

THE LEX SEMPRONIA AGRARIA: A SOLDIER'S STIPENDUM

by

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DEDICATION

To Kessa for all of her love, patience, guidance and support.

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ABSTRACT

This thesis examines mid-second century BCE Roman society to determine the forces at work that resulted in the passing of a radical piece of legislation known as the *lex Sempronia agraria*. The advent of this legislation, named for the tribune of the plebs who promulgated it, Tiberius Sempronius Gracchus in 133 BCE, has been heralded as a signal event, a turning point in the Roman Republic that led to revolution and the eventual overthrow of the Republic by Julius Caesar.

The historiography up through the twentieth century portrayed this event as a rising of the poor and down-trodden masses against the elite senatorial class of Rome. However, as will be shown, many factors were in play that brought Tiberius Sempronius Gracchus to the acme of his political career and made his *lex Sempronia agraria* the law of the land. Among these, Roman society was war-weary, having suffered through several military setbacks at the hands of the Spanish, and their legions were being bested by slave armies in Sicily as well. What it meant to be Roman was being continually assaulted under the onslaught of Hellenism through Roman contacts with the Greek east. The economy was shifting from agrarian to a more commercial-centered one.

This thesis challenges the simplified notion that this event, the passing of the *lex Sempronia agraria* came about as a result of class warfare and was the kick-starter to revolution and instead demonstrates that this legislation was in fact, the result, on one hand of a former military officer taking care of the men he had fought alongside, suffered with and eventually brought home to safety and on the other hand came about through the

efforts of a plebeian political cabal that recognized the need to incentivize enlistment in a period of low morale amongst the fighting-age men of the Roman Republic.

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INTRODUCTION

This thesis will show that Tiberius Sempronius Gracchus, a tribune of the plebs for 133 BCE, put forth an agrarian reform law known as the *lex Sempronia agraria*, amid a dynamically changing socio-economic environment. This law was intended to take back *ager publicus* or public land, from persons who held an amount in excess of 500 *iugera*, which was the limit allowed under the *lex Licinia sextia* of 375 BCE. This land, once regained by the state was to be distributed to the veterans of Rome's recent wars in exchange for an annual fee paid to the state.

There were several factors that made this law necessary at this time. Chief among these was that for the last twenty years the Roman military had been experiencing a string of defeats by barbarian armies in Spain and more recently by slave armies on the fields of Sicily. The plebeian *ordo* or class, the segment of the citizenry that filled the ranks of the Roman army, faced with the prospect of being defeated in the fields of Spain or the slave war in Sicily was actively avoiding the census and by extension the military draft. Not only was there general fear concerning their personal safety,¹ but there was the fear of financial disaster upon returning from these wars empty handed. No victories on the battlefield meant there would be no distribution of spoils among the men and legionary pay was far from sufficient to sustain their families while they were away. Also there had been a significant shift in the Roman economy and rural residents had flocked to the

¹ Polybius, *Historia*, XXXV.1.

cities, especially Rome, to take advantage of the economic boom that was still going on in 133 BCE. What enticement was there for citizens to go fight for meager pay in the face of this booming economy? Lastly, it was an important element of the *mos maiorum* or ancient customs of the Roman people to have a plebeian *ordo* tilling the fields of Italy, ready to set aside the plow and pick up the shield and spear. A tangential issue to the lack of plebeian small farmers, was the increase in slave staffed *villae rusticae* or plantations. The Romans, still trying to put down slave wars in Sicily, recognized the danger of overpopulating the Italian peninsula with slaves. This law was meant to reward soldiers returning from unsuccessful wars in Spain, as well as Sicily, to entice the plebeian class to report for the census so they could be selected for military service and to hearken back to an earlier time, to reinstate the plebeian class on the land.

Specifically, it will be demonstrated that Tiberius Gracchus as tribune of the plebs, along with a group of leading plebeian politicians of Roman society, intended this land reform legislation as a reward to veterans of Rome's armies. The 20,000 men who had served under Gracchus in Spain, and the veterans of the slave wars in Sicily, would receive plots of land for services rendered. This land legislation was not intended as a social program to alleviate the distress of the poor. This plebeian cabal, headed by Gracchus, recognized that, without the *tributum* or spoils of war that were normally distributed to the soldiers following Roman victories, the veterans of Rome's wars were coming home, not only demoralized by defeat but empty handed as well. These plebeian politicians further recognized that with no prospects for victory or enrichment through spoils, new conscripts were failing to report for enlistment. The land law, with these issues in mind, was designed with a two-fold purpose: to directly reward veterans of

recent wars and to encourage new enlistees by showing that in fact the Roman government would provide compensation, through land grants, after their service was complete.

