Distortions in the Historical Record Concerning Ager Publicus, Leges Agrariae, and the Gracchi

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Distortions in the Historical Record Concerning *Ager Publicus, Leges Agrariae*, and the Gracchi

Maria Jeffrey

**Introduction:**

Scholarship on the Gracchi is largely based on the accounts of Plutarch and Appian, historians who were far removed temporally from the Gracchi themselves. It is not known from which sources Plutarch and Appian derive their accounts, which presents problems for the modern historian aiming to determine historical fact. The ancient sources do not equip the modern historian to make many definitive claims about the Gracchan agrarian reform, much less about the motives of the Gracchi themselves. Looking to tales of earlier agrarian reform through other literary sources as well as exploring the types of land in question and the nature of the agrarian crisis through secondary sources also yields ambiguous results. Therefore, the safest assertions about the Gracchan reforms are determined by finding aspects of the story where Plutarch and Appian are in agreement and that are essential to the narrative. Sifting through their accounts, the modern historian is left with the following outline: there was a crisis of landless people that precipitated agrarian reform and Tiberius Gracchus’ *lex Sempronia agraria* actually passed in the second century BC—a rare victory in the history of agrarian reform. As a result, Tiberius was assassinated in the first fatal outbreak of civil strife since the beginning of the Republic. His younger brother Gaius proposed several laws, not just concerning agrarian reform, but was also assassinated.

In this thesis, I examine some tales of the earliest *leges agrariae* as reported by Livy and Dionysus because the motifs they employ in telling these stories are seen in the Gracchan tales as well. In addition, no discussion of the Gracchi is complete without some consideration of what
kind of land they aimed to redistribute and who would benefit. Plutarch and Appian do not go into detail about *ager publicus* or previous *leges agrariae* and secondary scholars might unconsciously ignore them in turn. Therefore, I examine *ager publicus* and *leges agrariae* for a fuller understanding of the importance of the Gracchan reforms in a broader historical context, and contend that there is as much ambiguity surrounding *ager publicus* and *leges agrariae* in other sources as there is in Plutarch and Appian’s account of the Gracchan reforms. Some modern scholarship concerning *ager publicus* and the Gracchi has tried to determine what can be taken as historically credible; I propose very little can claimed definitively, except that the Roman state designated land as belonging to the state, from the very early Republic the existence of such land caused political problems, and that the Gracchan agrarian legislation was monumental because it was passed and public land was distributed.

**The Gracchi:**

The Gracchi *gens* rose to prominence about 100 years before Tiberius held the tribunate in 133 when his great-grandfather Tiberius Sempronius Gracchus conquered Sardinia and became consul.¹ Tiberius and Gaius' father, Tiberius Sempronius Gracchus, had an impressive career. According to *TG* 1.1, he held the consulship twice in addition to two triumphs after conquering Sardinia and Spain, and became a censor as well as an augur.² Despite these political accomplishments, Plutarch writes that he "derived his more illustrious dignity from his virtue"(*TG* 1.1).

The Gracchi were technically plebians, a requirement for the tribunate, but were far from

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² Stockton, 22.
poor. Known for the eloquence of her prose,\(^3\) Cornelia secured the Greek tutors Diophanes and Blossius for her sons, and Plutarch TG 8.4 credits them with influencing Tiberius politically, stating that the tribune was urged to champion agrarian reform "as most writers say, by Diophanes the rhetorician and Blossius the philosopher….But some put part of the blame on Cornelia…who often reproached her sons because the Romans still called her the mother-in-law of Scipio, but not yet the mother of the Gracchi."

**Chapter One: 5th Century Leges Agrariae According to Livy and Dionysus**

This chapter will focus on two attempts at agrarian reform in the 5th century, as Livy and Dionysus report them. While manifestly benign, they are important to be aware of because of the patterns they present; the same patterns are seen in Plutarch and Appian’s account of the Gracchan saga, and enhance the idea that these ancient historians might have looked to formulaic plots in order to fill in source gaps consciously or unconsciously. The pattern, on a basic level, is this: one man, usually a tribune, decides to propose an agrarian law to redistribute public land usually motivated by noble pretensions; the rich, because the land they possess is threatened by the proposed law, corrupt a colleague of the tribune to obstruct the measure. Becoming desperate, the proposer may make a rash statement for which he is accused of aiming for monarchial power, and as a result he is killed or executed. I will examine two stories of early agrarian reform, that of Spurius Cassius in 485 and the tribune Icilius in 482.

Livy attributes the first agrarian legislation to the consul Spurius Cassius,\(^4\) and the story of Cassius' agrarian reform mirrors the Gracchan story in several ways. As Livy explains in

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\(^3\) Dixon, 2.

Book 2.41.1-7, when the Romans signed a truce with the Hernici, and as was the custom two-thirds of their land was confiscated. Cassius proposed to divide public land among the Latin and plebian citizens that was being illegally occupied. Many senators were upset at Cassius' proposal because they were occupying *ager publicus*, and they did not want to extend any benefits to non-citizens; in their disapproval they had an ally in Cassius' colleague Proculus Verginius, who was also consul that year and took up the cause of the rich against Cassius. In his speeches against the measure, Verginius remarked that by giving people land they were entrenching them in servitude, and that this was the path to monarchy. He also suggested that there could be no other reason for Cassius to want to please the plebians and Latins than for a desire for these tribes to make him their captain in war (2.41.1-7). Cassius' attempt at agrarian legislation failed, and he was tried for treason and executed. Thus Livy declares, "then the first agrarian law having been proclaimed, never afterward to this memory without agitating the greatest disturbances of affairs." After Cassius' death, Livy states that the plebians still favored an agrarian reform, which the tribunes were partial to as well. The position of the senate against such a reform remained the same.

Dionysus paints a more interesting picture of Cassius, his dealings with the Hernici, and his relationship to the senate. Beginning his narrative of Cassius prior to his agrarian legislation in Book 8.67.10-68.2, Dionysus writes that as consul, Cassius was in charge of the military expedition against the Hernici and the Volscians. When he subdued the Hernici, he sent them a truce deal which they accepted, but he had not presented the deal to the senate for approval, angering that body. Afterwards, he came to Rome and hubristically accepted his triumph, and

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"now conducted himself in a more pompous manner and conceived a desire for monarchial power." Dionysus continues by saying that if Cassius had only proposed to distribute *ager publicus* that had been usurped by the rich, his endeavor might have been successful; because he wanted to include Hernici whom he claims had just been made citizens, and the Latins, that the measure was stalled (8.69.3-70.2). Dionysus claims that Cassius' motive was to secure the support of the Hernici to himself. While this is just one example of an individual who champions agrarian reform being labeled as pompous and desiring monarchial power, the stigma is at some point leveled at most of the proposers of agrarian reform--including the Gracchi. Like Cassius, Tiberius angered the senate by negotiating a treaty with the Numantines, and may have wanted to include the Italians as beneficiaries of the *lex Sempronia agraria*, as his brother wanted.

Indeed, the question of whether the Italian allies should be beneficiaries of land distribution abounds in tales of agrarian reform. In Cassius' case, Dionysus agrees with Livy that Verginius opposed the agrarian legislation because it included non-citizens, but Dionysus adds that a tribune named Gaius Rabuleis mediated the dispute between the consuls. When Rabuleis determined that the only problem Verginius had with the law was that it named non-citizens as beneficiaries, he successfully proposed that the provision be taken out. Cassius panicked, dismissed the assembly, and petitioned the Hernici and the Latins to come to Rome and vote for the measure, instigating another dispute with Verginius (8.72.3-73.1). Adding the Italian allies as beneficiaries seems to have been a political move for Cassius, a way to gain popularity with that group. How the *lex Sempronia agraria* dealt with the Italian allies cannot be known, but according to Appian *BC23.13* Gaius Gracchus wanted the enfranchisement and inclusion of Italian allies as beneficiaries of land distribution which might have influenced voting blocks.

