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## "Dictator senatui legendo" : the Unusual Dictatorship of M. Fabius Buteo

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Zeszyty Prawnicze 13/1, 185-196

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2013

Artykuł został opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej [bazhum.muzhp.pl](http://bazhum.muzhp.pl), gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

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‘DICTATOR SENATUI LEGENDO’. THE UNUSUAL  
DICTATORSHIP OF M. FABIUS BUTEO\*

The political system of the Roman Republic was a very precise mechanism, based on the components of a balance of power and their mutual control. However, this fragile and unstable harmony was easy to upset. The introduction of any systemic change threatened long-term consequences. Nevertheless, emergency situations often required extraordinary measures and therefore sometimes legal provisions had to be breached to resolve a problem.

The defeat of Cannae was a devastating blow for Rome. Hannibal managed to vanquish a Roman army twice the size of his forces, causing chaos and ruining Roman morale. As many as 50 thousand Romans were killed, including many senators. In the face of the crisis M. Iunius Pera<sup>1</sup> was appointed dictator in order to enrol a new army.

Meanwhile the city was overwhelmed by panic, the essence of which was the fearful slogan, “Hannibal ante portas!” There was no Senate to master the situation. The last *lectio* had been performed by the censors of 220 B.C., L. Aemilius Papus and C. Flaminius<sup>2</sup>, and now there was a danger that there would be nobody to assume the office.

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\* Scientific work financed from the funds for science in 2010-2013 as a research.

<sup>1</sup> Cf. T.R.S. BROUGHTON, *The Magistrates of the Roman Republic*, I, Atlanta 1951 (reprint 1986), p. 248.

<sup>2</sup> Cf. T.R.S. BROUGHTON, *op. cit.*, I, p. 235-236; J. SUOLAHTI, *The Roman Censors. A Study on Social Structure*, Helsinki 1963, p. 300-304; E. REIGADAS LAVANDERO, *Censura y ‘res publica’: aportación constitucional y protagonismo político*, Madrid 2000, p. 246-250.

The main account of the events is by Livy, but its trustworthiness is questionable. The historian himself declared that his purpose was to show both good and bad examples for the moral education of future generations<sup>3</sup>. That is why his relation has to be treated as an exemplum, at least in part, and not always literally.

According to Livy, with the dictator absent, M. Aemilius tabled an appropriate motion in the depopulated Senate. Sp. Carvilius' speech arguing that the people of Latium should be granted Roman citizenship and admitted to the Senate, met with the absolute indignation of the assembly. Q. Fabius Maximus was even said to have argued that such an idea could infuriate Rome's allies, who had already been annoyed, and considered it had never been suggested<sup>4</sup>.

Liv. 23,22,10-11: *Dictatorem, qui censor ante fuisset vetustissimusque ex iis qui viverent censoriis esset, creari placuit qui senatum legeret, accirique C. Terentium consulem ad dictatorem dicendum iusserunt. Qui ex Apulia relicto ibi praesidio cum magnis itineribus Romam redisset, nocte proxima, ut mos erat, M. Fabium Buteonem ex senatus consulto sine magistro equitum dictatorem in sex menses dixit.*

In such circumstances the Senate adopted a resolution to appoint the oldest of the former censors dictator<sup>5</sup>, so that he could perform the *lectio senatus*<sup>6</sup>, and ordered consul C. Terentius called back to make

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<sup>3</sup> Liv. *praef.* 10. Cf. A. FELDHERR, *Spectacle and Society in Livy's History*, Berkeley-Los Angeles-London 1998, p. 1 ff.; J.D. CHAPLIN, *Livy's Exemplary History*, Oxford 2000, p. 1-31.

<sup>4</sup> Liv. 23,22,1-9.

<sup>5</sup> It was a personal indication, although without giving the name of the candidate, because there was only one eldest ex-censor. Cf. W. KUNKEL, R. WITTMANN, *Staatsordnung und Staatspraxis der römischen Republik. Zweiter Abschnitt. Die Magistratur*, München 1995, p. 693, n. 145.