Many theories concerning the creation and passing of the *lex Sempronia agraria* have been put forward by esteemed experts on Roman history and unfortunately, these theories suffer from fatal flaws, as a result of inadequate primary sources and failure to take a wider look at Roman societal changes. The modern historiography that has evolved concerning Tiberius Gracchus's land legislation has taken a too narrow view of the socio-economic issues buffeting the Roman society of the mid-second century BCE. Also, scholars have hardly paid attention to the deteriorating military situation and its impacts on the army's ability to add manpower to the ranks. Tiberius Gracchus's tribunate and specifically his motivations for putting forth agrarian reform legislation have intrigued and bewildered historians beginning with Theodor Mommsen's work on the Roman Republic in the late nineteenth century up to the present time. This lack of clarity regarding the events leading up to and including the passing of this legislation have created a hotbed for academic discussion which in turn has created a massive level of commentary regarding these theories.

Chapter One will explore the ancient historiography, beginning with writers of Greek ethnicity, Plutarch and Appian, the two most important sources, albeit distant observers to the events they describe. It will also consider the commentary of Sallust and Cicero, two Roman writers who lived within 100 years of the tribunate of Tiberius Gracchus. Also Valleius Paterclus and Livy, two Romans living in the Augustan dictatorship, will be consulted. From there the modern historiography and its strengths

and weaknesses will be discussed. The starting point will be Mommsen's work "The History of Rome," which is a seminal work discussing in depth Tiberius Gracchus' agrarian reform activities and inspiring many of the theories held by historians to the present day. Other works from throughout the twentieth century will be examined with the intent of demonstrating the static nature of the historiography. Finally, the chapter will present new research, which touches on topics related to the Roman world of the second century BCE. This new information concerning the economy and rural peasant lifestyles has called into question the historiography of the *lex Sempronia agraria*.

The second chapter will analyze the plebs and their political influence in the second-century BCE Roman world. It begins by examining the use of the term pleb and plebeian, comparing the ancient Latin meaning to modern usage, in which these terms erroneously have become synonyms for poor or common people. This thesis will build a case that to be a pleb or to be considered part of the plebeian *ordo* meant that you were assigned to a specific socio-economic class within Roman society. It will further be shown that this socio-economic class provided *pedites* or foot-soldiers for the legions. This linkage of plebs to the army is critical in understanding what segment of the population was to be enriched by the *lex Sempronia agraria* and to understand exactly who made up Gracchus's power base.

This chapter continues by showing connections between the plebeian religious cult centered around the goddess Ceres, the *consilium plebis*, the Roman army, veterans and the landholding class. It argues that these institutions formed a plebeian faction that was politically powerful within the state. This *factio* would have been politically capable of passing even the most controversial legislation in the face of senatorial opposition.

Chapter Three will cover the broader historical context within the Mediterranean world in which the *lex Sempronia agraria* became law. Rome was at war in Spain, as well as being involved in Servile Wars in southern Italy. Roman armies were being defeated in both areas of combat operations, which eliminated the one source of wealth a foot-soldier might take part in – loot from captured towns and villages. For this and other reasons military service had become unattractive to the point that qualified candidates for service were failing to report for the census and by extension the *dilectus* or military draft.

Chapter Four will provide an overview of the economic landscape to dispel current historiographical misconceptions that the law was intended only as a social program to aid the poor. A crucial aspect within the traditional historiography that has come about is that the *lex Sempronia agraria* was put forth to raise the census rating of the *capite censi*, those citizens with so little wealth that they were counted by their heads during the census, in order to make them eligible for the military levy. This argument will be examined and its insufficiencies discussed.

Chapter Five will formulate the conclusion that the promulgation of the *lex Sempronia agraria* was a result of the initiatives of a cadre of plebeian statesmen led by Tiberius Gracchus. These statesmen recognized the insufficient compensation of soldiers after their term of service had ended. They promoted the agrarian legislation to ensure the soldier's financial security after serving in unprofitable wars that more often than not left them bankrupt.

CHAPTER ONE – HISTORIOGRAPHY

Primary Sources

The historiography of Tiberius Sempronius Gracchus's tribunate and his agrarian legislation has suffered from a lack of primary source material. The evidence concerning this period of Roman history, at least the Roman sources closest to the events in question, has disintegrated into "patchy excerpts."² Livy, an important Roman historian who lived during the last days of the Republic and wrote in the reign of emperor Augustus, authored nine books, within his *ab Urbe condita*, chronicling the period from 145 BCE to 123 BCE. This encompasses the period immediately before the Gracchan tribunate through the ten years that followed it.³ These books are all lost. What historians have had to work with, from a literary perspective, are two detailed accounts, written by Greek authors, Plutarch from the late first-century CE and Appian from the mid-second century CE, who were commenting on events in their distant past, and about a political system and a society with which they were not intimately familiar. Also these two sources fail to take in to consideration the horrific losses that Rome was suffering in wars on two fronts. Despite these shortcomings, these two texts serve as the most important primary sources for this period in the history of the middle Roman Republic, along with disparate mentions found in texts by other writers of Roman extraction.