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Livy notes in 2.42.1-6 that anger towards Cassius dissipated soon after he died, and that "the inherent attractiveness of the agrarian legislation appealed to them [the populi] on its own account, when its author had been removed, and their desire for it was enhanced by the meanness of the Fathers..." After failed attempts in 484 and 483, the rise and demise of the tribune Icilius echoes the fate of the Gracchi as Cassius' had. Dionysus recounts that Icilius in assembling the populace every day, demanded of the senate the performance of its promises relating to the allotment of land and said that he would allow none of their decrees...to take effect unless they should first appoint the decemvirs to fix the boundaries of public land and divide it among the people as they had promised (9.1.2-4).

Unnerved, the senate did not know how to respond to Icilius' threats, so Appius Claudius persuaded that body to commandeer the other tribunes to dissent from Icilius, stating that there was no other way to stop a tribune's efforts other than through his other tribunes because "his person is sacred and this authority of his legal...[and that] the only method of destroying the power of their college was to sow dissension among its members" (9.1.4-2.2).

According to Dionysus, the senate persuaded four tribunes to oppose Icilius, who in turn tried to dissuade Icilius from insisting on agrarian reform (9.1.4-2.2). This development, however, was only part of the Icilian downfall, for Icilius manifested the fatal flaw that often infects agrarian reform enthusiasts--he resorted to demagoguery. Responding to the colleagues who betrayed him, Icilius (9.1.4-2.2):

kept opposing them and swore that he would continue to do so, and had the assurance to make a rather insolent remark in the presence of the populace to the effect that he had rather see the Tyrrenians and their other enemies masters of the city than leave unpunished those who were occupying the public land, they [the opposing tribunes] thought they had got an excellent opportunity for opposing so great insolence both by their words and by their acts, and since even the populace showed displeasure at his remark, they said they interposed their veto...

translations from Dionysus in this chapter are of Cary's translation of Roman Antiquities.
The stories of Cassius and Icilius read like a truncated versions Plutarch's *Life of Tiberius Gracchus* and *Life of Gaius Gracchus*, and while not every story of early agrarian reform can be re-told here, for the purposes of this thesis the two recounted above suffice to show the patterns such stories take. Whether these patterns are adapted by Livy, Dionysus, Plutarch and Appian perhaps to fill the gaps in the available sources, or whether these patterns are indicative of what really happened, is open for debate. Therefore, these tales do not equip the modern historian with enough reliable details for making judgments on the merits or demerits of Gracchan reform, which prompts some to approach the Gracchan reforms through other lenses, such as the legal nature of public land in the Republic.

**Chapter Two: The Nature and Ambiguity of Ager Publicus, the Urban Crisis, and Census Disparities**

*Ager Publicus:*

Any excursus on the agrarian reforms of the Gracchi must include an explanation of the crisis that caused the need for reform. Until the latter half of the last century, scholarship tended to adopt the conclusions Livy, Dionysus, Plutarch and Appian came to regarding agrarian reforms, namely that after the Punic wars, Rome acquired much *ager publicus* and slaves. There were three Punic wars in which Rome fought with the Carthaginians, starting with the first war in 264 B.C.\(^7\) to when the final war concluded in 146. At the beginning of the wars, Carthage controlled most of Northern Africa, parts of Spain, Sardinia, and Corsica. Rome won the first war and assumed Sicily as its first province.\(^8\) Hannibal started the second war in 219 when he attacked Saguntum, Rome’s Spanish ally. Hannibal showed considerable strategy and daring

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\(^7\) All dates will be B.C. unless otherwise noted.  
when he invaded Italy across the Apennines and the Alps in 217 and continued on to take Etruria, Apulia, Samnium, Campania, and Cannae. When he assumed Cannae southern Italy defected as well, whereas central Italy and all of the Latin colonies remained loyal to Rome. In 202 Hannibal was defeated in Zama, but the state of land on the Italian peninsula was in flux because of the uncertainty caused by these wars. With the accumulation of land by the Roman state, it has been believed that the state began leasing large tracts of *ager publicus* to those that could farm it adequately, giving rise to large states called *latifundia*. The rich landowners used slaves rather than freedmen to farm their land, leaving peasants landless and unable to find work; these peasants flocked to Rome, and still unable to find work, became a worrisome addition to the capital city that did not have the economy to support them with jobs. The origins of this “traditional” view can be attributed to Appian and Plutarch, for as the latter states in *TG* 8.1-3:

> Of the territory which the Romans won in war from their neighbors, a part they sold, and a part they made common land, and assigned it for the occupation to the poor and indigent among the citizens, on payment of a small rent into the public treasury….but later on the neighboring rich men, by means of fictitious personages, transferred these rentals to themselves and finally held most of the land openly in their own names. Then the poor, who had been ejected from their land, no longer showed themselves eager for military service, and neglected the bringing up of children, so that soon all Italy was conscious of a dearth of freemen…

This was the problem the Gracchi brothers were responding to, or so it has been thought.

The speeches of the Gracchi no longer exist and the laws they proposed are either lost or are in fragments. Most of the information available on the Gracchan agrarian reforms comes

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10 *Latifundia* is taken to mean large estate or farm. I have only seen the word applied in conjunction with *ager publicus*; Plutarch, Appian, and Dionysus never use it, writing in Greek, and neither does Livy in Latin—it is an fixture of later legal nomenclature.

from Plutarch, writing in the late first century A.D., and Appian, writing in the second century A.D., far removed temporally from the Gracchi themselves. Both like the Gracchi and praise their reforms and motives. However, recent archeological evidence and skepticism about the biases of Plutarch and Appian have prompted some scholars in the past thirty years to re-evaluate what caused the crisis to which the Gracchi were responding; to do this, the nature of ager publicus has to be revisited, including where it was and how it was distributed.

During the Second Punic War the Roman state sold land in order to raise money quickly, but as a common practice not all of acquired land was sold because it would then be in full control of those who bought it. Therefore, it seems that much land was kept by the state as ager publicus. It is debated whether ager publicus was supposed to be held by the state for the long term, or whether most of it was given away or leased quickly after it was confiscated. Ager publicus was used in four contexts: for founding colonies, for gifts to certain Roman citizens, for selling, and for leasing. Within the umbrella of ager publicus, there were several types, namely: ager censorius, ager quaestorius, ager in trientabulis, and ager occupatorius. These types were fixtures of third century legal thought, and trying to trace their history back before they were identified as types can be difficult because the categories developed over time and

12 One such scholar, Saskia Roselaar, has delved into the historical and legal nature of ager publicus more than anyone else. She has written three important works on the subject from which I will reference in this chapter. Her work in the field is new, as she defended her dissertation in 2009. The ripple effect of her conclusions have yet to be seen in the pool of research on leges agrariae and the Gracchi.
13 Saskia Roselaar, Public Land and the Roman Republic: A Social and Economic History of Ager Publicus in Italy (New York, Oxford University Press, 2010), 127. Roselaar points out that there are no consistent records regarding how much conquered land was confiscated.
17 Roselaar, Public Land, 12, that none of the categories of ager publicus under discussion appear in ancient sources until the Empire, in the document Agrimensores, which concerned the distribution and surveying on land; other historians who mention the categories of ager publicus are Frontinus, Hyginus, and Siculus Flaccus, all writing during the Empire.
19 Roselaar, Public Land, 133.
were not as static in the second century BC as they were in the third century AD. *Ager censorius* referred exclusively to land in Ager Campanus;\(^{20}\) it is debated whether it was leased or sold through the censors, from which it acquired its name *ager censorius*.\(^ {21}\) The occupiers of *ager censorius* were referred to as *redemptores*, meaning “buyers,” but the *Lex agraria* of 111 uses the word *locare* to refer to *ager censorius*, which indicates that the land was leased, not sold.\(^ {22}\) However, Roselaar points out that *vendere* would be better suited to indicate a lease in the early Republic, so it could be that the use of *locare* meant the land was actually sold. In addition, *ager censorius*, before the solidification of the term in the Empire, could appear in documents by other names—Roselaar determines this by examining Republican legal documents that mention public land in Ager Campanus by other names than *ager censorius*. For example, in section 1.28 of the *Lex Agraria* of 111 some public land is referred to as *ager patritus*, which Roselaar argues might be in Ager Campanus considering that the Ager Campanus is mentioned by name in the *Lex agraria* of 111 and *ager patritus* is an anomaly.\(^ {23}\) The ambiguities surrounding *ager censorius* cannot be resolved. Indeed, while all *ager censorius* might have been in the Ager Campanus, this does not necessarily mean that all land in the Ager Campanus was *ager censorius*.

