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The Tyranny of Dictatorship

When the Greek Tyrant Met the Roman Dictator

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The article examines the inaugural encounter of the Greek theory of tyranny and the Roman institution of dictatorship. Although the twentieth century is credited for fusing the tyrant and the dictator into one figure/concept, I trace the origins of this conceptual synthesis in a much earlier historical period, that of the later Roman Republic and the early Principate, and in the writings of two Greek historians of Rome, Dionysius of Halicarnassus and Appian of Alexandria. In their histories, the traditional interest in the relationship between the king and the tyrant is displaced by a new curiosity about the tyrant and the dictator. The two historians placed the two figures alongside one another and found them to be almost identical, blurring any previous empirical, analytical, or normative distinctions. In their Greco-Roman synthesis dictatorship is re-described as ‘temporary tyranny by consent’ and the tyrant as a ‘permanent dictator.’ Dictatorship, a venerated republican magistracy, the ultimate guardian of the Roman constitution, is for the first time radically reinterpreted and explicitly questioned. It meets its first critics.

**Keywords:** Dionysius; Appian; tyranny; dictatorship; Athens; Rome; democracy; republicanism

For most of the twentieth century the concepts of dictatorship and tyranny were treated as synonyms, two names for one form of autocratic political rule. “Dictatorship,” Fossey John Cobb Hearnshaw wrote in 1934, “is the form of government the Greeks have very correctly connoted with the term ‘tyranny.’” The dictator and the tyrant were fused together in a single figure, that of illegality, violence, and arbitrariness, and perceived as a common threat to political freedom, constitutionalism, and the rule of law, a threat the

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ancients had formulated as political enslavement. Accordingly, throughout
the century, this conceptual identification provided normative resources to
those who opposed the modern revival of dictatorship. Denunciations of the
many forms of dictatorship, both of the Right and the Left, which emerged
over the course of the last century as modern manifestations of tyranny
mobilized repeatedly these resources.³

The equation of dictatorship and tyranny is not, however, unique to the
twentieth century. It appeared as well in a preceding historical period in the
shifting political context of the revolutionary upheavals of Europe and its
overseas colonies and the decline of the monarchical order.⁴ Claude Nicolet
rightly observes that “since the eighteenth century,” the term dictatorship “has
served to refer to despotisms or tyrannies—in other words, essentially pow-
ers which are far from having been regularly conferred, and instead had been
usurped through force or deceit.”⁵ The conceptual marriage of the dictator
and the tyrant coincided with the radical transformation of Western society
and politics in the age of the modern democratic revolutions, legal rational-
zation, the gradual inclusion of new groups into the terrain of formal politics,
and the successive attempts to institutionally resuscitate Roman dictatorship
by such figures as Cromwell, the Jacobins, and Napoleon.⁶

Nicolet’s narrative accurately captures the modern blending of the two
terms and correctly relocates it within the broader historical movement and
diffusion of republicanism.⁷ But his story is incomplete. It disregards a still
earlier moment in Western political history when the dictator began to look
dangerously like a tyrant. In the turbulent transitional period between the
Roman republic and the Principate, Sulla and Caesar, and their struggle for
supreme power gravely tested the institution of dictatorship.⁸ The ‘abuse’ of
this emergency institution, its exercise outside the limits delineated by the
established legal framework, its appropriation for the advancement of per-
sonal ambitions, and even its use against the republic itself, prompted a pro-
found reconsideration of its nature, function, and value.

Two Greek historians of the early and high Imperial periods, Dionysius
of Halicarnassus (60 BC-after 7 BC) and Appian of Alexandria (95-165
AC) undertook such a radical reassessment.⁹ While most of the annalists
and ‘republican historians’ cherished the memory of the republic and its
institutions, among which dictatorship was held in the highest esteem, the
writings of the two Greek narrators followed a different path.¹⁰ Their his-
tories suggest a fresh reconsideration of this emergency magistracy, which
they carried out by utilizing concepts and methods borrowed from the
classical Greek tradition.¹¹ In their Greco-Roman synthesis dictatorship is
re-described as ‘temporary tyranny by consent’ and the tyrant as a ‘permanent
dictator.' This historical and conceptual revisionism inaugurated a comparative study of the Roman institution of dictatorship and Greek theories of tyranny with some crucial implications.

Dionysius and Appian’s Greek histories of Rome include a critical re-examination of dictatorship insofar as they interrogate its very capacity to preserve the constitutional order.12 Was the abuse of Roman dictatorship accidental, the effect of moral decline, or the result of its own unruly nature? As their works raise this question, it seems the two historians were not only engaged in the rewriting of Roman history or in a conceptual revision of classical concepts; they were also involved in a critical debate about the institution of dictatorship as such. It is likely that Marcus Antonius’ law that officially abolished dictatorship in 44 BC (the *Lex Antonia de dictatura in perpetuum tollenda*) sparked this debate.13 It was rekindled when two decades later, the senate and the people sought to revive the institution by twice offering Augustus the Dictatorate, which he declined.14 More importantly, their histories challenged the republican regime as a whole, directly implicating it in its own collapse.15 Unlike Livy and Sallust who ascribed the fall of the republic to various external causes and their corrupt effects,16 Dionysius and Appian’s diagnoses suggested the preponderance of internal reasons for the inherent instability, decline, and ultimately fall of the Roman republic. Their histories, for the first time, radically reinterpreted and explicitly questioned dictatorship. This venerated republican magistracy, the ultimate guardian of the Roman constitution, met its first critics.

Certainly, I am not suggesting to oppose Dionysius and Appian against more renowned and influential historians of their times in the name of some objective, ‘true’ factual attributes of the Roman institution of dictatorship. Rather, I seek to revisit the incipient discursive encounter between tyranny and dictatorship. In particular, I examine how the two concepts gradually came to be associated with new meanings as they were increasingly fused. I consider Dionysius and Appian’s unprecedented equation by focusing on the historical narratives, conceptual translations, and theoretical arguments that permitted the identification of the two terms. It is, however, the normative implications of this encounter that I find intriguing and which have not hitherto been adequately appreciated politically or illuminated interpretatively. By identifying the Roman dictator with the Greek tyrant, Dionysius and Appian introduced a new understanding of emergency powers, directly challenging inherited political views and philosophical beliefs. As I see it, the two Greek historians inaugurated a radical conceptual transformation in the language of classical politics. With a different political history invested with new meanings and values and brought inside the
broader category of tyranny, dictatorship acquired a polyvalence and ambiguity that it originally lacked and which came to characterize the tyrannical depiction of the modern dictator.