<sup>6</sup> Cf. Plut., *Fab.* 9,4; G. NICOSIA, *Sulle pretese figure di 'dictator imminuto iure'*, [in:] *Studi in onore di C. Sanfilippo*, VII, Milano 1987, p. 572-573.

a *dictatoris dictio*<sup>7</sup>. The consul left the army in Apulia and quickly came back to Rome, where, in accordance with the custom and on the grounds of a resolution passed in the Senate, on the next night appointed M. Fabius Buteo<sup>8</sup> dictator for a term of six months, without a *magister equitum*.

All the formal provisions required under augural law were met before Buteo could be appointed<sup>9</sup>. On his return to Rome the consul conducted a *dictio*. The ceremony was held in accordance with custom (*ut mos erat*). The consul rose during the night and took the auspices, and then he appointed the dictator<sup>10</sup>.

However even a cursory glance at the passage in Livy shows Buteo's dictatorship was unusual. Buteo himself was said to express his doubts about the grounds for his appointment. Even if he never delivered such a speech, Livy's account of it stresses the most important constitutional problems concerning the situation.

Liv. 23,23,1-2: *Is ubi cum lictoribus in rostra escendit, neque duos dictatores tempore uno, quod nunquam antea factum esset, probare se dixit, neque dictatorem sine magistro equitum, nec censoriam vim uni permissam et eidem iterum, nec dictatori, nisi rei gerendae causa creato, in sex menses datum imperium. Quae immoderata fors, tempus ac necessitas fecerit, iis se modum impositurum.*

<sup>7</sup> The term *dictator* comes from the verb *dicere*. Cf. Varr., *De ling. Lat.* 5,82; 6,61; Cic., *De rep.* 1,63; Dion. Hal. 5,73,1; J. IRMSCHER, *La dittatura. Tentativo di una storia concettuale*, [in:] *Dittatura degli antichi e dittatura dei moderni*, ed. G. MELONI, Roma 1983, p. 55-56.

<sup>8</sup> Cf. F. MÜNZER, *Fabius (53)*, «RE» VI.2/1909, col. 1760.

<sup>9</sup> Cf. J. LINDERSKI, *The Augural Law*, «ANRW» II.16.3/1986, p. 2172-2173.

<sup>10</sup> For the appointment of dictators, see A. MAGDELAIN, *Recherches sur l' 'imperium' . La loi curiate et les auspices d' investiture*, Paris 1968, p. 28-29; F. SINI, *A proposito del carattere religioso del 'dictator' (note metodologiche sui documenti sacerdotali)*, [in:] *Dittatura degli antichi e dittatura dei moderni*, red. G. MELONI, Roma 1983, p. 111-136; W. KUNKEL, R. WITTMANN, *op. cit.*, p. 668-670; L. LABRUNA, *'Adversus plebem dictator'*, [in:] *'Civitas quae est constitutio populi' e altri studi di storia costituzionale romana*, Napoli 1999, p. 45-47.

According to Livy, when Buteo mounted the rostra escorted by his lictors, he said that he did not approve either of the fact that there were two dictators at the same time, which had never happened before, or of the fact that a dictator had no master of the horse, or that the censor's authority had been assigned to one person and moreover for the second time, or that a dictator who had not been appointed for military action had received an *imperium* for a period of six months. He announced that he would set a limit to what had been done by chance, time, and necessity.

Nonetheless all these reservations, connected with his dictatorship's non-compliance with the constitutional principles of the Roman Republic, must be carefully analysed and the reasons why such a solution was chosen must be determined. First I will discuss the irregularities connected with the appointment, and subsequently the issues concerning the dictator's powers.

