding elections.

51

Nomination: Livy mentions L. Aemilius as already being in place at the start of the year to directly receive the outgoing consuls’ armies (Livy 9.21.1). [Was he nominated by that year’s consuls, or the previous year’s?]  

Mandate: (I.c.1.) Ongoing war – special enemy.

52

Nomination: Diodorus describes an escalation by the Samnites, enrolling everyone eligible to create a newly massive army, as eliciting the people’s anxiety and consequently the appointment of a dictator from among their eminent men as was customary in a dangerous crisis (Diod. Sic. 19.72.6). Livy says that the war passed without interruption to a new dictator, raising the possibility that L. Aemilius was in office the whole year (Livy 9.22.1). For the second year in a row, the consuls stayed in Rome and left the war to the dictator (Livy 9.22.1). Q. Fabius proceeded with fresh troops to take over the armies from the previous dictator, L. Aemilius (Livy 9.22.1). The suffect mag. eq. would seem to be the dictator's brother.

Powers and Responses: Torches the camp and hides the arrival of the suffect mag. eq.’s fresh reinforcements in order to spur his soldiers to desperate heroism (Livy 9.23.14). Frontinus recounts this in terms of ships, not a camp (perhaps confusing him with the other dictatorial Fabius Maximus??) (Front. 1.11.21). [Is not there a precedent for navium as a camp rather than a ship?]  

Exit from Office: The consuls of the new year took over the armies from Q. Fabius (dismissing many who had been serving for three years straight), suggesting that Q. Fabius like L. Aemilius served an entire year (Livy 9.24.1).

Notes and Anomalies: Q. Aulus is described as having been killed in a reckless charge against orders, angering the soldiers; he killed the Samnite general and was in turn killed by his brother (Livy 9.22.6–9).  

Mandate: (I.c.1.) Ongoing war – special enemy.

53

Nomination: The elections of 321 for 320 are mentioned in Livy (9.15.11) which includes an incident where the Senate decreed the formation of a new citizen army.

Mandate: (I.c.1.) Ongoing war – special enemy.

54

Nomination: L. Aemilius Mamercinus Privernas II is mentioned as receiving the outgoings consuls' armies directly, raising the possibility that he was nominated by the previous year's consuls.

Mandate: (I.c.1.) Ongoing war – special enemy.

55

Nomination: Livy mentions T. Aemilius Mamercinus Privernas II as being in place at the start of the year to directly receive the outgoing consuls’ armies (Livy 9.21.1). [Was he nominated by that year’s consuls, or the previous year’s?]  

Mandate: (I.c.1.) Ongoing war – special enemy.
Nomination: Exposing the conspiracies to the senate did not lessen the danger; the senate determined to set up an enquiry overseen by a dictator (Livy 9.26.5–6). Diodorus says the dictator was chosen to counter an actual uprising in Campania (Diod. Sic. 19.76.3). Livy has Maenius himself say he was chosen because in this case a dictator was needed not of great military skill but of spotless political reputation (Livy 9.26.14). The enquiry in principle did not require a dictator, since the consuls took it up on abdication of Maenius (Livy 9.26.21); the reason for the dictatorship involved the logistics of conducting enquiries afield, and the increased “terror” of Maenius as dictator.

Powers and Responses: This dictator inspired great terror, with the result that the conspirators apparently committed suicide (Livy 9.26.7). Diodorus agrees that the leaders of the insurrection killed themselves rather than submit to Maenius, though in this case after the surrendered cities gave them up (Diod. Sic. 19.76.5). The inquiry then shifted to plots at Rome to obtain magistracies, since the senate had simply ordered an enquiry into conspiracies against the Roman state (Livy 9.26.8–9). Diodorus says nothing of the events at Rome described in Livy. Impeached nobles appealing to the tribunes got no help (Livy 9.26.9–10). The nobles collectively threatened to sue the dictator and the mag. eq. once they resigned (Livy 9.26.11–12). Maenius chides them for, failing other recourses, having demanded the impeachment of the dictator “though private citizens”—which he calls resorting to “impossibilities”; he offers to resign the dictatorship in order to face the spurious charges (Livy 9.26.17–18).

Exit from Office: C. Maenius thereupon resigned (Livy 9.26.20), and then the magister equitum (Livy 9.26.20). He resigned to fight the accusations against him (Livy 9.34.14). The FC has a succession of three dictators in 320, so if these events did occur in Maenius’s first dictatorship it is possible that C. Maenius was appointed but vitiated, his mandate carried on by L. Cornelius Lentulus (#49).

Notes and Anomalies: Expansion of the mandate, but it is not clear whether at Maenius’s behest or that of reform-minded senators. The question of answerability during office and on resignation is relevant here.

Mandate: (I.e.2.) Threat to Roman ally – civil.

Consulibus: L. Papirius Cursor V (#44, #56) and C. Iunius Bubulcus Brutus II (#58).

Circumstances: War with the Samnites.

Nomination: Unusually this dictatorship came not in the wake of a crisis or disaster, but a great victory won the previous year by the consuls (Livy 9.27.14). The incoming consuls seem to have elected to choose a dictator to delegate the continued prosecuting of the war, in contrast to the prior year’s consuls (Livy 9.28.1–2). “Folius” as mag. eq. seems to be a transcription error by Livy; the FC has M. Poetelius Libo. Livy reports competing traditions that Nola was taken by Poetelius the dictator or by Iunius the consul, the latter traditions holding (against the FC) that Poetelius was named only to drive a nail in reaction to an epidemic (Livy 9.28.5–6). Neither triumphed, according to the AT.

Powers and Responses: Varro seems to say that Poetelius eliminated nexum during this dictatorship (Varro Ling. 7.105). Livy places this reform in Poetelius’s third consulship (in 326, Livy 8.28); Varro might even have meant Poetelius the dictator, rather than Poetelius as dictator (Livy 8.28).

Mandate: (I.c.1.) Ongoing war – special enemy.
313 Q. Fabius Maximus Rullianus  

**Nomination:** Diodorus has Q. Fabius (#52), capturing Freghellae and Nola, rather that Poetelius, contradicting Livy and **FC** (Diod. Sic. 19.101.3). He took 200 Freghellae prisoners to the forum, beat them with rods, and beheaded them, according to ancestral custom (Diod. Sic. 19.101.3).

312 C. Sulpicius Longus  

**Consilibus:** M. Valerius Maximus and P. Decius Mus° (mag. eq. #57).

**Circumstances:** Etruscan threat just as the Romans are engaged in completing the defeat of the Samnites.

**Nomination:** With one consul engaged with the Samnites and the other gravely ill in Rome, the senate had the sick consul (P. Decius) name a dictator to deal with the Etruscans (Livy 9.29.3).

**Exit from Office:** After calling up a levy, the dictator refrained from an offensive war, and the Etruscans did the same. No further mention is made of this dictatorship, but C. Iunius is consul the next year (Livy 9.29.5).

**Mandate:** (II.a.4.) Standing in for consuls - military.

312 C. Iunius Bubulcus Brutus  

**Nomination:** The Fasti have C. Sulpicius, but the MSS for Livy have C. Iunius as dictator (and no mag. eq.) (Livy 9.29.3).

310 L. Papirius Cursor II  

**Consilibus:** Q. Fabius Maximus Rullianus° II (#52) and C. Marcius Rutilus.

**Circumstances:** Reverses in a battle with the Samnites, involving the wounding of the consul and the loss of certain high-profile individuals, concurrent with a separate war in the north against the Etruscans.

**Nomination:** The senate, hearing exaggerated reports of the losses in battle, determined a dictator was necessary (Livy 9.38.9). L. Papirius was so obvious a choice that the consul Fabius, recently victorious against the Etruscans, was approached to appoint him despite a well-known grudge (#44, 325) (Livy 9.38.9-13). Fabius silently made the appointment despite the distress it caused him (Livy 9.38.13-14). Unusually, the meeting of the comitia curiata to pass the law confirming his imperium is described, whereat there was a bad omen (Livy 9.38.15). The meeting was abandoned and the authorization was retried the next day (Livy 9.40.1).

**Powers and Responses:** Here is a good example of the mag. eq. acting as a subordinate general under the dictator, rather than as literal cavalry commander (Livy 9.40.7-9). To rally his own wing, L. Papirius professes upset that the left under the mag. eq. advances before the right under his own command; and his soldiers are indeed fired up, the cavalry no less than the foot (Livy 9.40.10-11). Both wings, in fact, had their own cavalry, under the command of ex-consuls (9.40.12), who thanks to their enveloping maneuver got much of the credit for the crushing victory over the Samnites (9.40.21).

**Exit from Office:** Papirius was accorded a triumph (Livy 9.40.15, AT). His exit from office is not recorded in Livy, nor is he mentioned after the triumph.

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Mandate: (I.c.2.) Ongoing war – alarm caused by major defeats.

56A 309* L. Papirius Cursor rei gerundae caussa C. Iunius Bubulcus Brutus

Consulibus: Q. Marcius Tremulus and P. Cornelius Arvina.

Circumstances: With both consuls at war and unable to return to Rome, a dictator was necessary to hold elections.

Nomination: Livy says both P. Cornelius and P. Decius conducted the elections for 305, which might be a transition from the naming of the two to what was done, or might indicate that the mag. eq. did indeed assist with elections when a dictator conducted them (Livy 9.44.1–2). Neither consul could leave, Livy says, which means one of them must have appointed the dictator in camp.

Mandate: (II.a.1.) Standing in for consuls – holding elections.

57 306 P. Cornelius Scipio Barbatus comitiorum habendorum caussa P. Decius Mus

Consulibus: Q. Marcius Tremulus and P. Cornelius Arvina.

Circumstances: Aequi attack on a Roman colony founded in their territory.

Nomination: The Aequi attack was a shock, because they had been discounted as incapable of sole aggression (Livy 10.1.8–9).

Exit from Office: He reduced the Aequi to submission, returned in triumph, and dedicated a temple (Livy 10.1.9).

Mandate: (I.e.1.) Threat to Roman ally – military.

58 302 C. Iunius Bubulcus Brutus rei gerundae caussa M. Titinius

Consulibus: M. Livius Denter and M. Aemilius Paullus (mag. eq. #59).

Circumstances: The Marsi resist the taking of their land for a colony; plus infighting among the Etruscans.

Nomination: A dictator was named in response to these tumults (Livy 10.3.3). Livy discounts the records that, implausibly to him, have the distinguished and aged Q. Fabius temporarily subordinate to M. Valerius (especially as the mag. eq. was humiliated in a foraging ambush by the Etruscans in the dictator’s absence) (Livy 10.3.3–4).

Powers and Responses: After having defeated the Marsi, the dictator returns to Rome to retake the auspices before redirecting his forces against the Etruscans—the auspices would have been for the fight against the Marsi specifically (Livy 10.3.6). At Rome, hearing of the defeat, he called up the whole citizenry and suspended public business, set guards at the gates and watches in the streets (Livy 10.4.3). M. Valerius extracted from the Etruscans a year’s pay for the troops and two months’ corn before allowing them to send envoys to Rome to sue for peace (Livy 10.5.12).

Exit from Office: M. Valerius returned and triumphed, then abdicated in order to enter directly into the consulship (Livy 10.5.13–14). Some of Livy’s sources say he was elected consul without seeking the office and in absentia (10.5.14).
Mandate: (I.e.1.) Threat to Roman ally – military.

59A 301* M. Valerius Maximus Corvus II  
rei gerundae caussa
Q. Fabius Maximus Rullianus†; M. Aemilius Paullus§

Dating: The FC does not have M. Valerius dictator of the previous year as well.

60 287 Q. Hortensius†  rei gerundae caussa? …

Consulibus: M. Claudius Marcellus and C. Nautius Rutilus (if 287); see Dating.

Dating: The dates are not known for Hortensius and the three following dictators. The names derive from inscriptions or indirect references in other contexts (for Hortensius, discussions of his legislation, which is difficult to date; for Cornelius, statements that he was an ex-dictator when expelled from the senate in 275). They can be no later than 285, but might be as early as 292, since that is where the extant text of Livy ends. One of these might have been dictator suffectus after Hortensius died in office (MRR 1.186–187), possibly Claudius.

Circumstances: Plebeian secession.

Nomination: The circumstances of domestic turmoil are clear enough in the Periochae, but it does not say directly that a dictator was called to respond to them (Livy Per. 11.11). Q. Hortensius referred to as part of a noble lineage of “consuls and dictators” in Tiberius’s time (Tac. Ann. 2.37).

Powers and Responses: The Periochae says of Hortensius’s actions only that he led the plebs back from their secession (Livy Per. 11.11). In the course of discussing groves of trees, Pliny mentions that his famous law binding the citizens to plebiscites was moved or passed in the Aesculetum, a grove of oaks in the campus Martius (Plin. HN 16.15, 37). Gellius discusses how the calling of a part of the people, and the inability of tribunes of the plebs to summon patricians, determined the difference between a comitia and a concilium, and a law and a plebiscite; so before Q. Hortensius’s law, Quirites were not bound by plebiscites (Gell. NA 15.27.4). Similarly, Gaius the jurist on what constitutes a law (Gai. Inst. 1.3). From the Digest, after the law the distinction between a law and a plebiscite was retained in terms of how they were enacted, but the force was the same (Pompon. Dig. 1.2.2.8). In Cicero’s idealization of the laws, the powers of the tribunes and of the council of the plebs are listed (Cic. Leg. 3.3, 9). In his commentary, he then goes on to lament how the power of the tribunes was misused (Cic. Leg. 3.8, 19). Conversely, only plebeians could vote in plebiscites even after Hortensius’s law (Diod. Sic. 21.18.2). Macrobius writes on Hortensius’s law relating to the nundineae (Macrob. Sat. 1.16.3; Rüpke 2011, 59–63).

Exit from Office: He died in office, suggesting that his mandate was not complete (Livy Per. 11.11).

Mandate: (I.a.2.) Internal crisis at Rome – plebeian secession/refusal to levy.

61 285 M. Aemilius Barbula  rei gerundae caussa …

Notes and Anomalies: Known only from the inscription: M(arcus). A<e=I=milius Q(uinti). f ili us). L(uci). n(epos). / Barbula dictator (CIL 06, 01271 (p 3134, 4667)).

Mandate: (— .) No information.


Nomination: Possibly son of C. Claudius, dictator 338 (#38).

Mandate: (—.) No information.

63 285 P. Cornelius Rufinus caussa unknown ...

Notes and Anomalies: Expelled from the senate in 275 by the censor Fabricius for extravagance despite having been dictator and twice consul (Dion. Hal. Ant. Rom. 20.13.1). Valerius Maximus is amazed that possession of 10 pounds of silver, a sign of poverty in his time, was once thought an indication of venal extravagance even in an otherwise exemplary man (Val. Max. 2.9.4). [The awe of the dictatorship did not cling to you afterwards, any more than being an ex-consul.] According to Gellius, Fabricius had long despised Rufinus for his avarice, but supported him for consul against the Samnites with a famous quote; nonetheless, he later expelled him from the senate (Gell. NA 4.8.5–7).

Mandate: (—.) No information.

64 280 Cn. Domitius Calvinus Maximus comitiorum habendorum caussa ...

Consulibus: P. Valerius Laevinus and Ti. Coruncanius (#69).

Notes and Anomalies: After completing his dictatorship became the first plebeian censor (Livy Per. 13, FC).

Mandate: (II.a.1.) Standing in for consuls – holding elections.

65 263 Cn. Fulvius Maximus Centumalus clavi figendi caussa Q. Marcius Philippus

Consulibus: M.’ Valerius Maximus Messala and M.’ Otacilius Crassus.

Mandate: (I.a.4.) Internal crisis at Rome – propitiation of the gods.

66 257 Q. Ogulnius Gallus Latinarum feriarum caussa M. Laetorius Plancianus

Consulibus: C. Atilius Regulus and Cn. Cornelius Blasio II.

Mandate: (II.a.2.) Standing in for consuls – giving games.

67 249 M. Claudius Glicia‡ caussa unknown  —

Consulibus: P. Claudius Pulcher* and L. Iunius Pullus.

Circumstances: War with Carthage.

Nomination: After Claudius Pulcher ordered the drowning of the sacred chickens, he was recalled and ordered to appoint a dictator (Livy Per. 19.2). Livy calls M. Claudius a man of the lowest order (sortis ultimae hominem), suggesting the consul appointed an unacceptable man out of pique (Livy Per. 19.2).

7 No magister equitum was appointed (explicitly stated in FC).
Exit from Office: He was forced to resign, but afterward wore the purple as having legitimately held the office (he was not vitiated?) (Livy Per. 19.2). The lack of a mag. eq. suggests he was forced to resign immediately.  

Mandate: (I.c.2.) Ongoing war – alarm caused by major defeats.

Consulibus: See above, #67. It is not clear which consul appointed A. Atilius.

Circumstances: War with Carthage.

Powers and Responses: Aulus Atilius Calatinus was the first dictator to lead an army out of Italy (Livy Per. 19.3). According to Catulus’s speech in Cassius Dio, he was also the only dictator to do so, and moreover accomplished nothing (Cass. Dio 36.34.3); this was an argument for the dictator being restricted to Italy.

Mandate: (I.c.2.) Ongoing war – alarm caused by major defeats.

Consulibus: M. Otacilius Crassus II and M. Fabius Licinus.

Circumstances: War with Carthage, both consuls being away on campaign, possibly in Sicily (Zon. 8.16). Possible appointment in Sicily—or would the senate have insisted on appointment in Italy?

Mandate: (II.a.1.) Standing in for consuls – holding elections.

Consulibus: M. Pomponius Matho (mag. eq. #76) and C. Papirius Maso.

Mandate: (II.a.1.) Standing in for consuls – holding elections.

Consulibus: T. Manlius Torquatus II (#81) and Q. Fulvius Flaccus II.

Mandate: (II.a.1.) Standing in for consuls – holding elections.

Consulibus: L. Aemilius Paullus and M. Livius Salinator (#82) (if 219).  

Notes and Anomalies: Livy and other sources indicate that Fabius was dictator iterum in 217. See Hartfield (1982), 489–494, inscription under #74 (Livy 22.9).

Mandate: (— .) No information.

Exit from Office: Apparently vitiated because of the squeak of a shrew-mouse (sorex) as he was appointing the mag. eq (Plut. Marc. 5.4). [Why were both deposed, rather than the ritual being reattempted the next day?]

Mandate: (II.a.1.) Standing in for consuls – holding elections.

Consulibus: Cn. Servilius Geminus and C. Flaminius (mag. eq. #73), succeeded by M. Atilius Regulus II.

Circumstances: War with Hannibal.

Nomination: After an envelopment at the Plestine Marsh destroys an advance cavalry contingent commanded by Centenius, the Romans fear Hannibal will immediately march on the city (App. Hann. 11; likewise Polyb. 3.86.5). Polybius also emphasizes Hannibal’s ability to restore the strength of his army and horses thanks to his occupation of the rich country of Umbria and Picenum (Polyb. 3.86–87, 3.88.1–2). The people in the city, in an extremity of fear, collected stones on the walls, armed the old men, took arms from the temple walls where they had been mounted as trophies, and—“as was customary in times of great danger” (ὡς ἐν κινδύνῳ), chose a dictator (App. Hann. 11, Plut. Fab. 4.1). Livy feels the need to explain resorting to a dictator, which the Romans had not done for a while, in terms of the exaggerated effect of a minor blow on an already weakened patient (Livy 22.8). The surviving consul being absent and all but unreachable with Italy overrun by Hannibal’s armies, Fabius was made dictator by vote of the tribal assembly, and directed by the senate to protect Rome as Italy could no longer be defended (Livy 22.8). Livy’s implication is that the assembly chose both Fabius and Minucius, which might explain their cross purposes; Polybius agrees; Plutarch explicitly disagrees (Polyb. 3.87.9, Plut. Fab. 4.1). The FC says there was a suffect consul, M. Atilius Regulus; so perhaps it was thought with Hannibal’s attack on Rome imminent there was no time for a contio. Servilius was marching for Rome, that he not be absent during such a crisis (Livy 22.9). They chose Fabius as a man of admirable judgment and great natural gifts (Polyb. 3.87.6). Plutarch goes further in gushing that Fabius alone was thought equal to the challenge and the office, wielding supreme authority with energy and without fear; Fabius alone had spirit and dignity of character that fully matched the greatness of the office, as well as bodily vigor and courage tempered by prudence (Plut. Fab. 3.5–6). Exalted even further as the choice of Jupiter in Sil. 6.611f. Livy has a long discourse over his not being a proper dictator, arguing he should be referred to as a “prodictator” (Livy 22.31).

Powers and Responses: According to Livy, Fabius does not order the priests to consult the Sibylline Books, instead convincing the senate to carry a resolution to do so (Livy 22.9). Livy has Fabius deferring conduct of the war to the senate, who then left it to his discretion (Livy 22.11). Plutarch has Fabius petitioning for permission to use a horse in the field, as this was forbidden by ancient law (Plut. Fab. 4.1). Fabius was minded to do this, Plutarch says, to emphasize the grandeur of his office in order to facilitate obedience (Plut. Fab. 4.2). Appian says that once Fabius was dictator, Servilius was no longer consul or general, and Fabius sent him home (App. 12). Compare Polyb. 3.87.8. Plutarch describes this not as an automatic suspension of the consulship but as Fabius having ordered Servilius to dismiss his lictors and lay aside his insignia of office, meeting him instead as a private citizen (Plut. Fab. 4.2). Likewise Livy (Livy 22.11). This was a part of his scheme of laying blame on the previous leadership in order to relieve the armies of any suspicion of cowardice; next Fabius blames the previous consuls for having neglected their religious duties (Plut. Fab. 4.3–5, 5.1). Polybius explains the mag. eq. as the dictator’s subordinate, but also as his successor when the dictator is otherwise occupied (Polyb. 3.87.9). Fabius had to interrupt his campaign (of avoiding battle), to return to Rome to make sacrifices (App. Hann. 12). Likewise Polyb. 3.94.9, Plut. Fab. 8.1, Livy 22.18, all

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8 On the interregni caussa see Hartfield (1982), 303–306.
equally vague. Perhaps this was done deliberately to get the unpopular Fabius out of the way? On doing so, Fabius advises Minucius not to be so rash as to expose himself to disaster (Polyb. 3.94.9). Plutarch states more explicitly that Minucius was not to give battle or engage the enemy—given as both command and as counsel (Plut. Fab. 8.1). Ditto Livy 22.18. Metilius says that the plebs must order Fabius to appoint a new consul before rejoining the army (Livy 22.25). Livy says he did indeed do so before leaving by night ahead of the plebs’ vote on Minucius. After Minucius’s success in battle and the consequent fulminations against Fabius in the Forum, Fabius says simply he must complete his sacrifices and hurry back to punish Minucius, eliciting the people’s fear on Minucius’s behalf and their own of imprisonment and execution on the dictator’s command (Plut. Fab. 9.1). Livy says he avoided the Forum and made these remarks to the Senate (Livy 22.25).

Exit from Office: Livy says that Fabius recalled Servilius from his naval command in order to take back the armies, as Fabius’s six months were up (Livy 22.31). Further on Livy specifies that the suffect consul, Atilius, took Fabius’s army and Servilius, Minucius’s, and they went into winter encampment (22.32). Cassius Dio says that Fabius, when he was about to resign, sent for “the consuls” and turned the army over to them (Cass. Dio 14.57.21). Not recorded in Appian, who proceeds to a new year with new consuls and freshly levied armies (App. Hann. 17). For Polybius see under Minucius (#75).

Silius Italicus agrees that Fabius put off his armor to hand off to the new consul, Varro (8.31–35).

Mandate: (I.c.2.) Ongoing war – alarm caused by major defeats.

217 M. Minucius Rufus II  [co-dictator] —

Consilium: See above, #74.

Nomination: Polybius and Livy have Minucius appointed mag. eq. by the same law that made Fabius dictator. Livy makes clear his scorn (Livy 22.12). As a result of the machinations of Minucius, who fought a successful battle while Fabius was away (Polyb. 3.101–102) and wrote home accusing Fabius of cowardice, the senate resolved (ἀποφαίνω) that they should share command (App. Hann. 12). Minucius is championed by Metilius, a tribune of the plebs (Livy 22.25). The actual proposal is put forward by C. Terentius Varro (22.25–26). Plutarch adds that Metilius was Minucius’s kinsman (Plut. Fab. 7.3, 8.3). Metilius was sacrosanct and so proof against the dictator (Plut. Fab. 9.2).

The Romans received an exaggerated account of Minucius’s first battle and were overjoyed at the change in fortunes (Polyb. 3.103.1). Likewise Plut. Fab. 8.3 (λόγος μείζων). Deciding the previous lack of success was due to Fabius’s excessive caution, “they” took the unprecedented step of investing Minucius with absolute power like the dictator’s (Polyb. 3.103.3–4). Livy has Metilius deciding the plebs would not have enough spirit to recall Fabius, so he proposes Minucius be given equal command instead (Livy 22.25). Fabius himself is later made to call this an unheard-of innovation (Livy 28.40).

Powers and Responses: The result was that Fabius and Minucius divided the army in half, camped separately, and each pursued their own contradictory policies (App. Hann. 13). Polybius says Fabius offered Minucius the choice of alternating command daily, or dividing the army (Polyb. 3.103.7). Livy has Minucius wanting to alternate days, and Fabius refusing, opting to divide the army instead (Livy 22.27). Supported by Cassius Dio (57.17).

Exit from Office: After attempting battle rashly and failing, Minucius, understanding his inexperience, laid down his command (App. Hann. 13). Similarly Cassius Dio, he voluntarily resigned his command (57.19). Livy has Minucius and his army rejoining Fabius’s camp and Minucius calling Fabius “father”, placing himself formally again
under Fabius’s command and explicitly annulling the decree of the plebs (Livy 22.30).
Similarly Silius Italicus, in which Minucius calls Fabius genitor (7.736–750). While he
states that the Romans learned their lesson, Polybius states that “the dictators” laid down
their office at the end of the year on the elevation of new consuls (Polyb. 3.106.1).

**Mandate:** (I.c.2.) Ongoing war – alarm caused by major defeats.

76 217 L. Veturius Philo‡ *comitiorum habendorum caussa* M. Pomponius Matho

**Consulibus:** See above, #74.

**Nomination:** Both consuls were at the front and thought it was a bad idea to return to
Rome. They recommended an *interrex*, but the senate preferred a dictator (Livy 22.33);
the implication of 22.34.1 is that the elections were once again contorted by class struggle.
It is not clear which consul appointed the dictator, and in the end after the vitiation
there was an interregnum anyway.

**Exit from office:** Vitiated. Both men were ordered to abdicate after four days in office
(Livy 22.33.12).

**Mandate:** (II.a.1.) Standing in for consuls – holding elections.

77 216 M. Iunius Pera *rei gerundae caussa* Ti. Sempronius Gracchus

**Consulibus:** C. Terentius Varro* and L. Aemilius Paullus† II.

**Circumstances:** War with Hannibal.

**Nomination:** Livy’s version mentions only the senate, in the aftermath of Cannae and
evil portents (Livy 22.57).

**Powers and Responses:** Iunius is also mentioned as having to leave the camp in the
command of his *mag. eq.* in order to return to Rome to take fresh auspices (Livy 23.19).
And again with strict orders that nothing should be done in his absence (Livy 23.19).
Despite the starvation of the besieged city the *mag. eq.* dared not disobey (Livy 23.19).
Also conducted elections, after which he returned to his army in winter quarters (Livy
23.24).

**Exit from Office:** Not recorded in Livy, but the dictator’s army was handed over to the
new consuls for 215 (Livy 23.25).

**Mandate:** (I.c.2.) Ongoing war – alarm caused by major defeats.

78 216 M. Fabius Buteo *senatus legendi caussa* —(none appointed)

**Consulibus:** See above, #77. M. Fabius was appointed by C. Terentius Varro.

**Circumstances:** Shortage of senators owing to deaths in battle since the last censorship
(in 220).

**Nomination:** The lack of senators was becoming acute (Livy 23.22.1–3). It would have
been the prerogative of the dictator to raise the issue (as convener/chair of the senate?),
apparently, but he was off at war so the praetor did so instead (Livy 23.22.4). A proposal
to raise Latins to the senate being rejected after causing extreme consternation, it was
then decided to name an ex-censor as dictator to draw up a new senate list (Livy 23.22.10).
The senate recalled C. Terentius Varro to Rome from Apulia for this purpose (Livy
23.22.11). The next night, in accordance with a senate resolution, he named M. Fabius
dictator for six months without a *mag. eq.* (Livy 23.22.11). The dictator M. Fabius
announced his disapproval of his own appointment from the rostra on several grounds.
**Powers and Responses:** Nonetheless he carried on with his office, setting himself a careful scheme to avoid offense and preserve rank (Livy 23.23.3–6).

**Exit from Office:** Having completed his task, he not only resigned and ordered his lictors to depart, but tried unsuccessfully to avoid being escorted from the forum (Livy 23.23.7–9). Plutarch describes his abandonment of office even more dramatically (Plut. Fab. 9.4).

**Mandate:** (II.b.) Standing in for censors.

79 213 C. Claudius Centho  comitiorum habendorum caussa  Q. Fulvius Flaccus

**Consulibus:** Q. Fabius Maximus (son of #77) and Ti. Sempronius Gracchus II (mag. eq. #77).

**Circumstances:** The consuls are away at war.

**Nomination:** It was not thought advisable to recall either of the consuls to Rome for elections (Livy 25.2.3). The consul named a dictator (presumably in camp) (Livy 25.2.3).

**Exit from Office:** On completion of elections the dictator resigned (Livy 25.3.5).

**Mandate:** (II.a.1.) Standing in for consuls – holding elections.

80 210 Q. Fulvius Flaccus  comitiorum habendorum caussa  P. Licinius Crassus Dives

**Consulibus:** M. Claudius Marcellus IV and M. Valerius Laevinus [II?].

**Circumstances:** Imminent threat from Carthage by land and sea.

**Nomination:** The consul Laevinius, learning that the Carthaginians were amassing a huge army to join Hasdrubal in Spain to reinforce Hannibal, and a large fleet to recover Sicily was about to set out, is ordered not to wait for elections to return to his province, but to appoint a dictator and immediately return to his province (Livy 27.5.14). The consul stated his intention as returning to Sicily and appointing the admiral of the fleet, M. Valerius Messalla, dictator when he got there (Livy 27.5.15). The patres argued that dictators could only be named in Roman lands, viz., Italy (Livy 27.5.15). The senate resolved that the consul should ask for a name from the assembly, or, if he refused, the praetor or tribunes should ask (Livy 27.5.16). The consul refused and forbade the praetor as well; the tribunes duly asked the plebs for a name (Livy 27.5.17). The consul departed for Sicily in the night, forcing the senate to request the other consul, at Apulia (27.4.1), to name the dictator there (Livy 27.6.18–19). [Another dictator named in camp; named on request of the senate by letter, but at the behest of the plebeian council.] Livy has the mag. eq. as pontifex maximus, but the FC says he assumed the office of mag. eq. after he resigned as censor—not necessarily mutually exclusive.