Part one of this essay recreates the intellectual background that preceded Dionysius and Appian’s synthesis in order to underscore the novelty of their respective approaches. To associate the dictator and the tyrant was not the most obvious thing to do at the time. Rather, the norm was to consider tyranny a corrupted form of monarchy, a pathological outgrowth of royal power perverted by unjust kings. Thus, the tyrant was primarily a bad king (μοχθηρός βασιλεύς / regis injusti). In this context, Dionysius and Appian’s historical writings represent a decisive shift in the history of political concepts. Parts two and three discuss how Dionysius and Appian displaced the traditional interest in the relationship between the king and the tyrant with a new curiosity about the tyrant and the dictator. The two Greek historians found the tyrant and the dictator to be almost identical, thereby blurring previous empirical, analytical, and normative distinctions between them. This blurring entailed as well a serious reworking of the classical theories of tyranny and a departure from more canonical definitions. Part four explores some of the implications resulting from the equation of the tyrant and the dictator, including the possibility that the downfall of the Republic may have been the fatal result of particular constitutional choices and institutional flaws. Crucially, Dionysius and Appian demythologized the institution of dictatorship, dispelling its republican aura. From a more general point of view, their approaches recast the relationship of Athenian democracy and the Roman republic, indicating a key difference between the two regimes that could potentially contribute to current debates on executive emergency powers and constitutional dictatorship in liberal democratic states.

The King, the Dictator, and the Tyrant

Livy offers a historically influential account of the origins of dictatorship. In 501 BC, a few years after the deposition and exile of the king Tarquinius Superbus and in the face of external dangers caused by the aggression of neighboring tribes, a dictator was appointed for the first time by means of a lex dictatore creando. Although his appointment appears to have been constitutional in accordance with certain established rules and procedures, his public display generated a “great fear” among the plebeians. Their sudden dread at the sheer sight of dictatorial power, a power beyond
appeal at the time and not subject to countervailing checks, rendered
them obedient while at the same time subduing their enemies and protecting
the nascent republic.\textsuperscript{22}

Aside from the element of fear and the powerful effects of docility that
both dictatorship and tyranny seemed to produce, Livy’s narrative does not
suggest other similarities. This absence is not surprising. From the first
moment of encounter of the two concepts in late antiquity as Rome
expanded eastwards around the time of the Punic wars and the tyrant was
brought into the republican language of politics and literature, we find a
clear conceptual division of labor.\textsuperscript{23} The tyrant occupied a fixed, well-
defined position in the Roman imaginary, plainly and unambiguously dis-
tinguished from the dictator. They marked dissimilar forms of political rule,
carrying contrasting, even antithetical meanings. The dictator denoted a
legal and regular though extraordinary magistracy intended to protect the
public good in moments of crisis and danger; tyranny designated an unjust
and violent power, the destruction of the common interest, and the down-
fall of legality and freedom.

The many differences that set them apart were, in fact, too obvious and
dramatic to have been ignored. Dictatorship was a constitutional office
appointed legally through the cooperation of the higher republican author-
ities and according to “what the law commanded.”\textsuperscript{24} The tyrant acquired his
power extra-constitutionally, through force, deceit, and the violent over-
throw of the established regime.\textsuperscript{25} Moreover, the dictator had a concrete
task, the elimination of threats during a crisis and a return to the \textit{status quo
ante bellum}. Although the salvation and re-establishment of the constitution
was the strict commission of the dictator, no such authorization existed for
the tyrant whose acts were arbitrary and indeterminate, directed toward the
satisfaction of his selfish desires and private interests.\textsuperscript{26} The dictator’s
actions were generally considered to be inspired by a strong civic commit-
ment to the public good, a real manifestation of the patriotic attachment of
the republican citizen. He was the guardian of the republican order; the
tyrant its usurper. In short, the dictator was a servant who defended what
the tyrant aspired to acquire and destroy.

The contrasts proliferate. Most significantly perhaps, the institution of
dictatorship was temporally bound.\textsuperscript{27} The dictator’s rule could never exceed
a six-month period and upon the successful completion of his assignment
he had to abdicate.\textsuperscript{28} Tyranny, however, entailed an attempt to seize control
of a government in order to hold it indefinitely. Whereas the dictator sus-
pended the constitution or parts of it for a limited period, the tyrant did so
for an unspecified period, normalizing his rule and endeavoring to habituate
the people to it.29 Dictatorship was exceptional and provisional; tyranny “unnatural” but permanent.30 Because the dictator lacked the legislative powers that the tyrant simply usurped he could not modify, alter, or abolish the established constitutional structure but only suspend it. Thus, while the dictator appealed to the exception to uphold the norm, the tyrant attempted to normalize the exception. Finally, Roman dictatorship was not itself a form of government, but rather an institutional component of a broader republican regime. Tyranny by contrast was generally treated as a regime-type of its own, albeit a perversion and a deviation of the just forms of political rule.

The ancient Romans knew these distinctions, which might have had some bearing on their historical inquiries and on how they understood their institutions. However, there were some telling similarities between dictatorship and tyranny that could not have escaped notice. For example, dictatorship and tyranny were both closely associated with regal rule and in particular with its stronger personalistic and autocratic versions. In the writings of the Polybius and Cicero this affinity is reflected in the intimate and privileged relationship both concepts enjoyed with kingship.31

There is here, however, a slight but indicative divergence between the Roman philosopher and the Greek historian. Although Cicero, like Polybius, considered tyranny as a perverted form of monarchy, he also thought that dictatorship, a decisive higher authority with a plenitude of power to overcome the forces of dissolution, rescued the best monarchy had to offer, “for safety prevails over caprice.”32 Cicero commended the survival of monarchical powers (especially those necessary for war or civil discord) in the institution and practice of dictatorship.33 For him, dictatorship appeared as a remnant of monarchy, a necessary but temporary retreat to royal powers, and an advantageous return to the deposed form of personalistic rule.34 In cases of emergency, the King’s regal authority was revived, so as to set aside the limitations imposed by the collegiate arrangement, the mixed character of the republic, and by the special curtailments of jurisdiction. For Polybius, however, the monarchical derivation of tyranny primarily explained the vicious excesses of the former. In his famous cyclical theory of regime change, Polybius described how the absolute power of kingship necessarily degenerates into tyranny, that is, into the ruler’s instrument for the limitless pursuit of his lawless pleasures and passions.35 Although Cicero agreed with Polybius’ views on the immanent threat of corruption, he also acknowledged the best of monarchy. The ideal of kingship is realized, but, paradoxically, only briefly and provisionally, that is, dictatorially. For Polybius, however, tyranny represented the worst of monarchy, a natural deviation from the right form and a necessary slip into lawlessness.
It would be wrong to underestimate the difference between dictatorship and tyranny as it emerges out of the contrasting figures of the dictator as the good, temporary king and the tyrant as an unjust, corrupted monarch. However, even though Cicero’s understanding of dictatorship contains positive elements of monarchy while Polybius’ concept of tyranny embodies its negative aspects, both conceptualizations reveal a close affinity with regal power, or what Dio Cassius described as “a love for monarchy” (ἐρωτα μοναρχίας).36 This affinity between dictatorship and kingship recalls earlier classical Greek explorations into the nature of tyranny, suggesting certain similarities between dictatorship and tyranny. One similarity is a common claim to supreme power (κυρίος πάντων/majus imperium) once held by a legitimate monarch.37 In this view, the supreme power over the life and death of their subjects, a power without collegiality, characterize both dictatorship and tyranny. This autocratic form of power also suggests another similarity between the two concepts regarding their indeterminate and tense relation with the established legal order and their alarming proximity to anomie.38 After all, the Romans drew a thin line separating the king from the tyrant in relation to whether a king ruled by law or according to his desires, and it was recognized in the force of corruption to transform kings into tyrants.