First of all, at the time of Buteo's appointment there was already one dictator in office, which was an unprecedented situation<sup>11</sup>. This was the only non-collegial republican office to be performed by two officials at the same time. Therefore the question arises concerning their mutual relations.

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<sup>11</sup> However, we have to consider the events of 217 B.C., because some scholars are of the opinion that there were two dictators in office at the same time, Q. Fabius Maximus and his master of the horse, M. Minucius Rufus, whose *imperium* was given the same rank as his superior's; see T. MOMMSEN, *Römisches Staatsrecht*<sup>3</sup>, II.1, Graz 1952 (reprint), p. 148; T.R.S. BROUGHTON, *op. cit.*, I, p. 243; W. KUNKEL, R. WITTMANN, *op. cit.*, p. 668; N. RAMPAZZO, 'Quasi praetor non fuerit'. *Studi sulle elezioni magistratuali in Roma repubblicana tra regola ed eccezione*, Napoli 2008, p. 208-222; J. RUDNICKI, *Instytucja dyktatury w Republice Rzymskiej*, «CPH» 53.1/2011, p. 18 together with A. ZIÓLKOWSKI, *Jak o dyktaturze pisać nie należy*, «CPH» 64.1/2012, p. 201-208. From Livy's statement (22,8,5-6; 22,31,8-10) it is apparent that Fabius was not a dictator, because – since he could be appointed by a consul – the people elected him *pro dictatore*. Cf. J. LESIŃSKI, *Quintus Fabius Maximus Verrucosus: a dictator in 217 BC?*, [in:] *ΕΥΕΡΓΕΣΙΑΣ ΧΑΡΙΝ. Studies Presented to Ewa Wipszycka and Benedetto Bravo by Their Disciples*, ed. T. DERDA, J. URBANIK, M. WĘCOWSKI, Warsaw 2002, p. 131-158.

The dictator's appointment of was preceded by the Senate's resolution clearly specifying his duty: *qui senatum legeret*. In addition, the magistracy had to be performed by the oldest of the former censors, thus a candidate had been overtly nominated.

M. Iunius Pera was away, busy organising the army. Therefore it seems that Buteo's dictatorship was to be completely independent from Iunius' duties. Both dictators operated in very different areas, so presumably the idea was that they should not hinder each other.

However, despite these theoretical assumptions, both men held the dictator's office, both had an *imperium maius* and unlimited power<sup>12</sup>. Therefore, if Buteo wanted to, he could hinder the actions taken by Iunius and vice versa. Paradoxically, they may be perceived as colleagues in office, although they had completely different tasks<sup>13</sup>. It must be clearly emphasised that a dictator was never bound by the scope of the entrusted duties<sup>14</sup>. *Dictio* was an expression of confidence put in the dictator that he would never abuse his power and would only do what he had been appointed for.

Buteo's dictatorship was unusual because there was no *magister equitum* appointed with him, as recorded in the resolution adopted by the Senate<sup>15</sup>. Presumably this was due to the fact that his dictatorship was not military in character. However, we cannot forget that a dictator appointed (*dicit*) his own master of the horse and nobody could formally prevent him from doing so.

Since Buteo was given the *imperium*, as Livy wrote, we should assume that a *lex curiata* was passed for him, which he promulgated as

<sup>12</sup> In this period, however, *provocatio ad populum* was possible against the dictator's decisions. Cf. Fest. 216 L., s.v. *optima lege*; W. KUNKEL, R. WITTMANN, *op. cit.*, p. 672-673.

<sup>13</sup> Colleagues in office, such as praetors, often had had different *provinciae* assigned. This may be seen as a parallel to this situation.

<sup>14</sup> Descriptions of the dictator's tasks in the *fasti* or in the works of the historians did not formally define any limits to their powers. Cf. G.I. LUZZATTO, *Appunti sulle dittature "imminuto iure". Spunti critici e ricostruttivi*, [in:] *Studi in onore di P. de Francisci*, III, Milano 1956, p. ; G. NICOSIA, *op. cit.*, p. 529-592.