**Powers and Responses:** His first act was not to hold elections but to send his legate at Capua, C. Sempronius Blaesus, to Etruria to take command, relieving the praetor there to take charge of Fulvius's army at Capua (Livy 27.6.1). He then tried to hold elections, but two tribunes interfered because of the order of the centuries, which would have favored Fulvius and Q. Fabius; they claimed it was bad to prolong a magistracy and to have the conductor of elections be elected would be a bad precedent (but this would not be the first time), and threatened a veto if Fulvius allowed his own name to be put forward (Livy 27.6.5). The dictator used precedent to counterargue of prolonging magistracies in the public interest, especially in times of crisis; after many speeches they agreed to defer to the senate (Livy 27.6.9). The senate expressed a preference for experienced generals; so the election was held (Livy 27.6.11).
Exit from Office: On completing the elections, the dictator resigned (Livy 27.6.12).

Mandate: (II.a.1.) Standing in for consuls – holding elections.

81 208  T. Manlius Torquatus *comitiorum habendorum caussa*  C. Servilius

Consulibus: M. Claudius Marcellus† V and T. Quinctius Crispinus‡.

Circumstances: The consul was dying; the other consul was already dead.

Nomination: T. Quinctius named a dictator for both elections and games, then died (Livy 27.33.6). Livy says that without consuls the state was “bereft”, even though there was a dictator; but the dictator had a specific task and was not an all-purpose magistrate (see also C. Servilius in 202) (Livy 27.33.7). The *mag. eq.* was a sitting curule aedile (Livy 27.33.7).

Powers and Responses: T. Manlius was holding games vowed five years previously (Livy 27.33.8), and vowed another set five years hence which were duly held (Livy 30.2.8, 30.27.11).

Exit from Office: The dictator and *mag. eq.* abdicated after holding the elections and games (Livy 27.35.1).

Notes and Anomalies: With two armies near the enemy, both deprived of consuls, the impetus is not for a dictator to command them but to have elections urgently to elect good men as consuls—despite the failures of recent consuls whose overeagerness had led them into disaster (Livy 27.33.9–11). [Does this mean the dictatorship, as the ultimate recourse in emergency, was already dead?] The fragment of Naevius in Varro is discussed by Cichorius as commemorating Manlius’s celebration of the games as dictator (Hartfield 512; Varro *Ling.* 5.153; CRF).

Mandate: (II.a.3.) Standing in for consuls – holding elections and giving games.

82 207  M. Livius Salinator *comitiorum habendorum caussa*  Q. Caecilius Metellus

Consulibus: C. Claudius Nero* and M. Livius Salinator II.

Nomination: Livy says obliquely that it had been decided that elections should be held by a dictator (Livy 28.10.1). It was not because of the unavailability of the consuls, because they were in Rome triumphing; in any event C. Claudius appointed his colleague, M. Livius (Livy 28.10.1).

Exit from Office: On completing the elections, M. Livius abdicated and discharged his army—suggesting the army was held intact during elections (though it would have reformed as part if the *comitia centuriata*, surely?)—and departed for his province, Etruria, to hold conspiracy trials (Livy 28.10.4).

Notes and Anomalies: Suetonius’s comment is on Tiberius’s ancestry (*Tib.* 3.1); M. Livius Salinator was one of the more distinguished individuals of this ancestry, though the reason Suetonius gives is having charged the tribes with fickleness for having awarded him a second consulship and a censorship after having convicted him of some crime during his first consulship.

Mandate: (II.a.1.) Standing in for consuls – holding elections.

83 205  Q. Caecilius Metellus *comitiorum habendorum caussa*  L. Veturius Philo

Consulibus: P. Cornelius Scipio (Africanus) and P. Licinius Crassus Dives* (*mag. eq.* #80).
Circumstances: Epidemic at camp prevents the consul from returning to hold elections.

Nomination: Stuck in camp because of a serious outbreak of disease, the consul P. Licinius offers to appoint Q. Caecilius, consul of the prior year, dictator and his army be discharged to prevent Caecilius's whole army succumbing to disease (Livy 29.10.1–3). Q. Caecilius had been stationed in Bruttium, after which he is not mentioned (Livy 28.45.11); Livy 29.11.9 makes it clear that P. Licinius was there now, perhaps in command of the other army of the two in that region. The senate replied that he should do what corresponded with his own conscience and the public interest (Livy 29.10.3). Q. Caecilius was named dictator and his army disbanded (were the two incompatible if Caecilius was named for the purpose of holding elections?—but see previous) (Livy 29.11.9).

Exit from Office: Livy says explicitly that the dictator resigned after holding elections (Livy 29.11.11).

Mandate: (II.a.1.) Standing in for consuls – holding elections.

84 203 P. Sulpicius Galba Maximus comitiorum habendorum caussa
M. Servilius Pulex Geminus


Nomination: The consul Cn. Servilius, apparently seeking glory, went to Sicily with the intent of crossing to Africa to chase Hannibal. The praetor wrote him a letter, but he himself expected the consul to ignore it; so a dictator was appointed to recall him to Italy (Livy 30.24.1–3). Livy also reports that some sources have P. Sulpicius appointed to hold elections while Servilius conducted conspiracy trials in Etruria (Livy 30.26.12). The FC says he was appointed to hold elections. The conspiracy trials in Etruria sound like what M. Livius was undertaking as his “province” after the elections for 206 (Livy 28.10.5); were they still ongoing, or were the records confused?

Powers and Responses: The dictator spent the rest of the year touring Italy and hearing cases (was this his official mandate?) (Livy 30.24.4).

Mandate: (II.a.1.) Standing in for consuls – holding elections.

85 202 C. Servilius Geminus comitiorum habendorum caussa P. Aelius Paetus

Consulibus: M. Servilius Pulex Geminus (mag. eq. #84) and Ti. Claudius Nero.

Nomination: Livy says the consul M. Servilius named a dictator to hold elections so that he could go ahead to his province (Livy 30.39.4). This despite having been ordered to stay close to Rome while the other consul took the fleet to Africa (Livy 30.38.6).

Powers and Responses: C. Servilius could not hold elections because of a string of storms, with the result that Rome was without curule magistrates when the year began (Livy 30.39.5).

Exit from Office: The dictator is still in power when the Carthaginian envoys arrive; the dictator says a hearing in the senate will be granted by the new consuls (Livy 30.40.4–5). [Demonstrating that there was nothing to prevent a dictatorship surviving the consulships under which he was appointed.]

Mandate: (II.a.1.) Standing in for consuls – holding elections.
Resurrection Dictators

86  82  L. Cornelius Sulla Felix  legibus faciendis et reipublicae constituendae caussa  
    L. Valerius Flaccus  
    **Consulibus:** C. Marius [Minor]† and Cn. Papirius Carbo† III.

87  49  C. Iulius Caesar I  comitiorum habendorum caussa  —(none appointed)  
    **Consulibus:** C. Claudius Marcellus and L. Cornelius Lentulus Crus.

88  48–7  C. Iulius Caesar II  rei gerundae caussa  M. Antonius  
    **Consulibus:** C. Iulius Caesar II and P. Servilius Isauricus (for 48).

89  46–5  C. Iulius Caesar III  rei gerundae caussa  M. Aemilius Lepidus  
    **Consulibus:** C. Iulius Caesar III and M. Aemilius Lepidus.

90  45–4  C. Iulius Caesar IV  rei gerundae caussa  M. Aemilius Lepidus  
    **Consulibus:** C. Iulius Caesar IV.

91  44  C. Iulius Caesar†, dict. perp.  rei gerundae caussa  M. Aemilius Lepidus  
    **Consulibus:** C. Iulius Caesar† V and M. Antonius; P. Cornelius Dolabella§.
APPENDIX B. DICTATORS’ ACTIONS IN RELATION TO THEIR MANDATES

The following list briefly summarizes the relationship between the dictators’ actions and the reasons for which they were appointed. For further details on each dictatorship and source citations, see Appendix A.

Abbreviations used for the caussa:

- **clav.** clavi figendi caussa
- **co-dict.** [co-dictator]
- **com.** comitiorum habendorum caussa
- **fer.** feriarum constituendarum caussa
- **interr.** interregni caussa
- **Lat.** Latinarum feriarum caussa
- **lud.** ludorum faciendorum caussa
- **r. ger.** rei gerundae caussa
- **sed./r. ger.** seditionis sedendae et rei gerundae caussa
- **sen.** senatus legendi caussa
- **unk.** caussa unknown

Table 5. Dictators’ Actions in Relation to Their Mandates

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Caussa</th>
<th>Circumstances</th>
<th>Mandate</th>
<th>Mandate-related actions</th>
<th>Additional actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1</td>
<td>T. Larcius Flavus</td>
<td>r. ger.</td>
<td>Military threat from the Sabines; Roman unrest</td>
<td>I.d</td>
<td>Roman people quelled;</td>
<td>Samnites sue for peace</td>
</tr>
<tr>
<td>497</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>#2</td>
<td>A. Postumius Albus Regillensis</td>
<td>r. ger.</td>
<td>Military threat from the Latins</td>
<td>I.b.2</td>
<td>Enemy defeated</td>
<td>Convened senate afterward to discuss peace terms</td>
</tr>
<tr>
<td>496</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#3</td>
<td>M.’ Valerius Maximus</td>
<td>r. ger.</td>
<td>Secession of the plebs, before war with Aequi and Volsci</td>
<td>I.a.2</td>
<td>Appeased plebs;(^1) enemy defeated</td>
<td></td>
</tr>
<tr>
<td>494</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>#4</td>
<td>L. Quinctius Cincinnatus I</td>
<td>r. ger.</td>
<td>Sabines trapped a consul and his army in his camp during a war with the Aequi</td>
<td>I.b.2</td>
<td>Enemy defeated</td>
<td>Presided over the trial of the perjurer M. Volsci, probably at the senate’s request</td>
</tr>
<tr>
<td>458</td>
<td></td>
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</tbody>
</table>

\(^1\) M.’ Valerius convened the senate after the war in order to initiate relief promised the plebs, including reform of nexum, which the senate rebuffed; he then resigned in protest. This was clearly part of his mandate related to the secession of the plebs.
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Caussa</th>
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<th>Mandate</th>
<th>Mandate-related actions</th>
<th>Additional actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>#5</td>
<td>L. Quinctius Cincinnatus II</td>
<td>r. ger.</td>
<td>Danger of insurrection</td>
<td>I.a.1</td>
<td>Agitator killed by the magister equitum</td>
<td></td>
</tr>
<tr>
<td>#6</td>
<td>Mam. Aemilius Mamercinus I</td>
<td>r. ger.</td>
<td>Military threat from Fidenae</td>
<td>I.e.1</td>
<td>Enemy defeated</td>
<td></td>
</tr>
<tr>
<td>#7</td>
<td>Q. Servilius Priscus Fidenas I</td>
<td>r. ger.</td>
<td>Invasion by the Faliscans and Fidenates</td>
<td>I.b.2</td>
<td>Enemy defeated</td>
<td></td>
</tr>
<tr>
<td>#8</td>
<td>Mam. Aemilius Mamercinus II</td>
<td>r. ger.</td>
<td>Anticipated threat from an Etruscan alliance</td>
<td>I.d</td>
<td>None (the alliance did not materialize) Passed a law curtailing the censorship to 18 months</td>
<td></td>
</tr>
<tr>
<td>#9</td>
<td>A. Postumius Tubertus</td>
<td>r. ger.</td>
<td>Military threat from Aequi and Volsci, in a time of plague</td>
<td>I.b.4</td>
<td>Enemy defeated</td>
<td></td>
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<tr>
<td>#10</td>
<td>Mam. Aemilius Mamercinus III</td>
<td>r. ger.</td>
<td>Military threat from Veii and Fidenae</td>
<td>I.b.5</td>
<td>Enemy defeated</td>
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<tr>
<td>#11</td>
<td>Q. Servilius Priscus Fidenas II</td>
<td>r. ger.</td>
<td>Military threat from the Aequi</td>
<td>I.b.5</td>
<td>Enemy defeated</td>
<td></td>
</tr>
<tr>
<td>#12</td>
<td>P. Cornelius Rutilus Cossus</td>
<td>r. ger.</td>
<td>Military threat from Antium, supported by the Volsci and the Aequi</td>
<td>I.b.2</td>
<td>Enemy defeated</td>
<td></td>
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<tr>
<td>#13</td>
<td>M. Furius Camillus I</td>
<td>r. ger.</td>
<td>Imminent danger to the army besieging Veii</td>
<td>I.c.2</td>
<td>Enemy defeated; Veii taken</td>
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<tr>
<td>#14</td>
<td>M. Furius Camillus II</td>
<td>r. ger.</td>
<td>Gauls’ sack of Rome</td>
<td>I.b.1</td>
<td>Gauls removed from Rome  Remained in office to help rebuild Rome, at senate’s request</td>
<td></td>
</tr>
<tr>
<td>#15</td>
<td>M. Furius Camillus III</td>
<td>r. ger.</td>
<td>Military threat from Volsci and Etruscans; defection of Latins and Hernicans</td>
<td>I.b.2</td>
<td>Enemy defeated           Also attacked and defeated the Aequi</td>
<td></td>
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<tr>
<td>#16</td>
<td>A. Cornelius Cossus</td>
<td>r. ger.</td>
<td>Danger of insurrection; military threat from Volsci</td>
<td>I.a.1</td>
<td>Agitator imprisoned; enemy defeated</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Name</td>
<td>Causa</td>
<td>Circumstances</td>
<td>Mandate</td>
<td>Mandate-related actions</td>
<td>Additional actions</td>
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<tr>
<td>#17</td>
<td>T. Quinctius</td>
<td>r. ger.</td>
<td>Raids by the Praenesti during internal Roman conflict</td>
<td>I.a.2</td>
<td>Enemy defeated</td>
<td></td>
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<tr>
<td>380</td>
<td>Cincinnatus Capitolinus</td>
<td></td>
<td></td>
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<tr>
<td>#18</td>
<td>M. Furius</td>
<td>r. ger.</td>
<td>Unrest over plebeian access to the <em>imperium</em></td>
<td>I.a.3</td>
<td>Sustained pro-patrician tribunes’ veto of plebeian access law</td>
<td>Issued an edict on military service²</td>
</tr>
<tr>
<td>368</td>
<td>Camillus IV†</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>#19</td>
<td>P. Manlius</td>
<td>sed./ r. ger.</td>
<td>Unrest over plebeian access to the <em>imperium</em></td>
<td>I.a.3</td>
<td>Plebs mollified by choice of plebeian <em>magister equitum</em></td>
<td></td>
</tr>
<tr>
<td>368</td>
<td>Capitolinus§</td>
<td></td>
<td></td>
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<tr>
<td>#20</td>
<td>M. Furius</td>
<td>r. ger.</td>
<td>Military threat from Gauls</td>
<td>I.b.1</td>
<td>Enemy defeated</td>
<td>Remained in office to deal with conflict over plebeian access law</td>
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<tr>
<td>367</td>
<td>Camillus V</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Held elections</td>
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<tr>
<td>#21</td>
<td>L. Manlius</td>
<td>clav.</td>
<td>Pestilence and a flooding by the Tiber</td>
<td>I.a.4</td>
<td>Nail driven</td>
<td>Conducted a severe levy to fight the Hernici</td>
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<tr>
<td>363</td>
<td>Capitolinus Imperiosus</td>
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<tr>
<td>#22</td>
<td>Ap. Claudius Crassus</td>
<td>r. ger.</td>
<td>Hernici kill first plebeian consul to go to war</td>
<td>I.c.2</td>
<td>Enemy defeated</td>
<td></td>
</tr>
<tr>
<td>362</td>
<td>Inregillensis</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>#23</td>
<td>T. Quinctius Poenus</td>
<td>r. ger.</td>
<td>To hold elections, or military threat from the Gauls³</td>
<td>I.b.1</td>
<td>Enemy defeated</td>
<td></td>
</tr>
<tr>
<td>361</td>
<td>Capitolinus Crispinus</td>
<td></td>
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<tr>
<td>#24</td>
<td>Q. Servilius Ahala</td>
<td>r. ger.</td>
<td>Military threat from the Gauls</td>
<td>I.b.2</td>
<td>Enemy defeated</td>
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<tr>
<td>360</td>
<td>Ahala</td>
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<td></td>
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<tr>
<td>#25</td>
<td>C. Sulpicius</td>
<td>r. ger.</td>
<td>Military threat from the Gauls</td>
<td>I.b.2</td>
<td>Enemy defeated</td>
<td></td>
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<tr>
<td>358</td>
<td>Peticus</td>
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<td></td>
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</tr>
</tbody>
</table>

² The nature of this edict is unknown, but may relate to his threat of a levy in order to disperse the hostile plebs (FC; Livy 6.38.8; Plut. Cam. 39.3).

³ Livy preferred the latter (7.9.3), and the Fasti Triumphales has a triumph, apparently for T. Quinctius.
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Causa</th>
<th>Circumstances</th>
<th>Mandate</th>
<th>Mandate-related actions</th>
<th>Additional actions</th>
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<tbody>
<tr>
<td>#26</td>
<td>C. Marcius Rutilus</td>
<td>r. ger.</td>
<td>Etruscans targeting the salt works</td>
<td>I.e.1</td>
<td>Enemy defeated</td>
<td>(Not allowed to hold elections)</td>
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<tr>
<td>356</td>
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<tr>
<td>#27</td>
<td>T. Manlius Imperiosus</td>
<td>r. ger.</td>
<td>Etruscans targeting the salt works and a Volscian incursion</td>
<td>I.b.2</td>
<td>Enemy defeated (Caere submitted)</td>
<td>Attempted to hold elections while working to abolish consulship</td>
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<tr>
<td>353</td>
<td>Torquatus I</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>#28</td>
<td>C. Iulius Iullus</td>
<td>r. ger.</td>
<td>Anticipated threat from an Etruscan alliance</td>
<td>I.a.3</td>
<td>None (the alliance did not materialize)</td>
<td>Attempted to hold elections while working to deny plebeian consulships</td>
</tr>
<tr>
<td>352</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>#29</td>
<td>M. Fabius Iullus</td>
<td>com.</td>
<td>To hold elections</td>
<td>I.a.3</td>
<td>Elections held</td>
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<td>351</td>
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<tr>
<td>#30</td>
<td>L. Furius Camillus</td>
<td>com.</td>
<td>To hold elections</td>
<td>I.a.3</td>
<td>Elections held</td>
<td></td>
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<td>350</td>
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<tr>
<td>#31</td>
<td>T. Manlius Imperiosus</td>
<td>com.</td>
<td>To hold elections</td>
<td>II.a.1</td>
<td>Elections held</td>
<td></td>
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<tr>
<td>349</td>
<td>Torquatus II</td>
<td></td>
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<td></td>
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<tr>
<td>#32</td>
<td></td>
<td>com.</td>
<td>Rumor of a Gallic War</td>
<td>II.a.1</td>
<td>Unknown</td>
<td></td>
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<tr>
<td>348</td>
<td></td>
<td></td>
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<tr>
<td>#33</td>
<td>L. Furius Camillus</td>
<td>r. ger.</td>
<td>Military threat from Auruncum</td>
<td>I.b.2</td>
<td>Enemy defeated</td>
<td></td>
</tr>
<tr>
<td>345</td>
<td>II</td>
<td></td>
<td></td>
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<tr>
<td>#34</td>
<td>P. Valerius Poplicola</td>
<td>fer.</td>
<td>Evil portents</td>
<td>I.a.4</td>
<td>Days of supplication ordered</td>
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<tr>
<td>344</td>
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<tr>
<td>#35</td>
<td>M. Valerius Corvus</td>
<td>r. ger.</td>
<td>Mutineer army</td>
<td>I.b.3</td>
<td>Mutineers dispersed; laws of reform enacted</td>
<td></td>
</tr>
<tr>
<td>342</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>#36</td>
<td>L. Papirius Crassus</td>
<td>r. ger.</td>
<td>Military threat from Antiates</td>
<td>I.e.1</td>
<td>Campaign begun, but nothing accomplished</td>
<td></td>
</tr>
<tr>
<td>340</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>#37</td>
<td>Q. Publilius Philo</td>
<td>r. ger.</td>
<td>Rebellious Latins; hostility between consul and senate</td>
<td>I.d</td>
<td>Unclear</td>
<td>Populist legislation carried</td>
</tr>
<tr>
<td>339</td>
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<tr>
<td>#38</td>
<td>C. Claudius Inregillensis‡</td>
<td>r. ger.</td>
<td>Sodicini attack Roman allies</td>
<td>I.e.1</td>
<td>[Vitiated]</td>
<td></td>
</tr>
<tr>
<td>337</td>
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<td>No.</td>
<td>Name</td>
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<td>Mandate</td>
<td>Mandate-related actions</td>
<td>Additional actions</td>
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<tr>
<td>#39</td>
<td>L. Aemilius Mamercinus Privenas I</td>
<td>com.</td>
<td>To hold elections</td>
<td>II.a.1</td>
<td>Elections held</td>
<td></td>
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<tr>
<td>#40</td>
<td>P. Cornelius Rufinus I‡</td>
<td>r. ger.</td>
<td>Military threat from the Sidicini</td>
<td>I.b.2</td>
<td>[Vitiated]</td>
<td></td>
</tr>
<tr>
<td>#41</td>
<td>M. Papirius Crassus</td>
<td>r. ger.</td>
<td>Rumor of a Gallic War</td>
<td>I.b.1</td>
<td>None (the Gauls remained recumbent)</td>
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<tr>
<td>#42</td>
<td>Cn. Quinctius Capitolinus</td>
<td>clav.</td>
<td>Pestilence</td>
<td>I.a.4</td>
<td>Nail driven</td>
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<tr>
<td>#43</td>
<td>M. Claudius Marcellus‡</td>
<td>com.</td>
<td>To hold elections</td>
<td>II.a.1</td>
<td>[Vitiated]</td>
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</tr>
<tr>
<td>#44</td>
<td>L. Papirius Cursor I</td>
<td>r. ger.</td>
<td>Military threat from the Samnites and allies</td>
<td>II.a.4</td>
<td>Enemy defeated</td>
<td>Elections held</td>
</tr>
<tr>
<td>#45</td>
<td>A. Cornelius Cossus Arvina</td>
<td>lud.</td>
<td>Military threat from the Samnites and allies</td>
<td>II.a.2</td>
<td>Enemy defeated; or, games given⁴</td>
<td></td>
</tr>
<tr>
<td>#46</td>
<td>Q. Fabius Ambustus‡</td>
<td>com.</td>
<td>To hold elections</td>
<td>II.a.1</td>
<td>[Vitiated]</td>
<td></td>
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<tr>
<td>#47</td>
<td>M. Aemilius Papus§</td>
<td>com.</td>
<td>To hold elections</td>
<td>II.a.1</td>
<td>Elections attempted unsuccessfully</td>
<td></td>
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<tr>
<td>#48</td>
<td>C. Maenius I</td>
<td>unk.</td>
<td>Unknown</td>
<td>—</td>
<td>Unknown</td>
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<tr>
<td>#49</td>
<td>L. Cornelius Lentulus</td>
<td>r. ger.</td>
<td>War with the Samnites</td>
<td>I.c.1</td>
<td>Enemy defeated</td>
<td></td>
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<tr>
<td>#50</td>
<td>T. Manlius Imperiosus Torquatus III</td>
<td>com.</td>
<td>To hold elections</td>
<td>II.a.1</td>
<td>Unknown</td>
<td></td>
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</table>

⁴ There are two traditions, both reported in Livy (see 8.40.1-2).
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<th>No.</th>
<th>Name</th>
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<th>Mandate-related actions</th>
<th>Additional actions</th>
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<tr>
<td>#51</td>
<td>L. Aemilius Mamercinus Privernas II</td>
<td>r. ger.</td>
<td>War with the Samnites</td>
<td>I.c.1</td>
<td>Ongoing war</td>
<td></td>
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<tr>
<td>#52</td>
<td>Q. Fabius Maximus Rullianus</td>
<td>r. ger.</td>
<td>War with the Samnites</td>
<td>I.c.1</td>
<td>Ongoing war</td>
<td></td>
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<tr>
<td>#53</td>
<td>C. Maenius II‡</td>
<td>r. ger.</td>
<td>Anti-Roman conspiracies in Campania</td>
<td>I.e.2</td>
<td>Conducted corruption trials in Campania and Rome</td>
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<tr>
<td>#54</td>
<td>C. Poetelius Libo Visolus</td>
<td>r. ger.</td>
<td>War with the Samnites</td>
<td>I.c.1</td>
<td>Ongoing war</td>
<td></td>
</tr>
<tr>
<td>#55</td>
<td>C. Sulpicius Longus</td>
<td>r. ger.</td>
<td>Military threat from the Etruscans</td>
<td>II.a.4</td>
<td>Levy followed by unofficial truce</td>
<td></td>
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<tr>
<td>#56</td>
<td>L. Papirius Cursor II</td>
<td>r. ger.</td>
<td>War with the Samnites and Etruscans</td>
<td>I.c.2</td>
<td>Enemy defeated</td>
<td></td>
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<tr>
<td>#57</td>
<td>P. Cornelius Scipio Barbatus</td>
<td>com.</td>
<td>To hold elections</td>
<td>II.a.1</td>
<td>Elections held</td>
<td></td>
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<tr>
<td>#58</td>
<td>C. Iunius Bubulcus Brutus</td>
<td>r. ger.</td>
<td>Aequi attack on a Roman colony</td>
<td>I.e.1</td>
<td>Enemy defeated; temple dedicated</td>
<td></td>
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<tr>
<td>#59</td>
<td>M. Valerius Maximus Corvus II</td>
<td>r. ger.</td>
<td>The Marsi resist the taking of their land for a colony; military threat from Etruscans</td>
<td>I.e.1</td>
<td>Marsi defeated; Etruscans submit</td>
<td></td>
</tr>
<tr>
<td>#60</td>
<td>Q. Hortensius†</td>
<td>r. ger.?</td>
<td>Plebeian secession</td>
<td>I.a.2</td>
<td>Reform legislation carried</td>
<td></td>
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<tr>
<td>#61</td>
<td>M. Aemilius Barbula</td>
<td>r. ger.</td>
<td>Unknown</td>
<td>—</td>
<td>Unknown</td>
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<tr>
<td>#62</td>
<td>Ap. Claudius Caecus</td>
<td>unk.</td>
<td>Unknown</td>
<td>—</td>
<td>Unknown</td>
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<tr>
<td>No.</td>
<td>Name</td>
<td>Causa</td>
<td>Circumstances</td>
<td>Mandate</td>
<td>Mandate-related actions</td>
<td>Additional actions</td>
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<tr>
<td>#63</td>
<td>P. Cornelius Rufinus</td>
<td>unk.</td>
<td>Unknown</td>
<td>—</td>
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<td>unknown</td>
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<tr>
<td>#64</td>
<td>Cn. Domitius Calvinus Maximus</td>
<td>com.</td>
<td>To hold elections</td>
<td>II.a.1</td>
<td></td>
<td>unknown</td>
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<tr>
<td>#65</td>
<td>Cn. Fulvius Maximus Centumalus</td>
<td>clav.</td>
<td>Pestilence?</td>
<td>I.a.4</td>
<td></td>
<td>unknown</td>
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<tr>
<td>#66</td>
<td>Q. Ogulnius Gallus</td>
<td>Lat.</td>
<td>Unknown</td>
<td>II.a.2</td>
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<tr>
<td>#67</td>
<td>M. Claudius Glicia†</td>
<td>unk.</td>
<td>War with Carthage</td>
<td>I.c.2</td>
<td>None (forced to resign)</td>
<td></td>
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<tr>
<td>#68</td>
<td>A. Atilius Calatinus§</td>
<td>r. ger.</td>
<td>War with Carthage</td>
<td>I.c.2</td>
<td>Fought in Sicily</td>
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<tr>
<td>#69</td>
<td>Ti. Coruncanius</td>
<td>com.</td>
<td>To hold elections</td>
<td>II.a.1</td>
<td></td>
<td>unknown</td>
</tr>
<tr>
<td>#70</td>
<td>C. Duilius</td>
<td>com.</td>
<td>To hold elections</td>
<td>II.a.1</td>
<td></td>
<td>unknown</td>
</tr>
<tr>
<td>#71</td>
<td>L. Caecilius Metellus</td>
<td>com.</td>
<td>To hold elections</td>
<td>II.a.1</td>
<td></td>
<td>unknown</td>
</tr>
<tr>
<td>#72</td>
<td>Q. Fabius Maximus Verrucosus I</td>
<td>com.?</td>
<td>To hold elections?</td>
<td>—</td>
<td></td>
<td>unknown</td>
</tr>
<tr>
<td>#73</td>
<td>M. Minucius Rufus I</td>
<td>com.?</td>
<td>To hold elections?</td>
<td>II.a.1</td>
<td></td>
<td>[Vitiated]</td>
</tr>
<tr>
<td>#74</td>
<td>Q. Fabius Maximus Verrucosus II</td>
<td>interr.</td>
<td>War with Carthage</td>
<td>I.c.2</td>
<td>Ongoing war</td>
<td>Held elections for suffect consul</td>
</tr>
<tr>
<td>#75</td>
<td>M. Minucius Rufus II</td>
<td>co-dict.</td>
<td>War with Carthage</td>
<td>I.c.2</td>
<td>Ongoing war</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Name</td>
<td>Caussa</td>
<td>Circumstances</td>
<td>Mandate</td>
<td>Mandate-related actions</td>
<td>Additional actions</td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------</td>
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<td>-------------------------</td>
<td>---------------------------------------------------------</td>
</tr>
<tr>
<td>#76</td>
<td>L. Veturius Philo‡ com.</td>
<td>To hold elections</td>
<td>II.a.1</td>
<td>[Vitiated]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>217</td>
<td>M. Iunius Pera r. ger.</td>
<td>War with Carthage</td>
<td>I.c.2</td>
<td>Ongoing war</td>
<td>Held elections</td>
<td></td>
</tr>
<tr>
<td>#78</td>
<td>M. Fabius Buteo sen.</td>
<td>Depletion of the senate</td>
<td>II.b</td>
<td>Senatorial rolls redrawn</td>
<td></td>
<td></td>
</tr>
<tr>
<td>216</td>
<td>C. Claudius Centho com.</td>
<td>To hold elections</td>
<td>II.a.1</td>
<td>Elections held</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#80</td>
<td>Q. Fulvius Flaccus com.</td>
<td>To hold elections</td>
<td>II.a.1</td>
<td>Elections held</td>
<td>Sent legate to take command in Etruria</td>
<td></td>
</tr>
<tr>
<td>210</td>
<td>T. Manlius Torquatus com.</td>
<td>To hold elections and games</td>
<td>II.a.3</td>
<td>Games and elections held</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#82</td>
<td>M. Livius Salinator com.</td>
<td>To hold elections</td>
<td>II.a.1</td>
<td>Elections held</td>
<td></td>
<td></td>
</tr>
<tr>
<td>207</td>
<td>Q. Caecilius Metellus com.</td>
<td>To hold elections</td>
<td>II.a.1</td>
<td>Elections held</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#84</td>
<td>P. Sulpicius Galba Maximus com.</td>
<td>To hold elections or recall the consul^{5}</td>
<td>II.a.1</td>
<td>Consul recalled</td>
<td>Spent the rest of the year hearing cases in Italy</td>
<td></td>
</tr>
<tr>
<td>203</td>
<td>C. Servilius Geminus com.</td>
<td>To hold elections</td>
<td>II.a.1</td>
<td>Elections held (eventually)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

^{5} FC and Livy 30.34.1–3 disagree (cf. Livy 30.26.12).
All of the men who served as dictator or *magister equitum* are listed here alphabetically by *gens*, along with their other magistracies.\(^1\) Numbers preceded by pound signs refer to dictatorship numbers in the Catalog of Dictatorships (Appendix A above).