It is not surprising, therefore, that the dreadful incidents of Sulla (82-79 BC) and Caesar (49 BC, 48-47 BC, 46-45 BC, 45-44 BC) would finally draw attention to these similarities, inviting a serious reexamination of dictatorship. Dionysius seems to have been the first to undertake such a revision, and Appian the second.39 Dionysius, a contemporary of Livy, wrote his history of Rome at the conclusion of a tumultuous, transitional period between the late Republic, its fall, and the consolidation of imperial monarchy. His Roman Antiquities, consisting of 20 books, began to appear in 7 BC, approximately two decades after his permanent move to Rome, at a moment when the problem of dictatorship was again a topical issue, acquiring a new historical and political salience perhaps through the ambiguous legacy of Cicero’s late writings on Caesar and Antonius.40 Unlike most of his fellow historians, Dionysius developed a distinct understanding of dictatorship, proposed a new history of its origin and evolution, and profoundly reassessed its involvement in the fall of the republic.

Appian closely followed and further developed Dionysius’ approach on dictatorship although he completed his Roman History one century and a half later, around 162 AD in a mature and relatively stable imperial order. From the vantage point of a consolidated imperial monarchy, Appian looked back at the instability of the republic and linked dictatorship to a
series of disruptive and violent civic conflicts that brought about the collapse of the *res publica*. As an emergency magistracy, dictatorship played a decisive role in the republic’s slow and painful descent into discord and disorder. Its direct interventions in the politics of social conflict enjoy a prominent place in Appian’s depiction of the gradual dissolution and ultimate death of republican institutions. With Appian, dictatorship remained where Dionysius had relegated it, fallen from its previously lofty constitutional position and irretrievably tainted by its association with tyranny.

**Dionysius and the Elective Tyranny of Dictatorship**

Dionysius’ account of the historical origins of the first dictatorship differed sharply from and even at times contradicted Livy’s. Several examples illustrate this divergence. First, Dionysius located its birth three years later than Livy, in 498 BC. More importantly, he underplayed the influence of external factors in the creation of this emergency institution that were central in Livy’s account. Dionysius’ narrative stressed almost exclusively the central role of domestic politics. It depicted a fragile nascent republican order struggling for balance and stability. A highly polarized society, fractured by the problem of the debts, shaken by popular unrest, and threatened by civic discord between the patricians and the plebeians, challenged this quest for survival. In this immediate volatile post-monarchical context, Dionysius firmly located the republican genesis of dictatorship at a critical, foundational junction amidst fierce debates over the political identity of the republic, the distribution of freedoms and protections of the different orders, and the shape of its constitutive norms and rules.

Dionysius identifies as the main reason behind the establishment of dictatorship a law proposed by the consul Publius Valerius (Publicola) and ratified by the people. This law sparked a quarrel that further inflamed the conflict between the two orders on the question of debts, endangering the incipient republic. Publicola’s law strengthened considerably the position of the plebeians by granting the right to appeal (*ius provocationis*) to Roman citizens, proposing that no Roman should be punished without a trial. This law made it illegal for a magistrate to put a citizen to death without a trial before a popular court, that is, before one’s peers (*provocation ad populum*). The right to appeal was thus established as a protection of the plebeians against the political and social predominance of the patricians in the republic. Defendants could now appeal the judgment of the consuls to the people and its assemblies, an innovation both Livy and Cicero recognized...
as “the unique defense of liberty.” Nevertheless, as Dionysius bluntly reports, in order to “prevent the plebeians from creating any fresh disturbances,” the senate proposed the creation of a new superior magistracy endowed “with authority over war and peace and every other matter, possessed of absolute power and subject to no accounting for either its counsels or its actions.”

Dictatorship was therefore deliberately designed to stop the political ambitions of the multitude and “to the end that the poor might offer no opposition,” the senate “introduce[d] into the government a magistracy of equal power with tyranny (ισοτύραννον αρχήν), which should be superior to all the laws.” The dictator (δικτάτορας) was instituted against Publicola’s legal right to appeal. The implication of the senate’s judgment was, as Dionysius reports, “that while this law remained in force the poor could not be compelled to obey the magistrates . . . whereas, when this law had been repealed, all would be under the greatest necessity of obeying orders.” With the dictator, as Livy himself recognized, “there was neither appeal nor help anywhere.” The plebs subsequently ratified the senate’s plan for this temporary magistracy. But as Dionysius argued, the nobility deceived and misguided them to vote against their own interests, thereby approving the abolition of the law that guarded their freedom. The new decree was immediately put into effect. The senate deliberated and the first dictator was appointed to restore order. After he “terrified the turbulent and the seditious,” he took a census, made a yearly truce with Rome’s neighboring enemies, and resigned.

Dionysius’ approach is not only more detailed than Livy’s but also more sociologically sensitive and politically alert. He associated closely the creation of dictatorship with social struggles, the balance of power between the contending classes, their strategic reasoning and sense of self-interest, and in particular, with the political, legal, and social advancements of the poor after the expulsion of the kings. Thus, in Dionysius’ narrative dictatorship appears from its very beginning as an aristocratic political instrument aiming at quelling domestic turmoil and preserving the interests and authority of the patricians.

Dionysius redefined this new powerful magistracy of dictatorship “elective tyranny” (αἱρετική τυραννίς), thus radically transforming its meaning within the context of Roman political thought. The critical thrust of Dionysius’ drastic historical revisionism becomes more palpable in light of his undeniably pejorative views on tyranny. In his critical discussion of Thucydides, for instance, he portrayed tyranny as a bad form of political power that excludes the many from common life by depriving them of those
things that are universally advantageous and useful. This synoptic disapproval resonates throughout Dionysius’ Roman history. Based on the description of its genesis, dictatorship was more of a political weapon in Rome’s ongoing civic struggles than a military magistracy aimed at external foes. The senate deliberately designed dictatorship as an instrument for domestic emergencies. Its purpose was to spread fear and insecurity among the disobedient masses, abolish legal protections and rights if needed, suppress popular dissent, and protect the interest and privileges of the patricians. This may explain why, as Theodor Mommsen observed, “since the fall of monarchy, the suppression of dictatorship became in Rome the objective of the party of liberty.”