<sup>15</sup> Cf. W. KUNKEL, R. WITTMANN, *op. cit.*, p. 694; G. NICOSIA, *op. cit.*, p. 572-573.

soon as he had received the *dictio*. The fact that he had an *imperium* is evidenced by the lictors who accompanied him.

But the basic problem is the purpose of Buteo's appointment, which was defined in the resolution adopted by the Senate as *qui senatum legeret*, "to perform an election to the Senate." This was a typical censorial power. The censors had been entitled to this right since the adoption of the *plebiscitum Ovinium* ca. 318 B.C.<sup>16</sup>. So why hadn't the appropriate magistrates been appointed to carry out the *lectio senatus*? And why was the oldest of the former censors appointed dictator?

In his speech Buteo made a reference to the basic rules of censorship and said that the *vis censoria* – the censor's powers – should neither be granted to one man nor the same person again.

Collegiality was an important aspect of the censors' office, and emphasis was put on it already during the election. If one candidate obtained a clear majority his victory could not be announced until the second candidate received the required number of votes. If this could not be done in one day the election was postponed to another day<sup>17</sup>. If one of the censors died the other had to resign<sup>18</sup>. In addition, significant differences between their views on particular matters could prove a serious obstacle to the efficient carrying out of their duties, often resulting in their term of office coming to an end without the performance of the *lustrum* sacrifice<sup>19</sup>.

There had been only one situation when a censor was re-elected. In 265 B.C., when Marcus Rutilus Censorinus was elected for a second

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<sup>16</sup> Cf. Fest. 290 L., s.v. *praeteriti senatores*; see among others T.J. CORNELL, *The 'Lex Ovinia' and the Emancipation of the Senate*, [in:] *The Roman Middle Republic. Politics, Religion and Historiography*, ed. C. BRUUN, Rome 2000, p. 69-89; A. TARWACKA, *Prawne aspekty urzędu cenzora w starożytnym Rzymie*, Warszawa 2012, p. 221-230 and bibliography.

<sup>17</sup> Cf. Liv. 9,34,25; A. TARWACKA, *Wybór...*, p. 114-116; EADEM, *Prawne aspekty...*, p. 79-81.

<sup>18</sup> Cf. Liv. 5,31; Plut., *QR* 50; J. SUOLAHTI, *The Roman Censors...*, p. 78-79; A. TARWACKA, *Wybór...*, p. 121-122; EADEM, *Prawne aspekty...*, p. 86-88.

<sup>19</sup> Cf. Dio Cass. 37,9,3; A. TARWACKA, *Prawne aspekty...*, p. 73-74.

time<sup>20</sup> he called the people to a *contio* and expressed his disapproval of the decision to entrust such an important magistracy to the same man twice. He initiated the adoption of the *lex de censura non iteranda*,<sup>21</sup> which prohibited the practice in future<sup>22</sup>.

On these principles Buteo could not be elected to the censor's office because he had already held it in 241 B.C.<sup>23</sup> But it does not mean that another pair of censors could not have been elected<sup>24</sup>. Yet that is not what happened.

It seems that time was the key factor. Holding an election would have taken a long time. One of the consuls would have had to call the *comitia centuriata*<sup>25</sup> and admit the candidates. Even if the time for this task were reduced to a minimum and no election campaign were held, it would still have prolonged the time needed to fill the vacant seats in the Senate.

The performance of the *lectio senatus* by a pair of censors was also time-consuming, because it called for a mutual agreement. Any disputes would have significantly extended this procedure.

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<sup>20</sup> Cf. C. DE BOOR, *'Fasti censorii'*, Berolini 1873, p. 11-12; A. DEGRASSI, *'Fasti Capitolini'*, Torino 1954, p. 54-55; T.R.S. BROUGHTON, *op. cit.*, I, p. 202; J. SUOLAHTI, *op. cit.*, p. 268-269.

