

THE ORIGIN OF THE ROMAN DICTATORSHIP: AN OVERLOOKED OPINION

'Supra belli Latini metus quoque accesserat, quod triginta iam coniurasse populos concitante Octavio Mamilio satis constabat. In hac tantarum exspectatione rerum sollicita civitate, dictatoris primum creandi mentio orta' (L. 2.18.3-4).

Livy's frank statement which follows of his uncertainty about the date and identity of the first dictator has excited comment from everyone who has considered this passage. In fact, the controversy is very slight and easily solved. The two candidates are T. Larcius and M^o. Valerius. The only sources to mention the second name are Livy, in a tradition he rejects, stating it is a late version, and Festus, *optima lege* 216 L¹). All others are agreed that the first dictator was Larcius, although there are slight corruptions of the name (Marcius or Largus). And modern scholars seem unanimous in preferring Larcius to Valerius for two reasons: his family is too unimportant after its isolated appearance in the early fifth century fasti to have been able later to invent such a prestigious tradition for itself; indeed, they seem to be Etruscan, as some other early fifth century notables. And second, the evidence for Valerian tampering with the tradition is overwhelming.

The reason for the new office is hardly varying. It was a military crisis. Dionysios has been misunderstood to imply political reasons (5.70f.). He says the plebeians were bringing up economic grievances (5.63f.), but these were important only because they might imperil the conduct of the Latin war (5.61). He simply wants to explain the dictator's freedom from *provocatio*.

As for the date, there are only two years mentioned: 501, 498. The reason is clear. These were both years Larcius was consul, and it was a common belief that the dictator should have been a consular.

1) The Valerian *elogium* (CIL I² 189 = ILS 50) from Augustus' Forum refers not to this Valerius but to Valerius Maximus, dict. 494 (cf. L. 2.30). The source of this lying version was undoubtedly Valerius Antias (F. Münzer, *de gente Valeria*, 18f.).

Thus the details, which seem to have caused more controversy than they merit. Yet no-one who is conversant with the history of the monarchy and early Republic would put too much faith in the annalists-cum-jurists' versions. We are dealing with what has been shown to be a most ancient office which went out of use just at the time of the earliest Roman historians, at the end of the third century. Thus almost the entire Roman historical tradition was referring to an office it had not seen in operation.

Modern commentators on the origin of the Roman dictatorship may be divided most simply into those who accept a Latin inspiration and those who regard the institution as specifically Roman. This is much the same as the division between those who see its beginnings under the monarchy, or view it as a carryover of kingship or the link between monarchy and republic, and those who think the office strictly Republican in date.

The champion of the Roman view was Mommsen²). Despite divergences in the tradition, the office is ascribed to the earliest years of the Republic, but not, interestingly, as he noted, connected with such obvious contexts as the battle of lake Regillus or the first secession. Therefore it was 'an integral component of the Republican constitution' (143). The often quoted line that the dictatorship was a 'temporary restoration of monarchy' was not in fact Mommsen's real view (168). As for the Latin dictatorship, it appeared both in states organised by Rome, such as the Latin colonies, and, significantly, in cities which retained their old constitution after the Roman conquest. Yet the crucial difference was that in the various Latin states it was an ordinary magistracy which developed out of their monarchies, whereas at Rome, which had abolished the kingship, it was an extraordinary office.

Liebenam³) rejected Mommsen's view that the dictatorship was an integral part of the Republican constitution, and the view that it was a temporary monarchy. Yet he went on to accept the traditional account of its appearance in the earliest years of the Republic. It was required then because of the inefficiency of the new collegiate magistracy.

2) *SR* 1871, 1887³ 2.141f.

3) *Die römischen Diktaturen*, 1910, 4f.

The standard monograph on the dictatorship by Bandel⁴⁾ agreed with this view. Bandel could not accept the dictatorship as an integral part of the Republican constitution precisely because it would have been a restoration of the monarchy which had just been overthrown. He did not, surprisingly, take up the Latin question.

H. Rudolph⁵⁾ carried Mommsen's views to an extreme position. He rejected all mention of the early Latin dictatorship as a 'projection' of the late annalists, relating in fact only to constitutions introduced by Rome after her incorporation of these states. The dictatorship, albeit sacral, was the government imposed without exception on the early *municipia* after 338, in contrast to the *civitates foederatae*, none of which had a dictator.