As a supreme device of repression, the result of “an aristocratic plot,” institutionally engineered for situations of class warfare, dictatorship necessarily militarized political contestation. The fact that the first archaic name for the dictator was magister populi underscores the primary function of a military commander. Dictatorship not only criminalized political conflict and militarized the city but also transformed the political adversary into a hostis, a public enemy, against whom the dictator could legally apply in full force the law of war. As Clinton Rossiter observes, “the resort to the dictatorship converted the Roman Republic and its complex constitution into the simplest and most absolute of all governments—an armed camp governed by an independent and irresponsible general.” All this would have sounded familiar to Greek ears. Tyrants “know well that all who are subject to their tyranny are their enemies (ε’χθροι.),” Xenophon’s “Hieron” laments, as they live “in a perpetual state of war.” Tyranny was a friendless power, and the militarization of the political was considered a defining attribute of tyrannical rule. Aristotle, in his historical and comparative investigations on the nature of this form of boundless power, concurred: the tyrant is a war-maker, a “πολεµοποιητς.” The tyrannical city was always under siege; and so it was with Rome under the rule of a dictator.

These similarities may have informed Dionysius’ sweeping redefinition of dictatorship as “elective tyranny.” On the one hand, dictatorship was tyrannical because it was absolute and unaccountable, entailed the discretionary use of the means of violence, the ability to breach the laws at will, and threatened the life, liberties, and property of its subjects while seeking to protect and advance partial class interests against the common good. On the other hand, it was also elective. The people explicitly consented to sacrifice temporarily their freedom when they ratified the senate’s proposal. That they were fooled and manipulated, as Dionysius maintained, does not alter the fact that in the end they sanctioned the new law, thus surrendering
to a “voluntary tyranny” (αὐθαίρετον τυραννίδα).59 With the Romans, the tyrant became a constitutional choice in moments of crisis and tyranny took the new form of arbitrary personal rule by consent.

Dionysius’ radical reappraisal not only challenged established views on dictatorship, it also questioned classical definitions of tyranny. For instance, from the well-known Greek designations of tyranny as a particular form of rule over unwilling subjects, against the law, and in the service of the private interests of the ruler, Dionysius retained the two last attributes, illegality and partial interests, and reduced the significance of the first, involuntary rule.70 As a consequence, the non-consensual foundations of tyranny and its association with usurpation became less important in his use of the term, given that he thought it possible to have a tyranny consented to by the many as long as the ruler remained unaccountable and outside the law, enjoying full powers over his subjects while seeking to advance particular social interests. In this way, Dionysius distanced himself from the classical meanings traceable at least to Herodotus’ story of the first tyrant Gyges, according to which tyranny was an act of usurpation in violation of established norms and rules regulating the acquisition of power.71 Dionysius drew attention instead to the nature and quality of rule itself and not to the method of its possession, thus departing from the view of tyranny as a violation of the procedural law of succession. This reformulation of tyranny anticipates the medieval distinction between tyranny ex defectu tituli (with respect to the illegitimate and non-consensual acquisition of power) and tyranny quoad exercitium (with respect to the way of exercising power).72

This subtraction of the principle of consent from the attributes of tyranny was not fully innovative considering the Aristotelian category of “elective tyranny” that was included in his typology of royalty.73 Aristotle distinguished among several types of kingship, dissimilar but still partaking in the same regime form, allowing for a more complex, comparative approach. Dionysius’ approach directly relies on one of Aristotle’s royal sub-types, the obscure and almost unknown to us archaic, pre-democratic Greek institution of aesymnēτae, under which a military commander was elected and granted additional powers to save the city from external dangers.74 After the completion of the mission, the aesymnēτes abdicated. Aristotle considered this ancient practice tyrannical because it was absolute in the manner of its rule, notwithstanding its likely origin in popular support or through the established legal forms and procedures. Such regimes “are of the nature of tyrannies,” Aristotle writes, “because they are despotlic, but of the nature of kingships because they are elective and rule over willing subjects.”75 The
aesymnētes is thus a hybrid of tyranny and kingship, blending absolute, personalistic power with consent in moments of exceptional danger.\textsuperscript{76} Pittacus, the ruler of Mitylene, for example, was officially an aesymnētes before he became the legendary tyrant and one of the seven sages.\textsuperscript{77}

Dionysius’ appropriation of the Aristotelian category of “elective tyranny” is crucial for his concluding narrative on Sulla, whose dictatorship he assessed as having one positive, if inadvertent effect: it finally compelled the Romans to realize the true nature of this magistracy insofar as it exposed the real face of dictatorship in terms of the tyrant within.\textsuperscript{78} So cruel and harsh was Sulla’s dictatorship, Dionysius wrote, “that the Romans perceived for the first time what they had all along been ignorant of, that dictatorship is a tyranny.”\textsuperscript{79} Dionysius’ comment does not indict Sulla for abusing the Roman magistracy and its extraordinary powers or for violating its constitutional limitations, as Mommsen would later do in his famous distinction between two types of dictatorship.\textsuperscript{80} Nor does Dionysius inflect his notion of tyranny with such subjective moral characterizations as Sulla’s personal lust to power. Rather, Dionysius’ indictment of Sulla is predicated on the emergency institution of dictatorship itself, devised to tyrannize the republic, even if only temporarily and by consent. In short, for Dionysius, Sulla was the tyrannical symptom of dictatorship, not its cause.

