

DIODORUS AND THE LENGTH OF THE *SOLITVDO MAGISTRATVVM*

ABSTRACT

In this note I argue that the generally accepted view that Diodorus preserved a tradition which limited the fourth-century anarchy in Rome to one year is groundless, and that the author's confused chronology of the Early and Middle Republic strongly suggests that in the source he followed the solitudo magistratuum lasted several years, as in other reports.

Keywords: anarchy in Rome; *solitudo magistratuum*; dictator years; chronology; Roman chronology in Diodorus

According to the scholarly *communis opinio*, our sources give the length of the Republican Rome's fourth-century *solitudo magistratuum*/ἀναρχία as four or five years with the exception of Diodorus, according to whom it lasted one year.¹ The aim of this paper is to demonstrate that he says nothing of the kind and that his chaotic Roman chronology of the period strongly suggests that in the source he followed there were also several years without eponymous magistrates.

The main texts are as follows:

Diod. Sic. 15.75.1: ἐπ' ἄρχοντος δ' Ἀθήνησι Πολυζήλου, κατὰ μὲν τὴν Ῥώμην ἀναρχία διὰ τινὰς πολιτικὰς στάσεις ἐγένετο ('when in Athens Polyzelos was archon [367/366], in Rome there were no magistrates because of a civil strife').

Livy 6.35.10: ... comitia praeter aedilium tribunorumque plebi nulla sunt habita. Licinius Sextiusque tribuni plebis refecti nullos curules magistratus creari passi sunt; eaque solitudo magistratuum et plebe reficiente duos tribunos et iis comitia tribunorum militum tollentibus per quinquennium urbem tenuit ('there were no elections except for the aediles and tribunes of the plebs. Licinius and Sextius, re-elected tribunes of the plebs, allowed no curule magistrates to be elected, and this want of magistrates continued in the City for five years, the plebs re-electing the two tribunes and they preventing the election of military tribunes.').

Zonar. 7.24.5 [9] (Cass. Dio 7 page 85 Boiss.) [Licinius and Sextius] ... τὸν κόσμον τῆς πολιτείας συνέχεον, ὥς καὶ ἐπὶ τέσσαρσιν ἔτεσιν ἀναρχίαν γενέσθαι τῷ δήμῳ· τὰς γὰρ τῶν εὐπατριδῶν ἀρχαιρεσίας ἐνεπύδιζον ('[Licinius and Sextius] ... so overthrew the order of the state that during four years the people had no magistrates for they kept thwarting the patrician elections').

Scholars usually opt for the one-year version, in spite of Diodorus' poor reputation as a historian of Rome in general and as her chronographer in particular. As succinctly expressed by Stephen Oakley, the author of the most recent exhaustive treatment of the question,² 'only D.S. with an anarchy of one year approaches the brevity required. We

¹ Diod. 15.75.1. Four years: Zonar. 7.24.5 (thus also Eutr. 2.3, Festus, *Brev.* 2, HA Tacitus 1.5, Cassiodorus and *Fasti Hydatiani*); five: Livy 6.35.10 (so too, in a peculiar way, the chronograph of 354; see below). See A. Degraffi, *Inscriptiones Italiae: Fasti et Elogia* 13.1 (Rome, 1947), 396–7.

² S.P. Oakley, *A Commentary on Livy, Books VI–X, Volume I: Introduction and Book VI* (Oxford, 1997), 104–8, 645–51. The same, more concisely, in T.J. Cornell, 'The recovery of Rome', in *CAH* 7.2 (Cambridge, 1989²), 309–50, at 347–9. For earlier discussion and bibliography, see G. Perl, *Kritische Untersuchungen zu Diodors römischer Jahrzahl* (Berlin, 1957), *passim*, especially 113 n. 3, 114 n. 1; A. Toynbee, *Hannibal's Legacy*, 2 vols. (Oxford, 1965), 1.559–62.

shall see that this version of D.S. is likely to be the oldest and to reflect some genuine tradition' (Oakley [n. 2], 105).