**Symbols:**

\(†\) = died in office; \(‡\) = resigned; \(§\) = suffect.

\(◊\) = triumph;\(^2\) \(∆\) = triumph as proconsul the following year.

**Dictators/Magistri Equitum by *Gens***

Post. Aebutius Helva Cornicen: *cos.* 442; *mag. eq.* 435 (#7)

T. Aebutius T.f. Helva: *cos.* 499; *mag. eq.* 496 (#2)

P. Aelius Paetus: *cos.* 337; *mag. eq.* 321† (#46)

P. Aelius Q.f. P.n. Paetus: *cos.* 201; *pr.* 203; *mag. eq.* 202 (#85); *cens.* 199

C. Aemilius Mamercus: [perpere enum.] *dict.* 463 (#3X)


L. Aemilius L.f. L.n. Mamercinus Privernas: *cos.* 341, 329◊; *dict.* 335 (#39), 316 (#51); *mag. eq.* 342 (#35)

Mam. Aemilius M.f. Mamercinus: *tr. mil. c. p.* 438; *dict.* 437◊ (#6), 434 (#8), 426◊ (#10)


M. Aemilius M.f. Q.n. Lepidus: *cos.* 46, 42; *mag. eq.* 45 (#89), 44 (#90); *pont. max.* 44–13; triumv. 43–36◊

M. Aemilius Papus: *dict.* 321◊ (#47)

M. Aemilius L.f. L.n. Paullus: *cos.* 302; *mag. eq.* 302◊ (#59)

M. Antonius: *mag. eq.* 334† (#40)

M. Antonius M.f. M.n.: *cos.* 44, 34; *mag. eq.* 47 (#88); triumv. 43–33◊

A. Atilius A.f. C.n. Calatinus: *cos.* 258, 254; *pr.* 257; *dict.* 249◊ (#68); *cens.* 247

Q. Aulius Q.f. Ai.n. Cerretanus: *mag. eq.* 315† (#52)

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\(^1\) Offices held derives from *MRR* (Broughton 1975), the *Fasti*, and classical literary and epigraphic sources.

\(^2\) Triumphs are per either the *Fasti Triumphales*, the annalist narrative in Livy etc., or epigraphic sources.
C. Aurelius M.f. M.n. Cotta: cos. 2520, 248; mag. eq. 231 (#70); cens. 241

L. Caecilius L.f. C.n. Metellus: cos. 251Δ, 247; dict. 224 (#71); mag. eq. 249§ (#68); pont. max. 243–237

Q. Caecilius L.f. L.n. Metellus: cos. 206; dict. 205 (#83); mag. eq. 207 (#82)

Sp. Cassius Vecellinus: cos. 502, 493, 4860; mag. eq. 497 (#1)


C. Claudius Ap.f. C.n. Centho: cos. 240; dict. 213 (#79); cens. 225

C. Claudius Hortator: mag. eq. 337† (#38)


M. Claudius C.f. C.n. Marcellus: cos. 331; dict. 327† (#43)

M. Claudius C.f. Glicia: dict. 249† (#67)

A. Cornelius Cossus: cos. 413?; dict. 3850 (#16)

A. Cornelius M.f. Cossus: cos. 428; tr. mil. c. p. 426; mag. eq. 426 (#10); pont. max. 431–420

A. Cornelius P.f. A.n. Cossus Arvina: cos. 3430, 332; dict. 3220 (#45); mag. eq. 353 (#27), 349 (#31)

L. Cornelius L.f. A.n. Lentulus: cos. 327; dict. 3200 (#49)

L. Cornelius L.f. P.n. Sulla Felix: cos. 88, 80; dict. 820 (#86)

P. Cornelius P.f. M.n. Maluginensis: pr. 397, 390; mag. eq. 396 (#13)

P. Cornelius Cn.f. P.n. Rufinus: cos. 290, 277; dict. 285 (#63)

P. Cornelius Rufinus: dict. 334† (#40, #40A)


P. Cornelius P.f. Scipio: mag. eq. 350 (#30)

P. Cornelius Scipio Barbatus: cos. 328?; dict. 306 (#57)


Ti. Coruncanius Ti.f. Ti.n.: cos. 2800; dict. 246 (#69)

P. Decius P.f. Q.n. Mus: cos. 312, 308, 297, 295; mag. eq. 306 (#57); cens. 304

Cn. Domitius Cn.f. Cn.n. Calvinus Maximus: cos. 283; dict. 280 (#64); cens. 280

C. Duilius M.f. M.n.: cos. 2600; dict. 231 (#70); cens. 258; pr. sen. ca. 236?

C. Fabius M.f. N.n. Ambustus: mag. eq. 315§ (#52)
M. Fabius N.f. M.n. Ambustus: cos. 360, 356, 354; dict. 351 (#29); mag. eq. 322 (#45); cens. 358;
pr. sen. ?

M. Fabius M.f. M.n. Buteo: cos. 245; dict. 216 (#78); cens. 241; pr. sen. ca. 216

N. Fabius M.f. M.n. Buteo: cos. 247; mag. eq. 224 (#71)

Q. Fabius Ambustus: mag. eq. 344 (#34)

Q. Fabius Q.f. Q.f. Ambustus: dict. 321† (#46)

Q. Fabius M.f. N.n. Maximus Rullianus: cos. 322, 310∆, 297, 295; dict. 315 (#52, #54A);
mag. eq. 325 (#44), 302† (#59); cens. 304; pr. sen. ca. 275

Q. Fabius Q.f. Q.n. Maximus Verrucosus: cos. 233, 228, 215, 214, 209; dict. 219 (#72), 2170
(#74); cens. 230; pr. sen. 209–203

C. Flaminius C.f. L.n.: cos. 223, 217; pr. 227; mag. eq. 219 (#73); cens. 220

M. Folius C.f. M.n. Flaccinator: cos. 318; mag. eq. 320† (#48), 314 (#53)

Cn. Fulvius Cn.f. Cn.n. Maximus Centumalus: cos. 298; dict. 263 (#65)

L. Fulvius L.f. L.n. Cursus: cos. 322; mag. eq. 316 (#51)

M. Fulvius Q.f. M.n. Flaccus: cos. 264; mag. eq. 246 (#69)

Q. Fulvius M.f. M.n. Flaccus: cos. 237, 224, 212, 209; pr. 215, 214; dict. 210 (#80); mag. eq. 213
(#79); cens. 231†

L. Furius M.f. L.n. Camillus: cos. 349; dict. 350 (#30), 345 (#33)

(#14), 3890 (#15), 368† (#18), 3670 (#20); cens. 403

Q. Hortensius: dict. 287† (#60)

C. Iulius C.f. C.n. Caesar: cos. 59, 48, 46, 45, 44; dict. 49 (#87), 47 (#88), 45 (#89); dict. perp.
44†0 (#90); pont. max. 63–44

C. Iulius Iullus: dict. 352 (#28)

L. Iulius Vopisci.f. C.n. Iullus: cos. 430; tr. mil. c. p. 438; mag. eq. 431 (#9)

C. Iunius C.f. C.n. Bubulcus Brutus: cos. 317, 313, 311◊; dict. 302◊ (#58, #55A); mag. eq. 312 (#55),
310 (#56); cens. 307

D. Iunius Brutus Scaeva: cos. 325; mag. eq. 339 (#37)

M. Iunius D.f. D.n. Pera: cos. 230; dict. 216 (#77); cens. 225


T. Larcius Flavus: cos. 501, 498; dict. 497 (#1)

C. Licinius C.f. P.n. Calvus: cos. 364 or 361; mag. eq. 3688 (#19)
P. Licinius P.f. P.n. Crassus Dives: cos. 205; pr. 208; mag. eq. 210 (#80); cens. 210; pont. max. 212–183

M. Livius M.f. M.n. Salinator: cos. 219, 207; dict. 207 (#82); cens. 204

C. Maenius P.f. P.n.: cos. 3380; dict. 320 (#48), 314+ (#53); cens. 318

Cn. Manlius L.f. A.n. Capitolinus Imperiosus: cos. 359, 357; mag. eq. 345 (#33); cens. 351

L. Manlius A.f. A.n. Capitolinus Imperiosus: pr. 349; dict. 363 (#21)


T. Manlius L.f. A.n. Imperiosus Torquatus: cos. 347, 344, 3400; dict. 353 (#27), 349 (#31), 320 (#50)

T. Manlius T.f. T.n. Torquatus: cos. 2350, 224; dict. 208 (#81); cens. 231+

C. Marcius L.f. C.n. Rutilus: cos. 3570, 344, 342; dict. 3560 (#26); cens. 351

Q. Marciius Q.f. Q.n. Philippus: cos. 2810; pr. 2807; mag. eq. 263 (#65); cens. 269

M. Minucius C.f. C.n. Rufus: cos. 221; dict. 219 (#73); mag. eq. 217 (#74); mag. eq. dict. pot. 217 (#75)

Q. Ogulnius L.f. A.n. Gallus: cos. 269; dict. 257 (#66)


L. Papirius Sp.f. L.n. Cursor: cos. 326, 320, 3190, 315, 313; dict. 3250 (#44, #44A), 3100 (#56, #56A); mag. eq. 340 (#36), 320 (#50, #49)

M. Papirius Crassus: dict. 332 (#41)

L. Pinarius Natta: mag. eq. 363 (#21)

C. Plautius P.f. P.n. Proculus: cos. 3580; mag. eq. 356 (#26)

C. Poetelius C.f. C.n. Libo Visolus: dict. 313 (#54)

M. Poetelius M.f. M.n. Libo: cos. 314; mag. eq. 313 (#54)


A. Postumius P.f. Albus Regillensis: cos. 496; dict. 4960 (#2)

A. Postumius Tubertus: dict. 431# (#9); mag. eq. 434 (#8)

Sp. Postumius Albinus Caudinus: cos. 334, 321; mag. eq. 327 (#43); cens. 332

Q. Publilius Q.f. Q.n. Philo: cos. 3390, 327A, 320, 315; pr. 336; dict. 339 (#37); mag. eq. 335 (#39); cens. 332

L. Quinctius L.f. L.n. Cincinnatus: cos. 460§; dict. 458◊ (#4), 439 (#5)
L. Quinctius L.f. L.n. Cincinnatus: cos. 428; tr. mil. c. p. 438, 425, 420; mag. eq. 437 (#6)
T. Quinctius T.f. L.n. Cincinnatus Capitolinus: tr. mil. c. p. 388, 385, 384; dict. 380◊ (#17); mag. eq. 385 (#16)
T. Quinctius Cincinnatus Capitolinus: tr. mil. c. p. 368; mag. eq. 367 (#20)
T. Quinctius Poenus Capitolinus Crispinus: cos. 354, 351; dict. 361◊ (#23); mag. eq. 360 (#24)

A. Sempronius Atratinus: mag. eq. 380 (#17)
Ti. Sempronius Ti.f. Ti.n. Gracchus: cos. 215, 213; mag. eq. 216 (#77)
C. Servilius Ahala: mag. eq. 439 (#5)
C. Servilius Ahala: mag. eq. 389 (#15)
C. Servilius C.f. P.n. Geminus: cos. 203; pr. 206; dict. 202 (#85); mag. eq. 208 (#81); pont. max. 183–180
M. Servilius C.f. P.n. Pulex Geminus: cos. 202; mag. eq. 203 (#84)
Q. Servilius Q.f. Q.n. Ahala: cos. 365, 362, 342; dict. 360 (#24); mag. eq. 351 (#29)
Q. Servilius Priscus Structus: mag. eq. 494 (#3)
C. Sulpicius Ser.f. Q.n. Longus: cos. 337, 323, 314◊; dict. 312 (#55); cens. 319‡
P. Sulpicius Ser.f. P.n. Galba Maximus: cos. 211, 200; dict. 203 (#84)

L. Tarquitius L.f. Flaccus: mag. eq. 458 (#4)
M. Titinius C.f. C.n.: mag. eq. 302 (#58)

C. Valerius L.f. L.n. Potitus: cos. 331; mag. eq. 331 (#42)
L. Valerius Flaccus: mag. eq. 321 (#47)
L. Valerius L.f. L.n. Flaccus: cos. 100; mag. eq. 82 (#86); pr. sen. ca. 86
M.’ Valerius M.f. Volesi: dict. 501 (#1A)
M.’ Valerius Volesi.f. Maximus: dict. 494◊ (#3)

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M. Valerius M.f. M.n. Corvus: cos. 348, 346◊, 335◊, 300, 299; dict. 342 (#35), 302◊ (#59, #59A)


P. Valerius P.f. L.n. Poplicola: cos. 352; pr. 350; dict. 344 (#34); mag. eq. 332 (#41)

L. Veturius L.f. Post.n. Philo: cos. 220; dict. 217‡ (#76); cens. 210†

L. Veturius L.f. L.n. Philo: cos. 206; pr. 209; mag. eq. 205 (#83)

CHRONOLOGICAL LIST OF MEN WHO WERE DICTATORS

T. Larcius Flavus: cos. 501, 498; dict. 497 (#1)

A. Postumius P.f. Albus Regillensis: cos. 496; dict. 496◊ (#2)

M.' Valerius Volesi.f. Maximus: dict. 494◊ (#3)

L. Quinctius L.f. L.n. Cincinnatus: cos. 460§; dict. 458◊ (#4), 439 (#5)

Mam. Aemilius M.f. Mamercinus: tr. mil. c. p. 438; dict. 437◊ (#6), 434 (#8), 426◊ (#10)


A. Postumius Tubertus: dict. 431◊ (#9); mag. eq. 434 (#8)

A. Cornelius Cossus: cos. 413?; dict. 385◊ (#16)


M. Furius L.f. Sp.n. Camillus: tr. mil. c. p. 401, 398, 394, 386, 384, 381; dict. 396◊ (#13), 390◊ (#14), 389◊ (#15), 368‡ (#18), 367◊ (#20); cens. 403

T. Quinctius T.f. L.n. Cincinnatus Capitolinus: tr. mil. c. p. 388, 385, 384; dict. 380◊ (#17); mag. eq. 385 (#16)


Q. Servilius Q.f. Q.n. Ahala: cos. 365, 362, 342; dict. 360 (#24); mag. eq. 351 (#29)

L. Manlius A.f. A.n. Capitolinus Imperiosus: pr. 349; dict. 363 (#21)


M. Fabius N.f. M.n. Ambustus: cos. 360◊, 356, 354◊; dict. 351 (#29); mag. eq. 322 (#45); cens. 358?; pr. sen. ?

T. Quinctius Poenus Capitolinus Crispinus: cos. 354, 351; dict. 361◊ (#23); mag. eq. 360 (#24)

C. Marcius L.f. C.n. Rutilus: cos. 357◊, 344, 342; dict. 356◊ (#26); cens. 351

A. Cornelius P.f. A.n. Cossus Arvina: cos. 343◊, 332; dict. 322◊ (#45); mag. eq. 353 (#27), 349 (#31)
T. Manlius L.f. A.n. Imperiosus Torquatus: cos. 347, 344, 340; dict. 353 (#27), 349 (#31), 320 (#50)

C. Iulius Iullus: dict. 352 (#28)

P. Valerius P.f. L.n. Poplicola: cos. 352; pr. 350; dict. 344 (#34); mag. eq. 332 (#41)

L. Furius M.f. L.n. Camillus: cos. 349; dict. 350 (#30), 345 (#33)


L. Aemilius L.f. L.n. Mamercinus Privernas: cos. 341, 329; dict. 335 (#39), 316 (#51); mag. eq. 342 (#35)

L. Papirius Sp.f. L.n. Cursor: cos. 326, 320, 319, 315, 313; dict. 325 (#44), 310 (#53)

Q. Publilius Q.f. Q.n. Philo: cos. 339, 327, 320, 315; pr. 336; dict. 339 (#37); mag. eq. 335 (#39); cens. 332

C. Maenius P.f. P.n.: cos. 338; dict. 320 (#48), 314† (#53); cens. 318


C. Sulpicius Ser.f. Q.n. Longus: cos. 337, 323, 314; dict. 312 (#55); cens. 319†


P. Cornelius Rufinus: dict. 334† (#40)

M. Papirius Crassus: dict. 332 (#41)

M. Claudius C.f. C.n. Marcellus: cos. 331; dict. 327† (#43)


P. Cornelius Scipio Barbatus: cos. 328; dict. 306 (#57)

L. Cornelius L.f. A.n. Lentulus: cos. 327; dict. 320 (#49)

Q. Fabius M.f. N.n. Maximus Rullianus: cos. 322, 310, 308, 297, 295; dict. 315 (#52); mag. eq. 325 (#44), 302† (#59); cens. 304; pr. sen. ca. 275

M. Aemilius Papus: dict. 321† (#47)

Q. Fabius Q.f. Q.f. Ambustus: dict. 321† (#46)

C. Iunius C.f. C.n. Bubulcus Brutus: cos. 317, 313, 311; dict. 302 (#58); mag. eq. 312 (#55), 310 (#56); cens. 307

C. Poetelius C.f. C.n. Libo Visolus: dict. 313 (#54)


Cn. Fulvius Cn.f. Cn.n. Maximus Centumalus: cos. 298; dict. 263 (#65)

Q. Hortensius: dict. 287† (#60)


Cn. Domitius Cn.f. Cn.n. Calvinus Maximus: cos. 283; dict. 280 (#64); cens. 280
P. Cornelius Cn.f. P.n. Rufinus: *cos.* 290, 277; *dict.* 285 (#63)

Ti. Coruncanius Ti.f. Ti.n.: *cos.* 2800; *dict.* 246 (#69)


C. Duilius M.f. M.n.: *cos.* 260; *dict.* 253 (#70); *cens.* 258; *pr. sen. ca.* 236?

A. Atilius A.f. C.n. Calatinus: *cos.* 258, 254; *pr.* 257; *dict.* 2498 (#68); *cens.* 247

L. Caecilius L.f. C.n. Metellus: *cos.* 251Δ,247; *dict.* 224 (#71); *mag.eq.* 2498 (#68); *pont.max.* 243-37

M. Claudius C.f. Glicia: *dict.* 249+ (#67)

M. Fabius M.f. M.n. Buteo: *cos.* 245; *dict.* 216 (#78); *cens.* 241; *pr. sen. ca.* 216

C. Claudius Ap.f. C.n. Centho: *cos.* 240; *dict.* 213 (#79); *cens.* 225

Q. Fulvius M.f. M.n. Flaccus: *cos.* 237, 224, 212, 209; *pr.* 215, 214; *dict.* 210 (#80); *mag. eq.* 213 (#79); *cens.* 231‡

T. Manlius T.f. T.n. Torquatus: *cos.* 2350, 224; *dict.* 208 (#81); *cens.* 231‡

Q. Fabius Q.f. Q.n. Maximus Verrucosus: *cos.* 2330, 228, 215, 214, 209; *dict.* 219 (#72), 217◊ (#74); *cens.* 230; *pr. sen.* 209–203

M. Iunius D.f. D.n. Pera: *cos.* 230; *dict.* 216 (#77); *cens.* 225

M. Minucius C.f. C.n. Rufus: *cos.* 221; *dict.* 219 (#73); *mag. eq.* 217 (#74); *mag. eq. dict. pot.* 217 (#75)

L. Veturius L.f. Post.n. Philo: *cos.* 220; *dict.* 217◊ (#76); *cens.* 210†

M. Livius M.f. M.n. Salinator: *cos.* 219, 207; *dict.* 207 (#82); *cens.* 204

P. Sulpicius Ser.f. P.n. Galba Maximus: *cos.* 211, 200; *dict.* 203 (#84)

C. Servilius C.f. P.n. Geminus: *cos.* 203; *pr.* 206; *dict.* 202 (#85); *mag. eq.* 208 (#81); *pont. max.* 183–180

Q. Caecilius L.f. L.n. Metellus: *cos.* 206; *dict.* 205 (#83); *mag. eq.* 207 (#82)

L. Cornelius L.f. P.n. Sulla Felix: *cos.* 88, 80; *dict.* 820 (#86)

C. Iulius C.f. C.n. Caesar: *cos.* 59, 48, 46, 45, 44; *dict.* 49 (#87), 47 (#88), 45 (#89); *dict. perp.* 44◊ (#90); *pont. max.* 63–44

**Dictators/Magistri Equitum Who Held Key Offices**

_princeps Senatus^3_

The dictators and *magistri equitum* now considered to be “official” *principes senatus* are:

- Q. Fabius Ambustus, *dict.* 351 (#29)^4

[^3]: For the *princeps senatus* see Willems 1878; Suolahti 1972; Bonnefond-Coudry 1993; Ryan 1998.

[^4]: Q. Fabius Ambustus is rejected as a *princeps senatus* by Ryan, but accepted by Mommsen,
• Q. Fabius Maximus Rullianus, *dict.* 315 (#52)
• C. Duilius, *dict.* 231 (#70)
• Q. Fabius Maximus Verrucosus, *dict.* 219 (#72), 217 (#74)\(^5\)
• Q. Fabius Buteo, *dict.* 216 (#78)\(^6\)

In addition, there is one further match from the first century, L. Valerius Flaccus, *mag. eq.* 82 (#86). An Augustan *elogium* at Arretium commemorating M.’ Valerius Maximus (*dict.* 494, #3) includes reference to him being *princeps in senatum semel lectus est* (*CIL* 11.01826).

**Pontifex Maximus**

The dictators and *magistri equitum* who were also *potifices maximi* are:

• A. Cornelius Cossus, *mag. eq.* 426 (#10), *pont. max.* from 431\(^7\)
• L. Caecilius Metellus, *dict.* 224 (#71), *pont. max.* from 243\(^8\)
• P. Licinius Crassus Dives, *mag. eq.* 210 (#80), *pont. max.* from 212\(^9\)
• C. Servilius Geminus, *dict.* 202 (#85), *pont. max.* from 183\(^10\)

Two were *potifices maximi* before being *magistri equitum*, flagged in the later case by Livy.\(^11\) Note also two additional matches from the first century, Caesar, *pont. max.* 63–44, and Lepidus, *mag. eq.* 45, 44 (#89, #90), *pont. max.* 44–13.

**Censor**

• M. Furius Camillus, *dict.* 396 (#13), 390 (#14), 389 (#15), 368+ (#18), 367 (#20), *cens.* 403\(^12\)
• C. Sulpicius Peticus, *dict.* 358 (#25), *cens.* 366\(^13\)
• C. Marcius Rutilus, *dict.* 356 (#26), *cens.* 351 (the first plebeian in both cases)\(^14\)
• Q. Fabius Ambustus, *dict.* 351 (#29), *mag. eq.* 322 (#45), *cens.* 358?\(^15\)

\(^5\) Willems, and Suolahti.
\(^6\) cf. Livy 27.11.9–12.
\(^7\) Livy 4.27.2.
\(^9\) Livy 25.5.2–4, 27.6.19, 28.11.6, Val. *Max.* 1.1.6.
\(^10\) Livy 39.46.1.
\(^11\) “*et ex eodem plebis scito ab Q. Fuluio dictatore P. Licinius Crassus pontifex maximus magister equitum dictus*”: Livy 27.6.19.
\(^12\) *FC*, Val. *Max.* 2.9.1, Plut. *Cam.* 2.2.
\(^13\) *FC*.
\(^14\) Livy 7.22.6–10, 10.8.8.
• Cn. Manlius Capitolinus Imperiosus, *mag. eq.* 345 (#33), *cens.* 351

• Q. Publilius Philo, *dict.* 339 (#37), *mag. eq.* 335 (#39), *cens.* 332

• Sp. Postumius Albinus Caudinus, *mag. eq.* 327 (#43), *cens.* 332

• Q. Fabius Maximus Rullianus, *dict.* 315 (#52), *mag. eq.* 325 (#44), 302‡ (#59), *cens.* 304

• C. Maenius, *dict.* 320‡ (#48), 314 (#53), *cens.* 318

• C. Sulpicius Longus, *dict.* 312 (#55), *cens.* 319‡

• C. Iunius Bubulcus Brutus, *dict.* 302 (#58), *mag. eq.* 312 (#55), 310 (#56), *cens.* 307

• P. Decius Mus, *mag. eq.* 306 (#57), *cens.* 304


• Cn. Domitius Calvinus Maximus, *dict.* 280 (#64), *cens.* 280

• Q. Marcius Philippus, *mag. eq.* 263 (#65), *cens.* 269

• A. Atilius Calatinus, *dict.* 2498 (#68), *cens.* 247

• C. Duilius, *dict.* 231 (#70), *cens.* 258

• C. Aurelius Cotta, *mag. eq.* 231 (#70), *cens.* 241

• C. Flaminius, *mag. eq.* 219 (#73), *cens.* 220

• Q. Fabius Maximus Verrucosus, *dict.* 219 (#72), 217 (#74), *cens.* 230

• L. Veturius Philo, *dict.* 217‡ (#76), *cens.* 210

• M. Iunius Pera, *dict.* 216 (#77), *cens.* 225

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16 Livy 7.22.6–10, 10.8.8.
19 FC, Livy 9.46, 10.22, Val. Max. 2.2.9.
20 FC, Fest. 120L.
21 FC.
22 FC, Livy 9.43.25, 10.1.9, Val. Max. 2.9.2.
23 FC, Livy 9.46.14, 10.22.3, 10.24.1, Val. Max. 2.2.9.
24 FC, Livy 9.29.5, Diod. Sic. 20.36.1, Frontin. Aq. 1.5, etc..
25 FC, Livy *Per.* 13.
26 FC.
27 FC.
28 FC.
29 FC.
30 Livy 23.21.6, 23.22.3, 23.23.5, 24.11.7, Plin. *HN* 35.197, Livy *Per.* 20, Fest. 79L.
31 FC, *CIL* 6.40953
32 FC, Livy 27.6.17–18, 27.34.5–6.
33 FC
• Q. Fabius Buteo, *dict.* 216 (#78), *cens.* 241\(^{34}\)
• C. Claudius Centho, *dict.* 213 (#79), *cens.* 225 (FC)
• Q. Fulvius Flaccus, *dict.* 210 (#80), *mag. eq.* 213 (#79), *cens.* 231\(^{+35}\)
• P. Licinius Crassus Dives, *mag. eq.* 210 (#80), *cens.* 210\(^{36}\)
• T. Manlius Torquatus, *dict.* 208 (#81), *cens.* 231\(^{37}\)
• M. Livius Salinator, *dict.* 207 (#82), *cens.* 204\(^{38}\)
• P. Aelius Paetus, *mag. eq.* 202 (#85), *cens.* 199\(^{39}\)

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\(^{34}\) Livy 23.22.10.
\(^{35}\) FC, Livy 23.30.18, 25.5.3, 28.45.2.
\(^{36}\) FC, Livy 27.6.17–18, 27.34.5–6
\(^{37}\) FC, Livy 23.34.15, 25.5.3, 27.11.10.
\(^{38}\) FC, Livy 29.37.1, 36.36.4, 39.3.5, Suet. *Tib.* 1.2.
\(^{39}\) FC, Livy 32.7.1–3.
APPENDIX D. ABBREVIATIONS USED IN THIS WORK

Classical abbreviations follow the *Oxford Classical Dictionary*, third revised edition, when listed there.