² David Stockton, *The Gracchi* (Oxford: Oxford University Press, 1979), 1.

³ *Ibid.*, 1.

The first and most important of the Greek writers is Plutarch. Plutarch was not an historian but a biographer and moralist. His treatise on Tiberius Gracchus is found in a work titled *Parallel Lives*, in which he compared the lives and accomplishments of famous Greeks to those of famous Romans. His interest in comparing and contrasting events in similar lives was to discuss the moral shortcomings that led to disaster for the principals he portrayed. In order to make these lives seem more similar than they may have actually been, historical accuracy sometimes suffered.⁴ In addition, Plutarch was writing about events that occurred over 200 or more years in the past, involving a system of government, that was foreign and about which he probably had little working knowledge. Regardless of his lack of qualifications or motivations Plutarch's work on Tiberius Gracchus provides many of the details on which the modern historiography pertaining to Tiberius is based.

Book VIII of his "The Life of Tiberius Gracchus" is the wellspring from which the notion originates that Tiberius Gracchus's agrarian legislation, the *lex Sempronia agraria*, was put forth to help the poor. Plutarch introduces the idea that two of Tiberius's closest advisors, Diophanes and Blossius, both Greek philosophers, had tutored the young Gracchus in the philosophy of Stoicism. One of the tenets of Stoicism concerns one's duty to one's fellow man. In the estimation of modern scholars, writing in the mid-twentieth century, it was this exposure to Stoicism that motivated Gracchus's determination to help the poor.⁵

⁴ D.A. Russell, "On Reading Plutarch's Lives," *Greece & Rome* Second Series Vol. 13, No. 2 (Oct., 1966): 143.

⁵ Frank Burr Marsh, "In Defense of the Corn-Dole," *The Classical Journal* 22, No. 1 (October 1926): 25. Also see Solomon Katz, "The Gracchi: An Essay In Interpretation,"

Beyond this philosophical influence as causation to help the poor, Plutarch's description of Gracchus's supporters is arbitrary and contradictory at times to what is known about the Roman Republic, as it pertains to the census, the *dilectus* or military draft and property qualification needed to serve in the military. Plutarch's own words betray his lack of understanding of the economic realities of Republican Rome: "Then the poor, who had been ejected from their land, no longer showed themselves eager for military service..."⁶ The poor, reflected in the census ratings as the *capite censi*, who at the census were counted by their heads because they had little in the way of material possessions, were not eligible to serve in the military and would not be until the time of Marius about 25 years after the Gracchan tribunate. This could be a misstatement of the situation due to unfamiliarity but it seems more likely that Plutarch needed Gracchus to help the poor in order to make the parallel with the *Life of Agis* fit neatly. Specifically, Plutarch writes that both Gracchus and the Spartan king Agis gave land to the poor in order to bulk up their respective armies. Plutarch then may have forced a parallel between Agis and Tiberius Gracchus by portraying Gracchus' actions as addressing a shortfall of available men for military service and then developing a scheme to help the destitute of Rome qualify for military service in order for the details of these two lives to fit.⁷

Plutarch, while he provides the most detailed account of all the ancient writers that wrote concerning Tiberius Gracchus, has to be read with a careful eye to find clues which may help make sense of his tale concerning Gracchus. Again it cannot be

The Classical Journal 38, No. 2 (November, 1942) and Truesdell S. Brown, "Greek Influence on Tiberius Gracchus," *The Classical Journal* 42, No. 8 (May 1947).

⁶ Plutarch, *Tiberius Gracchus*, VIII.2.