**Appian and the Temporary Tyranny of Dictatorship**

This incipient but compelling critical redefinition of the republican emergency magistracy was further explored and developed almost a century and a half later in the writings of another Greek historian, Appian of Alexandria.\textsuperscript{81} Although Appian’s approach is quite dissimilar to that of Dionysius, it nonetheless shares with the latter a common understanding of Roman dictatorship. Thus, their writings on dictatorship complement one another and their shared vision of the tyranny of dictatorship sets their work apart from the other historians of their time. In fact, Appian’s narrative confirms Dionysius’ interpretation of the tyrannical nature of dictatorship. Dionysius’ thorough examination of the first Roman dictator is matched only by Appian’s equally meticulous discussion of Sulla, one of the last to ascend to absolute power.\textsuperscript{82}

In his history of the Roman republic, Appian shows how during the civil wars Sulla resorted to the institution of dictatorship by walking a thin line between legality and anomic. After invading Rome in 82 BC and taking
advantage of the death of the two consuls during the civil war, Sulla ‘con-
vinced’ the senate to appoint an interrex. He subsequently ‘persuaded’ the
interrex not to organize and supervise the elections for the new consuls
but instead to appoint him dictator for an indefinite period and with leg-
islative powers. The interrex followed Sulla’s ‘suggestion’ and proposed a
new law which was approved by a weakened and demoralized centuriate
assembly thus formally appointing Sulla dictator (βασιλεόν δικτάτωρ),
and establishing, in effect, a dictatorship by popular election. As if history
were repeating itself within just a few centuries, “the Romans welcomed this
treachery of an election as an appearance and pretence of freedom and
appointed Sulla as tyrant with absolute power (τραννον αντοκράτορα) for
as long as he wished.” Like the closing of a circle, the republic’s beginnings
met the republic’s end: in “voluntary servitude.”

Like Dionysius, Appian redefined Sulla’s dictatorship as a tyrannical
form of rule. What exemplified Sulla’s tyranny was not external, solely
because of his skillful manipulation of his appointment procedure. Nor was
the tyrannical character of his rule due simply to the crimes he committed
and the visceral terror he unleashed. Likewise, Sulla’s dictatorship could
not be explained by his legislative constituent powers (dictator legibus
scribendis et rei publicae constituenae) which gave him unlimited powers
to make laws and amend the constitution. Rather, the tyrannical nature of
Sulla’s rule was inscribed in the very logic of his dictatorial position as
such. As Appian claimed, following on Dionysius’ steps, dictatorship is in
itself a form of tyranny and thus “even in the past the dictator’s power had
been tyrannical.” Dictatorship had always been a tyrannical power, irre-
respective of Sulla’s procedural irregularities and innovations.

If Appian was right, however, there would be no difference between
Sulla and all the previous dictators, all of whom would look like tyrants.
Obviously this cannot be the case since Appian is well aware of the histor-
ically distinct character of Sulla’s dictatorship. It was the violation of the
temporary limits of dictatorship that accounts for Sulla’s historical unique-
ness. By removing the time limits, Sulla unleashed the tyrant residing
within the emergency magistracy, and its dreadful powers. While in the past
the tyranny of dictatorship “was limited to short periods” (ολίγω χρόνω
δ’όριξομενη), with Sulla it became “indeterminate” (α’όριστος). Here,
Appian’s approach recalls Plutarch’s, insofar as it was the latter who a
century earlier had defined Caesar’s dictatorship as tyrannical precisely
because it was perpetual and who also identified Sulla as “nothing else than
always a tyrant.” But Plutarch did not qualify his definition. It was in
Appian’s histories, as Mario Turchetti correctly notes, that “dictatorship
was originally a tyrannical power, even if it was short-term limited. But for
the first time, granted without limits, it became a perfect tyranny."92

Appian’s distinction between dictatorship and tyranny derives from the
fact that the first is a limited form of the latter. The dictator is a temporary
tyrant, whose tyranny is short-lived, regulated, and bounded. Thus, the dif-
ference between Sulla and previous dictators was that the latter were limited.
In Appian’s narrative, the dictator resembles an interim tyrant, restrained and
contained, designed to exercise “tyrannical power” ($\tau\nu \rho\alpha \nu \gamma \iota \kappa \iota \iota \mu \alpha \dot{\alpha} \rho \chi \eta \nu$)
only in brief moments of grave emergencies not exceeding the six months of
unlimited power, not subject to appeal and to countervailing checks, when
the law undoes the temporal chains that bind him.93 As a slumbering tyrant,
he lies dormant in normal times, waking up only temporarily during a crisis
to wear his dictatorial mantle. By being appointed for an indefinite period,
Sulla seems to have fulfilled the tyrannical logic of dictatorship. From a lim-
ited tyranny, periodic and segmented,94 Sulla moved to a form of tyranny that
was, for Appian, pure and absolute ($\epsilon \nu \tau \varepsilon \lambda \iota \varsigma \tau \nu \rho \alpha \nu \nu \iota \varsigma$).95

Appian’s argument is subtle but decisive. The constitutional principle of
time-limits does not indicate an essential difference between these two
forms of power but rather an internal differentiation of degree between a
limited and an unlimited tyranny. The temporary suspension of the law
amounts to a provisional abolition that subordinates it to the arbitrary rule
of human will. Dictatorship and tyranny partake in the same species of
power: supreme, discretionary, arbitrary, personal, and violent. Two varia-
tions on a common theme, the dictator is a temporary tyrant and the tyrant
a permanent dictator. Sulla’s magistracy is thus at once both typical and
unique in that it realized the genuinely tyrannical nature of dictatorship by
ridding it of temporal limits. By redefining dictatorship as a temporary
tyrra and tyranny as a permanent dictatorship, Appian registered the
deep affinities between the two concepts, thereby reaffirming Dionysius’
view of dictatorship as tyrannical by nature.96

To be sure, Appian’s account is not identical to Dionysius’. Their inten-
tions and preoccupations were not similar as the historical, biographical,
cultural, and political contexts of their respective histories diverged sharply.
Many differences separate the two Greek historians. Even on the issue of
dictatorship, there are some discrepancies in tone and orientation. Appian
appears ambivalent toward the tyrannical effects of dictatorship as in one
occasion he displayed a kind of appreciation for how in the past dictator-
ship had served Rome. He thus acknowledged that this exceptional magis-
tracy “had been useful in former times.”97 However, it is unclear why he
thought so and how this relates to his more systematic, informed observations on dictatorship and its role in the demise of the republic, where there is no mention of any positive advantage. Might it be that he held a pragmatic view according to which the dictator as a short-term tyrant could still be useful in certain occasions? Here, the interpretative difficulty relates to whether Appian, while stressing the usefulness of dictatorship, recognized the necessity of tyranny for moments of crisis. This puzzle pertains to the consistency and clarity of Appian’s account and how this brief commentary could fit into his broader narrative. But the fact remains that even in this case Appian upheld his description of dictatorship as an absolute power, thus concurring not only with his explicit analysis of this institution as tyrannical and unlimited but also with Dionysius’ version of unaccountability. When it comes to their descriptive understanding of the nature of dictatorship the similarities between the two Greek historians are more pronounced than any of the differences that may set them apart.