<sup>21</sup> Cf. G. ROTONDI, *'Leges publicae populi Romani'*. *Elenco cronologico con una introduzione sull'attività legislativa dei comizi romani*, Milano 1912, p. 244; M. ELSTER, *Die Gesetze der mittleren römischen Republik*, Darmstadt 2003, p. 144-146.

<sup>22</sup> Cf. Val. Max. 4,1,3; Plut. *Coriol.* 1,1; A. TARWACKA, *Wybór...*, p. 124-126; EADEM, *Prawne aspekty...*, p. 75-77.

<sup>23</sup> Cf. T.R.S. BROUGHTON, *op. cit.*, I, p. 219.

<sup>24</sup> J. RUDNICKI's assertion, *op. cit.*, p. 30, that the only fairly logical explanation is that maybe it was thought that in such exceptional circumstances an ordinary magistracy would not suffice and nominating a dictator would give the new *lectio* enough magnificence is not convincing at all. A *lectio* performed by a dictator need not have been more solemn than by other magistrates, and the censor's office was considered top of the hierarchy of magistrates. An election to the censor's office would certainly have given this *lectio* sufficient magnificence.

<sup>25</sup> The censors were senior magistrates and that is why they were elected at the *comitia centuriata*. Cf. Gell. 13,15,4; A. TARWACKA, *Wybór...*, p. 114-115; EADEM, *Prawne aspekty...*, p. 79-80.



It should be added that the appointment of a dictator was not hindered for religious reasons. The compilation of a list of senators was an operation which did not require a valid *lustrum* ceremony<sup>26</sup>.

The fact that a former censor<sup>27</sup> was appointed dictator *senatui le-gendo* also shows that the aim was to make the *lectio* procedure shorter. Buteo had already participated in elections to the Senate and for that reason he certainly knew how this should be done and what criteria to apply.

Liv. 23,23,3-6: *nam neque senatu quemquam moturum ex iis quos C. Flaminius L. Aemilius censores in senatum legissent; transcribi tantum recitarique eos iussurum, ne penes unum hominem iudicium arbitriumque de fama ac moribus senatoriis fuerit; et ita in demortuorum locum sublecturum ut ordo ordini, non homo homini praelatus videretur. Recitato vetere senatu, inde primos in demortuorum locum legit qui post L. Aemilium C. Flaminium censores curulem magistratum cepissent necdum in senatum lecti essent, ut quisque eorum primus creatus erat; tum legit qui aediles, tribuni plebis, quaestoresve fuerant; tum ex iis qui [non] magistratus cepissent, qui spolia ex hoste fixa domi haberent aut civicam coronam acceperant.*

The dictator decided that he would not exclude any incumbent senators from the Senate and that he would order a list made of all their names without prejudicing their reputation and manners<sup>28</sup>. He

<sup>26</sup> For controversies on the influence of the *lustrum* on the validity of the census see Cic., *De or.* 1,183; *FD* 17; A. TARWACKA, *Prawne aspekty...*, p. 210-212.

<sup>27</sup> Buteo was not the only man who could perform the *lectio*. That is why the opinion that his appointment to the dictatorship was to circumvent the prohibition of being elected censor for a second time seems wrong. Such an assumption may certainly not be drawn for Buteo's own words, as J. RUDNICKI, *op. cit.*, p. 30, claims.

<sup>28</sup> This is a reference to the censorial *regimen morum* – supervision of morality, which is often referred to as *arbitrium* or *iudicium* in the sources; cf. Cic., *De leg.* 3,7: *Censoris (...) mores populi regunto, probrum in senatu ne relinquonto*. A sena-

intended to fill the vacancies by electing new senators, with a preference of estate over estate rather than individual over another individual. After having read the list of senators prepared by the censors L. Aemilius and C. Flaminius, he first elected those who had performed a curule office, next those who had been plebeian aediles, plebeian tribunes, or quaestors, and then those who had not performed any office, but kept spoils taken from the enemy in their homes or had received a crown of oak leaves (the *corona civica*) for saving a citizen's life in battle.