Now, the two pillars of any serious attempt at reconstructing Rome's fourth-century chronology are: (1) Polybius' synchronism of the Gallic sack of the City with the Peace of Antalkidas and the destruction of Rhegion by Dionysius (the Athenian year 387/386: Polyb. 1.6.1–2); (2) the rejection of the four dictator years in the 'Varronian' chronology represented by the *Fasti Capitolini* (333, 325, 309, 301) as a historical and constitutional absurdity, which must be ignored. Yet, once we reject the dictator years, the Varronian chronology is the same as in Livy, and both match Polybius' synchronism. Does it mean that there is no problem with the Roman chronology? No, says Oakley, for '86 colleges of consuls and consular tribunes were needed between the sack and 300, or 85 if, as seems most likely, there really was a period of anarchy; but it seems that only 81 were available ... Both the dictator years and the extended anarchy seem to have been artificial devices designed to make up for the shortage of eponymous magistrates. For 81 colleges and one year of anarchy leave a shortfall of four years, and this may be met either by the insertion of four dictator years or by the extension of the anarchy to 5 years. Varro unwisely incorporated both; L., more sensibly, ignored the recently invented dictator years and chose to extend the anarchy' (Oakley [n. 2], 105). And the conclusion: 'It thus follows that for the period before 366 (or 370) we cannot synchronize with confidence events in Greek and Roman history' (Oakley [n. 2], 106).

The 'shortage of magistrates', however, is entirely of our making: if we do not arbitrarily reduce the *solitudo magistratuum* from five years to one, there is no 'shortfall of four years'. It is also difficult to believe that Varro, the most learned of the Romans, got so baffled by the primary-school arithmetic required to make up for the said shortfall that he did his homework twice without being aware of the error (which the less informed and often careless Livy did not commit). More importantly, Polybius' synchronism implies that his date of the Gallic sack—compatible with Livy's chronology which did include the five-year-long *solitudo magistratuum*—figured already in his Roman source, Fabius Pictor.³ In other words, Livy did not have to make any choice: this choice had already been made two hundred years earlier. The addition of the four phoney dictator years must therefore have been an outcome of speculations with an entirely different purpose. What this purpose was is an open question, but I do not think that, 'since the dictator years appear to have been confined largely or entirely to chronographic works, it is natural to look for an explanation in this area' (Drummond [n. 3], 567–8). Making the Romans get rid of their tyrants in the same year as the Athenians did is as good a guess as stretching the count *post reges exactos* to match that of Cn. Flavius' *post [aedem] Capitolinam dedicatam* (actually better chronologically). Be that as it may, the 'shortage of eponymous magistrates' can be safely ruled out: that shortage had already been accounted for by the *solitudo magistratuum*. The sceptics' only argument, other than conviction that the anarchy could not last so long, is Diodorus' report.

³ R. Werner, *Der Beginn der römischen Republik. Historisch-chronologische Untersuchungen über die Anfangszeit der libera res publica* (Munich and Vienna, 1963), 81–2, 119–29; see A. Drummond, 'The dictator years', *Historia* 27 (1978), 550–72, at 568; A. Drummond, 'Appendix', in *CAH* 7.2 (Cambridge, 1989²), 625–44, at 627. E.H. Bispham and T.J. Cornell in T.J. Cornell (gen. ed.), *The Fragments of the Roman Historians*, 3 vols. (Oxford, 2013), 3.47–8 (comment on Fabius Pictor 31 [Gell. 5.4.1–5]) remain undecided. O. Leuze, *Die römische Jahrzahlun. Ein Versuch, ihre geschichtliche Entwicklung zu ermitteln* (Tübingen, 1909), 47–55 argued, mainly on the basis of this fragment, that Fabius was Diodorus' source, but see Werner (this note), 123 n. 1.

Or is it? Strictly speaking, Diodorus' two references to anarchy in Rome, not only 15.75.1 but also 15.61.1 (369/368, Varronian 377), are not parts of the narrative but of the formula with which he starts describing events of successive years: ἐπ' ἄρχοντος δ' Ἀθήνησι or the like plus a given year's archon's name, followed by ἐν Ῥώμῃ or similarly plus the names of that year's consuls or consular tribunes; in other words, they are yearly eponymic dates. For 369/368 the formula is more developed, because Diodorus first notes that the year started without magistrates, gives the reason of contention, mentions the στάσις and the subsequent ἀναρχία, and only then records the election of consular tribunes, the year's eponyms⁴. Then, after 368/367 (Varronian 376), under 367/366 there is our notice: κατὰ μὲν τὴν Ῥώμην ἀναρχία διὰ τινος πολιτικᾶς στάσεως ἐγένετο. Which Varronian year it stands for is, however, anybody's guess, for though in the subsequent year (366/365) the dating formula returns to normal (15.76.1), it enumerates the tribunes of 370. One thing is certain: this single year is Diodorus' counterpart of the five years of *solitudo magistratuum* in Livy (Varronian 375–371). The question is what happened to the remaining four?