**Dictatorship and the Legalization of Tyranny**

Dionysius and Appian’s strikingly original contribution is to have noticed a tyrannical presence in the republican institution of dictatorship. By doing so, the two Greek historians inaugurated a powerful revision of one of ancient republicanism’s more esteemed institutions and a conceptual transformation with some critical ramifications. The first and most significant is the heterodox redefinition of dictatorship, now understood as a ‘temporary tyranny by consent.’ This redefinition points at a novel theory of the Roman magistracy as ‘legalized tyranny.’ Dictatorship represents the legalization of tyranny wherein the tyrant is legally summoned by a higher instance of the republican constitution in moments of danger to protect the existing order. As Cicero himself finally came to recognize (but only in the particular case of Sulla thus missing the general significance of his own observation), while “in other cities, when tyrants are established all laws are extinguished and destroyed, in the republic it is by law that a tyrant was established.” As legalized and proceduralized tyranny, dictatorship embodies the desire to tame and control the tyrant. There is a yearning to use his supreme powers for one’s own advantage, for love of country. To command the tyrant and unleash him with full discretion against enemies and for one’s own collective survival is what makes dictatorship an attractive option. ‘Legal tyranny’ promises that absolute power outside the law can be domesticated without losing any of its repressive effects.
A second implication is that this atypical view of dictatorship as legal
tyranny challenges the historiography of Dionysius and Appian’s times,
unsettles received opinions about this exceptional emergency office, and
implicates it in the fall of the Roman republic. For instance, the two Greek
historians depart significantly from Livy’s more canonical narrative of dic-
tatorship and accountability according to which a dictator could be charged
with crimes committed after laying down his office. For the Roman histo-
rian, although the right to appeal was suspended during the dictator’s actual
tenure of office, it could be reactivated following his resignation, thus
allowing for his impeachment as a private person. Livy mentioned only one
such case where a dictator, Gaius Manius, and his master of horse were
brought to trial after holding office in 314 BC.99 Unfortunately, it is impos-
sible to know how Dionysius and Appian described or interpreted this event
because the relevant books of their histories that might have mentioned it
have not survived.100 Because the historical sources are very scanty and
those that survive vary on this issue there is no conclusive evidence to
resolve their differing versions between Dionysius and Appian on the one
hand and Livy on the other, the problem of the accountability of dictator-
ship remains undecided and controversial.101 Andrew Lintott, who is more
inclined to side with Livy on this matter, recognizes that “how absolute the
power of the dictator was, seems to have been an issue which was deter-
mined not by statute or by any clear rule, but by casuistry, and it remained
debatable at the time when the annalist tradition was being developed in the
last two centuries of the Republic. As with many uncertain constitutional
issues, the different positions that could be taken reflected either an aristo-
cratic, authoritarian ideology or one that was popular and libertarian.”102

Here, however, the question is not to choose between Livy on the one
hand and Dionysius and Appian on the other, in a futile search for histori-
cal objectivity, but rather to underscore the originality of two less known,
underestimated reinterpretations of dictatorship that stand out as the only
surviving accounts that share a similar tyrannical depiction of this Roman
extraordinary institution, and which have customarily been disregarded in
favor of Livy’s single reference. Once these two dissenting interpretations
are taken seriously, not only do we witness in detail the ancient formation
of what Melvin Richter has called “family concepts,” but we also gain a
privileged access to an unusually audacious revision of the classical
republican regime-type.103

Dionysius and Appian’s Greco-Roman synthesis altered the normative
connotations associated with classical ideal of dictatorship. It demystifies
the republican portrayal of dictatorship and exposes the monster lurking
behind the hero, the wolf inside the soldier, the anomie inhibiting the law. The towering reputation dictatorship enjoyed with its martial aura of nobility, an ethical embodiment of civic virtue and patriotism, are now all cast aside as institutional and oratory ornaments to reveal that dictatorship is another name for tyranny. As a consequence their histories disclosed a tyrannical kernel hidden inside the institutional fabric of republican government.

Furthermore, an additional ramification is that both Dionysius and Appian’s views question much later attempts, such as those of Mommsen and Carl Schmitt, to distinguish between two different dictatorships: an older, ancient dictatorship and its irregular, radical reinvention by Sulla and Caesar. Against this influential interpretation of two types of dictatorship, the one commissarial and the other constituent, the two Greek historians point to the historical continuity and institutional consistency of Roman dictatorship. For instance, in their historical revisions of Roman history, Sulla’s dictatorial tyranny loses all of its exceptional or innovative character. It is neither an unfortunate anomaly nor an erratic occurrence. His dictatorship does not signify a break in the history of the institution. Instead, it is regarded as the repressed but permanent, endemic tyrannical possibility of dictatorial powers. Tyranny, therefore, is seen as an integral part of dictatorship. They may differ from a formal point of view but they are similar in substance. In fact, if the two Greek historians did not consider Sulla’s rule accidental or ground-breaking, it is only because they situated its tyrannical deeds within the very structure and logic of this supreme emergency magistracy that offers itself to abuse.

Here, one cannot help but notice the tragic irony, even poetic justice, of Dionysius and Appian’s histories. Although the Romans took pride in overthrowing the monarchy, elevating the removal of Tarquinius to a republican foundational myth, to an anti-tyrannical instituting act, they were ultimately unable to rid themselves of the (bad) king. And along with praising themselves for their devotion to the law and their patriotic respect for tradition and custom, the Romans opened up a permanent gap, an internal fissure in the legal edifice of their republic. To save the city, the constitution created this void, this empty space of the law, the space of a-nomia, where the dictator comes to encounter the tyrant in their common ambition to fill it up with the power once owed by the kings. It is ironic that despite the Romans’ renowned hatred of kings (odium regni), the expulsion of Tarquinius, and the collegiality of the consuls, the tyrant was never really barred from the city but rather remained harbored within the republican institution of dictatorship. By retaining the kingly powers, the Romans ‘inadvertently’
preserved as well their tyrannical potential and failed to fully break away from their monarchical past.\textsuperscript{108}

In fact, kingship, whose abolition was predicated on the dangers it posed to liberty, was preserved by the republic in the ‘minimal’ form of dictatorship with the utmost task of defending the city in its most vulnerable moments.\textsuperscript{109} In the Roman republic, the enemy of freedom was elevated as its defender. And what was meant to be used against internal and external enemies was turned ultimately against the Roman constitution itself, which thus fell victim to its own dangerous creation. Plotting to strengthen executive power beyond law, the constitution ended up caught in its own trap, undermining the freedoms that had sustained its very existence and identity. By importing the tyrant into their republic after the expulsion of the kings under the guise of extraordinary emergency powers, the ancient Romans made an ill-fated choice that eventually contributed to the loss of their liberty. To lose their \textit{libertas}, what the citizens feared and hated the most, finally became a reality. With Sulla and Caesar the dictator is finally exposed: he is the tyrant within a free city, a Trojan horse situated at the heart of the Roman constitution. Thus, Tarquinius might have been banished but his abusive, tyrannical powers survived in the new emergency magistracy and returned with a vengeance to play an active part in the conflicts that brought the republic to an end.