Now Buteo passed over the first stage of the *lectio*, which involved the verification of the old list of senators to have any individual found unworthy removed<sup>29</sup>. In general the censors punished any conduct not compliant with the ancient customs with the administration of a *nota* (censorial mark)<sup>30</sup>, which meant loss of reputation, that is the imposition of *ignominia* on the convicted individual<sup>31</sup>.

Under the *plebiscitum Ovinium* the censors were to appoint senators *ex omni ordine optimum quemque*<sup>32</sup>, that is the best men from all the estates. The term *ordo* also appears in the context of Buteo's *lectio*.

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tor stigmatised by a censor was expelled from the Senate. Cf. A. TARWACKA, *Prawne aspekty...*, p. 258-263 with a bibliography.

<sup>29</sup> Ps.-Ascon. p. 103 ed. Orelli: *Regendis moribus civitatis censores quinto quoque anno creari solebant. Hi prorsus cives sic notabant: ut, qui senator esset, eiceret se senatu.*

<sup>30</sup> See the catalogue of deeds punishable by the censors in T. MOMMSEN, *op. cit.*, II.1, p. 377-382. Cf. C.E. JARCKE, *Versuch einer Darstellung des censorischen Strafrechts der Römer: ein Beytrag zur Geschichte des Criminalrechts*, Bonn 1824, p. 14-45; E. DE RUGGIERO, *Dizionario epigrafico di antichità romane*, Roma 1900, s.v. *censor*; M. NOWAK, *Die Strafverhängungen der Censoren*, Breslau 1909, p. 58-71; E. SCHMÄHLING, *Die Sittenaufsicht der Censoren. Ein Beitrag zur Sittengeschichte der römischen Republik*, Stuttgart 1938, passim; M. KURYŁOWICZ, *Prawo i obyczaje w starożytnym Rzymie*, Lublin 1994, p. 194-195; A. TARWACKA, *Prawne aspekty...*, p. 239-241.

<sup>31</sup> Cic., *De rep.* 4,6: *itaque, ut omnis ea iudicatio versatur tantum modo in nomine, animadversio illa ignominia dicta est.* Cf. A. TARWACKA, *Prawne aspekty...*, p. 221-230 with a bibliography.

<sup>32</sup> Fest. 290 L., s.v. *praeteriti senatores.*

Therefore we may assume that the dictator, who had already held the office of censor, conducted the election in accordance with the applicable rules<sup>33</sup>.

Liv. 23,23,7-8: *Ita centum septuaginta septem cum ingenti adprobatione hominum in senatum lectis, extemplo se magistratu abdicavit privatusque de rostris descendit lictoribus abire iussis, turbaeque se immiscuit privatas agentium res, tempus hoc sedulo terens ne deducendi sui causa populum de foro abduceret. Neque tamen elanguit cura hominum ea mora frequentesque eum domum deduxerunt.*

Applying these criteria, Buteo elected one hundred and seventy-seven senators. According to Livy he then immediately resigned his office and having ordered the lictors to leave stepped down from the rostra himself as a private citizen<sup>34</sup>. He mixed with the crowd so as not to draw those who wanted to escort him away from the Forum. Despite this many people accompanied him on his way home.

A dictator could resign his office at any time before the expiry of his term of six months, or when he had completed the task for which he had been appointed. The sources emphasise that once he had resigned from office a former dictator resumed his private matters. A classic example was provided by Cincinnatus, who, upon resigning from the dictatorship, returned to his small farm, having rejected the wealth and honours he was offered.<sup>35</sup> This was an important fact. As a non-collegial office invested with the *summum imperium*, the dictatorship gainsaid the Roman *odium regni* and was treated with apprehension. The historians emphasise that this office was entrusted to upright individuals dedicated to the service of the Republic, who could not be

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<sup>33</sup> Cf. F. DE MARTINO, *Storia della costituzione romana*<sup>2</sup>, II, Napoli 1973, p. 185-189.