During the empire *ager quaestorius* was sold by the quaestors at auctions, according to the *Agrimensorum*.\(^ {24}\) Roselaar notes that the purchasers of *ager quaestorius* were probably wealthy, considering plots of 50 *iugera* each were sold at market rates at these auctions, and the poor would not have been able to purchase much land.\(^ {25}\) The auction arrangement would have

\(^{20}\) Roselaar, *Public Land*, 133.
\(^{22}\) Roselaar, *Public Land*, 128-129.
\(^{23}\) Roselaar, *Public Land*, 132.
\(^{24}\) Roselaar, *Public Land*, 121.
benefitted the rich because they could easily acquire more land, and would have benefitted the state with the profits accrued by sale. However, this is how *ager quaestorius* was distributed in the empire. To retrace how it was distributed in the Republic is difficult because the sources are scant. Siculus Flaccus refers to the stones that marked the limits of *ager quastorius* in the Republic, but even he is unsure about whether the land was owned or merely occupied.

According to Livy (31.13.6-9), *ager in trientabulis* was invented after the Second Punic War in which many citizens gave their valuables to the state so that the war could be financed; the donations were to be repaid in three installments, but the state was insolvent by the time of the second installment. Therefore, public lands up for sale in a 50 mile radius around Rome were given in lieu of cash, with the idea that when the state's wealth was restored the cash would be substituted for land. Thus, the portion of *ager publicus* transferred in this transaction was labeled *trientabulis* because it took care of 1/3 of the state's debt. Finally, *ager occupatorius* was the portion of *ager publicus* that had not been carefully recorded and over time the people who were living on it came to consider it theirs.

*Ager occupatorius* is the most important type of *ager publicus* to analyze for the purposes of understanding the history of *leges agrariae* and the Gracchan reforms. It is likely that when the Roman state first began expanding in Italy, and in the beginning of the Republic, all *ager publicus* was *ager occupatorius*, available for Romans and Italians to use without a title claim to it because the state had no immediate need for it. This is similar to *res nullius*, or “no one’s thing,” but Roselaar makes the distinction that the concept of *usucapio*, or "to acquire ownership

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31 Roselaar, *Public Land*, 89.
of a thing due to uninterrupted possession” made the occupier the legal owner of the land. The concept of *res nullius* does not appear until later legal theory, but neither does *ager occupatorius*. The difference is that *ager occupatorius* belonged to someone—the state—and therefore could never legally be owned by anyone else through *usucapio* or *occupatio*. However, it is unclear how someone, especially in the early days of the republic, could have known the distinction between *res nullius* and *ager publicus*. The distinction would have been harder to make up until 270, when the state was still capturing land in the Italian peninsula, and even considering the chaos of the early Republic with the Punic wars, just how much land that could qualify as *res nullius*, or land having been left or that no individual made some claim to, is difficult to imagine.

The ambiguity of *ager occupatorius* as *ager publicus* in the early days of the Republic is confirmed by Appian *BC 1.7*:  

The Romans, as they had subdued the Italian peoples successively in war, used to seize a part of their lands and build towns there, or enroll colonists of their own to occupy those already existing, and their idea was to use these outposts; but of the land acquired by war they assigned the cultivated part forthwith to the colonists, or sold or leased it. Since they had no leisure as yet to allot the part which then lay desolated by war (this was generally the greater part), they made the proclamation that in the meantime those who were willing to work it might do so for a toll of the yearly crops....they did these things in order to multiply the Italian race...so that they might have plenty of allies at home.

This passage illustrates the origin and use of *ager publicus*, but lacks clarity in some areas. The translator, Horace White, makes a note at the bottom of the page that "Appian is neither clear or convincing here," with regard to colonies, and that "he seems to confuse war-

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32 Roselaar, *Public Land*, 89.
33 Roselaar, *Public Land*, 12, referencing the Agrimensores.
34 Roselaar, *Public Land*, 95.
colonies and peace-colonies, those founded as 'propugnacula' and those which grew up on conquered territory. Appian also presents a contradiction: if the state did not have time to distribute the land, how could the state have set up a system for collecting vectigalia? (BC 1.1.7). Indeed, it would have been more work to determine how much ager publicus an individual was cultivating and what they owed the state, than to just distribute the land in the first place (BC 1.1.7). As Appian states in BC 1.7, the individual would owe the state part of their crops, as well as "a tenth of the grain and a fifth of the fruit. From those who kept flocks was required a toll of the animals, both oxen and small cattle. He does not mention how these tolls would have been accounted for, so it might be that they were never accounted for. In trying to explain Appian's paradox, Roselaar notes that in BC 1.10, it is not that the rich possedores of ager publicus were upset at Gracchan reforms because they had been paying a rent on the land and felt entitled to it, but because they had occupied the land for a long period of time. Indeed, the exact passage she refers to is directly after Appian's first mention of Tiberius Gracchus and his lex Sempronia agraria, where he presents the reasons for the indignation of the rich at the proposal (BC 1.1.10):

Some said that they had paid the price of the land to their neighbors. Were they to lose the money with the land? Others said that the graves of their ancestors were in the ground, which had been allotted to them in the division of their father's estates. Others said that their wives' dowries had been expended on the estates, or that the land had been given to their own daughters as dowry. Money-lenders could show loans made on this security.

However, while Roselaar is right in that Appian does indicate that the rich were angry because they were going to be displaced from land they had occupied for a long time, she neglects

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38 This term is used for those people who did not have a proper title to the land they were occupying; it is synonymous with the “rich” that Plutarch and Appian say usurped land from the poor.
Appian's first sentence in BC 1.1.10, that Tiberius' *lex Sempronia agraria* was aggravating to the rich because "they could no longer disregard the law as they had done before." Again he is making reference to a law that one can assume is the "proclamation" in BC 1.1.7. Whatever the case, the record is not clear and BC 1.1.7 is a root in the problem of ambiguity concerning *ager publicus*.

The location of the different types of *ager publicus* is important to know as well. Roselaar argues that most *ager publicus*, and most *ager occupatorius* was not located in central Italy but on the outskirts, far away from Rome. *Ager quaestorius* and *ager in trientabulis* were more centrally located than *ager occupatorius*, and because they were expensive to purchase, only the wealthy acquired these types of *ager publicus*. The Gracchan agrarian laws were concerned with injustices in the distribution of *ager occupatorius*, given that there was little they could do about land that had been rightfully purchased and that amounted to a small portion of the overall amount of *ager publicus*. As *ager occupatorius* was in the outskirts of Italy, there was no opportunity for a small group of rich usurping the land of the poor in central Italy.