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>App.</td>
<td>Appian</td>
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<tr>
<td>BCiv.</td>
<td><em>Bella civilia</em></td>
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<tr>
<td>Celt.</td>
<td>Celts</td>
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<tr>
<td>Hann.</td>
<td>Hannibal</td>
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<tr>
<td>Ital.</td>
<td>Italians</td>
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<td>Sam.</td>
<td>Samnites</td>
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<tr>
<td>Arist.</td>
<td>Aristotle</td>
</tr>
<tr>
<td>Ath. Pol.</td>
<td><em>Ἀθηωαίων πολιτεία</em></td>
</tr>
<tr>
<td>Pol.</td>
<td><em>Politica</em></td>
</tr>
<tr>
<td>Asc.</td>
<td>Asconius</td>
</tr>
<tr>
<td>Mil.</td>
<td>Comm. on Cic. Pro Milone</td>
</tr>
<tr>
<td>Pis.</td>
<td>Comm. on Cic. In Pisonem</td>
</tr>
<tr>
<td>AT</td>
<td><em>Acta triumphorum</em></td>
</tr>
<tr>
<td>AUC</td>
<td><em>ab urbe condita</em> [for dates]</td>
</tr>
<tr>
<td>Augustin.</td>
<td>Augustine</td>
</tr>
<tr>
<td>De civ. D.</td>
<td><em>De civitate Dei</em></td>
</tr>
<tr>
<td>Caes.</td>
<td>Caesar</td>
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<tr>
<td>B Afr.</td>
<td><em>Bellum Africum</em></td>
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<tr>
<td>B Civ.</td>
<td><em>Bellum Civile</em></td>
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<tr>
<td>Cass. Dio</td>
<td>Cassius Dio</td>
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<tr>
<td>cens.</td>
<td>censor</td>
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<tr>
<td>CIL</td>
<td>Corpus Inscriptionum Latinarum</td>
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<tr>
<td>Cic.</td>
<td>Cicero</td>
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<tr>
<td>Amic.</td>
<td><em>De amicitia</em></td>
</tr>
<tr>
<td>Att.</td>
<td>Epistulae ad Atticum</td>
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<tr>
<td>Balb.</td>
<td>Pro Balbo</td>
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<tr>
<td>Brut.</td>
<td>Brutus</td>
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<tr>
<td>Cat.</td>
<td>In Catalinam</td>
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<tr>
<td>Clu.</td>
<td>Pro Cluentio</td>
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<tr>
<td>De or.</td>
<td><em>De oratore</em></td>
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<tr>
<td>Div.</td>
<td><em>De divinatione</em></td>
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<tr>
<td>Dom.</td>
<td><em>De domo sua</em></td>
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<tr>
<td>Fam.</td>
<td>Epistulae ad familiars</td>
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<tr>
<td>Fin.</td>
<td><em>De finibus</em></td>
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<tr>
<td>Har. resp.</td>
<td><em>De haruspicum response</em></td>
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</tbody>
</table>
Inv. rhet.  De inventione rhetoric
Leg.  De legibus
Leg. agr.  De lege agrarian
Leg. Man.  Pro lege Manilia
Mil.  Pro Milone
Nat. D.  De natura deorum
Off.  De officiis
Phil.  Orationes Philippicae
Pis.  In Pisonem
Prov. cons.  De provinciis consularibus
Q. Fr.  Epist. ad Quintum fratrem
Quinct.  Pro Quinctio
Rep.  De republica
Rosc. Am.  Pro Sexto Roscio Amerino
Sen.  De senectute
Sest.  Pro Sestio
Verr.  In Verrem

Claud. Quad.  Claudius Quadrigarius
cos.  consul
CRF  Comicorum Romanorum Fragmenta (ed. O. Ribbeck)
cur. aed.  curule aedile
Curt.  Q. Curtius Rufus
Hist. Alex.  Historiae Alexandri Magni
dict.  dictator
Diod. Sic.  Diodorus Siculus
Dion. Hal.  Dionysius Halicarnassensis
Ant. Rom.  Antiquitates Romanae
Eutr.  Eutropius
Fab. Pict.  Fabius Pictor
FC  Fasti Capitolini
FFL  Fasti Feriarum Latinarum
Festus  Festus Glossaria Latina (ed. W. M. Lindsay)
FHG  Fragmenta Historicorum Graecorum (ed. C. Müller)
Flor.  L. Annaeus Florus
Frontin.  Frontinus
Str.  Strategemata
Gai. Inst.  Gaius Institutiones
Gell.  Aulus Gellius
NA  Noctes Atticae
Gran. Lic.  Granius Licinianus
Hdt.  Herodotus
Hor.  Horace
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>Ars. P.</td>
<td>Ars poetica</td>
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<tr>
<td>ILLRP</td>
<td>Inscriptiones Latineae Liberae Rei Republicae (ed. A. Degrassi)</td>
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<tr>
<td>Inst. Iust.</td>
<td>Institutiones Iustiniani</td>
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<tr>
<td>Ioann. Antioch.</td>
<td>John of Antioch</td>
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<tr>
<td>Jer.</td>
<td>Jerome</td>
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<tr>
<td>Chron.</td>
<td>Chronica</td>
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<tr>
<td>Joseph.</td>
<td>Josephus</td>
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<tr>
<td>AJ</td>
<td>Antiquitates Judaeae</td>
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<tr>
<td>BJ</td>
<td>Bellum Judaicum</td>
</tr>
<tr>
<td>Lic. Mac.</td>
<td>Licinius Macer</td>
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<tr>
<td>Livy Per.</td>
<td>Livy Periochae</td>
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<tr>
<td>Luc.</td>
<td>Lucan</td>
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<tr>
<td>Lydus Mag.</td>
<td>Lydus De magistratibus</td>
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<tr>
<td>Macrob.</td>
<td>Macrobius</td>
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<tr>
<td>Sat.</td>
<td>Saturnalia</td>
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<tr>
<td>mag. eq.</td>
<td>Magister equitum</td>
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<tr>
<td>Mommsen</td>
<td>T. Mommsen</td>
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<tr>
<td>Röm. Staatr.</td>
<td>Römisches Staatsrecht = Mommsen 2009 in this Bibliography</td>
</tr>
<tr>
<td>MRR</td>
<td>Broughton 1951, Magistrates of the Roman Republic</td>
</tr>
<tr>
<td>Nep.</td>
<td>Nepos</td>
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<tr>
<td>Nic. Dam.</td>
<td>Nicolaus Damascenus</td>
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<tr>
<td>Vit. Aug.</td>
<td>Vita Augustae</td>
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<td>Oros.</td>
<td>Orosius</td>
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<td>Ov.</td>
<td>Ovid</td>
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<td>Fast.</td>
<td>Fasti</td>
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<tr>
<td>Piso</td>
<td>Piso Frugi</td>
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<tr>
<td>Plin.</td>
<td>Pliny the Elder</td>
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<tr>
<td>HN</td>
<td>Naturalis historia</td>
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<tr>
<td>Plut.</td>
<td>Plutarch</td>
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<tr>
<td>Alc.</td>
<td>Alcibiades</td>
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<tr>
<td>Ant.</td>
<td>Antonius</td>
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<td>Brut.</td>
<td>Brutus</td>
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<td>Caes.</td>
<td>Caesar</td>
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<td>Cam.</td>
<td>Camillus</td>
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<td>Cic.</td>
<td>Cicero</td>
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<td>Comp.</td>
<td>Comparison of …</td>
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<td>Cor.</td>
<td>Coriolanus</td>
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<tr>
<td>De fort. Rom.</td>
<td>De fortuna Romanorum</td>
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<tr>
<td>Fab.</td>
<td>Fabius</td>
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<td>Lys.</td>
<td>Lysander</td>
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<td>Mar.</td>
<td>Marius</td>
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<tr>
<td>Marc.</td>
<td>Marcellus</td>
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<td>Ann.</td>
<td>Annales</td>
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<tr>
<td>Hist.</td>
<td>Historiae</td>
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<tr>
<td>tr. mil.</td>
<td>tribunus militum</td>
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<tr>
<td>tr. mil. c. p.</td>
<td>tribunus militum consulari potestate</td>
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<tr>
<td>tr. pl.</td>
<td>tribunus plebis</td>
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<tr>
<td>Val. Ant.</td>
<td>Valerius Antias</td>
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<tr>
<td>Val. Max.</td>
<td>Valerius Maximus</td>
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<tr>
<td>Varro</td>
<td>Varro</td>
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<tr>
<td>Ling.</td>
<td>De lingua Latina</td>
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<tr>
<td>Veg.</td>
<td>Vegetius</td>
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<tr>
<td>Mil.</td>
<td>De re militari</td>
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<tr>
<td>Vell. Pat.</td>
<td>Velleius Paterculus</td>
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<tr>
<td>Xen.</td>
<td>Xenophon</td>
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<tr>
<td>Hell.</td>
<td>Hellenica</td>
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<tr>
<td>Zon.</td>
<td>Zonaras</td>
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Because of its influence on the subsequent understanding of the dictatorship, and because *Römisches Staatsrecht* is as of this writing not available in English translation, a brief summary of Mommsen’s chapter on the dictatorship is warranted for the purposes of discussion within this study. What follows is paraphrase, not a direct translation. The footnotes are mine unless otherwise indicated; Mommsen’s otherwise extensive footnotes are here alluded to only when necessary to support key direct quotes from classical sources.

The paragraph numbering scheme below and the topical divisions are entirely mine and are applied for the purposes of discussion. To the right are the page numbers from volume 2 of the original German edition, as reprinted by the Cambridge University Press. Mommsen’s dates were reckoned according to years AUC, but for clarity and consistency with the rest of this study I use below the BCE equivalents.

M1. **Origins.** The annalistic historians relay contradictory traditions regarding the name and year of the first dictator. The tradition naming T. Larcius Flavius as the first, during or the year after his consulship of 501 or that of 498 BCE, is better attested than the tradition preferring M’. Valerius. The vacillation in dates for Larcius’s dictatorship, as for the second dictatorship (that of A. Postumius, the victor at Lake Regillus), was the result of later scholars’ certainty that the dictatorship could only be held by a consul or consular while filling in otherwise missing information. The annalistic histories did not ground the origins of the dictatorship in a firm historical context.

M2. The stories citing Larcius’s dictatorship as the first gave the reason variously as either threat of war or as an impending plebeian revolt requiring a magistrate immune from *provocatio*; those preferring M’.

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40 The summary given here was conducted using the German original, with the assistance of the authorized 1889–93 French translation by Girard.

41 The 2009 Cambridge University Press edition is a facsimile reprint, so the page numbers are those of both the reprint and the original.
Valerius offered only the former motivation. None of the stories is consistent or sustainable; they seem to have been shaped by later maxims of Roman law (shortly to be discussed) asserting that the dictatorship must be invoked in cases of asperioribus bellis aut in civili motu difficiliore.\footnote{Clavdii Caesaris Oratio Lugduni, CIL 13.1668.}

M3. It is reasonable to conclude, therefore, that the native tradition was silent on the introduction of the dictatorship. Further confirmation comes from the completely implausible notices of the law of creation, described in general terms without naming its author: if there had been any reliable information on the law, it probably would have been linked to the name and content of the law.

M4. Since the origins of the dictatorship were traced back to the beginning of the Republic and yet could not firmly tied to a person or an act, the most likely conclusion is that the dictatorship did not develop in isolation, but was, like the consulship, an integral part of the original Republican constitution.\footnote{\textquote{ein integrierender Bestandtheil der republikanischen Gemeindeverfassung Roms gewesen ist.}}

M5. **Name of the office.** As with the consulship, the term *dictator* is not the oldest for the office. Rather, the primacy of *magister populi* is shown in the correlating term, *magister equitum*, and the term *magister populi* prevails in augural books and formal language. As previously noted,\footnote{Mommsen Röm. Staatsr., 2.71 n. 4.} the term *praetor* was originally as applicable to the dictator as it was to both the consul and to the magistrate later called “praetor”; and though *praetor maximus* was not a formal title, the dictator was called *strategos autokrator* by Polybius and other Greek authors.

M6. The title *dictator* was not only the later name of the *magister populi*, it was also the later and more palatable name for the Latin king, used first for the king and transferred to the *magister populi*, and never displaced by the rule of collegiality.
M7. The etymology of dictator cannot be reconciled with its function, as the root dictare never carried the sense of regere and is unrelated to the idea of sole leader.

M8. As Cato used the word for a non-Roman commander in chief,\(^45\) it is not unlikely that dictator originally designated in general a magistrate without an equal colleague; both usages of dictator are relatively recent, but the application to magister populi was probably later, copied from the Latin magistry. Nonetheless, dictator is already found in Naevius and Ennius and even in an inscription dated to the year 217, and is used exclusively in the Fasti and in the annals, as far as is known to us.

M9. **Eligibility.** The relevant qualifications for the consulship seem also to have applied to the dictatorship. There is no question of a special law to open the dictatorship to plebeians, as the appointment of the first plebeian dictator was in 356 without any objections to its validity, in the wake of the Licinian law of 367.

M10. Livy’s assertion that only consulars could be dictators is not in harmony with the freedom with which magistrates of the early Republic were chosen, and even less so with the dictatorship’s persistence into the period in which consuls were replaced by consular tribunes. Most of all, it is directly contradicted by the table of magistrates. Up to the year 321, nonconsular dictators outnumber consular ones. Afterward, dictators are consular as a rule; but even so we still encounter nonconsular dictators, and these tend to be more or less of an oppositional character. The consular rule therefore probably developed in the mid-third century BCE, and it was pretended that it had been in place going back to the origins of the office; but it never had the force of law.

\(^{45}\) References are to Cato’s use of dictator for leaders both Carthaginian (Mommsen’s cite: p. 21 ed. Jordan, also CIL 1.195 p. 39) and Latin (p. 12J).
M11. It was permissible to combine the dictatorship with the consulship or praetorship; that this is not attested for the consular tribunate is probably coincidence.

M12. **Appointment.** The dictator was, in the first place, appointed by a consul. As with the elections overseen by a consul, the appointment could not be made jointly; when both were available, the right would fall to one of them through mutual agreement or the lot.

M13. No dictator ever appointed another dictator. The right of the consular tribune to appoint dictators was established in 426. Appointments by an *interrex* (for Sulla) or by a praetor (for Caesar) were both called unconstitutional. The former was indeed irregular; but the latter must not have been thought unprecedented. Q. Fabius had been appointed without the assistance of consuls in 217; it is true that this involved consulting the assembly, but the *comitia* was chaired and the dictator named by a praetor. This provided a precedent for Caesar that the right to appoint dictators belonged to the consuls without support, or [in the absence of consuls] to a praetor with the advice of the assembly.

M14. Since the dictator possessed the highest possible authority, and only one person can hold such a position, it was presumed that neither a co-dictator nor additional dictators could be appointed. However, this rule was never formally imposed, and was set aside in the latest period of the dictatorship: when M. Minucius was made co-dictator with Q. Fabius in 217, and when M. Iunius Pera was dictator in the field and M. Fabius Buteo was added as dictator to complete the senate in 216.

M15. The magistrate possessing the right to appoint a dictator could not be prevented from doing so by any other authority—neither that magistrate’s colleague, nor the tribunes of the plebs. Intercession did not apply: not only are there no examples of the appointment being frustrated by a veto, but certain cases prove its inadmissibility.
M16. The consent of the senate was not required to name a dictator, and so the use of intercession to strip a *senatus consultum* of its force could not apply; likewise the senate could not force an appointment on the consul, since the threat of imprisonment in case of violation of a *senatus consultum* involved the subordination of the consulship to the tribunate, not to the senate.

M17. Still, as far as reliable history relates, the direction of *senatus consulta* calling for a dictator to be nominated was not spurned, more than once to the consul’s chagrin (e.g., Ti. Aemilius in 339, P. Claudius in 249). Cicero, in his constitution, made the consul’s appointment of dictators clearly dependent on the senate.

M18. From an early period, whether a dictator should intervene was in the hands of the senate; and the overriding right of the people in assembly to name their leaders, so important to the ordinary magistracies and the cornerstone of the Republican constitution, was not extended to the dictatorship. Only in the last decade before the disappearance of the dictatorship did this change. First there was the above-cited incident involving the consultation of the *comitia* in the appointment of Q. Fabius. A few years later an attempt was made to impose the choice of who to nominate on M. Laevinius through a vote of the centuriate assembly, or, failing that, the council of the plebs; M. Laevinius refused, calling the imposition an unconstitutional restriction of his right of nomination, but his colleague was more compliant and accepted the plebs’ choice.

M19. These events were undoubtedly the direct cause of the demise of the dictatorship, since the office’s significance was that this highest of all magistracies was *not* elected by the people. Once the dictatorship became open to democratic election by the *comitia*, it became superfluous.

M20. The senate often suggested a nominee to the magistrate making the nomination, and this appears to have been the normal procedure in later years. But the senate’s proposal was not binding, and there were cases where the magistrate made his choice in defiance of the senate’s wishes.
The dictator was not appointed by choice of the people or of the senate, but was installed by will of the magistrate appointing him.

M21. That said, especially when the appointment was made at Rome, the senate could not easily be prevented from bringing about its vitiation for faulty procedure through consultation with the augurs.

M22. The presiding magistrate made the nomination orally. While the technical terms for this are similar to those used for the election of consuls—dicere, facere, legere, nominare, creare—their use in this case is specialized: with consuls, dicere referred to the result of tabulation, but for dictators it was the consul’s pronouncement. The person to be appointed dictator did not have to be present, any more than the future consuls had to be present for the comitia.

M23. The consul made the appointment oriens nocte silentio,46 between midnight and dawn, after having taken the auspices in the silence of the night.47

M24. The nomination could only take place on Roman land (in agro Romano); consequently, consuls were often summoned to Rome to appoint dictators. Later “Roman soil” was stretched to include colonia and municipia, for example, so that only outside Italy could a dictator truly never be appointed.

M25. **Entry into office.** The dictator could act immediately upon notification of his appointment and, for example, appoint the magister equitum; but the same rule that said new magistrates could exercise imperium only after ratification by the curiate assembly also applied to the dictator. This was a formality, but it had practical effect since traditionally magistrates put the ratification to the curiae personally, within the city of Rome. This meant that the dictator’s entry into his duties, like the consul’s, normally began in Rome.

M26. But just as the dictator had to be appointed in Italy, so too his entry into office appears to have been limited to Italy, and there are cases where it

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46 Livy 8.23.
47 Such vigils are discussed earlier in Mommsen at 1.30.
was not done in Rome. In 390 Camillus began his dictatorship in Veii; his
imperium had to be approve retroactively by an act of the curiate assembly.
This seems to confirm that the curiate law was only customary rather than
being legally necessary.

M27. The insignia of the dictator were discussed earlier: like the consul he had
the curule chair and the toga praetexta; unlike the consul, but rather like
the king, twenty-four lictors, though only in the field—Sulla apparently
being the first to be preceded by twenty-four lictors even within the bounds
of Rome. The ancient dictators did have their fasces bound with axes, even
in the city.

M28. Relation to the ordinary magistrates. From the point of view of
authority, the dictator should in general be considered an extraordinary
colleague of the consuls and praetors. The same name, praetor, originally
applied to all three categories of magistrate. The insignia of office were the
same, only the number of lictors at variance. As the praetor, with half the
lictors of a consul, was considered collega consulum atque iisdem auspiciis creatus, so can be considered the dictator with twice as many. The oldest
arrangement of the lictors, that of the consuls, carried over from the kings;
the praetor’s were cut in half, signifying a weaker authority, and the
dictator’s doubled, to show a greater (maius imperium).

M29. The tradition does not explicitly state that the dictator was a colleague with
the consuls; the shift in titles has obscured this. But it is not just a theory;
it helps explain how the dictatorship was treated in the annals and in constitutional law. It explains the silence in the annals on the origin of the
dictatorship and its opening to the plebeians, since it was of an integral
nature with the consulship. It also explains why soldiers took the same
oath to dictators as to consuls. The oath was sworn not to the commanding

49 Cf. Livy 3.55, 7.1, 8.32.3.
consul but to both colleagues; when the panel was three, the oath extended to all three.

M30. Finally, it explains the practices involving the appointment of the dictator and his abdication. The appointment is an application of the principle of cooptation—the way that colleges were entitled by means of a law to supplement themselves.50

M31. Also, the fact that the expiration of the magistracies of the consuls who appointed a dictator also ended the dictator’s term of office is best explained by their being colleagues, just as the praetors’ and the consuls’ terms all end on the same day.

M32. The so-called dictatorship, therefore, actually results from the new annual leaders of the Republic, on dispensing with the kings, retaining the discretion to appoint a third colleague, superior to themselves, without consulting the people.51

M33. The dictator’s authority was of the same nature as that of the consuls and praetors, but of greater potency. Thus if a dictator and a consul both operated in the same war, the latter was subordinated to the former and fought under the dictator’s auspices, and only the dictator might triumph.

M34. The consul did not give up his lictors at the accession of a dictator, but must not appear with them before the dictator.52 (It is said that the

50 Mommsen’s citation here is to 1.161, regarding colleges coopting new members to fill vacancies. This normally applied to priests and augurs (2.24, 2.689, 2.1112, 3.569, 3.1051) and the senate (2.943, 3.855). But in rare cases where an election did not complete the college, magistrate(s)-elect were said to be able to co-opt for the vacant seat(s) from among the other candidates (consular elections for 189, Livy 37.47; tribunal elections for 448, 3.64.10; cf. Livy 3.64–65, 4.16, 5.10). Done once with censors, but after the city was captured during the resulting lustrum it was firmly proscribed as irreligious (Livy 6.27, 9.34). Also sometimes applied to a plebeian inducted into the patricians (Livy 4.4; Flor. 2.15.4; Mommsen Röm. Staatsr., 3.30).

51 “Die sogenannte Dictatur ist also eigentlich die Anordnung, dass bei Abschaffung der lebenslänglichen Monarchie den neuen Jahrherrschern gestattet ward nach Ermessen Einen dritten Collegen hinzuzunehmen, hinsichtlich dessen das Volk vorher nicht zu befragen, der aber an Macht ihnen beiden überlegen war.”

52 Mommsen here refers to 1.300, n.1.
dictator’s power was equal to that of the consuls combined, but that probably just referred to the number of lictors. Magistrates with inferior imperium did not cease their functions under those with superior imperium: no more so for consuls under dictators than for praetors under consuls.

M35. However, it is not unlikely that in early times the consuls’ authority was suspended within the sphere of competence of the dictator, so that the consuls unusually abstained from making war while a dictator was in command; this would explain why consuls were seldom used as subcommanders, the dictator instead requiring the addition of a junior colleague, the magister equitum.

M36. **Restriction of competence.** An important difference between the dictatorship and the consulship is that whereas the limitation of competence to a given affair was originally alien to the consulship (and, in essence, always remained so), this limitation was the heart of the dictatorship. This is demonstrated in the maxim, repeated by Cicero and the emperor Claudius, that the dictatorship intervenes in the presences of severe war or acute inner strife.

M37. This was shown also by the customary inclusion of the competence in the dictator’s own title, which was recorded in the Fasti: these included rei gerundae causa; seditionis sedandae et rei gerundae causa; clavi figendi causa; comitiorum habendorum causa; plus holding festivals, supplementing the senate, and other more dubious appellations. These distinctions were not all on the same level; indeed the preponderance were of the military authority, and in a certain sense this was the unique and essential competence of the dictator.

M38. **The military character of the office.** Not only are dictators of the other kinds not encountered before 363; but if the dictator at that time named clavi figendi causa was so restricted because they feared him doing more, and yet he nonetheless claimed the right to make war, then probably this right was inherent to the office and could not be removed by the qualification of
competence. Later cases also suggest that these limitations of competence affected the dictator more in fact than in law.

M39. So the military *imperium* is inherent to the dictatorship, but the civil jurisdiction probably never was. The situation is analogous to the consulship after the creation of the praetorship: in other words, the dictator had uncontested *imperium*, but domestic authority was removed. Probably the oldest and sharpest distinction between the *imperium domi* and the *imperium militiae* developed in the contrast between the official authority of the consul and the dictator.

M40. In this distinction we find the key to the peculiarities of the dictatorship and to its differences from the consulship. The kings, and the consuls who continued the monarchy, were not exclusively or even primarily generals; they were primarily the arbiters of Roman civil affairs. In contrast, the dictator was foremost and, in a certain sense, exclusively the people’s commander-in-chief in war.

M41. This explains why consuls were appointed regularly, but dictators infrequently: even in the most warlike city, peace is the rule and a military leader is seldom needed. It also explains the purpose of the dictatorship: concord among two superior authorities is possible in times of peace and the administration of justice, but war requires unified command. It is not necessary to assert, contrary to the historical tradition, that under the original constitution of the Republic the highest military authority was not available to the consuls and it was necessary to appoint a dictator for every war; it is enough to say that “in case of serious military threat,” as the traditional formula went, the consuls were superseded by the commander-in-chief.

M42. The six months allotted to the dictatorship is also explained by its military character. This is also in harmony with the original title of the office,

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53 Mommsen referred to here to discussions at 1.118 n. 2 and 1.119 n.1.
magister populi, especially as the position of magister equitum allows no correlation other than to master of the army.

M43. One must go further. The two rules most peculiar to the dictatorship is that he must immediately appoint a magister equitum, and that he might not ride a horse without dispensation from the people or the senate. These stipulations are closely related. Generals must necessarily appoint commanders of cavalry, while they themselves were stationed with the infantry; in ancient times, when mounted infantry officers were unknown, this meant the general himself did not mount a horse.

M44. The magister populi was at the same time commander-in-chief and infantry commander. This specific role fell, among all the Roman magistrates, only to the dictator. In contrast, the consul was so little considered an officer that, even on campaign, he had at his side not a magister equitum but a quaestor, who was no more an officer than himself.

M45. **Term of office.** The principle of annularity did not apply to an office created to address a specific operation. The duration of their office, as with other magistrates such as the censors and duoviri aedi dedicandae, depended on their task. They retired on completion of the job, and derived honor from having accomplished their mandate in the shortest time possible.

M46. Nonetheless, the dictator was subject to two time limits. One was absolute, that he could not remain in office longer than six months; the other relative, that he could not outlast the tenure of the magistrates who appointed him. The latter is nowhere stated, but it follows from the evidence of the dictatorships of Camillus in 390 and of C. Servilius in 202, and from the fact that no dictator was appointed to avoid an interregnum or to hold elections after the resignation of the ordinary magistrates. This limitation comes, as discussed, from the dictator's status as a colleague co-opted by the consuls.

M47. The six-month maximum is explained by the dictator having been first and foremost a military commander: in the old days, campaigns lasted the whole
summer at most. Further, it was considered unseemly for nonmilitary dictators to stay in office for the whole six-month period.

M48. Prorogation seems never to have been applied to the dictatorship. If a dictator came to the end of his command and there was no suitable relief, he probably remained in place until a replacement magistrate arrived; but no examples can be cited. Certainly the dictatorship was never formally prorogued by a law or senatus consultum. Beyond concerns about extending an already dangerously powerful magistracy, the idea that a magistracy not created by an act of the people could not also be extended by an act of the people might apply.

M49. Provocatio. The dictator had freer scope and greater power than the consuls not only from lacking a colleague, but also from the immunity to certain restrictive legislation. One example in in the area of criminal jurisdiction. Whereas according to tradition the consul had to bow to provocatio in the city, the dictator did not; the dictator was free from being subject to restriction not only in the field, but even at home.

M50. That later dictators lost this immunity can be surmised from Festus’s observation that later the formula ut optima lege was omitted, since the law of provocatio was declared admissible for dictators. As to when and by what law the important limitation was imposed on the dictator, our sources give no satisfactory answer. Records under the dates 439, 385, 363, 325, and 314 provide poorly authenticated examples of dictators evading provocatio; if these have any validity, then the application of provocatio to dictators cannot relate to the laws of 449, which in any event were thought to have pertained only to elected, not appointed, officials. A better candidate is the third Valerian law of 300, which, it was said, made “more specific provisions.”

M51. However that may be, it is sure that the time of application of provocatio to the dictator, a military official, was not the same as that to the consul, initially a civil servant. Though the dictator is the ultimate choice of ruler, one that by virtue of his command empowered both in the city and the field, the dictator and consul differed in military imperium by the latter’s
being only out of town, the former’s everywhere and necessarily so. In this respect, the dictatorship was akin to the suspension of civil authority we know today as martial law.

M52. **Intercessio.** As with provocatio with respect to the comitia, so too intercessio with respect to the tribunes of the plebs. Intercession was understood not to have applied to the dictator, and this was certainly the case in the early period. The logic is the same: it was an urban, civil law and so alien to the dictatorship.

M53. Later, as with provocatio, the immunity from intercessio weakened, and in some cases a dictator was forced to submit to a tribune of the plebs. Though only shortly before the dictatorship disappeared, the power of the tribunal was placed above imperium maius as it was above consular imperium, and in the end the people and the tribunes finally obtained the greater authority with respect to the dictator and the senate as to the consul.

M54. **Independence from the senate.** According to Polybius, the consuls required many things of the senate in implementing their projects; but the dictator, as the top official, depended only on himself. 148

M55. This is reflected even in the name for the office adopted by Polybius and later Greek writers, autokrator strategos or merely autokrator, as noted earlier. 149 By analogy with other uses of the term autokrator, it is clear what was meant was that the dictator received no binding instructions from the senate. It is true that for armament and warfare the dictator shared the consul position as “a virtually independent power”; 55 but the dictator’s authority extended even beyond these words.

M56. Just as the consul had a freer hand than the praetor in the declaration of war, so the dictator was not without reason called “lord of war and peace”

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54 “κάκεινοι μὲν ἐν πολλοῖς προσδέονται τῆς συγκλήτου πρὸς τὸ συντελεῖν τὰς ἐπιβολὰς, οὕτως δ’ ἔστιν αὐτοκράτωρ στρατηγός”: Polyb. 3.87.7. [Mommsen’s note.]

55 “περὶ πολέμου κατασκευῆς καὶ καθόλου τῆς ἐν ὑπάιθρως οἰκονομίας σχεδὸν αὐτοκράτορα τὴν ἐξουσίαν ἔχουσι”: Polyb. 6.12.5. [Mommsen’s note.]
by Dionysius,\textsuperscript{56} his power extending as far as possible in this direction without utterly rescinding the people’s right to decide on offensive wars.

M57. It is probable the consul could not raise more than four legions without an order of the senate, whereas the rights of the dictator may have been unlimited in this respect. The extent to which dictators in the field were bound by custom by messengers of the senate was less frequent and less intent than it was for consuls. Even if we do not define exactly the relative competence in war of praetors, consuls, and dictators, the degrees of increase are clear.

M58. That the dictator did not have to account for his funds, as did the consul, agrees with the rest of it: the magistrate who did not need permission, logically cannot also be held to account. The dictator’s liberation from senatorial instructions and accountability obviously derive from the office’s military nature. In the field, both the consul and the dictator received the funds they needed only by resolution of the senate.

M59. A final feature of the dictatorship was that while in the old days no magistrate could appoint an official entitled to \textit{fasces} and magisterial insignia, the dictator could do so for both the \textit{magister equitum} and such officials as the urban prefect. Where this ability originated is unclear; probably it was within the rights of the king to delegate his insignia, a right of which the consul was deprived but which the dictator unreservedly retained.

M60. \textbf{Relation to the monarchy}. Despite the rapport between the dictatorship and the monarchy, they are essentially different forms, and it was the consulship that was the continuation of the monarchy. The insignia were the same, whereas the dictator’s were different from the king’s; in its specifically military powers, command of the infantry, appointment of the \textit{magister equitum}, and other points, the dictatorship displayed characteristics

\textsuperscript{56} “πολέμου τε καὶ εἰρήνης καὶ πάντος ἄλλου πράγματος αὐτοκράτωρ”: Dion. Hal. \textit{Ant. Rom.} 5.73. [Mommsen’s note.]
that cannot be traced to the monarchy. In essence the dictatorship is
designed as an expansion of the consulship, and that it how it originated.

M61. Still, given that the consulship was a weakened form of the monarchy, a
strengthening of the consulship resembles monarchy again; so in this sense
we can countenance the proposition that the dictatorship constitutes a
temporary resumption of the monarchy. Terminology aside, elements that,
in the Roman system, distinguished the superior magistrates from the kings
are missing from the dictatorship: provocatio was suspended; election of
officials was replaced by appointment, as it probably was under the kings;
intercession by one’s colleague likewise did not apply, and retention of the
consuls as colleagues with inferior authority barely masked the suspension
of the principle of collegiality; even the dictator’s exceptional powers in war
connected directly to the king’s authority.

M62. The Roman constitution attempted to mask the relationship between the
dictatorship and the monarchy. But the substance is more powerful than
the form. Historically, with the removal of royalty has been reserved the
provision for it to resurface, but only as an extraordinary thing, under a
different name and for a short time.

M63. **The end of the dictatorship.** Tradition shows how the dictatorship was
considered alien and even hostile to the establishment of a free state, and
the fight against it did not rest until it was subjected to intercession by the
tribunes and provocatio by the people, and, eventually, to popular election,
at which point it lost its meaning and disappeared.

M64. The internal crises that brought about the end of the dictatorship, during
the Hannibalic War, persisted thereafter. The last military dictator was
appointed in 216, the last dictator in 202; in the major Roman wars beyond
Italy the dictators played no role, its short time limit making it unsuitable
for such conflicts.

M65. The office was, no doubt, not officially abolished, and remained a valid
provision of the Republic to its end. This is of practical importance, as it
gave a name to the new extra-constitutional standing magistracy established by Sulla, by which he reshaped the state according to principles of aristocratic reaction. In fact, though the Sullan and post-Sullan dictatorships shared some external ties with the older dictatorship, they were radically different, with a different legal basis as well, and they will be treated separately in the chapter on extraordinary powers.