<sup>34</sup> Cf. Plut., *Fab.* 9,4.

<sup>35</sup> Cf. Liv. 3,26-29; Dion. Hal. 10,23-25.

suspected of aspiring to monarchical power (*adfectatio regni*) and only assumed power to serve the state, not for their own profit or glory.

Buteo's dictatorship came when this institution was already in decline. Its exceptional characteristics clearly show the fall in the status of the office itself, to which no appointment was made from 202 B.C. until the time of Sulla.<sup>36</sup> The reason why a dictator was appointed to organise the election to the vacant seats in the Senate was to save time. The election of censors to supervise the procedure would have cost more time. Moreover, censors could hardly have been elected only to perform a *lectio senatus*. They would have been expected to exercise all the necessary official duties, that is deal with the census, *recognitio equitum*, and public contracts. Finally they would have had to perform a *lustrum* sacrifice. But Rome was not ready for a census straight after the Battle of Cannae. The priority was to ensure effective government, and this required the Senate, which unfortunately had been left with many vacant seats.

Livy's account of Buteo's conduct was supposed to create an exemplum of a republican hero. The dictator did not pretend to be a censor, he did not exercise the *regimen morum*, but only elected new senators according to the traditional criteria, and then immediately stepped down, not wanting to attract too much attention from the citizens, who should have been focusing on saving their country. Thus he behaved in a commendably modest manner, providing Livy with one of the models he needed for his monumental vision of history.

Incidentally, the appointment of this dictatorship was in flagrant breach of the laws of the Republic. It is symptomatic that such extraordinary measures were usually applied only in very dangerous situations, where no other remedy was at hand. However, later on such departures from the laws and usual practice resorted to *pro publico bono* eventually led to the undermining of the fragile equilibrium inherent in the system.

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<sup>36</sup> Cf. W. KUNKEL, R. WITTMANN, *op. cit.*, p. 701-702.

‘DICTATOR SENATUI LEGENDO’. NIEZWYKŁA DYKTATURA  
M. FABIUSA BUTEONA

Streszczenie

Po bitwie pod Kannami skład rzymskiego senatu był niepełny. W roku 216 p.n.e. dla dokonania *lectio senatus* nie wybrano jednak cenzorów, a powołano dyktatora M. Fabiusa Buteona na sześć miesięcy, bez dowódcy jazdy. W tym czasie urzędował już jeden dyktator, M. Iunius Pera, co stanowiło przypadek bez precedensu w historii republiki. Ograniczenie kompetencji Buteona tylko do uzupełnienia składu senatu nie było prawnie wiążące, a *imperium* obu dyktatorów miało tę samą rangę. Przyczyn tak nietypowego rozwiązania ustrojowego należy upatrywać w wyjątkowo kryzysowych okolicznościach i presji czasu. Wybranie cenzorów trwałoby dość długo, potem oni sami musieliby zgodnie przeprowadzić *lectio*, a zapewne także inne cenzorskie czynności. Dlatego powołano dyktatora, który przede wszystkim mianowany był od ręki i nie musiał się obawiać *intercessio*. Także to, że wybór padł na Buteona, nie było dziełem przypadku. Polityk ten sprawował już urząd cenzora, a zatem miał doświadczenie i sprawdził się doskonale na powierzonym stanowisku. Zdecydował, że nie usunie z senatu żadnego z obecnych senatorów, a nowych dobrał, stosując kryteria narzucone w *lex Ovinia*. Kiedy tylko zakończył *lectio*, złożył urząd i odszedł jako prywatna osoba, czym udowodnił, że działał wyłącznie w interesie państwa, a nie dla własnej ambicji.