Roselaar's account is also in accordance with the archeological findings of the British School of Rome in Southern Etruria, whose aerial shots and ground findings indicate that the landscape shows tracts of many small farms, not the large *latifundia* previously thought to have consumed the land. The aerial shots show many plots of ten *iugera* around Luceria in Apulia, and the field work in Veii, Sutrium, and Capena support these aerial findings. Archeologists at

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40 Roselaar “Regional Variations, 582.
41 Roselaar, “Regional Variations, 582.
42 Roselaar, “Regional Variations,” 583.
44 Scullard, 375, footnote 20.
Wesleyan University have also found similar evidence of small farms in Cosa.\textsuperscript{45} While there is more evidence of small plots than vast estates, this does not exclude the possibility that rich farmers assumed many small plots; it is not clear how land already divided and assumed into a larger estate later would be distinguished from another’s claim when no one has a title to the land. Thus, the idea that the wealthy were displacing small farmers on poorly managed \textit{ager publicus}, and that the Gracchi were looking to redistribute \textit{ager publicus} as a whole might be simplistic. However, there must have been some impetus for the Gracchan reforms; the nature of the crisis is up for debate, whether it was an urban crisis and what might have caused it, or whether it was an \textit{assidui} crisis, a shortage in the amount of men who met the minimum property requirement to serve in the military.

The traditional view, as presented by Scullard, is that the urban crisis was created by the displacement of poor farmers who could not even find wage work because the influx of slaves after the Hannibalic wars were used by wealthy landowners on their \textit{latifundia}. The jobless then migrated to Rome looking for work, which they could not find because there was a surplus of labor. Those opposed to the idea that there was an urban crisis argue that ancient sources never mention it explicitly.\textsuperscript{46} Berstein notes that the idea of the urban crisis began with Henry Boren, who argues that a building program was set up after the Hannibalic wars; veterans were the primary workers on these projects, who lost their land because they were not farmers in the first place and they had construction jobs.\textsuperscript{47} The loss of their property meant that they no longer qualified as \textit{assidui}, and the economic depression of 130 hurt them enough financially that they

\textsuperscript{45} Rich, 297, footnote 46. Scullard also mentions the findings of the British School in Rome (375 footnote 20), but no one mentions if the land divisions were made in the Republic or Empire. I have tried to obtain the aerial shots that he mentions and the archaeological reports from Wesleyan University but have not been able to get them.


\textsuperscript{47} Berstein, 5.
migrated to Rome and caused an urban crisis.\textsuperscript{48}

There are two ways in which this theory can be called into question. First, Berstein puts forth that the building program was primarily worked by slaves and not free veterans, which means that the veterans would have gone back to their farms.\textsuperscript{49} Second, the property qualification for \textit{assidui} had been lowered during the Hannibalic war and again reduced between the end of the war and the tribunate of Gaius Gracchus.\textsuperscript{50} Rich estimates that the property requirement was between 1.6 and .6 \textit{iugera}, which is enough for a house and garden.\textsuperscript{51} Depending on family size, it might be open to conjecture whether a family could survive on a small plot like this. However, even with peasants losing most of their farmland, as long as they kept their house and the immediate surrounding land they could still qualify as \textit{assidui}. He also argues that an \textit{assidui} crisis is unlikely, as the Romans would not have allowed an artificial manpower crisis to arise because they would not let men who did not own a certain amount of property serve in the military.\textsuperscript{52} The fact that the property requirement was reduced twice indicates that the state was willing to acquiesce in order to avoid a manpower shortage. Indeed, conscription practices in the Roman army evolved over time. In the early Republic the army was a militia that conscripted citizens by formal levy\textsuperscript{53} and could be profitable for the individual soldier privy to spoils. A citizen could be conscripted up to the age of forty-six, and could be expected to serve sixteen years, or even twenty in the event of a national emergency.\textsuperscript{54} Later, by the second century, Rome was engaging in longer and more distant wars, and occupied some areas that required permanent

\textsuperscript{48} Berstein, 5. The term “urban crisis” indicates that the Roman job market would have been flooded, leaving many without a way to support themselves and becoming a drain on the cities’ resources.

\textsuperscript{49} Berstein, 12.

\textsuperscript{50} Rich, 288. The exact date of the second reduction is unknown.

\textsuperscript{51} Rich, 298.

\textsuperscript{52} Rich, 288.


\textsuperscript{54} Astin, 163.
troop presence. More troops were needed for longer tours of duty. Even later the property qualification was annulled and serving in the military became a volunteer career. It is possible that in the evolutionary flux of Roman military development, there was a real crisis in balancing the need for extended terms of service and the number of men able to be conscripted because of the property requirement and need to work the land.

The idea of an *assidui* crisis is also perpetuated by the disparity in census figures between 164, 136, and 125. The problem is this: the population kept increasing until it hit a peak in 164. However, from 164 to 136, there was a decline of 20,000 people. The decline has been to small farmers who displaced off of their land and out of work, stopped marrying and having children, as De Ligt notes, perhaps echoing *TG* 8.1-3. Some attribute the decline not to a real population decrease, but to inefficiencies in the way the census was conducted. There were five classes of citizens, and it has been argued that only those males *sui iuris* mattered because those in *patria potestas* could not own property. Therefore, some argue that the *proletarii* and those in *patria potestas* did not bother being counted in the census and were not concerned with military service because it was no longer as lucrative as it had been. A potential cause for the population decline evident in the census could be attributed and linked to an *assidui* crisis. However, Lo Cascio offers an interesting point: if there was a trend of men losing their *assidui* status, censors could call into question the validity of the claim and could confiscate land for under-valuing

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55 Astin, 163.
56 Astin, 163.
57 Astin, 163.
58 Roselaar, “Regional Variations,” 590.
61 Roselaar, “Regional Variations,” 590.
one's property.\textsuperscript{62} Also, there is no direct evidence that \textit{proletarii} were not registering in the census, especially when their property would have been assessed to ensure that they had not risen to \textit{assidui} status.\textsuperscript{63}

Roselaar attributes the decline in census figures to the Second Punic War being profitable to many, raising the number of \textit{assidui}; in time they became poor and the censors were not as meticulous at counting \textit{proletarii}, for which there was little incentive to register because war was not as profitable as it had been.\textsuperscript{64} A combination of the two theories seems plausible. Scrupulous censors would have wanted to ensure that those claiming to be \textit{proletarii} were not under-valuing their property so that they would not have to pay taxes and serve in the military. However, it is naive to think that all censors did their job with excellence, and therefore it is possible 20,000 people were misreported as \textit{proletarii}, or that the censors were complicit in fraud by just looking away. That a considerable number of censors were inept or that there were not enough of them is the reason why portions of \textit{ager publicus} became \textit{ager occupatorius} in the first place. In addition, no one seems to address emigration as a possible explanation for the decline.

While there is a decline of 20,000 individuals from 164 to 136, there is a sharp increase of 75,000 individuals from 136 to 125. It has been argued that the Gracchan land distributions gave poor farmers land again, and they then could raise a family. It is not known why there was such an increase in eleven years, but the fact that there is casts doubt on a population decline in the years before. However, as Roselaar states,

the traditional view of this period assumes that large tracts of \textit{ager publicus} were occupied by rich farmers who invested the money gained from the expanding empire. In

\textsuperscript{62} Lo Cascio, 260.
\textsuperscript{63} Lo Cascio, 259.
\textsuperscript{64} Roselaar, “Regional Variations,” 590.
this way they are thought to have deprived the small Roman citizen farmer of access to the public land. This is assumed to have caused a decline in the number of Roman citizens: the landless were reluctant to have children because they could not feed them without land (5).65

Thus, traditional views on the nature of the crisis the Gracchi were responding to need to be called into question due to recent archeological evidence, a better understanding of *ager publicus*, and an understanding of how the census was conducted. It is clear that there was a crisis, but considering the sources available, it cannot be known what the nature of the crisis was, or for that matter, what caused it. The first part of this chapter aimed at a clarification of what *ager publicus* was, but a legal and conceptual understanding lies beyond the grasp of modern historians and seems to have eluded the ancient sources as well, given their discrepancies with one another. Thus, the question going forward is: what do these ambiguities mean when studying Roman agrarian reform in general and the Gracchi in particular?