M66. Latin dictatorship. While the Roman dictatorship was related in substance to the Roman monarchy, the Latin dictatorship was significantly different and probably emerged directly from the Latin monarchy. In the Latin cities we encounter, alongside a superior magistracy analogous to the consul, the praetor, another system, in which the dictator stood alone in place of the two praetors, the ordinary leaders of the community. The first prevailed generally, especially in communities directly organized by Rome, the Latin colonies in particular; but the second system is found mainly in communities that retained their original form of government with relative purity, such as Alba, Lanuvium, Caere, Tusculum, and Nomentum. The office was restricted even here; at Alba, the dictator appeared only in a priestly function and was appointed annually, and where the dictators had political authority collegiality was at least partially imposed. Nonetheless there are still clear signs that the dictatorship was originally monarchical.

M67. This office differed radically from the Roman dictatorship in its civil character, annularity, and partial collegiality; the similarity of name is even less relevant, as the title dictator replaced an older title in Rome definitely, and in Latium probably. The Latin dictatorship was nothing more than a continuation of the Latin kingship, with the name changed and the term of office made annual. The Romans themselves saw it the same way, as in their legends applied both king and dictator indiscriminately to the magistrates of Alba.

M68. The royal origin of the Latin dictatorship is revealed also in their ability to appoint priests, an ability possessed by Roman kings but not by Republican magistrates, consuls and dictators included.
M69. In the Latin communities, therefore, the dictatorship was a means not of eliminating the monarchy but of perpetuating it, though forced to change the name and submit to annularity and, ultimately, collegiality. But the fact that the dictatorship was a continuation of the monarchy was firmly in the minds of the people.

M70. If the Roman *magister populi* was stripped of its name and, long before the Hannibalic War, was retitled *dictator*, this was probably also meant as an attempt at identifying this magistracy as a temporary royalty. It may also have been a tacit protest by the plebeians against this magistracy, hated by them more than anything and considered by them incompatible with the institutions of the Republic.

M71. Even in the last days of the Republic, the shadow of the Latin kingship could still be felt: Caesar’s annual dictatorship was undoubtedly patterned on the Alban dictatorship, and, alongside more important considerations, memories of the Alban Julii certainly played a role.
NICCOLO MACHIAVELLI AND THE VICE OF INGRATITUDE

The dictatorship being an atypical and irregular form of autocracy, most of Machiavelli’s mentions of the Roman dictatorship referred to the actions of particular dictators, as illustrations of some larger principle. On a couple of key occasions, prefatory to such an elaboration, he referred to the dictatorship in the abstract, as here in his Discourses on Livy (1519).

Machiavelli here identified the outstanding characteristics of the dictatorship: (a) it was the empowering of one man (alone), who (b) did not have to consult anyone else, neither colleague not people nor senate, and so (c) could undertake any action he desired and (d) was not subject to appeal. A further element is important: (e) that it was an effective response not merely to sudden emergencies but to critical moments of transition in the

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57 Machiavelli Discorsi sopra la prima deca di Tito Livio 1.33. For more on Machiavelli’s discussion of the Republic in general, see e.g. Lintott 1999, 236–44.

58 The translation used here is that of Detmold 1882.
stages of Rome’s growth, with a suggestion that he was aware of the various kinds of emergencies that could serve as triggers for the appointment of a dictator.

Most interestingly, this passage is employed as an introduction to an argument that when evil threatens a republic from within or without, Machiavelli wrote, it is better to remedy it by temporizing rather than to attempt to extirpate it with violence, as the latter course is likely to result in the evil increasing its force—an approach consonant with how the dictatorship was actually used in the stories of its earliest implementations. And in fact, the use of the dictatorship from its earliest days was rooted in conciliation as an alternative to raw violence and oppression; this outcome was even dramatized by Livy as a debate in the senate over two choices of dictator.

A little further on, Machiavelli effectively countered the untutored supposition that Roman dictators were despots.
first tyrant of that city governed her under the title of Dictator, and saying that, if it had not been for this office, Caesar never could under any other public title have imposed his despotism upon the Romans. Evidently the subject could not have been thoroughly considered by those who advance this opinion, so generally adopted without good reasons; for it was neither the name nor the rank of the Dictator that subjected Rome to servitude, but it was the authority which citizens usurped to perpetuate themselves in the government. And if the title of Dictator had not existed in Rome, some other would have been taken; for power can easily take a name, but a name cannot give power. And it is seen that the dictatorship, whenever created according to public law and not usurped by individual authority, always proved beneficial to Rome; it is the magistracies and powers that are created by illegitimate means which harm a republic, and not those that are appointed in the regular way, as was the case in Rome, where in the long course of time no Dictator ever failed to prove beneficial to the republic.

The reason of this is perfectly evident: first, before a citizen can be in a position to usurp extraordinary powers, many things must concur, which in a republic as yet uncorrupted never can happen; for he must be exceedingly rich, and must have many adherents and partisans, which cannot be where the laws are observed; and even if he had them, he would never be supported by the free suffrages of the people, for such men are generally looked upon as dangerous. Besides this, Dictators were appointed only for a limited term, and not in perpetuity, and their power to act was confined to the particular occasion for which they were created. This power consisted in being able to decide alone upon the measures to be adopted for averting the pressing danger, to do whatever he deemed proper without consultation, and to inflict punishment upon any one without appeal. But the Dictator could do nothing to alter the form of the government, such as to diminish the powers of the Senate or the people, or to abrogate existing institutions and create new ones. So that, taking together the short period for which he held the office, and the limited powers which he possessed, and the fact that the Roman people were as yet uncorrupted, it is evident that it was impossible for him to exceed his powers and to harm the republic; which on the contrary, as all experience shows, was always benefited by him.

Here Machiavelli noted some of the limitations on the power of the archaic dictator, though he seems to be detailing those restrictions that had notably fallen away by the time Caesar took power. These restrictions were: (a) for most of the Republic, arguably until Marius, an ambitious man who was both extremely rich and had his own faction behind him was not supposed to arise, would have indeed been mistrusted by populace and senate alike, and would not have been allowed near the dictatorship; (b) the dictatorship's power was for a limited time and (c) restricted to the crisis at hand, and therefore (d) could not alter the constitution or the nature of Rome's institutions.

Machiavelli’s remark that the dictatorship was time-limited is ambiguous; it could mean that the office only endured for a set term, or, and this is What is relevant to his argument, that it lasted in any event only as long as the emergency. The scope of the
dictator’s powers were bound to the resolution of the crisis, as Machiavelli understood, and this made it nearly impossible for him to damage the Republic; in fact recourse to the dictatorship was, far from resulting in despotic oppression, consistently beneficial to the Roman populace. The nature of the office was to ameliorate a crisis threatening Rome itself; the office was bound to that task; and as a result, the dictatorship was a positive component of, and no threat to, the Roman constitution—at least until, under Sulla, the crisis that had instantiated the dictatorship was damage done to the Roman constitution itself. Machiavelli, in other words, understood that the archaic dictatorship was bound to a mandate.

Reinforcing this treatment of the dictatorship, during an aside on the danger of a prince being mistrustful or ungrateful for his position Machiavelli gave this felicitous explanation for why Roman dictators tended to lay down their office at the earliest possible opportunity: that the plenitude of courageous and loyal generals, all watching each other, gave the Romans reason not to fear, and that for the height of dictatorship the greatest glory was in laying it down again.

Quanto a una republica, volendo fuggire questo vizio dello ingrato, non si può dare il medesimo rimedio che al principe; cioè che vadia, e non mandi, nelle espedizioni sue, sendo necessitata a mandare uno suo cittadino. Conviene, pertanto, che per rimedio io le dia, che la tenga i medesimi modi che tenne la Republica romana a essere meno ingrata che l'altre. Il che nacque dai modi del suo governo. Perché, adoperandosi tutta la città, e gli nobili e gli ignobili, nella guerra, surgeva sempre in Roma in ogni età tanti uomini virtuosi, ed ornati di varie vittorie, che il popolo non aveva cagione di dubitare d'alcuno di loro, sendo assai, e guardando l'uno l'altro. E in tanto si mantenevano interi e respettivi di non dare ombra di alcuna ambizione né cagione al popolo, come ambiziosi, l'offendergli, che, venendo alla dittatura quello maggiore gloria ne riportava che più tosto la diponeva. È così, non potendo simili modi generare sospetto, non generavano ingritudine.
this dignity down again; and thus, having inspired no fear or mistrust, they gave no cause for ingratitude.

This remark sees the dictatorship as the pinnacle of a military man’s career in a militarized state, which is one of the things it was; it might be more useful to use this as a starting point, and to instead see the dictatorship as a culminating point for a statesman in a commonwealth in which statesmanship was highly valued as emblematic of idealized manliness (virtue). Machiavelli’s conclusion is the same: Rome had so many of these men that the commoners had no reason to mistrust any of them individually (though they might well fear them collectively), since each sought to maintain virtue in the eyes of his many peers through energetic and effective statesmanship on behalf of Rome.

This conception of Rome’s leadership as a community of worthy men the mere existence of which helped ensure each of its members’ high standards of action even when given great authority will be helpful as we discuss what the dictatorship meant to that pool of Romans from whom dictators were drawn.

BENEDICT DE SPINOZA AND THE CURE FOR WHAT AILS US

Spinoza, in his Tractatus Politicus (1676), described the dictatorship as both a means by which entropic deviations in the state might be occasionally redressed and the original form of the state restored, on the one hand, and as intrinsically dangerous to all parties and factions, on the other.\textsuperscript{59}

\textbf{SPINOZA TRACTATUS POLITICUS 10.1}

\textit{Primaria causa, unde huiusmodi imperia dissolvuntur, illa est, quam acutissimus Florentinus observat, videlicet quod “imperio, sicuti humano corporei, quotidie aggregatur aliquid, quod quandoque indiget curatione.” Atque adeo necesse esse, ait, ut aliquando aliquid accidat, quo imperium ad suum principium, quo stabiliri incepit, redigatur. Quod si intra debitum tempus non acciderit, vitia eo usque crescent, ut tolli nequeant nisi cum ipso imperio. Atque hoc, inquit, vel casu contingere potest, vel consilio et prudentia legum, aut viri eximiae virtutis. ...}

\textit{Primum quod huic malo remedium occurrebat, hoc fuit, ut scilicet singulis lustris supremus aliquis dictator in mensem unum aut duos crearetur, cui ius esset de senatorum et cuiuscumque ministri factis cognosci, iudicandi et statuendi, et consequenter imperium ad suum principium restituendi. Sed qui imperii incommoda vitare studet, remedia adhibere debet, quae cum imperii natura conveniant, et quae ex ipsius fundamentis deduci queant, alias in Scyllam incidet cupiens vitare Charybdin. Est quidem hoc verum, quod omnes, tam qui regunt, quam

\textsuperscript{59} The translation here is that of A. H. Gosset, as published in Elwes 1883.
qui reguntur, metu supplicii aut damnii contineri debeant, ne impune vel cum lucro peccare liceat; sed contra certum etiam est, quod si hic metus bonis et malis hominibus communis fuerit, versetur necessario imperium in summo periculo. Cumigitur dictatoria potestas absoluta sit, non potest non esse omnibus formidabilis, praeertem si statuto tempore, ut requiritur, dictator crearetur, quia tum unusquisque gloriae cupidus eum honorem summo studio ambiret; et certum est, quod in pace non tam virtus quam opulentia spectatur, ita ut quo quisque superior, eo facilius honores adipiscatur. Et forte hac de causa Romani nullo constituto tempore, sed fortuita quaedam necessitate coacti dictatorem facere consuerant. At nihilominus “rumor dictatoris,” ut Ciceronis verba referam, “bonis iniucundus” fuit.

Et sane, quandoquidem haec dictatoria potestas regia absolute est, potest non absque magno reipublicae periculo imperium aliquando in monarchicum mutari, tametsi in tempus, quantumvis breve, id fiat. Addequod, si ad creandum dictatorem nullum certum temporum designatum sit, ratio tunc nulla temporis intercedentis ab uno ad alium, quam maxime servandam esse diximus, habetur, et quod res etiam vaga admodum esset, ut facile negligentur. Nisi itaque haec dictatoria potestas aeterna sit et stabilis, quae servata imperii forma in unum deferri nequit, erit ergo ipsa, et consequenter reipublicae salus et conservatio admodum incerta.

The primary cause, by which dominions of this kind are dissolved, is that, which that most acute Florentine observes, namely, that like a human body, “a dominion has daily added to it something that at some time or other needs to be remedied.” And so, he says, it is necessary for something occasionally to occur, to bring back the dominion to that first principle, on which it was in the beginning established. And if this does not take place within the necessary time, its blemishes will go on increasing, till they cannot be removed, but with the dominion itself. And this restoration, he says, may either happen accidentally or by the design and forethought of the laws or of a man of extraordinary virtue. …

The first remedy, that suggested itself for this evil, was to appoint every five years a supreme dictator for one or two months, who should have the right to inquire, decide, and make ordinances concerning the acts of the senators and of every official, and thereby to bring back the dominion to its first principle. But he who studies to avoid the inconveniences to which a dominion is liable, must apply remedies that suit its nature, and can be derived from its own foundations; otherwise in his wish to avoid Charybdis he falls upon Scylla. It is, indeed, true that all, as well rulers as ruled, ought to be restrained by fear of punishment or loss, so that they may not do wrong with impunity or even advantage; but, on the other hand, it is certain, that if this fear becomes common to good and bad men alike, the dominion must be in the utmost danger. Now as the authority of a dictator is absolute, it cannot fail to be a terror to all, especially if, as is here required, he were appointed at a stated time, because in that case every ambitious man would pursue this office with the utmost energy; and it is certain that in time of peace virtue is thought less of than wealth, so that the more haughty a man he is, the more easily he will get office. And this perhaps is why the Romans used to make a dictator at no fixed time, but under pressure of some accidental necessity. Though for all that, to quote Cicero’s words, “the rumor of a dictator was displeasing to the nobility.”

And to be sure, as this authority of a dictator is quite royal, it is impossible for the dominion to change into a monarchy without great peril to the republic, although it happen for ever so short a time. Furthermore, if no fixed time were appointed for creating a dictator, no notice would be paid to the interval between one dictator and another, which is the very thing that we said was most to be observed; and the whole

60 The reference is to Niccolò Machiavelli, Discourses on Livy 3.1.
61 “rumor dictatoris iniucundus bonis,” Cic. Q. Fr. 3.8.4. Amusingly, “rumor” was misprinted as “tumor” in Elwes.
thing would be exceedingly vague, and therefore easily neglected. Unless, then, this
authority of a dictator be eternal and fixed, and therefore impossible to be conferred
on one man without destroying the form of dominion, the dictatorial authority itself,
and consequently the safety and preservation of the republic will be very uncertain.

In this passage Spinoza made a number of interesting arguments relating to the role
of the dictatorship. First, he posited the dictatorship as a means by which the tendency of
a state to skew away from its “first principle” through the impacts of whatever events occur
over the passage of time might be ameliorated and the state, as in Scipio’s dream, brought
back to the way it should be. This suggests a role for the dictatorship not so much as a
recourse in case of a state-threatening emergency, but as a restorative to the ways in which
the state, by responding and adapting to crises, has become altered in such a way as to
need correction. That this is a natural condition of the state means that such restoration
is periodically necessary; but if the office were made regular, Spinoza observed, then it
would draw the ambition of every active man in the state. Consequently, the Romans
allowed the dictatorship to be resorted to when random extreme peril threatened the
Republic.

In the abstract, this is an interesting theory; still, as Spinoza noted, the Romans used
the dictatorship only to resolve great emergencies at unpredictable intervals, and not to
“bring back the dominion to that first principle on which it was in the beginning
established”—except in the broadest sense that the dominion, in this case the Roman
Republic, was originally created to protect the rights and property of the Romans, and so
thwarting a Gallic invasion or a seditious uprising restored that protection. But Spinoza
here was speaking about constitutional principles, and in fact the Roman dictatorship,
except under Sulla, was never used to restore the form of government back to the way it
was supposed to be; on the contrary, more than one dictator was associated with radical
and innovative reforms.

Second, he observed that the power of the dictatorship was so great that instantiating
it even for a brief time involved great peril for the community. Because, during the
Republic, it occurred at irregular intervals, its power and the danger posed by it was
unpredictable; conversely, if it had occurred at regular intervals, destruction of the existing state would be certain. This would be true, however, only if the dictator truly were some kind of all-powerful king who, once installed, commanded all things in Rome. But this was not the way the dictatorship operated; otherwise, it would be impossible to understand how such potency was not successfully abused in the three centuries and eighty-five instances of the archaic dictatorship. Instead, the dictator was, as we will see, all-powerful within the context of the crisis he was appointed to resolve. His power was quite predictable: it was whatever was necessary to resolve that crisis. The danger posed to the Republic was consistently nil, until, in the last, dying throes of the Republic, the dictatorship had mutated into just what Spinoza made it out to be.

**JEAN-JACQUES ROUSSEAU AND THE MOMENT OF SILENCE**

In *The Social Contract* (1762), Jean-Jacques Rousseau, after having spent most of the work defending the sovereignty of the people and the supremacy of law as applied to the complexities of the modern world, discussed a further complication: the need to prevent rigid adherence to law wrecking the state in those times of crisis when flexibility is required. Any number of circumstances might arise that legislators did not foresee, he noted; true foresight included the ability to perceive that not everything could be foreseen. A well-constructed state, therefore, required an extraordinary mechanism by which the ordinary mechanisms of the state might be superseded in times of great emergency. The first example that he gave was that of the Roman dictatorship.62

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62 Rousseau’s explication of the dictatorship, and allowance for it under these conditions, has been unfairly taken as part of accusations that he supplied tyrants with the philosophical tools of abuse and suppression: see for example Williams 2005.
forme de leur administration. Que si le péril est tel que l’appareil des lois soit un obstacle à s’en garantir, alors on nomme un chef suprême, qui fasse taire toutes les lois suspendre un moment l’autorité souveraine. En pareil cas, la volonté générale n’est pas douteuse, et il est évident que la première intention du peuple est que l’État ne périsse pas. De cette manière, la suspension de l’autorité législative ne l’abolit point: le magistrat qui la fait taire ne peut la faire parler; il la domine sans pouvoir la représenter. Il peut tout faire, excepté des lois.

Le premier moyen s’employait par le sénat romain quand il chargeait les consuls par une formule consacrée de pourvoir au salut de la république. Le second avait lieu quand un des deux consuls nommait un dictateur; usage dont Albe avait donné l’exemple à Rome.

But it is only the gravest dangers that can justify the alteration of the public order, and one may never hinder the sacred power of the laws except when the survival of nation is in peril. In these rare and manifest cases, the safety of the public is provided for by a special act that entrusts the public’s care to the most worthy man. This charge can be entrusted in two ways depending on the nature of the peril.

If, for the remedy of the crisis, an augmentation of the actions of the government suffices, it may be concentrated in the hands of one or two of its members; in such a case it is not the authority of the laws that is being altered but the manner of its administration. If, on the other hand, it is the process of law that endangers the guarantee of safety, it is necessary to name a supreme leader, who is able to silence the laws and momentarily suspend their sovereign authority. In such a case the general will is not in doubt, and it is clear that the people’s primary intention is that the State should not perish. Consequently, the suspension of the legislative power does not involve its abolition: the official who silences it cannot make it speak; he dominates it without being able to represent it. He can do anything except make laws.

The first method was used by the Roman senate when it charged the consuls, by a sacred formula, with saving the Republic. The second was employed when one of the two consuls named a dictator, a custom the Romans had gotten from Alba.

Here Rousseau astutely outlined the case for just such an office as the dictatorship, an extraordinary magistracy bound not to an elective term but to the resolution of a crisis, within the context of his overarching theory involving an absolutely sovereign people exerting a legislative capacity and a separate state needed to act as executive in the application of the law. The suggestion of the Romans of the early Republic as a people ordinarily bound by a rigid system of laws but open to their supersession in case of dire emergency is not quite apt, as the Romans operated according to a system of laws and precedents that was already flexible and adaptable, and which underwent continual changes of varying degree throughout the history of the Republic; but the Romans did recognize that in times of peril it was necessary to employ one of the two paths necessity outlined by Rousseau: emergency powers for the incumbent executive, or a momentary

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63 This naming was done at night and in secret, as if they were ashamed to set a man above the laws. [Author’s note.]
“silencing” of the sovereignty of the people and their laws through the appointment of a dictator, who even so represented the popular will in his mandate to save the state.

In this passage, Rousseau made some interesting assertions regarding the nature of the dictator’s power. The imagery he used, especially that of silencing the laws, is evocative: for Rousseau the laws were sacred, but because they represented the safety of the state, protecting the rights of both citizen and community; if the laws themselves were, in the case of a special kind of cataclysm, themselves a threat to the state and its citizens, it was justified not that they go away or be supplanted—the general will, and the laws they represent, are indestructible—but that they stand mute for the duration of the period in which the ordinary formal process of the law would endanger the state itself. “Sparthe elle-même a laissé dormir ses lois,” Rousseau had said earlier in the same section, and the laws being made to sleep for their own protection justified the otherwise outrageous existence of a Leviathan with the power to “dominate” the sovereign people and silence their laws.

So far this passage explains the Roman dictatorship remarkably well, and the main instance of artistic license is Rousseau’s archly worded footnote. The consul did indeed make the appointment of the dictator in the small hours of the night, as attested more than once in the archaic narrative of the dictatorship; this was, however, not because the Romans were ashamed in the way that Rousseau stated, but because it was easier for the consul to consult the gods when the hurly-burly of human activity was quieted. The sobriety of the “consecrated ritual” and the necessity of ensuring that it was done according to the proper ritual and with the gods’ approval was, if anything, more important for the appointment of the dictator than for the senate’s charging of the consuls with the authority to do what was necessary to save the state.

From theory Rousseau then turned to the operation of the dictatorship within the Roman system.

Rousseau Du Contrat Social 4.6 ¶6–8

Dans les commencements de la république, on eut très souvent recours à la dictature, parce que l’Etat n’avait pas encore une assiette assez fixe pour pouvoir se soutenir par la seule force de sa constitution. Les mœurs rendant alors superflues bien des précautions qui eussent été
At the beginnings of the Republic there was frequent recourse to the dictatorship, because the State did not yet have a strong enough basis to support itself through the sole force of its constitution. Roman mores having rendered superfluous many precautions that would have been necessary under other circumstances, there was no danger of a dictator either abusing his power or of overstaying his term. On the contrary it seemed that such a mantle of power was a burden to he on whom it was laid, so that he hastened to divest himself of it, so painful and perilous was it to stand in place of the laws.

So it is not the danger of abuse, but of degradation, which makes me blame the indiscreet use of this supreme magistracy in antiquity. For as long as the office was squandered on elections, dedications, and actions of a purely formal nature, it was feared that it would be less powerful when needed, and that it would come to be regarded as an empty title that was used only for empty ceremonies.

His discussion contains some remarkable insights. Particularly striking is the assertion that the dictatorship was useful precisely because a dictator could do that which elected officials could not do. Though his context here was the youth of the Republic, when the infrastructure of the state was not “yet” strong, this relates to the “frequent” resort to the dictatorship, not the recourse itself. The dictatorship, as a different kind of office devoid of the weaknesses of ordinary elected officials, would persist in that usefulness even if its iterations were not as frequently demanded by the nascence of the state. That ceremonial use of the dictatorship was both wasteful and debilitating is, then, a corollary to the first idea, since doing so was depriving the Republic of a genuinely useful alternative to the limitations of conventional executive authority.

Also of great interest is Rousseau’s assertion that it was nothing but social mores that kept dictators from abusing their power. These mores were so effective that no other safeguards were necessary. It was not law or even religion that kept dictators from descending into tyranny; on the contrary, dictators did not abuse their power because it was not done. Nonetheless, once he had shifted from theory to application, Rousseau began to deviate from the narrative of the archaic dictatorship in a way that recalls the
inaccuracies of the classical epitomes. Let’s examine Rousseau’s assertions in turn as they apply to the practice of the dictatorship as it was understood by the Romans.

First, Rousseau noted that the dictatorship was used frequently at “the beginnings” of the Republic, but this depends on how the word “beginnings” is interpreted. There were only four remembered instantiations of the dictatorship in the fifth century, as recorded in the later narrative; the office’s frequency was in the fourth and third centuries, a range of time that is rather harder to justify as the period in which the government of the Republic was too weak or the constitution too inchoate to avert the installation of an office that temporarily supplanted the state—unless Rousseau meant the inherent weakness of elective office.

Second, Rousseau, interestingly, credited the absence of abuse of office to les mœurs, which, like the Latin mos from which it derived, encompassed both a society’s morals and its customs. Rousseau argued that the Roman dictators did not abuse their power because they were prevented from doing so by the Roman mind-set itself; moreover, the inhibiting factor was not public disapprobation but the dictator’s own inability to abide the possession of summa potestas. There is a certain truth in this: it seems clear that dictators abdicated as quickly as possible not primarily out of fear of public retaliation but as a result of the early and consistent precedent that it was their duty and responsibility to do so. But the duty to abdicate, as is argued in the main body of this study, derived not from the intolerable burden of standing in place of the laws but from the binding of the dictatorship to the mandate, so that acting beyond the mandate or enduring in office beyond its resolution was unconscionable—immoral and a violation of custom—to the dictator as well as to the public.

Third, as Rousseau was aware that the dictatorship had nonetheless been abused in subsequent times, and as he had already observed this was not due to a creeping misuse of the office or any other moral failing of the early Romans, he sought and proposed an alternative explanation: that increasing resort to the dictatorship for mundane and ceremonial purposes had devalued the office into meaninglessness. This assessment is
difficult to sustain. Yes, during the third century the dictatorship was increasingly used to conduct elections and, on a couple of occasions, hold games, freeing the consuls for the field as wars ranged longer and further from home. But in the wake of the catastrophic crises of Hannibal’s invasion and the Carthaginian’s crushing annihilation of their armies at Lake Trasimene, the Romans not only turned to the appointment of a dictator as the ultimate remedy in extreme crisis, but sought to innovate a second dictator, a co-dictator to strengthen the dictator’s potency against a terrifying enemy. The Roman people entrusted Q. Fabius Maximus Verrucosus (#74, 217) and his magister equitum M. Minucius Rufus (#75, 217) with the office of dictator deliberately, specifically because this made them more powerful than any consul. The dictatorship, in the eyes of the disturbed Roman populace, vested Q. Fabius and M. Minucius with the ultimate power necessary to defeat Hannibal. During the same period, M. Fabius Buteo (#78, 216) railed against having been invested with the great power of the dictatorship in ways that abrogated precedent, opening up the possibility of the office being made more amenable to abuse in future through deviation from established custom. None of this is consonant with the dictatorship having been degraded to an empty and purely ceremonial position.

Similarly, when Sulla resurrected the dictatorship, it would have been pointless for him to have done so had the office been merely ornamental. Sulla’s counterrevolution required restoring the functioning of the state after its having been wrecked by Marian rule and civil war, and there was only one means of accomplishing this: being invested with the dictatorship, the most powerful and unfettered office in all the Republic.

Rousseau then discussed a particular case, Cicero’s questionable conduct in the Catiline affair and how the episode demonstrated that it was a mistake not to appoint a dictator, before rounding out his brief discourse on the dictatorship by asserting that the kind of trust he has been describing must be fixed at a brief period.
tyrannique ou vaine. À Rome, les dictateurs ne l’étant que pour six mois, la plupart abdiquèrent avant ce terme. Si le terme eût été plus long, peut-être eussent-ils été tentés de le prolonger encore, comme firent les décemvirs de celui d’une année. Le dictateur n’avait que le temps de pourvoir au besoin qui l’avait fait élire: il n’avait pas celui de songer à d’autres projets.

However this important trust be conferred, it is important that its duration should be fixed at a very brief period, incapable of being ever prolonged. In the crises which lead to its adoption, the State is either soon lost, or soon saved; and, the present need passed, the dictatorship becomes either tyrannical or idle. At Rome, where dictators held office for six months only, most of them abdicated before their time was up. If their term had been longer, they might well have tried to prolong it still further, as the decemvirs did when chosen for a year. The dictator had only time to provide against the need that had caused him to be chosen; he had none to think of further projects.

And there it is, the myth of the six-month dictatorship, surviving from the ancient epitomes into the modern discourse, as Rousseau’s star example of such limitation. What is particularly distressing is that Rousseau, in this concluding paragraph, contradicted much of what he had just said about the original dictatorship. Earlier, he had confidently, almost blithely, observed that there was no danger of abuse during the dictatorship’s three centuries of normal operation, because Roman morality and custom prevented it. A Roman could be relied on to shed such power at the earliest moment solely because of the moral dissonance inherent in holding so much power as the silence the sovereign masses. But here, in his conclusion, Rousseau tossed such confidence in Roman mores aside and asserted that it was necessary to limit the dictatorship to six months—otherwise, a dictator might start to get ideas: just look at the decemviri, who stood in place of the laws for a whole twelve months, and were thoroughly corrupted by it.64 What he saw but did not perfectly explain was that the Roman dictatorship worked because it was limited, not by time but by task.

It is difficult to credit that a dictator might be understood to be serenely unsusceptible to moral retrograde until after 183 days had passed. Rousseau was right in stating that the sorts of state-imperiling crises that brought about calls for a dictator tended to flare and vanish quickly; in fact this was so much the case in Rome that many of the dictatorships

64 For Rousseau’s sudden classification of dictators as being open to tyranny in the absence of time constraints in relation to both Greek tyrants and Appian’s criticism of the dictatorship see Kalyvas 2007, 440 n. 96.
for which we know the duration tended to measure in days and weeks rather than months. If the crises that incited the appointment of dictators routinely lasted six months, then Rousseau’s argument might have made sense. But they did not, and the six-month cap appears here to be even more arbitrary and meaningless than it normally does (since, normally, it is tied to the campaign season if any explanation is given). The only true case in the narrative of the dictatorship involving a dictator attempting to retain his office beyond his mandate involved a mandate that had been resolved in a single afternoon.\footnote{L. Manlius Capitolinus Imperiosus (#21, 363).} The lack of abuse of the dictatorship cannot be attributed to a six-month term of office; more to the point, the dictatorship must be understood as being bound not to time but to the duration and resolution of a crisis necessitating the momentary suspension of the ordinary operation of the state on behalf of the sovereign masses, as Rousseau himself initially suggested.
APPENDIX G. SUNDRY QUESTIONS AND CONTROVERSIES

DATING THE EARLIEST DICTATORSHIPS

The first dictatorship was believed to have taken place in, roughly, the first ten years of the Republic. The exact year, either Varronian or BCE, probably cannot be ascertained. What is more interesting is that classical historians agreed that the dictatorship arose within a decade or so after the Republic was declared, and that it persisted as an intrinsic component of the Republic for centuries after that. Modern studies of the Republican constitution have tended to sideline the dictatorship as fundamentally unrepresentative of Republican processes, but this is a mistake. To the Romans, at least, dictators were at least as Republican as praetors and pontifices maximi. As innovations go, the dictators had an earlier and better claim to being an essential part of the res publica than, for example, the plebeian tribunate.