⁷ Plutarch, *Agis*, V.4.

underestimated that he was a Greek, living in the eastern empire, which is where his duties as a priest of Apollo kept him, mostly near the Temple to Apollo at Delphi and his hometown of Chaeronea. He lived under a Roman imperial regime, a vastly different political organization from the one he was reporting on. Furthermore Plutarch was more interested in teaching morality lessons, concerning great men. Historical accuracy suffered so that the lives that he discussed could be made to be similar in certain respects.⁸

Our next most detailed source on the tribunate of Tiberius Gracchus is Appian, who, like Plutarch, was a Greek. A native of Egypt, he lived during the time of the Antonines, in the mid-second century CE and roughly 300 years after the events he describes. Appian's knowledge of Republican Rome's political mechanisms could not have been intimate. Also, his reputation as an historian is largely questioned by modern scholars who specialize in the history of ancient Rome. He is viewed more as a compiler of other people's work, but these same scholars are also not sure who Appian's sources were for his work titled *Bellum Civile*, or *Civil Wars*, where the details of Gracchus's tribunate are found.⁹

Appian begins his piece with an overview of Tiberius Gracchus's agrarian law and what its intended outcome was to be. Like Plutarch, Appian is not specific about the identity of the supporters of Gracchus, although he does on several occasions mention

⁸ David Braund, "Dionysiac Tragedy in Plutarch, Crassus," *The Classical Quarterly* Vol. 43, No. 2 (1993): 468. Also see D. A Russell *On Reading Plutarch's Lives*.

⁹ Gregory S. Bucher, "The Origins, Program, and Composition of Appian's Roman History," *Transactions of the American Philological Association* Vol. 130 (2000): 412. Bucher provides a list of historians sharing this view, the most prominent of which is Gabba.

that they are Italians and describes them as rural farm workers and farm holders.¹⁰ He makes it clear they are not city-dwellers. This idea of rural participation may have arisen because of the rural tribes' importance in winning votes in the plebeian assemblies, which passed legislation.

Again, just as with Plutarch, there are more questions than answers regarding who the supporters of Gracchus and hence who the beneficiaries of his *lex Sempronia agraria* were likely to have been. It has been suggested that the prominent mention of rural Italian allies in this lead section of the *Civil Wars* was due in large part to Appian's desire to show that the seeds of the Social War were planted in the tribunate of Tiberius Gracchus, the first in a chain of uprisings within the Roman political system.¹¹

Whatever the case, Appian also leaves small clues to the identity of Gracchus's supporters and who the intended beneficiaries of the law were likely to be. Speaking of the voters who had come in from the countryside to back this law, Appian states:

They recounted the military services they had rendered, by which this very land had been acquired, and were angry that they should be robbed of their share of the common property.¹²

Just as in Plutarch, this passage clearly shows that Gracchus's constituency had ties to the Roman military. Additionally Appian picks up on a theme found in Livy's report of the conflict of the orders, which highlighted plebeian struggles with the patrician oligarchy of the early republic.¹³

¹⁰ Appian, *Bellum Civile*, 1.1.7-9 and 13.

¹¹ P.J. Cuff, "Prolegomena to a Critical Edition of Appian, B.C. I," *Historia: Zeitschrift für Alte Geschichte* Bd, 16, H. 2 (Apr., 1967): 180.

¹² Appian, 1.1.10.

¹³ Livy, *ab Urbe condita*, II.23.2-5.

Cicero, a famous Roman politician and rhetorician, provides additional ancient testimony concerning Tiberius Gracchus and his controversial tribunate. Cicero's contribution to what we know about Gracchus amounts to fragments scattered through his voluminous writings, which at times also mention his brother Gaius, the two being known collectively as the Gracchi. These fragments, coming from a high-ranking Roman political figure with in-depth knowledge of the political system of the late Roman Republic makes this commentary invaluable, albeit sparse. Cicero embeds many enticing snippets within his writings concerning the Gracchi and Tiberius in particular. Often his references to Tiberius leave one wondering what Cicero's true opinion of the controversial tribune was. For example in *De Officiis* Cicero discusses examples of bad governance, pointing at Lucius Phillipus. Phillipus was tribune of the plebs and like Gracchus, brought forward agrarian legislation. While Cicero roundly condemns Phillipus' law as ruinous to the Republic, later in this same work he mentions Tiberius Gracchus's agrarian law proclaiming that it was the downfall of the demagogue and his brother by adding: "Was it not strife over the agrarian issue that caused their downfall and death?"¹⁴ Cicero's reference to Tiberius Gracchus's land law here seems opportunistic, in that Cicero is trying to make a point about the sanctity of private property and how the state must protect that sanctity. Use of Gracchus's land law in this defense of private ownership seems odd as Gracchus's land law dealt with state-owned property that was illegally held by rich landowners. Another oddity in this passage is that

¹⁴ Cicero, *De Officiis*, II.80.