Chapter Three: The Gracchi

Tiberius:

The year of Tiberius' birth is not known; Plutarch notes in *TG* 2.2 that he was "gentle and sedate," as opposed to his "high-strung and vehement" younger brother. A great orator, his style was "agreeable and more conducive to pity," and "pure and elaborated to a nicety" (*TG* 2.3). As soon as he entered adulthood he was invited to become an augur on account of his excellent character already renowned, and Appius Claudius soon secured him as his daughter's husband (*TG* 4.1). After campaigning in Africa with the younger Scipio, now his brother-in-law, he became quaestor (*TG* 4-5). After becoming quaestor he served in Numantia under Caius Mancinus, a consul and the "most unfortunate of the Romans as a general (*TG* 5.1)."

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Recognizing his failure in Numantia, Mancinus attempted to flee but was besieged by the Numantines; when Mancinus sent heralds to settle a truce, the Numantines requested Tiberius, for they "declared that they had confidence in no Roman save only Tiberius" (TG 6.1). As a result of the truce Tiberius negotiated with the Numantines, Plutarch hedges that 20,000 Roman citizens were saved, not including attendants (TG 6.1).

Upon returning to Rome, Plutarch writes that the treaty Tiberius negotiated "was blamed and denounced as a terrible disgrace to the city," even though the 20,000 citizens and their family and friends thanked the quaestor. Like his predecessor Cassius, Tiberius negotiated a treaty without the express permission of the senate and was consequently derided.

The lex Sempronia agraria as reported by Plutarch and Appian:

Tiberius became tribune on December 10th, 134 and in the ensuing year made his case for agrarian reform. As the story is told by Plutarch and Appian, it conforms to the same patterns seen in the two stories outlined in chapter two. First, Pluarch notes that Tiberius' tutors, Blossius and Diophanes urged him to champion agrarian reform as well as his mother Cornelia (TG 8.4). He also relates the story that Gaius wrote and distributed in a pamphlet, that as Tiberius was passing through Tuscany on his way to Numantia, and observed the dearth of inhabitants in the country, and that those who tilled its soil and or tended its flocks there were imported barbarian slaves, he then first conceived the public policy which was the cause of countless ills to the two brothers (TG 8.7).

When, as tribune, he introduced his lex Sempronia agraria and what exactly was in the legislation cannot be ascertained. The law was drafted by Mucius Scaevola the jurist, Crassus the pontifex maximus, and Appius Claudius, Tiberius' father-in-law who would later serve on the commission to oversee the redistribution (TG 9.1). Plutarch briefly summarizes the law, claiming it to be a gentle law for a grave injustice, for it would only order possessores to relinquish their
illegally held land after being financially compensated for it by the Roman state, and that the land would be given to those *citizens* (emphasis mine) who needed it (*TG* 9.2). Appian gives more information about the contents of the law and the concerns that generated it, stating in 1.1.9:

> He [Tiberius] inveighed against the multitude of slaves as useless in war and never faithful to their masters….he brought forward the law, providing that nobody should hold more than 500 *iugera* of the public domain. But he added a provision to the former law, that the sons of the present occupiers might each hold one-half that amount, and that the remainder should be divided among the poor by the triumvirs, who should be changed annually.

It is here in his narrative that Appian presents the arguments made against this legislation by the rich in *BC* 1.1.10--"some said they had paid the price of the land to their neighbors. Were they to lose the money with the land….money lenders could show loans made on this security;" and in turn, the arguments made against the rich in favor of this legislation by the poor--they were "robbed of their share of the common property" along with losing jobs to slaves. Plutarch just explains why the rich were affronted by the law, for "the men of wealth and substance…were led by their greed to hate the law, and by their wrath and contentiousness to hate the law-giver" (*TG* 9.3).

Plutarch notes that Tiberius soon discarded this bill for a stricter one, taking out the provision for compensating *possessores* for the land they ceded to the state, after a speech in support for his law, "the product of a lofty spirit and genuine feeling" failed to pique the generosity of the tribune Marcus Octavius, who vetoed it (*TG* 9.5-10.1). Appian does not mention the second law, but both he and Plutarch are in agreement that the one opponent with any power to stop Tiberius was Octavius, and that the two debated each other with vigor (*TG* 10.4, *BC* 1.1.12). Only Plutarch mentions that when Tiberius realized the motivating factor
behind Octavius' opposition was due to the fact that Octavius would have lost much land at the passing of this law, he (Tiberius) offered to compensate Octavius from the funds in own pocket "although these were not splendid" (TG 10.4). Plutarch portrays this scene as one demonstrative of Tiberius' generosity, but it can be taken as insulting. If Octavius were to accept Tiberius' offer, he would be branded by the voters as selfish, for he was compensated while no one else was. He would also have been alienated by his fellow possessores in the senate. Tiberius, by offering to compensate Octavius, is acting on the inference that Octavius is opposed to the bill because of personal greed, not on the principle of the matter. Indeed, after this parley, Tiberius made a series of audacious moves (TG 10.6-7):

[he] issued an edict forbidding all the other magistrates to transact any public business….he also put his private seal upon the temple of Saturn, in order that the quaestors might not take any money from the treasury or pay any into it, and he made proclamation that a penalty would be imposed upon such praetors as disobeyed…

At this juncture, the rich property owners devised a plan to assassinate Tiberius. Appian makes no mention of this series of actions, but rather states that after Octavius was deposed, Quintus Mummius[^66] was assumed as his replacement and the law was enacted without issue (BC 1.1.13). This neglect seems important on Appian's part, and the modern reader is at a disadvantage to make a judgment about the course of real events because he is not privy to the sources either Plutarch or Appian were using. If Appian dismissed these events as vilipend, it would be worth asking why Plutarch inserts them and for what purpose, considering his account of Tiberius is more often than not, flattering. Whatever the case, Appian transitions to the assassination attempt by claiming that those who lost property warned that Tiberius should fear for his life once he became a private citizen again (BC 1.1.13).

[^66]: Plutarch holds TG 13.2 that a man named Mucius, a client of Tiberius, replaced Octavius.
With Octavius being the sole hindrance to the measure being brought to a vote, Tiberius "resorted to a measure which was illegal and unseemly, the ejection of Octavius from office; but [emphasis mine] he was unable in any other way to bring his law to the vote" (TG 11.3). While Plutarch admits the measure was illegal and unfortunate, he writes that Tiberius begged Octavius again to capitulate and offered to put to the vote the bill first, then Octavius' deposition--Octavius refused (TG 11.3-4). However, after Octavius was deposed, Tiberius "ordered one of his freedmen to drag Octavius from the rostra" (TG 12.4). Again, on these occurrences Appian is silent, and focuses rather on Tiberius trying to procure an illegal second tribunate in order to spare his life (BC 1.2.14). Plutarch does not mention that Tiberius aimed for a second tribunate (also to spare his life) until TG 16, after the even the multitude was displeased with his actions against Octavius. The similarity between the two accounts lie in the fact that both admit Tiberius aimed at doing something illegal, if only for a good cause: to secure the safety of his life in Appian's account, and to depose his colleague in order to secure the passage of his law in Plutarch's account. In order to dispose the populace to vote for him again, Tiberius proposed a package of laws which cut the length of mandated military service and added an equal number of equites as senators to the court (TG 16.1-2). It is here that Plutarch admits Tiberius was moved "from motives of anger and contentiousness rather than calculations of justice and the public good. This is not necessarily an indictment of the laws he put forth, but the attitude from which they were generated.