Many centuries later, this reinterpretation of dictatorship would reverberate in modern political thought in a radically altered historical context. With the return of dictatorship and its dissemination through republican doctrines of politics, the moderns gradually rediscovered its tyrannical nature. From this rich and fascinating period, one telling example stands out. It is in Thomas Jefferson’s writings that Dionysius and Appian’s analysis is fully resuscitated and brought to its ultimate conclusion. In a section of his \textit{Notes on Virginia} regarding the defects of the Virginia State constitution he denounced two proposals made in 1776 and 1781 “to create a \textit{dictator}, invested with every power legislative, executive, and judiciary, civil and military, of life and of death, over our persons and over our properties.”\textsuperscript{110}

Jefferson used his disagreement with these two proposals as an occasion not only to deplore dictatorship but, more tellingly, to attack tyranny. Commenting on the Romans, he keenly reproached their republican constitution because it “allowed a \textit{temporary tyrant} to be erected, under the name of a Dictator; and that \textit{temporary tyrant}, after a few examples, became perpetual.”\textsuperscript{111} Temporality is the crucial feature, the one that blends the tyrant and the dictator together. More forthright than Dionysus and Appian, Jefferson explicitly recognized the extent of the destructive potential of
tyrannical rule which he did not think could be tamed and regulated in the form of dictatorship. The temporal constraints would not last forever to perpetually bind this extraordinary device of domination and to compel it to act for the preservation of the republic. Once included in the constitutional arrangement of dictatorship, tyranny becomes a permanent, endemic threat to that same arrangement. This threat arises because the tyrant cannot be moderated by or accommodated within an institutional mechanism and an overarching constitutional system of mixed powers. Instead, he will throw the mixed constitution out of balance. The tyrant, who inhibits the dictator, will seek to permanently unbind himself from the legal restrictions and use his exceptional power to subvert constitutional constraints.

The ancient Greeks noticed early on this unruly drive of tyranny and registered it in classical political philosophy. Tyranny is excessive, “unlimited” (ἀόριστος τυραννις), striving voraciously for absolute sovereignty (απαντων κυριος).112 It amounts, for Herodotus, to hubris, as the tyrant’s desires overreach, never to be satisfied.113 Plato’s description of the excess of tyranny remains telling as well. The tyrannical life, Gorgias commends, is “a life of insatiable licentiousness,” that same life which Socrates deplored as “always greedy, suffering from unfulfilled desires.”114 Tyranny is pure immoderation caught in the vicious circle of power for the sake of power. These classical depictions of tyrannical power question directly the capacity of legal stipulations regulating dictatorship ever to succeed in permanently containing and neutralizing the tyrant within the dictator.

In addition, Jefferson did not shy away from drawing a second conclusion from the tyrannical character of dictatorship. The Roman constitution was self-defeating for the simple reason that although the dictatorship was “proved fatal” to the republic, it was also indispensable to it.115 Rome’s republican constitution was trapped in a deadly paradox: its factional politics, an “unfeeling aristocracy,” and a “ferocious” and impoverished people made its survival in moments of internal dissonance dependent on a tyrant who would save the republic only to destroy it himself at a later time.116 Herein lays the Jeffersonian paradox: by its very nature the Roman republic could not survive emergencies without the assistance of tyranny, the very form of political rule that most endangered its very existence. Consequently, the instrument that was vital for the survival of the republic was simultaneously the tool of its downfall. As a “remedy,” dictatorship is worse than the malady, yet it is essential.117 Hence the paradoxical situation of an institution that is both essential to the ancient republic’s survival as well as the cause of its ultimate demise. The Jeffersonian paradox directly questions the ideal of the republican constitution and in particular its claim
of stability and permanence generated and sustained by an institutional equilibrium. It is not a coincidence that Jefferson was particularly severe in his judgment of Roman republicanism: its structural defects outdo any possible benefits and therefore it is not a model to emulate.

Aside the issue of historical reception, there is a much broader implication. If Dionysius and Appian are right and dictatorship is indeed another name for tyrannical rule, a significant historical and political difference between the Athenian democracy and the Roman republic comes to the fore. The fusion of the dictator and the tyrant in these interpretations provides a unique point of entry to reconsider the broader question of the relationship between the two ancient regimes and points to the likely relevance of this account of the Roman experience with dictatorship to current debates on emergency powers and constitutional regimes of exception in liberal democracies. Here I will comment briefly only on one aspect of this relationship in need of further elaboration elsewhere.

Although democratic Athens and republican Rome are often identified as the two archetypical free regimes of antiquity, they diverged on the crucial issues of the role of absolute, autocratic power within their respective political and legal frameworks. Whereas democratic Athens banned the tyrannical form of power in the name of freedom, the Roman republic legalized it in the name of liberty. What was excluded from the constitutional arrangement of Athens was fully included in the mixed regime of Rome. From the writings of Dionysius and Appian it seems as though the Roman constitution welcomed unwittingly the tyrant to cross over the line separating the state of nature (and war) and the city. Dictatorship is the result of this republican invitation. By contrast, ancient democracy was the only regime we know of that legislated explicitly against the tyrant, designating him a “public enemy” (πολεµίος) and calling for his assassination. Not only was the tyrant outlawed, but as has been correctly noted, “In Athens there was no provision in the constitution for dealing with emergencies such as the Roman tumultus or the modern martial law.” Considering this difference from the perspective of Dionysius and Appian’s histories, it seems that while in democratic Athens the tyrant was an enemy to be resisted, in republican Rome he was a friend to rely on. These are two very different attitudes toward tyrannical power.

This distinction is important because it suggests that while historically republics could accommodate themselves to the tyranny of dictatorship, democracies could not. This also denotes two different attitudes toward power, its scope and directionality, and its relationship to the law. From the perspective of democratic, anti-tyrannical legislation the figure of the
temporary tyrant must have looked not only paradoxical, but deeply unreasonable and dangerous. How is it possible that in moments of crisis a free city appeals to a tyrant for its survival as the only means to restore order? Can the tyrant whom Cicero described, following Plato, as “the most monstrous of the wild beasts in the cruelty of his nature . . . who desires no bond of shared law, no partnership in human life with his fellow citizens” be constitutionally bound as to safeguard the republic? Can a tyrant ever be trusted? Can he defend liberty? From a democratic standpoint, the republican theory of dictatorship now viewed through the lens of Dionysius and Appian asks of citizens that they entrust provisionally their freedoms, life, and property to a power they most fear and find insufferable, “since no free man willingly endures such a rule.” It demands to surrender the defense of the city to its enemy and it undoes the civic vow of democratic citizenship.