Cicero blames the death of Gracchus on his land law whereas in *De Amicitia* Cicero blames Tiberius' desire for kingship as the cause of his downfall.¹⁵

Contradictions abound in Cicero's *De Lege Agraria*, written in about 63 BCE, seventy years after the tribunate of Tiberius Gracchus. Cicero does not use the *lex Sempronia agraria* and its seemingly disastrous consequences to argue against a law concerning land reform proffered in his own time. Instead he presents the *lex Sempronia agraria* as a thing that "strengthened" the Republic and implicitly praises Tiberius Gracchus, with references to the Gracchi and what Cicero calls their benevolence toward the Roman people.¹⁶ Further he portrays both Tiberius and Gaius, the brother of Tiberius and another supposed radical tribune of the plebs, in a positive light, placing them at the opposite end of the spectrum from Sulla and his land confiscations, which Cicero sees as detrimental to Roman society.¹⁷ In other works Cicero, speaking of Tiberius alone, describes him in terms of a revolutionary.¹⁸ At other times Cicero could be matter of fact on the topic of Tiberius Gracchus stating: "Tiberius Gracchus brought forward an agrarian law. The people were pleased..."¹⁹ There is no hint of revolution in this passage.

In fact Cicero presents divergent views of Tiberius Gracchus depending on the occasion of the speech, the intended audience, or the type of argument Cicero sought to

¹⁵ Cicero, *De Amicitia*, II.41.

¹⁶ Cicero, *De Lege Agraria*, II.5.10

¹⁷ Cicero, *De Officiis*, II.78.

¹⁸ Cicero, *De Res publica*, I.19.31 and *De Amicitia*, XII.41.

¹⁹ Cicero, *Pro Sestio*, XXXXVIII.103.

bolster.²⁰ On balance, his positions on the political events of his day, particularly as they speak to issues favored by the *populares* and their supporters, favor the positions of the senatorial class.²¹ This favoritism toward the elites along with his conflicting reports regarding the Gracchi and Tiberius Gracchus specifically raise doubts as to the trustworthiness of his reporting.

The next Roman writer who chronicled and interpreted Tiberius Gracchus's tribunate was Sallust, who was a contemporary of Cicero's, was a political ally of Julius Caesar and a supporter of the *populares*.²² While Cicero paints Tiberius Gracchus as a well-intentioned but misguided demagogue, Sallust holds him up as a martyr of the plebeian political faction and enemy of the senatorial elite. In contrast to Cicero's pro-senatorial bias Sallust's evident disdain of the elites must be considered when evaluating the information he presents. Sallust, however, provides an important perspective on the political processes of the middle to late Republic and also contributes evidence concerning the identity of plebeian political activists that were involved in supporting and voting for the Gracchan land law.

Another Roman historian, Valleius Paterclus, a contemporary of Livy, writing in the first century CE, provides little more than a high-level overview of the tribunate of Tiberius Gracchus. Paterclus provides some interesting information in his *Historiae Romanae* claiming it was the bad taste left in the mouth of Tiberius Gracchus over the

²⁰ Robert J. Murray, "Cicero and the Gracchi," *Transactions and Proceedings of the American Philological Association* Vol. 97 (1966): 296.

²¹ Murray, "Cicero and The Gracchi," 297.

²² Julian Barr, "Sallust: Corrupt Politician and Historian," *Crossroads* Vol. VI, Issue 1 (2012): 61-63.

failure of the senate to accept the treaty he negotiated with the Numantines, that set him on his path to a political career. This is important because it ties Gracchus's motivations for attaining the tribuneship to his military service in Numantia. Additionally Paterclus tells us all the people were excited by the prospect of putting the *lex Sempronia agraria* into action. This is interesting, as Paterclus uses the noun *omnibus* which means everyone, as in all of the whole. He is not identifying a group within Roman society that is eager to put this legislation into effect, which challenges the traditional historiography's conclusions that there was extreme senatorial opposition to this law. He is saying the Roman people as a whole, the Senate, *equites*, plebs, all the classes that made up the *Senatus Populusque Romanus*, were eager to put the legislation in to effect.

Lastly we will hear from Livy through his Epitamator. The *Periochae of Livy*, a fourth century CE summation of Livy's first-century CE text *ab Urbe condita* provides only an overview of Tiberius Gracchus's tribunate, but its census numbers have been used by modern historians to posit a theory that the Roman free-population was dwindling in the mid-second century BCE. This population decrease has been argued as the impetus for the *lex Sempronia agraria*.²³

These Roman sources will provide information concerning who was supporting Gracchus: the plebs and the veterans with whom Tiberius served. Quite often Cicero contends that the group most involved in passing the *lex Sempronia agraria* were the plebs and Sallust reinforces Cicero on this point. These two also make plain that there is a corporate identity associated with that segment of the Roman populace that are identified

²³ P.A. Brunt, *Italian Manpower: 225BC – 14AD*, (London: Oxford University Press, 1971): 75.

as pleb. Paterculus ties Gracchus's attainment of the tribuneship to his most recent military service in Numantia. This thesis will posit that backing of the veterans of the army supported his attainment of this political position. Furthermore, it will argue that they were not only the beneficiaries of the *lex Sempronia agraria* but that they were also the voters that came to the assembly to see to its passage.