Tiberius was slain (by the pontifex maximus Scipio Nasica) in what "is said to have been the first sedition at Rome, since the abolition of royal power, to end in bloodshed and death of citizens" (TG 20.1). While the rich had been eyeing the dagger for a time, it was when Tiberius raised his hand to his head as a sign for the people to help him, which his enemies took as a
reference to a crown that spurred the bloodshed (TG 19.2). Appian gives a truncated version of the same of events, concluding with "he lost his life in consequence of a most excellent design, which, however, he pursued in too violent a manner" (BC 1.2.17). Plutarch writes that "the combination against him [Tiberius] would seem to have arisen from the hatred and anger of the rich rather than from the pretexts which they alleged; and there is strong proof of this in their lawlessness and savage treatment of his dead body" (TG 20.2). However, he notes that Scipio Africanus disapproved of Tiberius' measures, and did not harbor a hatred of the man (TG 21.5).

On two occasions in his narrative on Tiberius does Plutarch write disparagingly about his subject: when he claims the move to depose Octavius was illegal and unseemly, and that his package of laws after the lex Sempronia agraria were drafted out of anger and contempt for the rich. His most glowing praise for Tiberius and his brother is to be found where he compares the Spartan tyrants Agis and Cleomenes with the Gracchi, asserting that "the chief proof that the Gracchi scorned wealth and were superior to money lies in the fact that they kept themselves clear from unrighteous gains during their official and political life" (ACG 1.4) for "what could be more just and honorable than their original design?" (ACG 1.4).

Appian's account is less detailed, and ends with a balanced view of Tiberius: on the one hand, Appian thinks Tiberius met martyrdom for a worthy cause, but on the other hand, he was eager to a fault. The failing was one of degree, an ontic one. That the story of Tiberius as narrated in Appian and Plutarch conform, on a broad scale, to the same patterns as the tribunes who champion agrarian reform in Livy and Dionysus, is interesting. Without the sources each of the four historians used, and without the laws themselves, it is difficult to discern if these patterns are a reflection of the reality of the historical events or an unconscious trope that seeped

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67 Both Plutarch (TG 20.2) and Appian (BC 1.2.16) write that the dead bodies were thrown into the Tiber by night.
its way into the narration of agrarian reform. The latter seems more plausible given the considerable temporal divide between the historians and their subjects. The Gracchan reforms were the closest in time to these four historians, and were more monumental than most of their predecessors because the *lex Sempronia agraria* actually passed and public land was redistributed. It also marked the first time blood was shed in civil strife in Rome. Thus, it is conceivable that with the most recent example of agrarian reform having such an immense effect, these historians looked back at previous agrarian reforms through a certain lens.

**Analysis of the *lex Sempronia Agraria*:**

Certain questions regarding Tiberius agrarian reform are worth pondering, even almost 2000 years removed, because of the divisive political atmosphere it precipitated. It is also important to question what can be extracted from Plutarch and Appian as historical truth. Thus, did the *lex Sempronia agraria* extend just to Roman citizens or the Italians and Latins as well? How would the land be distributed? Would the redistribution of land affect the voting pattern of the *comitia tributa*? What would the possessors of the land to be redistributed have lost? Could Tiberius have personally benefited from this law in any way? First, Plutarch sets the stage of agrarian distress before he delves into Tiberius' attempt to alleviate it:

Then the poor, who had been ejected from their land, no longer showed themselves eager for military service, and neglected the bringing up of children, so that soon all Italy was conscious of a dearth of freemen, and was filled with gangs of foreign slaves, by whose aid the rich cultivated their estates, from which they had driven away the free citizens (*TG 8.3*).

Plutarch writes that before Tiberius, Caius Laelius attempted to fix the agrarian problem (a friend of Scipio's no less), but "the men of influence opposed his measures, and he, fearing the disturbance which might ensue, desisted….Tiberius, however, on being elected tribune of the
people, took the matter directly in hand" (TG 8.4). For checking his ambition, Laelius became known as Laelius the "wise or prudent" according to Plutarch.

Preceding the statement in 8.2-3, Plutarch notes that in the Italian expansion when land was confiscated and taken as _ager publicus_, it was distributed to the poor in return for a small _vectigal_, or rent. As time went on, the rich were willing to offer the government higher rents for the land, which the government accepted. Then a law was passed that forbade anyone from possessing more than 500 _iugera_ because the poor were being displaced. Plutarch is admitting that the government allowed the rich to assume more land, which they were paying to use. Some wealthy men started possessing land in other names, to exceed the 500 _iugera_ limit. As Berstein notes, given the circumstance Plutarch describes, and if there was an urban crisis, it would have made more political and practical sense for Tiberius to disperse the poor to colonial sites. Men who were not good at farming and came to Rome for work would have thrived on a colonial site where there was an urban center, and perhaps not as much competition for their trade. The _lex Sempronia agraria_, he argues, could not have been more abrasive a proposal to the senate, and that Tiberius did not propose relocating the poor to colonies suggests that this move would not have accomplished what he wanted. Rather, Bernstein suggests that by keeping the poor within Italy and giving them land would have instituted a power shift: Tiberius and the Gracchan faction would acquire more votes in the _comitia tributa_.

There are potential problems for the validity of this argument. The _comitia tributa_ was comprised of 35 tribes, four of which were in Rome itself, with an estimated seven or eight in the

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68 Berstein, 91.
69 Berstein, 92.
70 Berstein, 92.
71 Berstein, 92.
vicinity around Rome, and the rest strictly rural.\textsuperscript{72} The \textit{comitia tributa} was not exclusive, and the poor as well as the rich were included.\textsuperscript{73} Therefore, what Bernstein ignores when he concludes that Tiberius wanted a power shift is that all votes in the \textit{comitia tributa} held the same weight, and only the rich would have been likely to vote because the poor were largely ignorant and unable to leave their farm in order to vote.\textsuperscript{74} Bernstein counters this by assuming the poor were more likely to vote if they were at least in Italy rather than in a colony where the probabilities of making a trip to Rome would have been almost out of the question entirely. It could be that Tiberius generated such an interest among the poor in the affairs in which he was concerned that large numbers of the poor showed up to vote. But, how much Tiberius could have benefitted from a power shift in the \textit{comitia tributa} is not clear. In addition, Bernstein's hypothesis is also only valid if Tiberius had a design from the very beginning to run for a second tribunate, something that had only been done once before in the early years of the Republic when the office of the tribunate was new. \textit{TG} 13.5 states that it was not until the uproar over the passing of the \textit{lex Sempronia agraria} that Tiberius eyed a second tribunate, but only for his own safety. After the senate awarded Tiberius' commission with a meager salary for the reform, Plutarch writes that one of Tiberius' friends died with boils covering his body, indicating he was poisoned. At this juncture, Tiberius told the people that he feared for his own security, and that if anything happened to him, the people should look after his wife and children. Apart from Plutarch, there are no ancient sources that claim Tiberius eyed a second tribunate from the beginning, only later when he feared for his life and the continuance of his reform. Bernstein also argues that in addition to wanting to change the power balance in the \textit{comitia tributa}, the rich \textit{possessores}

\footnotesize{\textsuperscript{72} Stockton, 20.  
\textsuperscript{73} Stockton, 20.  
\textsuperscript{74} Stockton, 21.}
would have lost their tenants, the *patroni* their *clientes*, sharecroppers, and seasonal labor.\(^{75}\) If Tiberius had proposed mass colonization, the rich would have still lost these things. Bernstein argues that because the problem of the displaced poor affected all of Italy, attempting to move indigents to colonies would have only fixed the problem marginally.\(^{76}\) Therefore, Tiberius thought the best long-term solution was to redistribute land within Italy.\(^{77}\)