Rudolph's ideas were accepted by R. Stark⁶⁾, but he went on in particular to develop Soltau's and Latte's⁷⁾ insights on the military basis of the dictatorship deriving from the early *coniuratio*. The original title *magister populi* showed its connection with plundering raids (*populus populari*). The dictator's *lex curiata* was derived from this. (But was the dictator instituted in the period of *coniurationes* or at the time of the later *lex curiata*?). After having thus demonstrated the antiquity of the office, Stark nevertheless went on to accept the traditional view of the dictator as instituted in the early Republic, to deal with crises after the fall of the monarchy (apparently unconvinced by Liebenham's and Bandel's objections), at the same time implying that the double consulship, also traditionally dated here, was in fact later, introduced when the dictator proved inadequate (213). And after accepting parallels with the Samnites and Lucanians (L. 10.38, Strabo 5.1.3), Stark claimed the Roman office was a product of purely Roman conditions.

Most recently, Ogilvie⁸⁾ has reasserted a Republican date. 'The tradition is right in making the dictatorship an entirely Republican tradition'. His reason is that it was not an evolution of any regal office. Incidentally, he suggests that the Romans changed the name of this magistrate from *magister populi* to *dictator* in the fifth century, on the model of the Latin office.

4) *RE* 5.1905, 370f.

5) *Stadt u. Staat im römischen Italien*, 1935.

6) 'Ursprung u. Wesen der altröm. Diktatur' (*H.* 75.1940, 206-214).

7) Soltau, v. below; Latte, 'Lex curiata u. coniuratio' (*NGGA* 1.1934, 59f.).

8) *Commentary on Livy*, 1965, 281.

The Latin derivation goes back at least to Niebuhr⁹). He explained the six months' duration of the office not by the limits of the campaign season, but by the need to alternate command with the Latin states. Similarly, his twenty-four lictors symbolised the uniting of the 'two governments'. This view was much more persuasively argued by de Sanctis¹⁰), who admitted that there was no parallel for the Roman dictatorship as the sources represent it, in any other single city. How then were the Romans able to create such a unique magistrate at this very early stage in their history? The obvious parallel is with the Latin dictator, in the sense of the league commander (Cato frag. 58). Just as he was nominated by the delegates of the various cities, so was the Roman nominated by a consul. And notoriously, Licinius Macer asserted that the Roman office was copied from the Alban (DH 5.74). 'In sostanza la dittatura latina fu dai Romani ricopiata servilmente' (412).

The views of A. Rosenberg¹¹) are not as easily classified as often claimed. Yet he certainly fits basically the Latin stream. Although reacting strongly against Mommsen, he did not see Rome as just an ordinary Latin state. He accepted the evidence for the Latin dictatorship, but was impressed by the powers of the Etruscan *zilath* and thought this was the origin of the single successor to the monarchs. As for the relationship between Latin and Roman dictatorship, he stressed the great *differences*: one ordinary, the other extraordinary; one annual, the other for six months; one in charge of all public life, the other limited to a specific task; one a natural development from monarchy, the other artificial, an attempt to make monarchy harmless; and the different methods of appointment. His solution then? The Roman office was as old as the Republic, the work of an 'unknown, great statesman' who drew up the Republican constitution (!) yet it was based on the Latino-Etruscan counterpart.

De Sanctis' ideas were developed, apparently independently since he has no reference to him, by H. Soltau¹²) who emphasised the dictator's originally unrestricted competence. This was a

9) *History of Rome*, 1827, 2nd. ed. trans. Hare and Thirlwall 1855, 1.563f.

10) *Storia dei Romani* 1907, 1956², 1.407f.

11) *Der Staat der alten Italiker*, 1913, 72f.

12) 'Der Ursprung der Diktatur' (*H.* 49.1914, 352-368). This same theme was taken up, apparently unaware of Soltau, by A. Momigliano, 'Dictator c. f. c.' (*BCAR* 58.1930, 29-42).

major advance in our understanding. 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. As well, the dictator is fundamentally a military commander. Rosenberg's great contrast of the extraordinary Roman dictator and the ordinary Latin one was false. The Latin federal dictator was also extraordinary. Soltau went on to analyse all the dictators and suggest they were appointed only when the forces of the Latin league were commanded by Rome. An interesting case is the siege of Veii, when for nine years Rome did not resort to a dictator, until the Etruscan league's intervention necessitated calling in the Latins (L. 5.17-19).