We know the now prevailing answer to this: these four years are as non-existent as the dictator years, with the inescapable gloomy corollary that Polybius' synchronism is wrong, so that, for example, the sack of Rome, if datable at all, should be dated to 383/382 rather than to 387/386. To the equally inescapable question of how so great a mistake could have been made one might retort that, if Roman intellectuals were able to concoct such a monstrosity as the dictator years, their capacity to blunder and invent was unlimited. This, though, does not quite settle the problem, for it was a Greek who recorded the synchronism which in our sources goes together with the five/four-year-long anarchy. But the real objection is the above-mentioned fact that Diodorus—unlike Livy's *aeque solitudo magistratuum* ... *per quinquennium urbem tenuit*, and Zonaras'/Cassius Dio's ἐπὶ τέσσαρσιν ἔτεσιν ἀναρχίαν γενέσθαι τῷ δήμῳ—does not say how long the anarchy lasted; he only dates one year with a record of its occurrence.

Now, this date is but a consequence of a chronological error, one of the many Diodorus committed, though greater than most (see Table at the end of this Note). In Books 13 and 14, embracing the period ending with the Peace of Antalkidas and the destruction of Rhegion, he uses Polybius' synchronism of the Greek and Roman chronology in which the Gauls sacked Rome in the same Athenian year 387/386; and this gives a difference of three/four years to the Varronian chronology. Yet, whereas in that year (Varronian 390) the difference still has this length (14.110.1), in the next (Varronian 389), described already in Book 15 (15.2.1), it grows to eight/nine years, because at the year's beginning the author lists for the second time the consular tribunes of the Varronian year 394 (first enumerated in 14.97.1) and keeps this 'synchronism', starting with repeating in the subsequent yearly dates the colleges of 393–390,⁵ up to the aforementioned year 376, Athenian 368/367. Then, after reporting the anarchy, he almost returns to Polybius' synchronism, this time calibrated to four/five years of difference, with a jump forward to the Varronian year 370, Athenian 366/365.⁶ It is in this

⁴ ἐπ' ἄρχοντος δ' Ἀθήνησι Λυσιστράτου, παρὰ Ῥωμαίοις ἐγένετο στάσις, τῶν μὲν οἰομένων δεῖν ὑπάτους, τῶν δὲ χιλιάρχους αἰρεῖσθαι. ἐπὶ μὲν οὖν τινα χρόνον ἀναρχία τὴν στάσιν ὑπέλαξε, μετὰ δὲ ταῦτα ἔδοξε χιλιάρχους αἰρεῖσθαι ἐξ καὶ κατεστάθησαν ...

⁵ See Degraffi (n. 1), 386–9; T.R.S. Broughton, *The Magistrates of the Roman Republic*, 3 vols. (New York, 1951–2), 1.90–4; Perl (n. 2), 79, 107, 113–14; Werner (n. 3), 174.

⁶ Diod. 15.76.1. 'Almost' because this time he is one year ahead of the Polybian synchronism. He gets fully back on track only with the omission of the last college of consular tribunes, that of 367. See Perl (n. 2), 107–8; Werner (n. 3), 173–7.

Table: Diodorus' yearly dates and their 'Varronian' equivalents (Degrassi [n. 1], 386–97)

Diodorus	Athenian year	'Varronian' year	Diodorus	Athenian year	'Varronian' year
14.97.1	391/390	394	15.25.1	378/377	386
14.99.1	390/389	393	15.28.1	377/376	385
14.103.1	389/388	392	15.36.1	376/375	384
14.107.1	388/387	391	15.38.1	375/374	383
14.110.1	387/386	390 sack of Rome	15.41.1	374/373	382
15.2.1	386/385	394	15.48.1	373/372	381
15.8.1	385/384	393	15.50.1	372/371	380
15.14.1	384/383	392	15.51.1	371/370	379
15.15.1	383/382	391	15.57.1	370/369	378
15.20.1	382/381	390	15.61.1	369/368	377
15.22.1	381/380	389	15.71.1	368/367	376
15.23.1	380/379	388	15.75.1	367/366	ἀναρχία (375–371)
15.24.1	379/378	387	15.76.1	366/365	370

chronological doublet and the resulting five-year-backward shift of the Roman chronology that the four missing years of Livy's *solitudo magistratuum* were lost.