While the text of the *lex Sempronia agraria* no longer exists, the tradition is that Tiberius was merely enforcing the 500 *iugera* limit set by the *lex Licinia* in 367, with the generous addition of 250 *iugera* for each son up to a total of 1000 *iugera* for an entire family. Information about the *lex Licinia* lies in Book 6 of Livy, who writes that it was passed in 367 at the urging of two tribunes, C. Licinius Stolo and L. Sextius.\(^{78}\) Rich notes that after Livy explains the origin of the *lex Licinia* and what the law provided for, the historian adds a comment of his own in 6.35.5 about the reception in the senate: they were ""terrified by the proposed simultaneous threat to all those things for which there is an unlimited desire among mortals, land, money, and honors"".\(^{79}\) The historian Velleius mentions the Licinian law in relation to Gaius,\(^{80}\) but no historian gives more information on the Licinian law than Livy. Plutarch and Appian are the only ancient sources to mention a pre-Gracchan limit when describing Tiberius' *lex Sempronia agraria*,\(^{81}\) which prompts Rich to think that Velleius was mistaken when mentioning the Licinian law in conjunction with Gaius.\(^{82}\)

**The *lex Sempronia agraria*: Just for citizens, or the Italians and Latins as well?**

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\(^{75}\) Bernstein 93.  
\(^{76}\) Bernstein, 94.  
\(^{77}\) Bernstein, 94.  
\(^{78}\) Rich, 548.  
\(^{79}\) Rich, 549.  
\(^{80}\) Rich, 549.  
\(^{81}\) Rich, 544  
\(^{82}\) Rich, 549.
In Appian's account of the *lex Sempronia agraria* in BC 1.8.5, he first indicates that the *ager publicus* in question would be taken from wealthy Romans and redistributed to poor Italians. As Mouritsen points out, by BC 1.18-21, Appian shifts and indicates that the wealthy Italian *possessores* would have ceded their land for citizenship.\(^{83}\) Appian writes that Flavius Flaccus, a Gracchan partisan, proposed a bill in 125 as consul that would offer Italian *possessores* Roman citizenship.\(^{84}\) While the bill did not pass, its existence indicates two things: that there were numerous *possessores* of non-Roman origin, and that they would have considered citizenship valuable enough to cede part of their land to the state. Mouritsen is unsatisfied with this proposal because it seems unlikely that citizenship would have placated Italian *possessores*,\(^ {85}\) and concludes that any perceived benefit would have been psychological--in other words, he is proposing that non-citizen *possessores* would have been unwilling to cede land in exchange for citizenship, because there would have been little to gain from citizenship if they were already wealthy.\(^ {86}\) A.R. Hands disagrees by arguing that in the 120's citizenship was offered as a reward for those Italians and Latins who volunteered to become administrators in Latin towns, and to those who volunteered for *delatio* under the *lex repetundarum* of the *Tabula Bembina*.\(^ {87}\) Hands also argues that only those Italians who were *possessores* were offered citizenship, because the *possessores* were ceding something to the state in return for the privilege.\(^ {88}\) Moreover, the Italians given citizenship would have been eligible for land distributions.\(^ {89}\) Hands is assuming that the beneficiaries were citizens.

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\(^{84}\) Mouritsen, 475.

\(^{85}\) Mouritsen, 475.

\(^{86}\) Mouritsen, 483.

\(^{87}\) Hands, 176.

\(^{88}\) Hands, 178.

\(^{89}\) Hands, 178.
Plutarch, Mouritsen notes, makes no mention of Italian or Latin beneficiaries.\(^9^0\) He does, however, make mention of needy citizens as beneficiaries in *TG* 9.2. While the *lex Sempronia Agraria* no longer exists and the question of the Italian allies cannot be answered, it is unrealistic to think that the *possessores* of large tracts of *ager publicus* were only Romans. It is also not known whether Tiberius would force the removal of non-Romans from *ager publicus*, as his brother did not advocate the removal of non-Romans from *ager publicus*.\(^9^1\) It is well known that Gaius Gracchus was sympathetic towards the Italians, and in his speech *de legibus promulgatis* deplores attacks against non-Romans.\(^9^2\) Therefore, the most that can be determined about the Italian allies and the *lex Sempronia agraria* are that it is plausible that the non-Romans and the Romans were subject to the same restrictions.\(^9^3\)

**Gaius:**

After the death of his brother, Gaius lived quietly for a time, working on the three-man commission for overseeing the land redistributions (*GG* 1.1). Tiberius' younger brother by twelve years, Gaius became tribune in 122 and easily won a second tribunate when his brother ten years earlier had been assassinated in pursuit of it. It is not known when the rules for holding the tribuneship more than once were changed, but in the ten years after Tiberius' death it had become legal to serve as tribune more than once.\(^9^4\) He shrewdly decided to leave his life of political obscurity to vie for the tribuneship until Fulvius Flaccus' attempt to enfranchise the Italians met with ill favor in the senate; the populace being angry with the senate, they elected Gaius as tribune (*BC* 1.3.21). Appian relates these details of Gaius' entrance into the tribuneship,

\(^{90}\) Mouritsen 472.
\(^{91}\) Stockton 42.
\(^{92}\) Stockton, 44.
\(^{93}\) Stockton, 59.
Plutarch does not. As tribune, Gaius proposed a series of laws:

Of the laws which he proposed by way of gratifying the people and overthrowing the senate, one was agrarian, and divided the public land among the poor citizens; another was military, and ordained that clothing should be furnished to the soldiers at the public cost… and that no one under seventeen should be enrolled as a soldier; another concerned the allies, and gave the Italians equal suffrage rights with Roman citizens; another related to the supplies of grain, and lowered the market price for the poor; and another dealt with the appointment of judges” (GG 5.1-2).

It cannot be ascertained why colonization was more important to Gaius than it was to his brother, but as Berstein remarks when writing about the lex Sempronia agraria, colonization would have been more politically expedient in certain ways.95 According to Appian BC 23.13, Gaius proposed a citizenship bill that would have encompassed more Italians and Latins than just wealthy non-Roman possessores.96 This bill would have caused problems: how could Gaius, a tribune, have passed a bill that would have made more non-Romans citizens, according to Appian, than the consul Flaccus' bill in 125? Second, how could he have met the increased demand for land allotments?97 Hands answers the first query by arguing that Gaius had more time to acquire support, and that Flaccus would have helped him during the interim.98 He answers the second query by arguing that the citizenship movement pushed Gaius to rely so heavily on the foundation of colonies.99 Hands is assuming that by non-Romans becoming citizens they would have been entitled to land allotments from the state, when there is no evidence for this. Indeed, if under the lex Sempronia agraria Italian possessores received citizenship as compensation for ceding their illegally held ager publicus, the non-Roman beneficiaries of Gaius' citizenship bill would have received something for nothing.

95 Berstein, 92.
96 Hands 178.
97 Hands, 178.
98 Hands, 178.
99 Hands, 178.
By interfering in the grain market and citizenship for non-Romans, Gaius would have made enemies in the senate and even among the *equites*. Perhaps to placate the latter group, he introduced a *lex iudiciaria*. While the legislation does not exist anymore, there are two ideas about what it could have proposed. The law could have transferred control of the *iudicia publica*, which dealt with criminal law, from the senate to the *equites*.\(^\text{100}\) This seems unlikely because it is so drastic. The other possibility is that the law would have combined senators and *equites* on the *iudicia publica* in an effort to balance power.\(^\text{102}\) This would have been advantageous to Gaius and the plebians because he was stripping the senate of some of its power and giving it to the *equites*. It is likely that the law would have provided for a mix of 300 senators and 300 *equites*.\(^\text{103}\)

Packing the court and taking away senatorial power would not appeal to any politician unless there was something to be gained. Rowland has pointed out several reasons why Gaius would have wanted to appease the *equites*. The *equites* would not have benefitted from the *lex Sempronia agraria*, or Gaius' *lex militaris*, for while it provided clothing for soldiers, it banned youths under seventeen from serving in the military.\(^\text{104}\) At this time, military service was required before an individual could pursue public office; the sons of *equites* usually wanted to finish their military service as soon as possible so they could be eligible for public office.\(^\text{105}\) Rowland also argues that of the eleven colonies that are attributed to Gaius, *equites* as well as

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\(^{102}\) Rowland, 364.