A crucial contribution was made by Santo Mazzarino¹³), who established the Italian 'cultural koine' once and for all and demolished Rudolph's inflexible, a priori position. He stressed the many different solutions to the problem of replacing kings with magistrates, and showed that even the Roman tradition indicated the priority of the Latin dictatorship. Cato's fragment is precious, for the existence of a league dictator implies its existence in individual cities belonging to that league. Rudolph's claim that Rome imposed a dictator on all early *municipia* is contradicted by the presence of praetors at Lavinium (*CIL* 14.171-172). On the other hand, some *civitates foederatae* had a dictator, e.g. Fabrateria Vetus (*CIL* 10.5655). As well, Tusculum had a dictator long before its incorporation by Rome (L. 3.18, 6.26), and not just a *dictator ad sacra*, but a military commander. Mazzarino went on to multiply these demonstrations of Rudolph's artificiality and inexactness.

Finally, in a most valuable article¹⁴), Cohen collects the religious and magical aspects of the office which prove its great antiquity. He does not, however, discuss the Latin question.

Of course, the view that the dictator was the bridge between monarchy and Republic at Rome is closely connected with the Latin derivation school because it is founded on observation of the same process among Rome's neighbours. This view goes back to Ihne¹⁵) and Schwegler¹⁶) but received its standard exposition by K. Beloch¹⁷). His question was much like his pupil,

13) *Dalla monarchia allo stato repubblicano*, 1946, 86f., 121f., 152f.

14) 'The origin of the Roman dictatorship' (*Mnem.* 1957, 300f.).

15) *RG* 1847, 1.118f.

16) *RG* 1853-8, 2.69, 92f.

17) *RG* 1926, 231f.

de Sanctis': how could the Romans so soon after the overthrow of the monarchy, as the traditional account has it, in effect restore the rule of one man, even for a limited time, in the midst of a supposedly collegiate Republican constitution?

Thus the modern discussions. But an 'overlooked opinion'? In none of the above discussions can I find understanding of what seems to me the main thread of Livy's account. The Latin league led by Octavius Mamilius was coming against Rome. *Then for the first time* the Romans thought of a dictator. Is not Livy's implication clear that the Roman dictator was inspired by, even modelled on, the Latin federal dictator? Not even de Sanctis and all the others who have seen the connection with the league have adduced this text in their support.

Admittedly, it is only Livy's implication. He does not even call Mamilius dictator. He is rather *Tusculanus dux* (2.19.7), or *Latinus dux* (2.19.10), *imperator Latinus* (2.20.7). Obviously dictator of the Latin league. What did Livy know of Latin dictators? That there was one at Alba before the Romans invented one for themselves (1.23), and survivals at Tusculum in the fifth and fourth centuries (3.18, 6.26). For the federal dictator we rely, of course, on Cato frag. 58 (before Rome joined the league) and Festus 276 L (when Rome shared command).

Livy's indication here has been disregarded. On the other hand it is well known that Licinius Macer claimed the Roman dictatorship was derived from the Alban one (frag. 10 ap. DH 5.74). Why should he have made this claim? He is best known for his reliance on the enigmatic and contrary *libri lintei*. He was not averse to controversy: he disputed with his contemporary Valerius Antias (who would also have had an interest in the dictator question) about the status of Acca Larentia (frag. 1), and as a *popularis*, perhaps, gave a more favourable version of Cn. Flavius (frag. 18). Yet there were numerous occasions when his critical faculty failed him (frags. 11, 12, 19).

Livy's overlooked narrative certainly fits in with Macer's general approach. Indeed, Livy may well have been following him for the most part in the early part of book II.¹⁸) He certainly knew of the antiquity of the Alban dictator. But his own connection – unconscious or otherwise – is with the more compelling head of the Latin league.

We mentioned at the beginning of this note, that for the

18) Ogilvie, pp. 239, 246, 253, 272, 276.

later annalists the dictatorship was an office long in disuse, the classical dictatorship, that is. In fact, as many scholars have seen, that existed only in the fifth and fourth centuries, and was being phased out even in the third. The Sullan and Caesarian revivals were completely different, but excited historical and antiquarian interest. Macer's comments were undoubtedly part of his *popularis* reaction to Sulla. After Caesar's autocracy, the office was abolished by M. Antonius in 44 (Cic. *Phil.* 1.3 etc). But then in 22, there was clamour in Rome that Augustus should assume it, from both the senate and the people (*RG* 5). More pertinently, we may assume that there was much talk of dictatorship in 28/27 (note Tac. *Ann.* 1.9). And Livy was writing books 1-5 between 27 and 25 B.C. ¹⁹⁾

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19) *ibid.* p. 2.