For the Lake Regillus dictatorship, assigned in the annals to A. Postumius Albus Regillensis (#2), the stories that have come down to us are consistent on the dictatorship having already been tried once—and successfully, since, as Dionysius put it, “all men were agreed” that a dictator was again necessary to meet the threat posed by the Latins and their allies. Dating the battle of Lake Regillus is a matter of compromise among sources. It has been customary to attach the Varronian year 496 to the battle, or possibly 499 (Livy

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66 Cicero’s “decem fere annis post primos consules” (Rep. 2.56) is a nice round number and reflects a general idea understood by the time of the late Republic that the dictatorship arose a decade or so after the Republic was declared. One dominant tradition put the first dictatorship in the ninth year of the Republic, corresponding to the first consulship of T. Larcius Flavus in the year we now call 501 BCE. This tradition is reported in Livy 2.18.4, 2.21.4, and the same idea appears in Eutr. 1.12.1, Jerome (Chron. ad ann. 502-501, p. 107 Helm), John of Antioch (Ioann. Antioch. fr. 45 in FHG 4.555), and Lydus (Mag. 1.37). Dionysius opted for T. Larcius’s second consulship, which we would place in 498 (5.72.3), and this was seconded by Zon. 7.14. This date is naturally dependent on the dating of the second dictatorship (see below), since the date ranges overlap (501–498, 499–496). Varro (in Macrob. Sat. 1.8.1) had the dictator dedicating the temple of Saturn, which according to Livy took place in 497 (2.21.1); it is possible that T. Larcius was held in office to dedicate the temple, as A. Postumius was after his triumph to arrange the peace settlements. See Hartfield 1982, 310–311.

67 Dion. Hal. Ant. Rom. 6.2.3.
and Dionysius follow different traditions). According to the narrative history, the battle was followed by a treaty known as the *Foedus Cassianum*, named for one of the consuls of 493; the result of the treaty was an alliance the import of which is palpable in the narrative thereafter. The historicity of these various events is open to debate. In this study, however, we are examining how historians working in the late Republic and the Principate understood the archaic dictatorship, and in that context it is useful to be able to say, for example, that the classical historians believed that Rome had had two dictators before the forging of the Rome-led Latin alliance.

Whether the battle took place in 499 or 496 does affect other questions. A. Postumius, the second dictator and the one associated with Regillus, was one of the consuls accorded to 496, according to the late Republican reconstruction preserved in the *Fasti* as well as our annalistic histories. If A. Postumius was a consul in office in 496 when he was made dictator, this would help establish that there was a confirmed precedent of sitting consuls and consulars being viable candidates for the dictatorship from the very beginning. The two most likely dates for the very first dictatorship, that of T. Larcius Flavus, also coincide with the reputed dates for his two consulships in 501 and 498, and would therefore have involved T. Larcius being named dictator as sitting consul. Given the naming of sitting consuls, censors, consular tribunes, and other magistrates to early dictatorships or to the subordinate position of *magister equitum*, it seems to have been established as the office

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68 Livy 2.19–20 indicated 499; Dion. Hal. *Ant. Rom.* 6.2 went for 496, reported as an alternative tradition in Livy 2.21.3–4. Modern historians, if pressed to talk concretely about the dating of Lake Regillus, have tended to either arbitrarily pick one or adopt a formula along the lines of “the battle at Lake Regillus of either 499…or 496” (Forsythe 2005, 149 and again on 185); similarly Hayne 1981, 64; Oakley 1993, 10; and so on. Hartfield 1982, 315 inclined toward 496, since this is closer to the three events that shortly postdate the conflict: the dedication of the famous temple of Castor, the introduction of two new tribes, and the Cassian treaty, all dated to around 495–493. See Ogilvie 1970, 286 for a discussion in relation to the passage in Livy.


70 The unreliability of conventional dates for events of the early Republic is beyond the scope of this study; for an example of the difficulties and debates involved, see the recent assertion of a schematic arrangement of key events in the annalistic historians in Holloway 2012.
progressed that any Roman not excluded by taboo (that is, not a figure like the *flamen Dialis*)\(^{71}\) was theoretically eligible for appointment whatever their current commitments.

Certain problems with early Republican dating are broader in scope than Lake Regillus wobbling across a couple of years. One of the larger and more intractable problems is what is now understood to be the projection of the Struggle of the Orders backwards, from the middle Republic into the early Republic, calling into question large swaths of annalistic detail.\(^{72}\) This problem touches on the narrative history of the dictatorship. For example, the third dictatorship, that of M.’ Valerius Maximus (494), was reported to have come about in the context of both a war with the Aequi and the Volsci and a secession of the plebs; it was the latter’s disruption of the levy to combat the former that entailed a crisis great enough to call for a dictator.\(^{73}\) There is no real difficulty in believing that chronic contention between the nobles and the masses might have interfered with a levy in 494. Even the schematic choice between the inflammatory Ap. Claudius Sabinus Inregillensis and the more conciliatory M.’ Valerius presented in both Livy and Dionysius is not without plausibility: the membership of the senate must have ranged across varying degrees of conservatism and sympathy for their more indebted fellow Romans. The difficulty comes in assigning the landmark “first secession of the plebs” to 494, with the consequence that the innovation of the tribunate of the plebs, long understood to be the key fallout of the plebs’ secession, must have followed immediately in 493. Cicero tied the resolution of this first secession to the dictator M.’ Valerius, asserting that he earned his cognomen Maximus by appeasing the plebs during their

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\(^{71}\) The *flamen Dialis* was ringed with extensive taboos, some of which excluded him from military service or provincial government: e.g., he could not be out of Rome for a single night, mount or touch a horse, or look upon an army marshalled beyond the *pomerium* (Gell. NA 10.15; Livy 5.52).

\(^{72}\) On the tendency of annalistic tradition to blame everything on the conflict between plebeians and patricians, as early as the *interregnum* after Romulus’s reign and as late as the Hannibalic War, see in particular Forsythe 2005, 157-177.

secession to the Sacred Mount. Livy, conversely, attributed the actual placating of the plebs on the Mount not to M.’ Valerius but to the popular consular Menenius Agrippa.

There are a number of justifications for discarding a secessio in 494. Doing so, however, does not require us to discard the dictatorship of 494 or the popular unease associated with it. The idea of debt-related unrest among the commoners requiring positive action on the part of the ruling class to defuse during this time is sustainable even with an official Struggle of the Orders landmark secession removed from the scenario. Both the triumphal Fasti and M.’ Valerius’s (much later) elogium accorded him a triumph as dictator in 494—the next triumph, in fact, recorded after A. Postumius’s for Lake Regillus. For our purposes, the dating of the secessions is less important than the story of who was chosen for this third dictatorship and why.

THE LATIN DICTATORSHIP

A question relating to the origins of the term, and possibly the office, of dictator is whether either was borrowed from the other cities in Latium, where officials called dictator were known in later times as either annual magistrates without a colleague or as religious officials analogous to the rex sacrorum, i.e., continuing a defunct monarchy but only in its religious aspects. The word dictator describing something other than the formal Roman magistracy crops up in a number of places in the classical literature; but was it a title, or were Roman writers giving an analogous description of an office that was actually known locally by some other name? It is often difficult to tell.

The first use of the word dictator in Livy is actually in relation to the ruler of the Albans, Mettius Fufetius. Mettius was described as being made “dictator” by the Alban

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74 Cic. Brut. 54.
75 Livy 2.32.8–12; 2.33.10–11.
soldiers when their king died without issue in camp while the Albans were at war:77 this sounds a bit like the Roman dictator, taking charge in an emergency, especially as the way Mettius shortly thereafter was telling the Roman king, Tullus, that he had been placed in command “in order to conduct war” sounds a bit like a caussa.78

Even beyond this use of the term for other cities, the way Livy described the actual appearance of the first dictator as modified by a locative Romae is attention-grabbing.79 What would be the point of saying that T. Larcius was the first dictator to be appointed at Rome? The preexistence of something like a dictator elsewhere, but not at Rome, would help make more sense both of this passage and of the earlier wording of the moment of inception, where the anxious people of Rome murmured that perhaps what was needed was a dictator. But did the masses murmur “we need a Dictator—you know, like they have at Tusculum”, or was it more like, “we need a colleagueless executive magistrate—you know, like they have at Tusculum”? In other words, when we look at whether the dictatorship was borrowed, we run up against three totally separate questions: (a) did the idea of an emergency sole magistrate exist elsewhere in Latium; (b) did other Latin cities have officials that were called “dictator” before or contemporaneously with the early days of the Republic; and (c) if the answer to the second question is “yes”, was it anything like the Roman dictatorship—i.e., does the instance resulting in a positive finding for the second question also constitute a positive finding for the first question?

The people may have murmured that what was needed was a sole magistrate to resolve the crisis, but when they saw what they had wrought, Livy said, they were afraid.80 The kind of power that the dictator had within the bounds of the city—namely, full imperium complete with axes in the fasces—was a distinctly Roman exertion of power, and the presence of axes in the city a distinctly Roman fear. Whatever inspiration the sole rulers

77 “…Cluilius Albanus rex moritur; dictatorem Albani Mettium Fufetium creant”: Livy 1.23.4; Dion. Hal. Ant. Rom. 3.5.
78 “me Albani gerendo bello ducem creavere”: Livy 1.23.8.
79 “Creato dictatore primum Romae…”: Livy 2.18.8–10.
80 Livy 2.18.8.
of other nearby cities might have been for the crisis that brought about the first dictatorship, what resulted was the implementation of an office that could not but be shaped by characteristically Roman conceptions of power. More importantly, it was an office that was created and defined by the precedents laid down by the first three dictators, starting with what must have been a deliberate and conscious choice by, if not T. Larchius, some early dictator to exhibit the power of the new office by parading the lictors through Rome with axed fasces.

Dionysius reported that Licinius Macer believed that the Albans replaced their extinct royal line with annual magistrates with the power of kings but now called dictators, and that this was the origin of the Roman dictatorship.\(^{81}\) Dionysius himself was not of the same opinion regarding the origins of the Roman dictatorship;\(^{82}\) in fact, on this occasion Dionysius did not use the word δικτάτωρ in transliteration for Mettius, but the functional term used to describe the dictator’s role in military situations, “στρατηγός αὐτοκράτωρ”.\(^{83}\) Livy, during Tullus’s later indictment of Mettius for treachery, referred to him not

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\(^{81}\) Dion. Hal. *Ant. Rom.* 5.74.4. Plutarch agreed that when the Alban kings died out, they were replaced with an annual magistrate, though he attributed this to Romulus: Plut. *Rom.* 27.1. This is the model for a general process of kingship being replaced by Latin dictatorship in Latium, argued Mommsen, and this process was very different from what brought about the dictatorship in Rome (*Röm. Staatsr.* 2.154 = Appendix E, M66–67). Mommsen also speculated that Caesar, aware of his Alban heritage, might have modeled his dictatorship on the Alban monarchy, though without offering evidence (*Röm. Staatsr.* 2.155 = Appendix E, M71).

\(^{82}\) Dionysius professed himself uninterested in the origins of the title, but argued that the model for the kind of power held by the dictator derived from the Greek office of αἰσυμνήτης, which he described as temporary elective tyrants (Dion. Hal. *Ant. Rom.* 5.73.3; for the office see Arist. *Pol.* 3.1285a, 4.1295a). How the fifth-century Romans would have known or cared about an office that even Aristotle apparently considered arcane is unclear.

\(^{83}\) “στρατηγός αὐτοκράτωρ”, Dion. Hal. *Ant. Rom.* 3.5.3; Later Dionysius had the Roman king, Tullus, confirm him in the same office (“ἀρχοντά”, Dion. Hal. *Ant. Rom.* 3.22.2) with no other changes in government, which suggests either that he was confirmed as king, or that the office he held was (thenceforward?) the ordinary magistracy of the Albans (the transition later misdirected into Plutarch’s biography of Romulus). Cf. Cass. Dio 2.7.2, where Tullus and Mettius acted as peers (i.e., both were at least chief executives of their cities).
according to his office but as the Alban army’s general; both Florus and the author of the *Parallela Minora* called him the Albans’ “king”.84

Most likely, however, Mettius, like Lucumo and Macstrna, was actually a corruption of a title—in this case *meddix*, a title also known in Oscan city-states and cognate with that classical Latin *iudex*, and describing a magistrate with the position of a consul but unhindered by a colleague, sometimes appointed temporarily.85 Livy’s use of *dictator* and Dionysius’s of *στρατηγός αὐτοκράτωρ*, alongside other autocratic references, are both consistent with a descriptive, as opposed to a formal, use of the terms: in other words, Mettius Fufetius was appointed to a position not unlike a dictator, and for which the term could be comfortably used.

A late-sixth-century dedicatory inscription to Diana Nemorensis at Aricia referred to a Tusculan, Egerius Baebius, as “Latin dictator”; but what we have is a quote in a very late source (Priscus, fifth century CE) of a passage in the lost *Origines* of Cato the Elder, who would have been reporting the plaque as it read ca. 168 BCE.86 The grove at Aricia is believed to date to the late sixth century,87 but that does not mean the inscription as it

84 “dux”, Livy 1.28.6; “rex”, Flor. 1.5.3; “βασιλέως”: ps.-Plut. *Para*. 307c. The various indiscriminate uses of “king” and “dictator” for the ruler of Alba was somehow, for Mommsen, supporting evidence for his theory that Latin monarchies generally converted directly into Latin dictatorships (*Röm. Staatsr*. 2.154 = Appendix E, M67).

85 The office of *meddix tuticus* ‘community-manager’ was found in Oscan and Sabellan cities in south-central Italy, including Capua, Pompeii, Herculaneum, and Bovianum: Livy 23.35.13; Festus *Gloss. Lat.* s.v. *meddix*, citing Ennius; Smith 1875 s.v. *meddix tuticus*; Mommsen 1908, 1.315. A second-century BCE inscription locates a *medix* at the Marrucini city of Interpromium, now Castiglione a Casauria (*CIL* 1.3259); a pair of *meddices* are found at Antinum in the late third century (*CIL* 1.3208). For more on Mettius Fufetius as *meddix* see Noonan 2006.


87 At any rate it would have to have been before 495, since it is usually pointed out that Pometia was sacked in that year and vanished from history (Livy 2.25; Dion. Hal. *Ant. Rom*. 6.29). For the plaque in relation to the cult of Diana, see Green 2007, 88–89. Cornell has suggested that the League was formed in reaction to the explosion of the kings and the conflict that led to Lake Regillus, which allows for the creation of the
has been reported to us was as old: given the lack of archaic Latin forms, either Cato revised the Latin (or Priscus did), or the dedicatory plaque was mounted later in commemoration of an earlier, possibly much earlier, consecration.

Still, Cato’s inscription offers interesting possibilities. That Tusculum had dictators in the sixth century is feasible, as we will see in a moment. But the sense of the inscription is “Egerius Baebius the Tusculan, as Latin dictator, consecrated…” and this would suggest that there was a “Latin dictator”, so described, as early the Roman regal period who had some kind of collective responsibility for Latium—possibly shared military operations, possibly the joint conduct of certain Latin religious activities (perhaps limited to just this grove or even just this dedication), possibly as a chief magistrate of the Latin League.\(^8\)

The alternative is that M’. Egerius Baebius the Tusculan was dictator of Aricia, where the inscription and associated grove were, and that “Latin” was an emendation to distinguish a “Latin-style dictator” (an ordinary executive magistrate without a colleague) from a “Roman-style dictator” (an emergency magistrate with a limited mandate). Even if “Latin” was an insertion, though, it is harder to see why “dictator” would have been as well, which means that Cato’s reporting of this inscription might be decent evidence for an early non-Roman official with the title of dictator, whether at Aricia or as administrator of the Latin League. The head of the alliance of Latin cities administering that shared imperium Festus spoke of would have needed a title, and Cato’s inscription offers the possibility that it was dictator; but such a leader would have been very unlike the Roman dictator in conception, function, and execution, making it a poor fit as an inspiration for the Roman dictatorship.

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\(^8\) Cornell 1989a, 274; Cornell 2000, 213. Shared leadership of the Latin League for joint military operations is otherwise attested primarily by a fragment of Festus that refers to the administration of imperium by mutual consent of the Latin cities after Alba was destroyed (Festus Gloss. Lat. p.276L s.v. praetor). Cornell has argued that this fragment can apply the period after the foedus Cassianum of 493, i.e., for the period in which Rome would have been perforce the leader: Cornell 1995, 299; Green 2007, 94 and n. 3. The Romans would not have chosen the title dictator in 493, as it already would have meant something else to them.
In the literature, Tusculum was associated from the late sixth century onward with autocracy, but whether this was normally a rex or dictator or meddix is not clear. A reference in Livy to L. Mamilius as being “then dictator of Tusculum” during the early Republic has an ambiguous flavor: nothing can be told from this wording other than that Livy knew of L. Mamilius as, at the time in question (460 BCE, during an attack on Rome by the Sabines and Veientines), the man in sole command of the great and wealthy city of Tusculum. Dionysius referred to him functionally as the “chief magistrate” of Tusculum. A subsequent reference in Livy to L. Mamilius as “Tusculanus dux” is little more conclusive in determining whether Tusculum had a magistrate that was actually called dictator, when Tusculum was the one under attack the following year and Rome the rescuers, no leader was mentioned, nor at later fifth-century interactions with Tusculum, though there was still a magistrate that Livy could call a dictator by the time Tusculum was defeated and subdued in 381, since it was that unnamed individual who successfully pled with the senate for a good peace.

After Mettius Fufetius, L. Mamilius, and M’. Egerius Baebius, remaining references to non-Roman dictators are late, both in subject and appearance in the narrative. T. Annius

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89 Tarquin gave his daughter to Octavus Mamilius of Tusculum, described as the most important man in Latium but not given an actual title: Livy 1.49.9, 2.15.7; Dion. Hal. Ant. Rom. 4.45.1, 5.21.3; Cic. Nat. D. 2.2.6; “ἡγεμών”, Dion. Hal. Ant. Rom. 6.4.1; “Tusculanum ducem”, Livy 2.19.7. The connection by marriage is not necessarily the sole province of kings, but it does suggest a long-term connection, rather than someone in office only for a year. — If he was dictator, it might not have been of Tusculum. If there was a chief magistrate of the Latin League, and he was referred to as the dictator Latinus in line with the inscription reported by Cato, then it might have been under this imprimatur that Octavus Mamilius faced the Romans as Lake Regillus (see Cornell 1989a, 274). But the narrative history never referred to Octavus Mamilius as dictator, Latinus or otherwise.

90 “L. Mamilius Tusculi tum dictator erat”: Livy 3.18.2.

91 “ἐχων τὴν μεγίστην ἐν τῇ πόλει τότε ἀρχήν”: Dion. Hal. Ant. Rom. 10.16.3.

92 Livy 3.19.8; likewise “Tusculano duce”, Flor. 1.11.1. He was later awarded Roman citizenship for his heroism in helping defend Rome, Livy 3.29.6.

93 Livy 3.23, Dion. Hal. Ant. Rom. 10.20–21, Cass. Dio 5.23; for later interactions, see e.g. Livy 3.42.5–7, 4.10.5, 4.45.6; Dion. Hal. Ant. Rom. 10.22, 10.43.1, 11.3.3.

Milo, Clodius’s adversary, was dictator in Lanuvium, we hear,\textsuperscript{95} and inscriptions tell us of dictators in other Roman-ruled places in late-Roman or later times.\textsuperscript{96} So for example, here are the first lines of an inscription on a family tomb from Aricia, dated to ca. 30 BCE:

\textit{CIL 14.2169 = ILS 6193}\textsuperscript{97}

\begin{displaymath}
\begin{array}{lcr}
\text{Cn(aeus) Dupilius Cn(aei) f(ilius) / Hor(atia), tr(ibunus) mil(itum) in leg(ione), / flam(en) Mart(ialis), q(uaestor), aed(ilis), / dictat(or) Ariciae ...}
\end{array}
\end{displaymath}

These references are in line with the kind of annual sole magistracy that might have been a continuation of the monarchy: Milo, for instance, was on his way to Lanuvium in order to appoint an important priest, according to Cicero. This was the kind of job a Latin dictator might have inherited from the kings; Roman consuls, by way of contrast, did not appoint priests, and neither did Roman dictators.\textsuperscript{98} At least some of these later “Latin” dictators must have been installed, or reinstituted, by the Romans. Fabrateria Vetus was a Volscian citadel that surrendered to the Romans in 424 in exchange for protection from the Samnites.\textsuperscript{99} The Romans then might have installed a government modeled on other Latin cities, using the Latin title \textit{dictator}; or perhaps they kept the existing government, translating the name of the local office into the more familiar title \textit{dictator}.\textsuperscript{100} Or the Romans might conceivably later have overhauled their municipal governments and applied the title \textit{dictator} generally at some later date, though it is hard to see why they would do so, since the offices so described were always fundamentally unlike the Roman office by that name. In any event, they had the kind of government they did because that was how the Romans wanted the city to be administered.

What we have, then, is a scattering of isolated references: a few to legendary rulers of Latin cities ascribed to the period surrounding the dawn of the Republic, and a few more

\textsuperscript{95} Cic. \textit{Mil}. 10.27, 17.45; Asc. \textit{Mil}. 27K. See also \textit{CIL} 14.2097, 2110, 2112, 2121.
\textsuperscript{97} For more on this inscription, see Demougin 1992, 37.
\textsuperscript{98} Mommsen \textit{Röm. Staatsr.} 2.154 = Appendix E, M68.
\textsuperscript{99} Livy 8.19; Mommsen 1908, 1.464.
\textsuperscript{100} As the Volscian language was Sabellic, and akin to Oscan (Conway 1897, 267; Wallace 2008), the title of the Fabraterian leader might have been something like \textit{meddix}.  

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to municipal administrators of colonies and Latin cities under Roman rule in the late Republic and early Principate. Looked at collectively, the Latin dictatorship seems to constitute a general term for “annual city magistrate without a colleague”—a consul unsusceptible to *intercessio* from another consul. The title itself might date as far back as the concept for the office; if so, it might have provided a name for the consul-without-a-colleague conjured by the Romans during the first crises of the nascent Republic. But the concept of the Roman office—an extraordinary magistrate tied not to a term of office but to a mandate to resolve a specific and vital need and resigning upon resolution of that need—resembles nothing to be found in Latium, either in its early days of rivalry with Rome or in later times of Roman dominion.

*Imperium of the Magister Equitum*

There is a question as to whether the *magister equitum* was understood to have his own *imperium* and not merely trading on that of the dictator.

In the literature, the authority of the *magister equitum* tended not to be defined so much as analogized, with comparisons to various offices as the occasion arose. Cicero’s prescription in *De Legibus* furnished the *magister equitum* with authority equal to “*quicumque erit iuris disceptator*”, which is generally understood to refer to the later *praetor urbanus*—the man whose authority in Cicero’s time would be second only to the consul’s—and a few instances in the archaic narrative show the *magister equitum* performing actions limited to high magistrates. According to Livy, Mago bragged to the Carthaginian senate after Cannae that his brother Hannibal had, among his other achievements, put to flight a *magister equitum*, “whose power [*potestas*] is equal to a consul”.101 This, however, seems to have described not the *magister equitum*’s constitutional authority but his military role: that is, dictators tended to use consuls and *magistri equitum* alongside each other as lieutenant-generals under his command. The dictator who appointed the first plebeian *magister equitum*,

101 “*Magistrum equitum, quae consularis potestas sit, fusimi fugatum*”: Livy 23.11.10.
P. Manlius Capitolinus (#19, 368), attempted to mollify conservative critics by stating that the authority (“imperium”) of the *magister equitum* was “no greater than that of a consular tribune”, an office already open to plebeians.\(^{102}\)

What gets in the way is that there are simply no references to the formal granting of *imperium* to the *magister equitum* by means of a *lex curiata de imperio*; nor is anything ever said to have happened under the “leadership and auspices” of a *magister equitum*, the phrase often used to denote final responsibility for a campaign for dictators and consuls. We cannot commit the rhetorical sin of arguing from silence, particularly in the case of the *lex curiata*, which was routinely omitted from the narrative when the grant was unexceptional. The impression one gets, however, of the launch of a dictatorship is of a repeated series of events: the consul held his vigil and made the nomination; the dictator then named his *magister equitum*, took the auspices, rogated his *lex curiata*, and then proceeded to action, all normally during the same morning.\(^{103}\) So when could the *magister equitum* have received his own grant of *imperium*? The *comitia curiata* would have had to have conveyed it during the same meeting in which the dictator’s was granted; but the wording of the passage of Livy quoted above relating to the *lex curiata* of L. Papirius mentioned only the grant of *imperium* “to him”, i.e., L. Papirius, leaving open whether there was also a grant to the *magister equitum*.\(^{104}\) Cicero asserted that it was without precedent that a *lex curiata* be passed for someone not given power by election in *comitia*,\(^{105}\) which would seem to argue against the *imperium* of the *magister equitum*; but the dictator very definitely had *imperium*, despite not being elected in *comitia*. The fact is that we do not have direct evidence of the *magister equitum* being granted *imperium* by the *curiae*; we must look at the actions of the *magistri equitum* to see if an indication one way or another can be detected.

A particularly vexing question, because the information seems to be simply lacking, is whether the *magister equitum* could convene the senate and the assemblies—the compelling

\(^{102}\) “*simul negantem magistri equitum maius quam tribuni consularis imperium esse*”: Livy 6.39.4.

\(^{103}\) In particular, this is the sequence of events detailed in Livy 9.38.13–39.2.

\(^{104}\) “*ei legem curiatam de imperio ferenti triste omen diem diffidit*”: Liv 9.38.15.

of citizens to convene, either as an assembly or as an army, being part of the grant of *imperium*. Convening the assembly and the senate would need to be done on an official’s own authority as a magistrate. Scholars have tended to assume that the *magister equitum* could, but have also refrained from bold assertion of same.\(^{106}\) Examples of these capabilities being exercised, however, are rare—as with most actions of a *magister equitum* when not commanding a wing in battle or bucking against the dictator’s authority.

Q. Fabius Maximus Rullianus, the disobedient *magister equitum* to L. Papirius Cursor in 325 (#44), decamped to Rome to plead his case before the senate:

LIVY 8.33.3–4

...*clam ex castris Romam profugit; et patre auctore M. Fabio, qui ter iam consul dictatorque fuerat, uocato extempo senatu,*...  

...he left camp secretly for Rome; and, on the advice of his father, M. Fabius, who had been dictator and thrice consul, the senate was urgently convened...

Unfortunately the passive construction stopped short of explicitly having Q. Fabius invoke the senate on his own authority. Since a mere consul, however distinguished, could not call the senate to meet, we are left with two possibilities: either (a) when the son asked his father what he could do to save himself from L. Papirius’s wrath, the father pointed out that he could convene the senate, and so Q. Fabius did so; or else (b) some other official empowered to convene the senate but not introduced into the narrative, despite the tempting drama involved in that individual himself risking offense to L.

\(^{106}\) For example, “Among regular magistrates, consuls, praetors, aediles, and tribunes all had the right to summon assemblies, as did the dictator and, probably, his second in command, the master of the horse”: Lintott 1999, 43, 112. Similarly for summoning the senate, Lintott 1999, 75 n. 45.

Traditionally the magistrates empowered to convene and thereupon preside over the senate during the Republic were the dictator (Livy 6.15), the consuls (Livy 2.39, 2.55, 3.16, etc.), the praetors (certainly the senior or urban praetor: Livy 32.26, 38.44, App. B Civ. 1.88, Tac. *Hist.* 4.39; *praetori*, Livy 22.35), the tribunes of the plebs (Cass. Dio 56.47, 59.24; *tribuni potestas* of Augustus et seq., Dion. Hal. *Ant. Rom.* 54.3.3, Suet. *Tib.* 23.1), the urban prefect (Livy 3.9, 3.29, Gall. NA 14.7.4), and *interregi*; the *magister equitum* is also often included based on the actions of Antony in 48—though this is not helpful in tracking back to the archaic dictatorship. Occasionally the *decemviri* (debatable, but see Dion. Hal. *Ant. Rom.* 10.57.6) and the *triuviri* (App. B Civ. 3.45.1, 5.28.1) are included as well.
Papirius, was prevailed upon to convene the senate on Q. Fabius’s behalf. The sitting consuls were L. Furius Camillus (#33, 345) and D. Iunius Brutus Scaeva (mag. eq. #37, 339), but D. Iunius was not in Rome; he was with his own army fighting the Vestini. L. Furius had laid down his command due to illness, and though he retained the consulship (at least, there is no record of a suffect), he seems to have remained out of action, as L. Papirius ended up having to hold consular elections for 324 himself before he could lay down his command as dictator. If we follow the idealized version in Cicero, if the urban praetor could convene the senate, and he at least of the praetors could, so too could the supposedly analogous magister equitum. But there is nothing to actually support that equivalence; moreover, Q. Fabius convening the senate might have to be placed under L. Papirius’s authority, just as C. Servilius Ahala’s killing of Sp. Maelius is best understood as an extension of the authority of the dictator, L. Quinctius Cincinnatus.

Another piece of evidence involves the elevation of M. Minucius to the status of “co-dictator” in 217. This was explicitly done not by giving him the title of dictator, but by raising his imperium so that it was equal to that of the dictator, Q. Fabius Verrucosus, though Polybius referred to him (functionally) as a dictator thereafter. This would suggest that the magister equitum did in fact have an imperium that could be made equal to the dictator’s, but which normally was of course minus to the dictator’s in the same way as the praetor’s was to the consul’s.

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107 No one holding the offices mentioned in the previous note, other than the consuls, is mentioned or known for 325 except for an urban prefect, installed to take command of the city by L. Papirius after the crisis with Q. Fabius was resolved (Livy 8.36.1).

108 Livy 8.29.

109 Livy 8.37.1.

110 Polyb. 3.103.3–4; Livy 22.25.10, 22.26.7, 22.27.3–8, 28.40.10; CIL 11.1828 (InscrIt 13.3.80); MRR 1.243; Dorey 1955; Hartfield 1982, 498–499; Brennan 2000, 1.44–45. The FC lists him as magister equitum only.