Naturally, one may speculate what brought this doublet about. Andrew Drummond believes that we have to do with a manipulation: '... although he appears to accept the Greek synchronism which located the Gallic Sack in Ol. 98.2 (387/6 B.C.), his list of consuls has been ... blatantly manipulated to fit it'⁷. But why should Diodorus, always clumsy in chronological matters and basically uninterested in the early fourth-century Rome,⁸ 'manipulate' the Roman chronology of Book 15 backwards, starting almost from the book's end (in our editions from Chapter 75 of the book's ninety five)? Just to make the year of the Roman ἀναρχία—to him plainly the same date as any—fall at the chronologically accurate (more or less) place at the price of an unbelievable mess in the preceding fourteen years? The only reasonable explanation for doubling the colleges of 394–390 is an accidental skip back on the list of (for a Greek) constantly recurring similar exotic names, made at the book's beginning.⁹

If so, then the view that Diodorus preserved a tradition which limited the *solitudo magistratuum* to one year is groundless. To the contrary, the fact that he was able to make a sudden jump ahead from 376 minus one to 370 suggests—nay, indicates—that in the source, or sources, he followed there were several years with no eponyms. We read about one of these unnamed years in Pliny the Elder's note about the temple of

⁷ Drummond (n. 3 [1989²]), 626; in Drummond (n. 3 [1978]), 568 n. 113 it was described as 'perhaps an error of Diodorus himself'. Werner (n. 3), 174 limits himself to stating that 'durch den sonst unüblichen diodorischen Ansatz der Anarchie kommen aber vier Jahre in Wegfall'; see also Werner (n. 3), 213–14.

⁸ Apart from listing colleges of magistrates, he sporadically refers to Roman matters in usually one-sentence mentions; even the capture of Veii is so treated, the somewhat greater length of the episode (14.93.2–5) resulting from a detailed description of the vicissitudes of a golden bowl which after the victory the Romans dedicated to Apollo and sent to Delphi. The only exception is the Gallic catastrophe, described at length in 14.113–17.

⁹ Perl (n. 2), *passim* (especially 151–61) shows that Diodorus' *fasti* were compiled from a separate list of magistrates, not from his narrative source (or sources).

Iuno Lucina, *anno, qui fuit sine magistratibus, CCCLXXIX urbis ... condita* ('founded in the year which was without magistrates, the City's three hundred seventy ninth' [Varronian 375], *HN* 16.235). But in an eponymic system of chronology the years *sine magistratibus* in a certain sense could not exist: for example the chronograph of 354, in his list of the consuls from 509 B.C. to A.D. 354 representing the 'official' Roman chronology which included both the dictator years and the five-year-long *solitudo magistratuum*, in order to account for the latter was obliged to put in five fictitious pairs of eponyms (Degrassi [n. 1], 396–7).¹⁰ To Diodorus they offered space to correct his Roman chronology (Perl [n. 2], 113).

All this leads to another, more general conclusion: on the evidence of our sources the ancients agreed that the anarchy caused by the conflict over the Licinio-Sextian *rogatio* lasted several years (four? five?). Of course, they may have been wrong about it, just as they may have been wrong about the pan-Mediterranean synchronism recorded by Polybius and everything concerning the Early Republic. But modern scholars who reject these claims can base their rejection on nothing but their inability to imagine how it was possible.

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PENELOPE THE *HETaira*: ODYSSEAN INNUENDO IN STRABO'S ACCOUNT OF CORINTH (*GEOGRAPHY* 8.6.20)

ABSTRACT

Following Janko's suggestion that two trimeters cited at Strabo, Geography 8.6.20 form a couplet from an unknown, possibly Aristophanic comedy, this note explores the resonance and meaning of the third citation contained in the same chapter of the geographer's work. It proposes that this third citation, which relates to a Corinthian hetaira's work at the loom and is possibly from either the same or a different comedy, contains a joke hinting at the Odyssey and alternative traditions regarding Penelope's chastity. This Odyssean echo thematically connects this citation to the comic trimeters, which also contain clear allusions to the Odyssey.

Keywords: Penelope; *Odyssey*; comedy; Aristophanes; Strabo; Corinth

In Strabo's description of Corinth (*Geography* 8.6.20–3) we find three anonymous citations about the city's famed prosperity. The first relates to Corinth's appeal to merchants as a means of avoiding travelling around Cape Malea, a treacherous sailing route (8.6.20):

¹⁰ On the unique collection of chronological texts and lists compiled in Rome in A.D. 354 (hence the name Theodor Mommsen gave it: *Chronographus anni CCCLIII*), see now R.W. Burgess, 'The chronograph of 354: its manuscripts, contents, and history', *JLA* 5 (2012), 345–96; J. Rüpke, 'Roles and individuality in the chronograph of 354', in É. Rebillard and J. Rüpke (edd.), *Group Identity and Religious Individuality in Late Antiquity* (Washington, DC, 2015), 247–69.