Finally, and more crucially, Dionysius and Appian help us grapple with the politically pressing issue of whether it is wise for citizens of constitutional democracies to grant extraordinary emergency powers for security reasons (even if temporally limited and constitutionally defined) to an office which stands in an ambiguous relation to the rule of law. Especially in a time when democratic republics are willingly or tacitly opting to suspend some of their constitutional liberties for purportedly greater security, Dionysius and Appian’s radical reinterpretation of Roman dictatorship appears astonishingly salient. Of course, one should not expect to find in their ancient histories precise answers and definitive solutions to today’s problems and dilemmas regarding constitutional dictatorship and the threat of terrorism. But precisely because they recognized that Roman dictatorship can enjoy a semblance of democratic legitimacy and accommodate itself with electoral consent, their investigation into the origins and effects of this ancient exceptional institution could advance a more informed, critical, and politically incisive understanding of emergency regimes in liberal democratic states. The enduring legacy of the two Greek historians is to have reformulated the question of whether the citizens or their elected representatives in exceptional moments of crisis should have recourse to a dictator in terms of the more fundamental issue about the relative advantages of tyranny and its unpredictable, counter-productive consequences.

Notes


6. It may well be that Cromwell was the first modern to be considered by many of his contemporaries to be both a tyrant and a dictator. Pierre Jeannin, “Cromwell: une dictature introuvable?” Maurice Duverger, Dictatures et Légitimité, Paris: PUF, 1982, pp. 143-158; R. Zaller, “The Figure of the Tyrant in English Revolutionary Thought,” Journal of the History of Political Ideas, 54 (1993), pp. 585–610.


28. This contrasts with the arbitrariness and indeterminacy of tyranny that made law its enemy. For an insightful discussion of this aspect of tyranny, tyranny as freedom, see Arlene W. Saxonhouse, “The Tyranny of Reason in the World of the Polis,” *The American Political Science Review*, 82:4 (1988), pp. 1261-1275.


49. Dionysius of Halicarnassus, Roman Antiquities, Books V: 70, p. 211.


78. For a different, less sympathetic, interpretation of Dionysius’ appropriation of this Aristotelian term, see Mason, “The Roman Government in Greek Sources: The Effect of Literary Theory on the Translation of Official Titles,” pp. 153-154, 159.


90. Appian, *The Civil Wars*, Book I: 99, p. 183. In addition, the exceptional trait of Sulla’s tyranny also was due, according to Appian, to the unparalleled fact that “he was the first man, so far as I know,” who “desired to turn himself . . . from a tyrant into a private citizen” and “had the courage to lay down his tyrannical power voluntarily.” Appian, *The Civil Wars*, Book I: 3, 104, p. 7, 195.


94. I say “almost all” because there are three recorded cases, that of Furius Camillus II (390 BC), L. Aemilius Mamercinus Privenas (316 BC), and M. Servilius Pulex Geminus (202 BC), which violated the six-month limit. Another irregular dictatorship was that of Minucius in 217 BC. T. A. Dorey, “The Dictatorship of Minucius,” *The Journal of Roman Studies*, 45: 1-2. (1955), pp. 92-96. For these and some additional violations, see Saint-Bonnet, *L’État d’exception*, pp. 59-60.


96. Appian’s tyrannical dictatorship reappears timidly and ambivalently in Jean-Jacques Rousseau’s republican vision. Although Rousseau approves of the institution and the practice, he warns, echoing Appian, that “in the crises that call for its establishment the state is soon destroyed or saved, and once the pressing need has passed, the dictatorship becomes tyrannical or useless.” Departing clearly from his more canonical and “precise” definition of tyranny as usurpation of royal authority, Rousseau places it in the void opened up by the absence of temporal limits, suggesting that the tyrant is a permanent dictator. This formulation evokes Appian in that the affinity between the dictator and the tyrant unfolds in a temporal horizon. For this reason Rousseau insists that the best protection against this ominous prospect is to never extend or prolong a dictator’s commission. However, there is an important difference between the two thinkers. While Appian understands the temporal factor as only one of degree, Rousseau sees it as a bridge allowing the crossing from one form of rule over to another. In that sense, although the Roman institution of dictatorship appears to be liable to abuse once it is abused it is not the same anymore. It has undergone a qualitative transformation into something else: tyranny. Here one can sense the presence of Rousseau’s canonical definition. The dictator who has violated the law regulating the length of his magistracy has in fact usurped a title “without having any right to it.” In that sense, the tyrant remains a usurper, he who by violating the temporal restrictions seizes illegally dictatorial power. Tyranny is again a stolen, degenerated form of a supreme executive rule and not the secret truth of dictatorship, not even its dark side. Jean-Jacques Rousseau, “Du Contract Social; ou, Principes du Droit Politique,” *Œuvres Complètes*, Volume III, Gallimard: Bibliothèque de la Pléiade, 1964, Book IV: 7, pp. 458, 423; Pierangelo Catalano, “Le concept de dictature de Rousseau à Bolívar: essai pour une mise au point politique sur la base du droit romain,” *Dictatures*, pp. 7-25; Jean Ferrari, “Rousseau, Kant et la tyrannie,” *Actes du Colloque: La Tyrannie*, pp. 177-189.


101. It seems that Dionysius and Appian’s re-interpretation of tyranny is empirically contradicted by the *lex repetundarum* or recovery law, contained in a fragmented bronze tablet, and which suggests that the dictator could be brought to trial after the end of his tenure in office. Without knowing, however, the exact dating of the law, its duration, and most importantly its author, it is difficult to ascertain with certainty the extent and character of its legal impact on dictatorship. For example, most scholars have suggested that the law was authored by Gaius Gracchus in his struggle to weaken the senatorial class and thus has been interpreted as an instrument in the political warfare between the orders. Two questions are relevant here: (1) How did the demise of Gracchus affect this law? (2) Is it not the case that the law itself is a telling instance of how the institution of dictatorship was turned into a site of political struggle and that the problem of the accountability of the dictator was a contested, open-ended issue, depending on relations of power and political interests? On this see, Emilio Badian, “Lex Acilia Repetundarum,” *The American Journal of Philology*, 74:4 (1954), pp. 374-384; A. N. Sherwin-White, “The Date of the Lex Repetundarum and its Consequences,” *The Journal of Roman Studies*, 62 (1972), pp. 83-99; A. N. Sherwin-White, “The Lex Repetundarum and the Political Ideas of Gaius Gracchus,” *The Journal of Roman Studies*, 72 (1982), pp. 18-31.


125. For the continuity between Roman dictatorship and modern theories and practices of the state of emergency, see Mommsen, Le droit public romain, Vol. IV, p. 187.

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