\(^{103}\) Rowland, 364.

\(^{104}\) Rowland, 367.
plebians would have benefitted.106

In another effort to please the urban plebs, Gaius introduced a *lex frumentaria* so that the impoverished could receive grain at a lower price through the government. What is known of the *lex frumentaria* comes from two passages in Cicero, once in *De Officiis* 2.72 and once in the *Brutus* 62.222, according to Schovánek.107 Cicero remarks that all citizens regardless of poverty or wealth were to be the beneficiaries of this legislation.108 There are two important aspects about the existence of this law that are important to consider. First, Garnsey and Rathbone argue that according to the historical record, there seems to have been no real need for the Roman government to fix the price of grain for urban citizens, meaning that the *lex frumentaria* was a purely political move.109 They note that evidence for grain prices at this time come primarily from Egypt, and that claims of high grain prices can be called into doubt because of the unreliability of the information available.110 However, to deny that there was a crisis is hasty because there was no system for the flow of grain from Asia to Rome, and armies on the move would have taken much grain with them, affecting the supply for the people left behind.111 Gaius himself served as *quaestor* in Sardinia under the consul Aurelius Orestes from 126 to 124112 and worked to secure grain for the troops there. Plutarch relates an intriguing story about Gaius' involvement with receiving grain in *GG* 2.1-5. The surrounding towns sent a petition to Rome asking to be exempted from ceding grain to the military, which the senate granted. With the soldiers still in need of provisions, Gaius accepted a gift from the African King Micipsa, who

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105 Rowland, 367.
106 Rowland, 367.
110 Garnsey and Rathbone, 21.
111 Garnsey and Rathbone, 22.
also sent ambassadors to Rome informing the senators of this gift. The senators were displeased because Gaius had accepted a gift of grain from a foreign power without the sanction of the senate. Perhaps Micipsa was unaware of the Roman tradition against accepting grain as a gift, and his envoys were sent away, angering the senate towards Gaius. As a result, the senate kept Gaius in Sardinia longer than usual just to keep him out of the capital. Indeed, when the proprietor Quintus Fabius Maximus Allobrogicus was in Spain and sent a grain gift to Rome, Gaius was outraged and persuaded the senate to send payment to the cities from which Fabius had collected the grain. As Plutarch relates in GG 6.2,

Gaius introduced the senate to sell the grain and send the money back to the cities of Spain, and further, to censure Fabius for making his government of the province intolerably burdensome to its inhabitants. This decree brought Gaius great reputation as well as popularity in the provinces.

The above quote contains all of the details Plutarch gives concerning Gaius' displeasure at Fabius' grain gift. Gaius' censure of Fabius would only be legitimate if Fabius ordered the province to supply him and his troops with grain, putting a burden on the inhabitants, as Plutarch suggests. Appian does not include the story. There is not enough information to determine if Gaius was being hypocritical in his dealings with Fabius, as Plutarch does not mention how Fabius obtained the grain. In the case of Gaius accepting grain from King Micipsa, the Plutarch writes that he was falsely accused of misdealing. Without the requisite information to make a judgment concerning Fabius' case, it could be that Fabius was also falsely accused of misdealing.

With Gaius upsetting the senate with his package of laws, that body incited the tribune Livius Drusus to attack Gaius politically (GG 8.4), not unlike they incited the tribune Marcus

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112 Garnsey and Rathbone, 22.
113 Garnsey and Rathbone, 23.
114 Garnsey and Rathbone, 22.
115 Garnsey and Rathbone, 23.
Octavius to stop the agrarian law of Tiberius. Livius quickly drafted laws much like the Gaius' laws, and Plutarch writes, "in this way the senate showed most plainly that it was not displeased with the public measures of Gaius, but rather was desirous by all means to humble or destroy the man himself" (GG 9.1). Indeed, Plutarch goes on to say that the provisions in Livius' laws were more lenient on the multitude, even scrapping the vectigal for redistributed land that Gaius' agrarian law required. If the senate had no problem with the actual laws proposed, but a problem with the man himself, it indicates that the senate's greed and disregard for the people was not so great as to be supplanted by their dislike of Gaius Gracchus.

Towards the end of his short life, Gaius and his friend Fulvius Flaccus were trying to set up a colony in Carthage called Junonia (GG 10.1), as Livius had proposed the founding of more colonies than Gaius, and the latter felt upstaged (GG 9.2). Appian writes in BC 1.3.24 that the two were sent to found the colony "so that the Senate might have a respite from demogogism." When two returned to Rome, they learned the colony had been besieged by wolves (BC 1.3.24). Plutarch concurs that the site was cursed (GG 11.1). In an assembly about the colony, Gaius was beheaded, according to Appian (BC 1.4.27). Again, Plutarch affords more detail, claiming that when Gaius became upset when he saw seats being assembled in the forum for watching the gladiators, and people were going to be charged to sit in them, Gaius

ordered them to take down these seats, in order that the poor might be able to enjoy the spectacle without paying hire. But since no one paid any attention to his command, he waited till the night before the spectacle, and then...he pulled down the seats (GG 12.3-4).

Both Gaius and his brother were killed during an outbreak from an assembly concerning the validity of their laws. Gaius managed to escape the actual assembly and made it past the sacred

116 As in the case of Icilius, see pg. 20.
grove of the Furies (GG 17.2), but not before he knelt in the temple of Diana and prayed "that the Roman people, in requital for their great ingratitude and treachery, might never cease to be in servitude" (GG 16.5).

**Conclusion:**

Given that the historical record is tenuous regarding *leges agrariae*, the land they concerned, and the Gracchi, definitive statements about such things are dangerous for the modern historian to make because they would be difficult to defend. The reoccurring patterns that unite Republican agrarian tales warrant a healthy skepticism concerning their validity, as shown in chapter one and echoed in chapter three. Even in diverting from literary sources in the second chapter, ancient and modern sources on *ager publicus* are rare; the legal definitions applied by modern historians to public land in the Republic stem from the Empire. How much public land was acquired, sold, or leased is simply not known.

Chapter three concerned the Gracchi and their attempts at reform, the primary sources on them being Plutarch and Appian. As those historians were temporally removed from the Gracchi and did not have to subscribe to the strictures of modern historical research, what can be extracted as historical truth is a matter of debate. However, the surest way to go about extracting historical truth is to determine where Appian and Plutarch agree on events that are essential to the narrative. Following this method leaves the historian with a general vision of what happened: an acute crisis of landless people precipitated agrarian reform in the second century BC, and tales of early *leges agrariae* indicate that the need for reform had been a political issue since the beginning of the Republic but had never been successfully handled. In a rare victory, the Gracchan *lex Sempronia agraria* passed. However, the passage of the law caused such
commotion that Tiberius Gracchus was assassinated in the first deadly outbreak of civil strife in the Republican era. His younger brother proposed several laws, not just concerning agrarian reform, but was also assassinated. Assuming as historical truth beyond what is listed above would be challenging to support, especially claims about motives. Thus, Livy's statement that from the first agrarian proposal, the issue was never brought up again "without agitating the greatest disturbances of affairs" (2.41.1-7) was probably the wisdom of hindsight.
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