111 Brennan’s argument that subordination and specifically the idea of imperium minus were not invented until the advent of the praetorship in 366 (Brennan 2000, 1.49) requires the assumption that the magister equitum did not have imperium before 366, if at all, since if the magister equitum had had equal imperium he would have been a colleague to the dictator. I content that the dictator always had imperium maius with respect to the consuls and the magister equitum, as the consuls to the praetors, though with the proviso that
What is difficult to determine is whether, in cases in which a magister equitum acted under the dictator’s authority, he did so (a) with his own imperium, minus with respect to the dictator, or (b) as an extension of the dictator’s imperium. If the latter is the case, then even the convening of assemblies and the senate might have been done on the initiative of the magister equitum but as an extension of the imperium of the dictator. If we revisit the dictatorship of L. Quinctius Cincinnatus (#5, 439) against the agitator Sp. Maelius discussed above, it is clear that the magister equitum, C. Servilius Ahala, was summoning Sp. Maelius before the dictator, on the dictator’s behalf; Sp. Maelius’s fear was directed at the authority of the dictator, and his resistance to the dictator’s summons. Most of the subsequent analysis in the classical literature centered on whether the dictator had the authority to (a) hale him and (b) kill him, even though it was C. Servilius that did both.\textsuperscript{112} In military contexts, the two major cases in which the magister equitum acted on his own initiative, in the absence of the dictator, are also the cases in which the dictator rebuked the magister equitum for disobedience,\textsuperscript{113} though this does not do much to differentiate between imperium minus and acting under the dictator’s own imperium and auspices.

What matters is that the magister equitum was firmly subordinated to the dictator, almost by definition and as a reason for existence. The magister equitum existed to bring about the fiat of the dictator; no known action of a magister equitum provides or allows a contrary interpretation. In this way, whatever his legal or constitutional position, the magister equitum was practically and functionally an extension of the authority of the dictator.

\textit{imperium maius} must be understood not as a difference in quantity or quality of power, but purely as a means of establishing precedence in case of conflict between holders of imperium.

\textsuperscript{112} See Livy 4.13.12–16.1, 4.21.3–4; Dion. Hal. Ant. Rom. 12.1–4; Zon. 7.20; Val. Max. 6.3.1; Flor. 1.17.26.7; August. \textit{De civ. D.} 3.17; Cic. \textit{Sen.} 56, \textit{Cat.} 1.3, \textit{Mil.} 8, \textit{Sest.} 143, \textit{Phil.} 2.26, \textit{Or.} 153, \textit{Att.} 2.24.3, 13.40.1, \textit{Rep.} 1.6, 2.49. Val. Max. 5.3.2g said C. Servilius was exiled; Cic. \textit{Dom.} 86 clarified that the exile was rescinded after the dust settled.

\textsuperscript{113} In the dictatorships of L. Papirius Cursor (#44, 325) and Q. Fabius Verrucosus (#74, 217).
CHAIR AND TOGA

The sella curulis and the toga praetexta are bound together as trappings of curule magistracy, which has been described as the set of powers descended directly from those of the rex.\textsuperscript{114} As Taylor put it, “With the chair went the praetexta, the costume of the magistrate who occupied it.”\textsuperscript{115}

The usual list of those who were understood to have possessed the \textit{ius togae praetextae habendae} during the Republican period, apart from juveniles who had not yet assumed the toga virilis, was, however, wider than occupants of the curule chair, so we will consider the purple-bordered toga first.\textsuperscript{116} The list normally includes dictators, \textit{magistri equitum}, consuls,\textsuperscript{117} praetors,\textsuperscript{118} curule aediles,\textsuperscript{119} augurs,\textsuperscript{120} certain priests,\textsuperscript{121} and senators on festival days.\textsuperscript{122} There has been dispute as to whether the right was also extended to

\textsuperscript{114} So Fowler 1896, 317. Compare Diomedes, who described the toga praetexta as an attribute of “kings and magistrates” (Diom. 487P) in plays referred to as \textit{praetextae} because they featured such individuals (e.g., Hor. Ars. P. 288). It was Roman custom for the consul to wear the toga praetexta in Rome, and the paludamentum in the field: see Livy 21.63.

\textsuperscript{115} Taylor 1939, 198.

The English word “purple” is not the best word to describe the result when the fabrics were dyed, which was more of a rich crimson. The use of the word purple, however, is derived from the Greek word used for this dye and is well-established.

\textsuperscript{116} See for example Livy 2.54; Cass. Dio 36.33.2, 56.31.2, 42.27.2 (for Dio on this, see Freyburger-Galland 1993). Livy described the annoyance of the plebs at the introduction of three new patrician officials (the praetor and the curule aediles) with purple-bordered togas and curule chairs “as if they were consuls”, seemingly to counteract the installation of a plebeian consul (7.1). The toga praetexta remained a symbol of the consulship even into the Principate and was employed to describe Domitian assuming that office in Stat. Silv. 4.1.21. See also Tac. Hist. 3.31.

\textsuperscript{117} For example, Cic. Balb. 25.57; Polyb. 6.53.7; Livy 7.1; Suet. Iul. 16. Praetors in colonies and municipia likewise: Hor. Sat. 1.5.35.

\textsuperscript{118} The plebeian aediles may have worn the toga praetexta when officiating at religious festivals: see Cic. Verr. 2.5.36 and Taylor 1939, 199; cf. Varr. Rust. 3.17.10.

\textsuperscript{119} For example, Cic. Sest. 69.144.

\textsuperscript{120} Including, among others, the rex sacrorum (Serv. Aen. 8.552); priests of the sacrificial banquets; and the duumviri, later decemviri, sacris faciundis (Livy 27.37). Other priestly officials wore the toga praetexta when engaged in certain religious duties; see Cic. Pis. 3.9; Livy 8.9, 10.28; Cass. Dio 55.8; Serv. Aen. 7.612; Petron. Sat. 71; Isid. Orig. 19.24.8; Fowler 1896, 317. The flamines had once possessed the toga praetexta and sella curulis, but this was no longer true by the middle Republic: Livy 27.8. See also Livy 33.42, where this toga is liked with the garb of priests.

\textsuperscript{121} Cic. Phil. 2.43.
censors, quaestors, or tribunes of the plebs; but if the chair and the purple stripe were both direct relics of the king’s authority, the people’s tribunes would almost certainly be exempt. Dictators are always assumed to have worn the toga praetexta as a characteristic of their office, and this practice can be inferred from other trappings of the dictatorship; but there is apparently no extant direct attestation that the toga praetexta came with accession to the dictatorship, even in the carefully drawn rubrics of the epitomes.

While the toga praetexta was evocative of the Republic magistracy and the consulship specifically, Fowler generalized the toga praetexta as an essentially religious distinction designating the authority to perform sacred duties on behalf of the state, and in particular to sacrifice to the gods. If so, the reddish cast of the “purple” border might even have had metaphorical significance representing the blood spilled in sacrifice, though it is perhaps more likely the stripe simply represented a sliver of the sovereign power represented by Tyrian purple. The donning of the toga praetexta was the consul’s first act on entering into office after the early-morning taking of the auspices, and before the ceremonial sacrifice of white bulls.

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123 Smith 1875, 1137. Censors seem to have worn either a distinctive solid-purple toga of their own (Polyb. 6.53.7), or the toga praetexta of other magistrates, as in Zon. 7.19, Athen. 14.69.

124 Cic. Vat. 7.16. One of Plutarch’s Roman Questions was why tribunes did not wear a purple border when the other magistrates did: Plut. Quaest. Rom. 81. A lack of a toga praetexta indicated an ex-tribune of the plebs had not attained the praetorship according to Ryan 1994, 683.

Those who wore the toga praetexta as the costume of their office were entitled to wear it ceremonially thereafter up to and including their funerals: Livy 34.7; Mommsen Röm. Staatsr. 1.412–414; Boyce 1942, 132. Even M. Claudius Glicia (#67, 249), though he had been forced to resign the dictatorship, wore the toga praetexta as his right afterwards (Livy Per. 19.2).

125 Fowler 1896, 318. “purpura uiri utemur, praetextati in magistratibus, in sacerdotiis, liberi nostri praetextis purpura togis utentur”: Livy 34.7.

126 Pliny attributed the adoption of the toga praetexta to Tullus Hostilius, from an Etruscan form of dress: See Plin. HN 9.136, 8.195; Livy 1.8; Macr. Sat. 1.6–7; Flor. 1.5–6. See Casartelli 1998 for more recent discussion of the significance of the color on the toga praetexta and other garments.

Because of the overlap of the populations of ex-consuls and ex-praetors with the dictatorship, it would be useful to have direct evidence that the *toga praetexta* was directly associated with the dictatorship as well as the consulship and praetorship. If a dictator wore the *toga praetexta*, that does not automatically mean that this robe was a trapping of the dictatorial office: like the general celebrating an ovation, it is conceivable that he might have worn the *toga praetexta* by virtue of having previously been a consul or a praetor, the two offices associated most clearly with a permanent right to the purple stripe. Caesar was said to have worn a solid purple toga as dictator, at least on the occasion at which he was offered a crown, if so, this was an innovation and unhelpful to us.

With the *sella curulis* we are on only slightly firmer ground. The connection with the kingship is stronger, as the *sella curulis* was long associated with kingly rule and with the trappings of monarchy imported from the Etruscans. The usual list of Republican officials with the right to use one includes dictators, magistri equitum, consuls, praetors, curule aediles, censors, and, early on, the *flamen dialis*.

Attestation of dictators’ use of the *sella curulis* is rare. There is a story that after his tremendous victory over the Sabines and subsequent triumph, M. Valerius Maximus (#3, 494) was honored, beyond the other customary distinctions, by the dedication of a *sella curulis* at the Circus Maximus for himself and his posterity to view the games; and unlike...
the first two dictators, M.’ Valerius was not also a consul or ex-consul. Unfortunately dedicating a curule chair to a sitting dictator so that he and his descendants would have their own box at the Circus is not quite the same thing as saying dictators customarily sat in the *sella curulis* while administering their official duties in Rome; it is possible to read the Latin as saying his curule chair was placed there, but it could equally read that a curule chair was set there as a special and unique gift of appreciation, much as both the *sella curulis* and the *toga praetexta* were later granted on occasion to foreign rulers.\(^{138}\)

Another indirect piece of evidence lies in Pliny’s assertion that M. Valerius Corvus (#35, 342) occupied the *sella curulis* 21 times.\(^ {139}\) Now, we have indications that he was consul six times; dictator twice, with a third instance counted for a so-called dictator year; praetor four times, starting after his first consulship; curule aedile once; *interrex* twice; military tribune once; legate twice; *triumvir coloniae deducendae* once; and *princeps senatus*.\(^ {140}\) That is only 21 if you include the last four offices, which are not associated with the *sella curulis*; but it seems extremely likely that M. Valerius’s dictatorships, which the *Fasti* count as three, had to have been included in making up Pliny’s record-breaking count of curule chairs. This suggests that Pliny, at least, or the sources he was relying on, believed that holding the dictatorship counted as acquisition of the curule chair.

Against this, we have Livy’s ambiguous assertion that when C. Servilius Geminus (#85, 202) was unable to hold elections even after the prior year’s officials had gone out of office on March 14, the state was left “without any curule magistrates” (“*res publica sine curulibus magistratibus erat*”) even though C. Servilius was still in office, holding games and telling the Carthaginian and Macedonian envoys to wait for a new administration to be

\(^{138}\) E.g., Livy 31.11, 42.14. The *toga praetexta* would still later be granted as a special gift by the emperors to certain individuals who had not earned it through service in a magistracy.

\(^{139}\) Plin. *HN* 7.49 (157); Broughton 151, 1.132.

\(^{140}\) See *MRR* 1.129–133, 142, 148, 159, 163, 164, 169–173.
elected and inaugurated.\textsuperscript{141} This certainly makes it sound like the dictator was not considered a curule magistrate, a phrase usually considered synonymous with those magistrates who performed their official duties from a curule chair; but it is also clear that what Livy meant here was that Rome was without its \textit{ordinary annual magistrates} because the dictator was prevented from holding elections in the centuriate assembly. (The intended distinction might also have been that other, non-curule magistrates \textit{had} been elected for the new year, though the plague of storms make this unlikely.) C. Servilius's mandate was to hold elections, onto which the senate grafted the conduct of the \textit{ludi Cerialia}, but he had no authority to act on behalf of the state beyond that in the kinds of everyday executive matters consuls were required to address, such as treating with visiting envoys. Still, this passage counts as slight evidence against the dictator being considered a “curule magistrate”, though Livy's meaning was probably otherwise;\textsuperscript{142} in any event, this seems outweighed by Pliny's count of M. Valerius Corvus's chairs.

There are two pieces of evidence that indirectly imply the dictators' assumption of both the \textit{sella curulis} and the \textit{toga praetexta}.

First, there is a place in Livy in which the past assembly of both plebeian consuls and plebeian dictators were mentioned as describing successful plebeian commanders taking up command of armies and subsequently triumphing; in the next breath Livy had the speaker mention the pride that plebeians can therefore feel in their own, plebeian nobility. Then, in turn, as the speaker built toward an argument that this nobility was worthy of other honors (pontificates, augurships, etc.), this nobility was described as men who have been honored with the \textit{toga praetexta} and the \textit{sella curulis} as well as the triumphal crown and other distinctions of successful command and magistracy.\textsuperscript{143} The connection is admittedly

\textsuperscript{141} Livy 30.39–40.
\textsuperscript{142} Those wondering whether Livy considered the dictatorship a “magistracy” (i.e., that magistrates were elected, not appointed) are invited to consider “\textit{Ingens erat magistratus eius terror}”, Livy 9.26; “\textit{Dictator exercitu victore Romam reducto, die octauo quam creatus erat, magistratu se abdicavit}”, Livy 4.47.6, etc.
\textsuperscript{143} Livy 10.7.
indirect; the phrasing is such that a nobility was constructed of triumphing plebeian dictators and consuls, and then the curule trappings are attached generally to that nobility. It is conceivable that Livy understood that while the triumphal crown and *toga picta* were available to dictators, other symbols belonged only to consuls; but it does not come across that way. In this passage, as in others, dictators and consuls were yoked together as similar kinds of magistrates in whom were invested similar kinds of distinctions.

There is, finally, a scrap of evidence associating the *toga praetexta* and the *sella curulis* not with the dictator but with the *magister equitum*. There is a passage in Dio in which the two city prefects managing Rome with Lepidus, the absent Caesar’s *magister equitum*, were upbraided for impudently assuming Lepidus’s trappings of office, namely lictors, the “magisterial garb” ("ἐσθῆτι . . . τοῖς ἀρχικοῖς"), and the *sella curulis*.144 It would be remarkable indeed if the *magister equitum* possessed such trappings and not the *imperium*-holding official under whose auspices he operated.

Assuming that the dictator had the right to wear the *toga praetexta* and to use the *sella curulis* when in Rome, this would be another indication that the dictator’s authority was similar in nature to the consul’s and the praetor’s: to bear a specific set of responsibilities for the Republic on behalf of the people, with the sanction of the gods. Further, it makes sense to understand the *toga praetexta* and the *sella curulis* collectively as a bond between the Republican present and the pre-Republican past. The expulsion of the kings was a true revolution, in that the people appropriated sovereignty for themselves by means of repudiating not an individual but a system; the symbols of authority in the Republic represented not a newly created sovereignty but the same primeval one that was native to the Roman citizenry. The authority represented by the *toga praetexta* and the *sella curulis*, as with the other symbols, tracked back to the misty origins of the Roman society; that it should be extended to offices newly invented well after the revolution, such as the curule aedile, the middle-Republican praetor, the dictator, and the *magister equitum*, speaks both to

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144 Cass. Dio 43.48.2.
the adaptable, organic nature of the Roman constitution and, at the same time and without contradiction, the value Romans placed in continuity of tradition.
APPENDIX H. COMMENTARY ON TERMINOLOGY

AUSPICIA

The naming of the dictator, as described in the classical literature, required the taking of the auspices by the consul. The dictator then took auspices of his own before taking action with respect to the emergency he had been appointed to resolve.

Because they ascertained the necessary sanction of the gods for the performance of an action, in both cases the auspices can be viewed as the formal right to proceed with the action contemplated at the time of the auspices-taking. 145 It is in this context that the auspices are sometimes synonymous with “sanctioned authority”, normally in a double-barreled phrase involving the closely connected concepts of mortal prerogative and divine warrant, as in “ductu auspicioque Camilli vincuntur” ‘they were defeated under the leadership and auspices of Camillus’. 146

While it might be used in a slightly loose manner to refer to the authority of an official rather than the rituals he performed, auspicio ‘under the auspices’ is a technical term not meant to be used imprecisely: the word always describes authority explicitly vouchsafed from the gods via some form of augury. 147 Auspicio also denoted responsibility for the conduct and outcome of actions. A subordinate was described as having operated

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145 *Auguriis certe sacerdotioque augurum tantus honos accessit ut nihil belli domique postea nisi auspicato gereretur, concilia populi, exercitus vocati, summa rerum, ubi aues non admisissent, dirimerentur*: Livy 1.36.6.

146 Livy 5.49.6. *Ductu auspicioque* is a recurring phrase in Livy, found 17 times in the course of the extant books, including once for Augustus (28.12.12). Other similar phrases also crop up that give the same kind of pairing of mortal authority and divine sanction, including *imperio auspicioque* (4 times) and *nominis auspiciisque* (28.32.7).

147 For an example of how auspicio might be used in a way that verges on metaphor, the people of Rome collectively could be described as holding the auspices, as in “Syphax populi Romani auspiciis victus captusque est”, Livy 30.14.8; probably this is less an expression of a constitutional theorem that the Roman citizenry collectively held sovereignty than a Livian compression referencing Syphax having been captured by a commander acting under his own auspices. Livy also refers to eternal Rome auspicato deis auctoribus ‘built under the auspices [due] to the gods’ (28.28.11)—though it is tempting to translate the phrase as ‘under the auspices of the gods’ in line with customary usage for commanders, especially since that is kind of what Livy means.
under a commander’s auspices, the commander under his own auspices. In case of success or failure responsibility was assessed toward the official with imperium—civil authority, but itself sanctioned by augury—under whose auspices the action had been taken.\textsuperscript{148}

As a rule the consul’s auspices-taking as part of the appointment of a dictator was passed over silently in the narrative. The ritual was brought up only when important to the story, as in the dramatic appointment of L. Papirius Cursor as dictator by the agonized consul Q. Fabius Maximus Rullianus in 310:\textsuperscript{149}

\textit{Livy 9.38.13–14}

\begin{quote}
\textit{consul demissis in terram oculis tacitus ab incertis quidnam acturus esset legatis recessit; nocte deinde silentio, ut mos est, L. Papirium dictatorem dixit.}
\end{quote}

The consul, his eyes cast down into the earth, departed silently from the envoys, who were left unsure what exactly he would do; then in the silence of night, as is the custom,\textsuperscript{150} he appointed L. Papirius dictator.

\textsuperscript{148} For example, “\textit{magna pars senatus nihil praeter res gestas, et an in magistratu suisque auspiciis gessisset, censebant spectare senatum debere}”, Livy 31.48.6; “\textit{causa triumphi negandi senatui fuit, quod alieno auspicio et in aliena provincia pugnasset}”, 34.10.5.

\textsuperscript{149} See the case study above, p. 146.

\textsuperscript{150} The key word here is \textit{silentium}: auditory disruption, as seen in the section on vitiation, could scuttle an auspices-taking. For this reason the auspices were often taken alone in the stillness of very early morning—late enough that the sky was visible but early enough to minimize the bruition of the daylight world. Consequently nox here means not the pitch darkness of the middle of the night, but the dim light of very early morning; so for example A. Cornelius Cossus (#16, 385), having risen early to perform the auspices and sacrifice and pray to the gods, then goes out and finds the soldiers already up and arming themselves in the “\textit{luce prima}” ‘first light’ (Livy 6.12.7). Nonetheless the auspices could be taken earlier in the night if the corresponding action needed to commence under darkness: “\textit{Nocte media, cum auspicio operam dedisset, prefectus, ut locum quem vellet, priusquam hostes sentirent, caperet…”}, Livy 34.14.1. See also Mommsen \textit{Röm. Staatsr.} 2.135 = M23.

Cohen 1957, 316, took this “peculiar method” of choosing the dictator as partial proof that the origins of the dictatorship lay in ancient, pre-Republican times. But as the dictatorship was appointed rather than elected, as was the case for all other officials (even the interreges were elected, after a fashion, from within the patrician senators), any method by which the dictator was chosen would have been “peculiar”; and Roman conservatism would have made the most arcane method of ascertaining the will of the gods with regard to a nomination, not to mention the simplest and most binary, seem the most appropriate.
The appointment of M. Claudius Marcellus (#43, 327) took place in the field; therefore so did the auspice-taking. But this only came up in Livy’s narrative because M. Claudius’s dictatorship was abruptly vitiated in a manner such as to arouse popular suspicion:

Livy 8.23.16

... consul oriens de nocte silentio diceret dictatum, neque ab consule cuicquam publice priuativitme de ea re scriptum esse nec quemquam mortalium extare qui se uidisse aut audisse quid dicat quod auspicium dirimeret; neque augures diuinare Romae sedentes potuisse quid in castris consuli uiti obuenisset.

... the consul, arising for the purpose, appointed the dictator in the dead of night; neither was anything written by the consul to anyone publicly or privately concerning this, nor was there a single mortal living who might have seen or heard anything that might have scuttled these auspices, nor yet could the augurs sitting at Rome have divined what fault the consul in camp might have encountered.

In rare cases the auspices themselves, or rather the augurs in charge of them, were not above suspicion, but speculation as to the augurs’ ulterior motives was normally as far as it got, as here in the case of M. Claudius’s spoiled dictatorship. C. Flaminius, elected consul for 217 despite the hostility of his enemies in the senate, feared he would be kept from taking up his province in Placentia by such means as ratus auspiciis ementiendis ‘reckoning the auspices falsely’ or other expedients, so he proceeded directly to Placentia to take up his office in camp.151 Ironically, C. Flaminius’s fatally disastrous command at Lake Trasimene was subsequently blamed on his “neglect of the auspices and of his religious duties.”152

The auspices were held by the chief magistrates of the Republic, namely the consuls, the military tribunes with consular power, and the dictators, and by certain other officers whose duties required the taking of the auspices, notably the interreges and the censors.153 In practice this meant that only the consuls, and the military tribunes with consular power once the augurs established their capacity to do so, could appoint dictators.

151 Livy 21.63.5.
152 “...ab dis orsus cum edocuisset patres plus neglegentia caerimoniaurum auspiciarumque quam temeritate atque insciitia peccatum a C. Flaminio consule esse”, Livy 22.9.7.
153 Gell. NA 13.15; Varro Ling. 6.86–87.
Before taking action to pursue his mandate it appears that the dictator himself took the auspices, as would a consul in the same circumstances. A few mundane examples of the dictator’s auspices-taking occur occasionally in the narrative. Here’s M. Furius Camillus (#13, 396) on the verge of marching on Veii:

**Livy 5.21.1–2**

*Ingens profecta multitudo replevit castra. Tum dictator auspicato egressus, cum edixisset, ut arma milites caperent...*

A massive crowd advanced and filled up the camp. Then the dictator, the auspices taken, went out, having issued orders that the soldiers take up arms...

Other routine examples referring to the dictator, like any Roman commander, taking the auspices in advance of a battle or campaign occur throughout the dictatoral narrative. Naturally enough the dictator’s taking the auspices was contingent on his having been properly installed as dictator. This becomes a plot point in Camillus’s second dictatorship (#14, 390), since his exile first had to be rescinded before he could take up command against the Gauls. More significant were the auspices that L. Papirius Cursor (#44, 325) received in advance of a campaign against the Samnites:

**Livy 8.30.1–2**

*In Samnium incertis itum aus piciis est; cuius rei vitium non in belli eventum, quod prospere gestum est, sed in rabiem atque iras imperatorum vertit. Namque Papirius dictator a pullario monitus cum ad auspicium repetendum Romam proficisceretur, magistro equitum denuntiavit ut sese loco teneret neu absente se cum hoste manum conseret.*

The auspices regarding advancing against Samnium were inconclusive. This portended not ill for the campaign, which was prosecuted successfully, but madness and fury in the commanders. For the dictator Papirius, warned by the chicken-master that he should return to Rome to repeat the auspices, charged the *magister equitum* that he hold himself in place and not during his absence join in battle with the enemy.

It was while he was away that his *magister equitum*, Q. Fabius Maximus Rullianus, disobeyed orders and engaged the Samnites. The problematic auspices he speaks of here are not prebattle chicken-consultation, but rather the auspices he had taken in Rome before setting out, as is later made clear in L. Papirius’s capital indictment of Q. Fabius:

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154 For example: Livy 10.39.8. For the reverse, the fear that an army might have been left helpless because it was “*sine imperio, sine auspicio*”, Livy 27.44.4.

155 Livy 5.46.11.
Livy 8.32.4–8

Itemque illud interrogo, cum me incertis auspiciis profectum ab domo scirem, utrum mihi turbatis religionibus res publica in discriminem committenda fuerit, an auspicia repetenda, ne quid dubis dis agerem? Simul illud, quae dictatori religio impedimento ad rem gerendam fuerit, num ea magister equitum solutus ac liber potuerit esse? Sed quid ego haec interrogo, cum, si ego tacitus abissem, tamen tibi ad voluntatis interpretationem meae dirigenda tua sententia fuerit? Quin tu respondes, vetuerimne te quicquam rei me absente agere, vetuerimne signa cum hostibus conferre? Quo tu imperio meo spreto, incertis auspiciis, turbatis religionibus adversus morem militarem disciplinamque maiorum et numen deorum ausus es cum hoste confligere.

Further, I ask you whether, as I was aware that I had left the City under inconclusive auspices, I ought to have jeopardized the safety of the republic in the face of this religious difficulty, or whether I ought to have taken the auspices afresh and so avoided any action till the pleasure of the gods was known? I should also like to know whether, if a religious impediment prevents the dictator from acting, the *magister equitum* is at liberty to consider himself free and unhampered by such impediment? But why am I putting these questions? Surely, if I had gone away without leaving any orders, you ought to have used your judgment in interpreting my wishes and acted accordingly. Answer me this, rather: Did I forbid you to take any action in my absence? Did I forbid you to engage the enemy? In contempt of my orders, whilst the auspices were still indecisive and the sanctions of religion withheld, you dared to give battle, in defiance of all the military custom and discipline of our ancestors, in defiance of the gods’ will.

L. Papirius’s charge against Q. Fabius was double-barreled: the subordinate offended both in disobeying a dictator’s orders and in waging war without positive auspices and so without the sanction of the gods, risking the safety of both Rome and her army. A similar situation seems to have arisen at the outset of M. Fabius Buteo’s dictatorship (#77, 216): he was forced to return to Rome to retake the auspices (“*auspiorum repetendorum causa*”), reluctantly leaving the camp in the hands of his *magister equitum*.

Were the auspices taken by the dictator on his taking office tied to the specific mandate for which he was appointed? Auspices were generally taken in anticipation of a particular action; did the auspices embrace the mandate, or a particular action toward that end. If the former, it might help explain the scrupulousness with which dictators constrained their actions to their mandate. If this were the case, then there should be evidence of a dictator whose mandate was expanded needing to retake the auspices consequent to that expansion, and in fact there is indeed a notice of such a retaking in the first dictatorship of M. Valerius Maximus Corvus (#59, 302):

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156 Livy 23.19.
Livy 10.3.5–6

Profectus dictator cum exercitu proelio uno Marsos fundit. ... Tum in Etruscos uersum bellum; et, cum dictator auspiciorum repetendorum causa profectus Romam esset, magister equitum pabulatum egressus ex insidiis circumuenitur ...

Setting forth with his army the dictator cast down the Marsi with one battle. ... Then the campaign was turned against the Etruscans; and, the dictator having set out for Rome for the purpose of renewing the auspices, the *magister equitum*, having left camp to forage, was ambushed...

It seems clear from this passage that the auspices M. Valerius had taken on assuming office had been for the waging of war against the Marsi, and that the dictator consequently found it necessary to take new auspices on the war being redirected toward the other threat that had been perceived anterior to his appointment, a looming uprising among the Etruscans. It seems equally clear that the lapsing of the original, Marsi-related auspices did not automatically disempower M. Valerius or dissipate his dictatorship; all that was necessary for M. Valerius, on taking on a new mandate to proceed against the Etruscans, was to take new auspices relative to them. The reasons these auspices needed to be taken in Rome, not at camp, are unclear from the passage.

Αὐτοκράτωρ στρατηγός

Greek writers were generally content to transliterate *dictator* into Greek as ὁ δικτάτωρ when discussing the actions of dictators, and occasionally when speaking more broadly about the dictatorship. But as Greek had nothing quite like the specialized emergency magistracy Romans called the dictatorship, and as a result no word or concept that even approached it, Greek writers attempting to describe the dictatorship had difficulties.

Narrative and biographical accounts of individual dictators tended to use δικτάτωρ. Thus Plutarch had “ἀποδειχθεὶς δικτάτωρ Φάβιος” ‘Fabius was appointed dictator’, and so on.157 Similar notices are found for L. Quinctius Cincinnatus (#4, 458)158 and (#5, 439),159

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157 Plut. Fab. 4.1.
Mam. Aemilius Mamercinus (#10, 426), M. Furius Camillus (#15, 389) and (#18, 368). A discourse on the nature of the office itself is rare in Greek writings; the term tends to occur in reference to specific dictators.

We saw in the discussion of his epitome that Polybius, in that instance, translated dictator in a military context as αὐτοκράτωρ στρατηγός—literally, “a general who is his own master.” This term was also used occasionally by other Greek writers to describe the dictator’s supreme command. Functionally, this term was used in a variety of situations to describe anyone who was supreme commander, which is to say, any entirely independent sole commander-in-chief of a military force. The term αὐτοκράτωρ στρατηγός encompassed the commands of such diverse figures as Alcibiades, Philip II, Coriolanus, Sertorius, Belisarius, and the Spartan kings, who had limited power except when at war. Dio made a point of saying M. Licinius Crassus was not functioning as αὐτοκράτωρ στρατηγός when he fought the Bastarnae, explaining his disqualification from dedicating the spolia opima after he had killed the opposing general, but that Cn. Pompeius’s maius imperium against the pirates amounted to this. Appian described the supreme command in Macedon given to M. Antonius after Caesar’s assassination with this same phrase, αὐτοκράτωρ στρατηγός.

In other words, αὐτοκράτωρ στρατηγός was never a title, nor was it ever the Greek synonym for dictator. Greek writers used αὐτοκράτωρ στρατηγός as a functional description with considerable elasticity for various generals, as long as the command involved was

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160 Diod. Sic. 12.80.7.
161 Plut. Cam. 34.1.
162 Plut. Cam. 39.2.
163 Polyb. 3.87.8.
164 For example, Diod. Sic. 12.64.1.
solitary and independent. Generally it was used for the dictatorship only in the abstract, and only when the dictatorship in question had a military context.

**Consularity**

The dictatorship was an important magistracy in the Roman Republic; having held it afforded prestige. But did the dictatorship affect the rankings into which the nobility sorted themselves? What affect did having been dictator have on one’s standing within the nobility—or, for that matter, one’s seating within the senate?

Inscriptions and elogia boasted of dictatorships alongside consulships, priesthood, and other positions, as in the case the elogia honoring Q. Fabius Maximus:

CIL 06, 31612

|Q(uintus) Fabius Q(uinti) f(ilius)| Maxim[us], / |dictator bis, co(n)s(ul) qui|nquien[s], / |censor, interrex b|is, aed(iliis) cu|r(ulis)], / |q(uaestor) bis, tr(ibus) mil(itum) bis, pontif(ex), aug(ur)|.