Modern Historiography

The modern historiography concerning the tribunate of Tiberius Gracchus and issues that impact theories regarding his motivations for enacting agrarian legislation is massive. It extends from Theodor Mommsen's work on the Roman Republic, written in the late nineteenth century, to the present time. Interestingly the methodology has shifted, over time, from studies based solely on surviving ancient texts to ones that incorporate demographics and its statistical approaches, as well as archaeology to try to uncover details concerning second century BCE rural life.

By and large the modern historiography that will be utilized for this thesis will include not only direct work on Tiberius Gracchus tribunate but also the academic work that has been done on the social, economic and political issues that impact the theories about Gracchus's motivations concerning agrarian reform. The large volume of this academic work can be attributed directly to the paucity of information available from the Roman Republic during the second century BCE. This lack of information has generated multiple interpretations and resultant theories regarding Gracchus's legislative motivations. There have also been multiple academic theories formulated that seek to help answer the question as to why agrarian legislation was enacted at this particular time. These theories, regarding prevailing factors that would have informed Gracchus

agrarian program, extend to the condition of the Roman economy, population growth or decline and other aspects concerning the experience of the rural residents of Roman Italy. Also much work has been done on the legislative bodies that enacted legislation and how the voting processes within these bodies worked.

The beginning of the modern historiography concerning Gracchus is Theodor Mommsen's monumental work, written in the late nineteenth century, entitled the *History of Rome* in which he discusses Tiberius Gracchus's tribunate at length. Mommsen's theories about this tribunate and its lasting impacts that led to the fall of the Roman Republic have influenced many scholars who came later. It is telling that Mommsen begins his section titled "Revolution" with the tale of Tiberius Gracchus. Mommsen follows Plutarch almost without deviation, offers little in the way of analysis and concludes that Gracchus was out of his element and lost control of the mob that he incited through his harangues of the ruling oligarchy and his liberal legislation, which included the agrarian law.²⁴ It is here with Mommsen that the modern notion of this agrarian law coming about as a result of class war, the poor rising to defeat the rich by utilizing the power of the assemblies, is carried forward from the ancient writers.

For example a group of historians writing in the first half of the twentieth century see the aim of the legislation as intending to help the poor and replenish the army by boosting the wealth of the urban poor through ownership of land. Tenney Frank writing in the 1920s, utilized Plutarch's assertions about a decline in free labor, coupled with census figures in Livy's *Periochae* to arrive at the conclusion that Gracchus's aim was to

²⁴ Theodor Mommsen, *The History of Rome*, ed. Dero A. Saunders and John H. Collins (Cleveland: The World Publishing Company, 1958), 48.

get the free, poor citizen onto their own plot of land, thereby increasing their wealth and making them eligible for the military levy.²⁵ Frank Burr Marsh and Solomon Katz writing in the 1920s and 1940s respectively, continue the trend of identifying Gracchus's efforts as social engineering to help the poor.²⁶

Scholarship's attribution of populism to Tiberius Gracchus's political agenda is continued, almost without deviation, through the 1970's when works such as P.A. Brunt's *Italian Manpower* sought to understand Gracchus's agrarian initiative against the backdrop of a supposed population crisis. According to Brunt the *assidui* or peasant farmers, who had formed the infantry of the Roman legions, were being forced off of their farms and had become *proletarii* or the class of poor that were unqualified for army duty based on their economic status.²⁷ Brunt's theory was based on not only Plutarch's and Appian's works but also on the census numbers provided in Livy's *Periochae*. This theory is again fully evident in Alvin Bernstein's tome, "*Tiberius Gracchus: Tradition and Apostasy*". As late as 2005 Matthew Dillon and Lynda Garland in *Ancient Rome: From the Early Republic to the Assassination of Julius Caesar* take the position that Tiberius Gracchus sought to settle the poor on land so that they might qualify for enlistment in the army. They also admit that there is little agreement amongst modern historians on Gracchus's motivations for the agrarian law. Again these works, where they concern Tiberius' tribunate, are based almost entirely on Plutarch and Appian.

²⁵ Tenney Frank, *A History of Rome* (New York: Henry Holt and Company, 1923), 198-200.

²⁶ Frank Burr Marsh, "In Defense of the Corn-Dole," *The Classical Journal* 22, No.1 (October 1926): 25. Also see Solomon Katz, "The Gracchi: An Essay in Interpretation," *The Classical Journal* 38, No. 2 (November, 1942): 73.

²⁷ Brunt, *Italian Manpower*, 75.

To summarize the modern historiography up through the beginning of the twenty-first century, scholars posit that Rome was facing a population crisis. The free population of Roman Italy was declining, to a point where, if not arrested, Rome's ability to field sufficient troops for its legions and its ability to sustain its enormous empire would be put in doubt. The cause of this decrease in the census numbers has been explained as a shift away from small landholdings to slave staffed estates. It was the small landholders who provided the main source of manpower for the legions and this segment of the Roman populace was losing its farms due to service in the legions. Farms cannot be sustained, the theory goes, if the farmers are fighting wars in distant lands, and if in conjunction with these wars the farmer/soldiers are not being rewarded with spoils to supplement their legionary pay, then soon the farmers would fall in to debt. This crushing debt burden resulted in a wave of small farms being sold off to the wealthy estate owners in their neighborhoods. Once their land was gone the farmer/soldiers fell below the census rating that qualified a Roman citizen to join the army. These itinerant citizens drifted into the city of Rome looking for work and potentially could form an unruly mob that would overthrow or at least threaten the government.²⁸

Into the fray jumped Tiberius Gracchus and his political allies. Their object was to raise the wealth of landless citizens above or to the level that would allow them to qualify to serve in the army. They then developed a plan to wrest away *ager publicus*, public lands, from the wealthy estate owners that possessed more of these public lands than was

²⁸ Frank, 198-200. See also P.A. Brunt, *Italian Manpower*. Alvin H. Bernstein, *Tiberius Sempronius Gracchus: tradition and apostasy*.

allowed (500 *iugera* was the limit). These public lands, that were to be repossessed by the government, would then be distributed to landless citizens.

Scholars further theorize that Tiberius Gracchus marshaled the poor, unwashed masses to carry forward this agrarian law, even against the wishes of the rich and powerful of Roman society. The legislation was put forth in the *consilium plebis* or council of the plebs and voted on in a tribal organization called the *comitia tributa*. Gracchus succeeded in rallying enough support from the poor to pass this law even in the face of strong senatorial opposition.

There are several obvious flaws with this theory which will be challenged in this thesis, the most obvious of which is the questionable logic of passing a law intended to replenish the farm land of former farmers who had lost their land due to debt incurred while away serving in the legion, so that these farmers could qualify to serve in the legions, only to go away to war again, which would presumably force them into a new cycle of debt that could lead to their loss of the newly-returned land. Moreover the notion that the displaced farmer/soldiers must have joined the ranks of the poor after selling their lands flies in the face of research done by Saskia Roselaar who has posited that there was a severe land shortage following the Second Punic War, along with a rapidly climbing population. This situation continued down to the time of Tiberius Gracchus's tribunate. Farmers selling their land during a time when there was a land shortage in Roman Italy would have reaped the benefit of skyrocketing prices. This profiteering on land would

have kept the farmers above the census rating to perform military service.²⁹ Thus there would be no need to give land to raise wealth.

Even if raising the census rating through land allotments were necessary, there is no consensus among academics that the *lex Sempronia agraria* was designed to solve this problem. Nowhere in the sources is it clear that land allotments of *ager publicus* were converted to *ager privatus*. This means that the land grants would have been made with the understanding that the state still owned the land, but the recipients received permanent rights to lease it. According to Appian the land from the Gracchan program was to be divided up and assigned to the poor. In return the government expected the recipients to pay an annual lease.³⁰ Since Appian has a pretty firm grasp on the other aspects of the *lex Sempronia agraria* there is no cause to doubt him on this. In order for the current historiography's theories to be supportable it would be necessary to show that leased land had a value that counted toward a citizen's census. Unfortunately the sources are silent on this point. It must be assumed, however, that possessing leased land did not add to a citizen's wealth for purposes of establishing their census rating since it took the later *lex Agraria* of 111 BCE to recognize the Sempronian land allotments, those made by both Tiberius and Gaius Gracchus, as *ager privatus*.³¹

Lastly, in contravention to Roselaar, previous historians have assumed a declining population without solid evidence. There are many problems with the census figures that

²⁹ Saskia T. Roselaar, *Public Land in the Republic: A Social and Economic History of Ager Publicus in Italy, 396-89BC* (Oxford, UK: Oxford University Press, 2010), 209-213.

³⁰ Appian, I.9.8.