CIL 11, 01828

|Q(uintus) Fabius| / Q(uinti) f(ilius) Maximus / dictator bis co(n)s(ul) V cen / sor interrex II aed(iliis) cur(ulis) / q(uaestor) b(is) tr(ibus) mil(itum) II pontifex augur / primo consulatu Ligures sube / git ex iis triumphavit terto et / quarto Hannibalem compluri / bus victori(is) ferocem subsequen / do coercuit dictator magistro / equitum Minucio quois popu / lus imperium cum dictoris / imperio aequaverat et exercitui / profligato subvenit et eo nomi / ne ab exercitu Minuciano pa / ter appellatus est consul quin / tum Tarentum cepit triumpha / vit dux aetatis suae cautissi / mus et re[i] militaris peritissimus / habitus est princeps in senatum / duobus lustris lectus est

Q. Fabius’s dual dictatorships apparently were ranked ahead of his consulships and other offices. These inscriptions date from well after Q. Fabius’s own time; it is the order of offices we expect from other late-Republic references, like Cicero’s “dictator, consul, praetor, magister equitum”.

Caesar’s inscriptions normally styled him as dictator, but on occasion

168 CIL 06, 40953 = CIL 06, 31612 = CIL 01, p 0193 = AE 1890, 00019 = InschrIt-13-03, 00014.

169 CIL 11, 01828 (p 1274) = CIL 01, p 0193 = D 00056 = InschrIt-13-03, 00080 = AE 2003, +00267 = AE 2011, +00361. It seems to be to this latter plaque and its reference to Q. Fabius as “dictator bis” that Livy was reacting in his tangent arguing that he should have instead been considered dictator and pro dictator in 22.31.11.

he was something fuller: thus the “Caius Caesar, imperator, dictator, consul” in an edict preserved in Josephus.\textsuperscript{171} Gellius referred to the standing of P. Cornelius Rufinus (#63, 285) on account of his having been “dictator and twice consul”.\textsuperscript{172} Drogula summarized the late-Republic legal, literary, and inscriptive evidence as providing a hierarchy of offices by potestas as follows: dictator, consul, praetor, magister equitum, censor, aedile, tribune of the plebs, quaestor, etc.\textsuperscript{173}

Conversely, this inscription at Arezzo dedicated to Ap. Claudius Caecus (#62, 285):

\begin{center}
\textit{CIL 11, 01827}\textsuperscript{174}
\end{center}

\textit{Appius Claudius / C(ai) f(ilius) Caecus / censor co(n)s(ul) bis dict(ator) interrex III / pr(æctor) II aed(ilis) cur(ulis) II q(uaestor) tr(ibunus) mil(itum) III com / plura oppida de Samnitibus cept / Sabinorum et Tuscorum exerci / tum fudit pacem fieri cum [P]yrrho / rege prohibit in censura viam / Appiam stravit et aquam in / urben adduxit aedem Bellonae fecit}

In this case a censorship and two consulships came ahead of a dictatorship and three stints as interrex. The memorial has something in common with those of Q. Fabius mentioned above: just as the latter truly made his mark most as dictator, so Ap. Claudius’s greatest impact was as censor, in 312: achieving the office without first having been consul, he commissioned both the Via Appia and the Aqua Appia, ensured the public posting of the legal procedures and calendar previously preserved only for the priests, and in general accomplished as much as one man could to change the lives of ordinary citizens.\textsuperscript{175} His consulships and dictatorship were less memorable; of the latter we know little more than it existed, thanks largely to this inscription, despite Ap. Claudius’s lasting fame and the long memory accorded his deeds and accomplishments.

There are a few other stray pieces of information. On hearing of a threat from a Sabine army in 495, it was the ex-dictator A. Postumius who was sent ahead with the cavalry, with the consul trailing behind in charge of the cream of the infantry,\textsuperscript{176} but it

\textsuperscript{172} Gell. NA 4.8.
\textsuperscript{173} Drogula 2015, 65.
\textsuperscript{174} \textit{CIL 11, 01827} (p 1274) = D 00054 = InscrIt-13-03, 00079 = AE 2011, +00361.
\textsuperscript{175} Livy 9.27; Eutrop. 2.9; Diod. Sic. 20.36.
\textsuperscript{176} Livy 2.26.2.
makes more sense to think A. Postumius was favored because of his actual achievement in defeating the Latins, not his political status in having held the office of dictator.

What can be said generally, based on the prosopological and other studies of the Roman nobility in the last century? Gelzer determined that, at least by the late Republic, an ancestor who had been consul, dictator, or consular tribune was the threshold to be considered *nobilis*. The class of people who triumphed during the early and middle Republic was also comprised very consistently of consuls, proconsuls (consulars by definition), and dictators. Both of these distinctions bespoke increased standing among one’s peers both for oneself and for one’s descendants, arguing for the dictatorship to stand alongside the consulship as elevating one’s rank within the Republican ruling class.

As far as the senate goes, most of our information on senatorial protocols comes from the late Republic; any number of articles can tell us about the aspects of senatorial punctilio in the era of Cicero, in some cases down to specific days. Brunt gave special emphasis to ex-consuls in relation to standing in the senate: “Within the senate the consuls normally enjoyed most authority. Hence access to the consulship mattered most.” So where did that leave the dictator who had not been consul? The adjective *consularis* used as a substantive was not necessarily defined as “ex-consul” so much as “man of consular rank” even during the Republic, so we cannot blindly assume that the consuls in the front row of the senate were actually always literally ex-consuls. It is therefore feasible that a dictator could have been considered “of consular rank” for purposes of senatorial standing, but there is precious little actual information one way or another.

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177 Gelzer 1912, 22–40; Brunt 1982, 1; Burckhardt 1990, 78.
178 Degrassi 1947, 1.535–548; Richardson 1975, 50–51.
179 For example, Parrish 1972; Ryan 1995; Cadoux 2006.
180 Brunt 1982, 15.
181 E.g., “cuius quattuor filii consulares” ‘whose four sons were of consular rank’: Cic. Phil. 8.4.14; likewise Cic. Ver. 2.2.118.
According to Varro via Gellius, not only did the group of those who could bring matters before the senate include “dictator, consuls, praetors, tribunes of the commons, interrex, and city prefect”, but the precedence was also in that order; but as for being asked to speak, he stated that priority was given to the “consular rank”, though it was evidently to a certain extent at the presiding officer’s discretion.\footnote{Gell. NA 14.7; see also Suet. \textit{Iul.} 21.} In this way Varro seems to have denied that there was a “dictatorial grade” in the senate, at least one that was superior to the consulship. Ryan found Varro’s assertion of this in 71 BCE, less than a decade after Sulla would have sat in the senate as ex-dictator, very convincing.\footnote{Ryan 1998, 102–104. Cf. Zon. 7.19, on ranks of offices, not of ex-office holders; nonetheless, based on this passage, Willems asserted that “le premier rang sénatorial était attribué aux dictatorii” (Willems 1878, 65–68, 257).} Ryan also observed that the accounts of the expulsion of P. Cornelius Rufinus (#63, 285) from the senate seem to give primacy to his dual consulularity rather than his having been dictator, and the Latin accounts—in this case, and in general—did not use a word like \textit{dictatorius} (which would indicate a group with a certain standing) as comparable with \textit{consularis}.\footnote{Dion. Hal. \textit{Ant. Rom.} 20.13.1; Val. Max. 2.9.4; Gell. NA 4.8.7, 17.21.39; Ryan 1998, 105. Livy 6.18.14.}

It seems reasonable to agree with Ryan that there was probably no senatorial grade in the senate superior to the consuls; but this is not the same thing as saying that having been a dictator did not elevate one to the first rank of nobles alongside the consuls. If having a dictator or a consul as an ancestor was what made one \textit{nobilis} (and having neither made you a \textit{novus homo}), if dictatorships were listed ahead of or at least alongside consulships in \textit{elogia}, if it was dictators and consuls that were also triumphators, there is decent enough reason to suppose that “dictators and consuls”, as M. Manlius Capitolinus once angrily inveighed,\footnote{Livy 6.18.14.} were of the same ilk.
**Dictator Suffectus**

During the Republic, when a consul left in office before the expiration of his term—usually but not always due to death—the process of choosing the consul was repeated in a special election, and the replacement official was referred to as a *consul suffectus*. The same concept, and on occasion the same terminology, was applied to a dictator stepping in to complete another’s task, in the same way a new consul stepped in to complete another’s temporally fixed term of office.

Dictators were appointed not for specific time periods but according to a mandate to resolve a specific crisis. Therefore, if a dictator died or had to step down before the crisis was resolved, there was sometimes a need for a replacement dictator. As with the consul, the process of selecting the replacement involved repeating the original process of selection. In the literature and records, replacing a dictator was described similarly to replacing a consul, even though the processes were different. The *Fasti* described A. Atilius Calatinus (#68, 249) as “*in eius locum factus est . . . dictator*” following the forced resignation of M. Claudius Glicia (#67);¹⁸⁶ this is the same wording used for suffect consuls.¹⁸⁷

Occasionally the word *suffectus* ‘substitute’ was used in the literature, as with consuls, to indicate a dictator directly replacing a previous incumbent in pursuit of the same mandate. For example, Livy described M. Aemilius Papus (#47, 321) as “*creatis suffecti . . . dictator*” on the vitiation of the original nominee, Q. Fabius Ambustus.¹⁸⁸ Similarly, when discussing P. Manlius Capitolinus (#19, 368) having replaced the resigning M. Furius Camillus, the word *suffectus* was used to understand his status as a replacement.¹⁸⁹ Livy used similar wording to describe a *magister equitum* replacing another who died in office.¹⁹⁰

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¹⁸⁹ “tum quod ei suffectus est extemplo P. Manlius dictator”: Livy 6.38.9.

¹⁹⁰ “suffectus in locum Auli C. Fabius magister equitum”: Livy 9.23.
It is not, however, necessary to conclude from these instances in Livy that there was a formal term or concept of *dictator suffectus*. By the end of the Republic the *consul suffectus* acquired a slightly distinct locus in the Roman system, contrasted with the *consules ordinarii*; the ordinary consuls defined the eponymous political year, an everyday fact that made suffect consuls both necessary and equal when a vacancy occurred yet marginally inferior.\(^{191}\) The *consul suffectus* had the same powers and authority as a *consul ordinarius*, of course;\(^{192}\) the distinction was one of subsequent standing.\(^{193}\) Consequently there was an idea of the *consulatus suffectus* with its own, distinct identity in the Republican political system, but there was apparently not an analogous sense of a *dictatura suffecta*. Livy’s use of *suffectus* with *dictator* or *magister equitum* was circumstantial rather than official, comparable with his similar notices of one censor or priest replacing another that had died in office,\(^{194}\) or the replacement of vitiated tribunes of the plebs.\(^{195}\) Thus we can use the phrase “suffect dictator” in a general way, without assuming there was any such term or title in circulation among the Romans themselves.

Not all dictators who left office before fulfilling their mandate were replaced. What can we say about the circumstances under which a suffect dictator was or was not

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\(^{191}\) Suffix consuls, especially those of short tenure, could also be the butt of jokes in the late Republic that they were not in office long enough to commit any crimes or blunders: on this see Barrett 1972.

\(^{192}\) A fragmentary mention occurs wherein “*suffectum consulem negabant recte comitia habere posse*” in the unusual circumstance of both ordinary consuls being dead (Livy 41.8).

\(^{193}\) “*The consules ordinarii* ranked higher than those who were elected afterwards” (Smith 1875, 356), though most of our evidence for this is post-Republican, after it became common practice for the princeps to pad the year with suffect consuls to spread and dilute the distinction of consul (on this practice, see e.g. Phillips 1997). Ausonius, seeking precedents for his distinction as both tutor to an emperor and a consul, decided only M. Cornelius Fronto, a tutor to Marcus Aurelius, came close; “*sed consulatus ille cuius modi? ordinarium suffectum, bimenstri spatio interpositis, in sexta anni parte consumptus, quaerendum ut reliquerit tantus orator, quibus consulibus gesserit consulatum*” (Aus. Grat. 7). Similarly, Suet. Dom. 2.2, Galba 6.1, Vit. 2.4; Plin. Panegr. 38; SHA Sev. Al. 28.1. Cf. Tac. Hist. 3.37, on one-day suffect consulships under Caligula and Vitellius.

\(^{194}\) “*C. Iulius censor decessit; in eius locum M. Cornelius suffectus*”: Livy 5.31; “*in Lentuli locum M. Cornelius Cethegus, in Papiri Cn. Seruilius Caepio pontifices suffecti sunt*”: Livy 25.2, one example among many for pontifices, sacerdotes, decemviri sacrorum, and augures.

\(^{195}\) Livy 10.47.
appointed? To attempt to answer this we need to look at the dictators who died, abdicated prematurely, or were vitiated.\textsuperscript{196}

**Table 6. Dictators with Uncompleted Mandates**

<table>
<thead>
<tr>
<th>Dictator</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>M. Furius Camillus IV\textsuperscript{‡} (#18, 368)</td>
<td>Crisis: civil disruption over plebeian access to the <em>imperium</em>. Dictator resigned after his support of the patricians further inflamed the populace. Replaced by P. Manlius Capitolinus\textsuperscript{§} (#19, 368), who defused the conflict by appointing a plebeian <em>magister equitum</em>.\textsuperscript{198}</td>
</tr>
<tr>
<td>C. Claudius Inregillensis\textsuperscript{‡} (#38, 337)</td>
<td>Crisis: The allied Aurunci were under attack by the Sidicini. Dictator vitiated; no replacement.\textsuperscript{199}</td>
</tr>
<tr>
<td>P. Cornelius Rufinus I\textsuperscript{‡} (#40, 334)</td>
<td>Crisis: Large army raised by the Sidicini. Dictator vitiated; no replacement.\textsuperscript{200}</td>
</tr>
<tr>
<td>M. Claudius Marcellus\textsuperscript{‡} (#43, 327)</td>
<td>Crisis: With both consuls desperately fighting the Samnites, a dictator was named to hold elections. Dictator vitiated, and the vitiation itself was disputed; no replacement. A long string of interreges followed instead.\textsuperscript{201}</td>
</tr>
<tr>
<td>Q. Fabius Ambustus\textsuperscript{‡} (#46, 321)</td>
<td>Crisis: After the disaster of the Caudine Forks, the consuls refused to hold elections or conduct business. Dictator vitiated. Replaced by M. Aemilius Papus\textsuperscript{§} (#47, 321), who was also unable to hold elections, resulting in an interregnum.\textsuperscript{202}</td>
</tr>
<tr>
<td>Q. Hortensius\textsuperscript{†} (#60, 287)</td>
<td>Crisis: Secession of the plebs. Dictator died in office, but after having defused the plebeian revolt and, apparently, at least put forward the legislation that bore his name.\textsuperscript{203} Broughton postulated that one of the three remaining dictators normally relegated to the blind spot between 292 and 284 was probably suffect dictator for Q. Hortensius.\textsuperscript{204}</td>
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</tbody>
</table>

\textsuperscript{196} I’m not including L. Manlius Capitolinus Imperiosus (#21, 363), who was forced to resign, but only after fulfilling and attempting to exceed his mandate, driving the nail.

\textsuperscript{197} Here, as elsewhere, † = died in office; ‡ = resigned; § = replaced resigned/dead predecessor.


\textsuperscript{199} Livy 8.15.5–6.

\textsuperscript{200} Livy 8.17.3–4.

\textsuperscript{201} Livy 8.23.13–17.

\textsuperscript{202} Livy 9.7.13–14.

\textsuperscript{203} Death and resolution of the secession noted in Livy *Per*. 11.11; other references are to *leges Hortensia*.

\textsuperscript{204} *MRR* 2.185, 187. Livy book 10 ends in 292; fragments of the *FC* resume in 284.
The cases where no suffect dictator was appointed are somewhat revealing. In 337, the Aurunci were former enemies of Rome whose claim to protection was that they had stayed quiet and had not tried to shake off the Roman yoke after their easy conquest in 345. But the incitement to the appointment of a dictator was that the consuls had been too dilatory, and before Rome could act the Auruncan city was destroyed and the Auruncans had evacuated to Suessa. C. Claudius’s vitiation provided an opportunity to revisit the need to appoint a dictator, by which point there apparently seemed to be no need to act on behalf of a tenuous and already defeated ally. The Auruncans renamed Suessa after themselves, but by 313 the Romans themselves were colonizing the apparently abandoned site at Suessa. Three years later, the Sidicini were mustering again; but there seems to have been no need to replace the vitiated dictator, as the Sidicini threat seems to have evaporated; the next thing Livy noted was that “things were now quiet” when news came of a possible new threat from the Gauls the following year.

In 327, M. Claudius was appointed in camp, and the augurs’ vitiation was called out by the suspicious tribunes; creating a new round of inter-order friction. The options for getting the elections held subsequent to the vitiation were either (a) go through the laborious and time-consuming process of having the consul, who was deep inside Samnite territory, appoint another dictator in camp, risking the same result and possibly intensified

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205 Livy Per. 19; Cass. Dio 36.34.3; Flor. 1.18.12.
206 Livy 22.33.10–12; controversial: 22.34.10–11.
207 As part of a general war against rebellious Latins under the dictator L. Furius Camillus (#33, 345): Livy 7.28. Livy attributed the victory over the Auruncans to the magister equitum, Cn. Manlius Capitolinus Imperiosus (8.15.4).
208 Livy 9.28.
209 Livy 8.17.
unrest in time of all-out war; or (b) proceed with the established alternative, the appointment of an *interrex*, though Rome was in such a disrupted state that one *interrex* eventually became 14, according to Livy. The contexts in 321 and 217 were different, but the options were the same: when elections could not be held by the dictator, the fallback was to revert to appointment of an *interrex*. The difference in 321 was that a suffect dictator was tried, but the suffect dictator failed to hold a *comitia* due to popular dissatisfaction with his slate of candidates.\(^{210}\) In 217, no suffect dictator was appointed because, as in 327, the new dictator would again need to be appointed in camp, while Rome’s direst war raged and the situation in Rome was profoundly contentious. *Interreges* could be appointed by senators in Rome without reference to absent consuls, and whereas the extent to which a dictator could pursue elections after a failure was not established, long precedent allowed for *interreges* to succeed each other indefinitely until an election was successfully held.

From the above we can conclude that the death or removal of a dictator offered an opportunity to revisit the call for a dictatorial appointment. Circumstances may have changed in the interim; even in the case of vitiation, the better part of a week may have elapsed since the dictator’s inauguration, and more time yet since the original call.\(^{211}\) If there was still a need to appoint a dictator, a new dictator was appointed; if this seemed unnecessary, no further action was needed; if problematic, viable alternatives could be pursued. The existence, replacement, and termination of the archaic dictator was entirely according to the nature, extent, and duration of the mandate according to which the dictator was appointed, in the context of the political landscape within which the appointment took place.

\(^{210}\) Livy 9.7.14.

\(^{211}\) L. Venturius Philo was ordered by the augurs to resign his office “after holding it four days”: Livy 22.33.12.
**IUSTITIUM**

For dictators appointed with military mandates, the first step after naming a *magister equitum* was often to suspend public business so that the city was focused fully on the crisis at hand. The declaration corresponds to elements of what we could now refer to as the imposition of “martial law”, though the emphasis should be solely on the citizen-body being put on notice to set aside commercial and personal concerns.

The word used for this formally declared moratorium, *iustitium*, referred to a suspension of activity in the courts analogous to public mourning. In the context of immanent war a more widespread cessation of nonmilitary activity was meant, in preparation for a levy and for defense of the city.\(^{212}\) This helps account for the various ways *iustitium* has been translated—”cessation of the courts,” “suspension of public business”, etc.—even within a single edition of the same work, though sometimes specific measures such as “closing of shops” is also spelled out.

*Livy 4.26.12*

*Dilectus simul edicitur et iustitium, neque aliud tota urbe agi quam bellum apparari.*

At the same time a levy and a suspension of public business [*iustitium*] was declared, such that nothing should be done in all the city other than prepare for war.

Explicit mention of *iustitium* being invoked by dictators occurs in the narrative on several occasions.\(^{213}\) As it seems to have been part of the usual preparation for wars, at

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\(^{212}\) Other associated actions, at least in the later Republic, included closing the treasury (Cic. Har. resp. 55) and the stores in the Forum (Livy 9.7.8). Golden 2013, 87 observed that there was no Greek word for iustitium and its enactment generally went unnoticed in Greek sources. For general information and discussion see Kunkel 1973, 225–228; Scalia 1999; Golden 2013, 87–108. For a philosophical discussion of the institution of the *iustitium* and its ramifications, especially in relation to the senatus consultum *ultimum*, see Agamben 2008, 41–51. — The word iustitium was also used for a moratorium of legal action against an individual: Gell. NA 20.1.43.

least those near the city of Rome, it could probably be taken as read in all cases involving a major imminent levy, though there is no evidence for this being the case other than the routine way in which it was referred to in the build-up to a campaign, and the fact that it would a logical and expeditious way of separating citizens from other concerns in order to free them up for enrollment in the levy.

*Iustitium* was by no means a special capacity of the dictator. Consuls and praetors issued the *iustitium* edict, and on occasion the senate ordered the edict to be issued by a magistrate; the edict was issued in times of imminent war on numerous occasions, presumably in order to facilitate a levy or prepare for the expeditious defense of the city itself. It could only be canceled by the authority that ordered it.

For Golden, who analyzed its use in relation Rome’s emergency processes, the *iustitium* edict was paired with a finding of *tumultus*. Together, for him, these were the main institutional legacy of the dictatorship in terms of crisis management. Golden’s overly schematic approach to the *tumultus*, however, made situations in which a *iustitium* edict was declared without there having been a formal “finding” of *tumultus* difficult to reconcile with his analysis. In fact it is not necessary to assume that there needed to be a formal “finding” of *tumultus* for there to be a state of crisis; in this study we have seen that the *tumultus* was more informal, and even gestalt, than Golden assumed. It is also not necessary

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214 Cic. *Planc.* 33 (by one of the consuls of 111); Livy 3.5.4, 3.5.14 (both the issuance and the revocation of the order are mentioned, though by whom it was ordered was not clear—presumably the praetor L. Valerius, who had command of the city in the consuls’ absence), 6.7.1 (ordered by the consuls), 9.7 (though more a case of public mourning after the disaster at the Caudine Forks, accomplished spontaneously before the proclamation was issued), 10.21.3 (ordered by the senate in advance of a levy, though presumably as a direction to a magistrate to execute the order as in 39.18; suspended after the threat to the city was removed, 10.21.4); 26.26.9 (informal), 39.18.1 (senate directed the praetors to suspend the courts); App. *B Civ.* 1.55.244 (by the consuls of 88, cf. Plut. *Sull.* 8).


216 Golden 2013, 41, 87–89.

217 Golden 2013, 88. After looking closely at the two cases, in 111 and 88, he tentatively concluded that preparations for war, perhaps combined with anticipation of public anxiety or disruption, was thought sufficient to declare a *iustitium* edict on those occasions (Golden 2013, 93, 101).
to bind the *iustitium* edict to a *tumultus*, formal or not. The *tumultus* was a state of affairs requiring magistrates to take action, but there was no law or even custom that compelled a magistrate to act in a prescribed way in response to any given state of emergency.

The *iustitium* edict was one of the tools available to any commanding magistrate, whether consul or dictator, in preparation for imminent war or civil disruption. The decision made regarding whether to implement this option was entirely the prerogative of the commander.

**PRAETOR MAXIMUS**

There remains to discuss a final loose end with regard to the dictator’s title. A passage in Livy made a connection between the ancient position *praetor maximus* and the dictator, in the context of a sudden pestilence following a flood in 363:

*Livy 7.3.3–8*

... repetitum ex seniorum memoria dicitur pestilentiam quondam clauo ab dictatore fixo sedatam. Ea religione adductus senatus dictatorem claudi figendi causa dicit iussit; dictus L. Manlius Imperiosus L. Pinarium magistrum equitum dixit. Lex uetusta est, priscis litteris uerbisque scripta, ut qui praetor maximus sit idibus Septembribus clauum pangat; fixa fuit dextra lateri aedis Iouis optimi maximi, ex qua parte Minervae templum est. Eum clavum, quia rarae per ea tempora litterae erant, notam numeri annorum fuisse ferunt ex quo Mineruae templo dicatam legem quia Numeriae inuentum sit.—Volsiniis quoque clavi indices numeri annorum fixos in templo Nortiae, Etruscae deae, comparere diligens talium monumentorum auctor Cincius adfirmat.—M. Horatius consul ea lege templum Iouis optimi maximi dedicavit anno post reges exactos; a consulibus postea ad dictatores, quia maius imperium erat, sollemne claudi figendi translatum est. Intermisso deinde more digna etiam per se uisa res propter quam dictactor crearetur.

It was said that old men recalled that pestilence was formerly laid to rest with the fixing of a nail by a dictator. The senate having concluded that this was a religious obligation, they called for a dictator to be named for the purpose of driving the nail; L. Manlius Imperiosus was named, and he appointed L. Pinarus as his *magister equitum*. There is an ancient law written in antique script such that he who is *praetor maximus* is to drive the nail on the ides of September; the notice was fastened to the right side of the temple of Jupiter Optimus Maximus, near the shrine of Minerva. This nail, because written records were rare in those days, marked the numbering of the years, and consequently was placed under the purview of Minerva because Minerva had inventing numbering. (Cincius, a diligent authority on monuments of this kind, asserts that at Volsinii as well nails indicating the numbering of the years were similarly fixed at the shrine of the Etruscan goddess Nortia.) In accordance with this law, the consul M. Horatius dedicated the temple of Jupiter Optimus Maximus in the year following the expulsion of the kings, and subsequently

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*Livy 7.3.8*

... repetitum ex seniorum memoria dicitur pestilentiam quondam clauo ab dictatore fixo sedatam. Ea religione adductus senatus dictatorem claudi figendi causa dicit iussit; dictus L. Manlius Imperiosus L. Pinarium magistrum equitum dixit. Lex uetusta est, priscis litteris uerbisque scripta, ut qui praetor maximus sit idibus Septembribus clauum pangat; fixa fuit dextra lateri aedis Iouis optimi maximi, ex qua parte Minervae templum est. Eum clavum, quia rarae per ea tempora litterae erant, notam numeri annorum fuisse ferunt ex quo Mineruae templo dicatam legem quia Numeriae inuentum sit.—Volsiniis quoque clavi indices numeri annorum fixos in templo Nortiae, Etruscae deae, comparere diligens talium monumentorum auctor Cincius adfirmat.—M. Horatius consul ea lege templum Iouis optimi maximi dedicavit anno post reges exactos; a consulibus postea ad dictatores, quia maius imperium erat, sollemne claudi figendi translatum est. Intermisso deinde more digna etiam per se uisa res propter quam dictactor crearetur.

It was said that old men recalled that pestilence was formerly laid to rest with the fixing of a nail by a dictator. The senate having concluded that this was a religious obligation, they called for a dictator to be named for the purpose of driving the nail; L. Manlius Imperiosus was named, and he appointed L. Pinarus as his *magister equitum*. There is an ancient law written in antique script such that he who is *praetor maximus* is to drive the nail on the ides of September; the notice was fastened to the right side of the temple of Jupiter Optimus Maximus, near the shrine of Minerva. This nail, because written records were rare in those days, marked the numbering of the years, and consequently was placed under the purview of Minerva because Minerva had inventing numbering. (Cincius, a diligent authority on monuments of this kind, asserts that at Volsinii as well nails indicating the numbering of the years were similarly fixed at the shrine of the Etruscan goddess Nortia.) In accordance with this law, the consul M. Horatius dedicated the temple of Jupiter Optimus Maximus in the year following the expulsion of the kings, and subsequently

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the ritual was passed from the consuls to the dictators, because they possessed greater *imperium*. With the custom thereafter having lapsed, the matter was deemed significant enough to prompt the appointment of a dictator.

This is a strange passage in a number of ways. For one thing, the idea of an annual, counting nail is here conflated with that of an emergency, propitiatory nail, and Livy made no attempt to delineate the two concepts or their interrelation. This passage has also periodically caused the dictator to be identified with a more ancient office or function of *praetor maximus*, or as a continuation of the original form of the Republic’s notional earliest days with unequal magistrates, one being greater than the others.

It seems obvious that “*qui praetor maximus sit*” did not mean “the person holding the position of Praetor Maximus” but rather “the person with the highest *imperium*”; Mommsen agreed that *praetor maximus* was not a formal title, but rather signified that the magistrate whose *imperium* was greatest. Livy himself made this clear later on in the same section. The leaders of 363 did not appoint a dictator to drive the nail because it could only be done by a person with the title *praetor maximus* or the contemporary descendant of same; it could, in point of fact, have been done by the person with the greatest *imperium* at the time, namely the consul with the *fasces*. They appointed a dictator to hedge their bets in an attempt to better propitiate the gods.

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219 There may have been such a connection, unelaborated by Livy: for example, the annual nail might not have had a merely a counting function, but was understood as the community’s annual commitment of piety to the gods, pledged by its highest official (king, consul, or dictator).

220 Lewis and Short 1879, *s.v. dictator*. See Lintott 1999, 104 and n. 47. For some reason Lintott and others dealing with the term *praetor maximus* cite not only Livy 7.3 but also Varro *Ling.* 5.80, which deals with praetors but does not, in fact, discuss *praetores maximi.* For a rendition of scholars equating *praetor maximus* with *dictator* see Cornell 1995, 227–230. Curiously, Cornell declared the decision of whether one wants to do so “a matter of taste”.


222 For this argument see Brennan 2000, 1.20–23; also Forsythe 2005, 151–153.
### Table 7. Mandate/Caussa Matrix

<table>
<thead>
<tr>
<th>Mandate</th>
<th>mandatia remgerundae</th>
<th>mandatia comitiornum habendorum</th>
<th>mandatia clari fegendi</th>
<th>mandatia feriarum constitendarum</th>
<th>mandatia interregni</th>
<th>mandatia Latinarum feriarum ludorum faciendorum seditionis sedendae et rei gerundae</th>
<th>mandatia senatus legendi</th>
<th>unknown</th>
<th>(co-dictator)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I. Dictator needed instead of current consuls/consular tribunes</strong></td>
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<td>I.a.2 plebeian secession/refusal to levy</td>
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<td>I.a.4 propitiation of the gods</td>
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<td>I.b.1 special enemy</td>
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<td><strong>Ongoing war</strong></td>
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<td>I.c.1 special enemy</td>
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<td>military</td>
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<th>Dictator as acting consul or other official</th>
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<td>Standing in for censors</td>
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<td>habendorum</td>
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<td>clavi figendi</td>
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<td>constituendarum</td>
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<td>Latinarum feriarum</td>
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<td>senatus legendi</td>
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