³¹ Andrew W. Lintott, *Judicial Reform and Land Reform in the Roman Republic* (Cambridge, UK: Cambridge University Press, 1992): 48. Also see Plutarch, *Caius Gracchus*, IX.2 for evidence of Caius Gracchus charging rents on distributed public land.

have survived and modern extrapolations of these numbers. There is also no consensus for example on who was counted and why.³² Luuk De Ligt, in his 2004 article “Poverty and Demography: The Case of the Gracchan Land Reforms,” was the first to summarize concisely what the ancient and modern historian’s position had been concerning population decline. To do this he cites the work of P.A. Brunt and the follow up to this work by Keith Hopkins, as well as a more recent theory forwarded by Lo Cascio. Using Brunt and Hopkin’s work on the declining numbers of the free population of Italian origin, De Ligt shows how certain population figures, in particular those for the men who had immigrated from Italy in the latter half of the second century BCE, were not properly accounted for by these earlier scholars. Adding these back in he showed a population increase from 225 BCE to 28 BCE of around ten percent.³³ Further he suggests that the theory of a declining free Roman population relies on manipulation of the ancient texts, citing Beloch’s work in the late 1880s.³⁴ De Ligt does state, however, that he is in agreement with many scholars that the dip in census figures is a result of a “growing reluctance of many Roman citizens to serve in the army.”³⁵

While acknowledging a scholarly dispute concerning Roman Italy’s population in the 2nd century BCE, Saskia Roselaar challenges the idea of population decline immediately before and during the tribunate of Tiberius Gracchus. As mentioned briefly above, she posits that the period following the Second Punic War was one of economic

³² Luuk De Ligt, “Poverty and Demography: the Case of the Gracchan Land Reforms,” *Mnemosyne Fourth Series* Vol. 57, Fasc 6 (2004): 738.

³³ De Ligt, “Poverty and Demography:” 732.

³⁴ De Ligt, “Poverty and Demography:” 741. See also Karl Julius Beloch, *Demographics of the Greco-Roman World*, (Leipzig, GE: University of Leipzig, 1886.): 351.

³⁵ De Ligt, “Poverty and Demography:” 742.

revitalization and land pressure. Silver mines in Spain and the influx of tribute from a defeated Carthage were providing vast amounts of wealth to the Roman Republic. Attendant with this financial boom, Roselaar asserts was a boom in population. The Roman Republic was no longer settling excess citizens in colonies. For this reason, available land was actually becoming scarce and this scarcity of land put pressure on the Roman government to make more land available to its citizens.³⁶

Recognizing a shortfall in our understanding the Roman census process, Saskia Hin, undertook a study of the census and its uses. She suggests that the census counted all men who were *sui iuris*, those who were legally responsible for themselves. Those who were not *sui iuris*, would be declared by their *pater familia*, as being under his legal control.³⁷ She further demonstrates how the military headcount from 225 BCE provided by Polybius in his *Histories* and a census from 234 BCE produced strikingly similar numbers, probably represented different segments of society. This is important to the argument that this thesis will put forward later, that the census was done primarily to draft citizens into the army. After stating that the Romans made no effort to ensure that a representative body of citizens participated in politics, she goes on to argue for multiple census lists based on different purposes: military levy, assignment to tribe for voting or taxation.³⁸ These statements seem at odds with each other. If the Roman government was disinterested in a representative body of its citizens participating in voting why would the

³⁶ Saskia T. Roselaar, *Public Land in the Republic*: 209-13.

³⁷ Saskia Hin. "Counting Romans." In *People Land and Politics: Demographic Developments and the Transformation of Roman Italy 300 BC – AD 14*, edited by Luuk De Ligt and Simon Northwood (Boston, MA: Brill, 2008): 20.

³⁸ Saskia Hin, "Counting Romans:" 20-22.

census takers have bothered to count every free man who was a Roman citizen? Since there was no taxation of Roman citizens after 167 BCE then it stands to reason that the only function that needed to be addressed by the censuses taken after 167 BCE was to count how many men were available for war.

One of the most problematic economic and social elements in the historiography of Tiberius Gracchus's tribunate is the theory that the smallholder or peasant farmer was being replaced by slave labor. Re-establishment of the peasant farmer is seen as central to understanding the need for the *lex Sempronia agraria*. However, if there is no competition between slave and the free smallholder, this argument collapses. R.E. Witcher argues that the "bipartite scheme," of slave versus non-slave in the ancient world is "difficult to sustain on either historical or archaeological grounds."³⁹ Witcher sees the Roman peasant farmer as mostly a figure of mythology stating that the "independent Roman peasant is largely a figment of the historical imagination," citing the Mediterranean climate and social environment as being antithetical to the existence of the small holder.⁴⁰

In sum the Roman world of the second century BCE was an economy and society in transition, but this thesis will challenge the accepted scholarship on what transitions were taking place. For example, in order for existing predominant theories concerning the implementation of the *lex Sempronia agraria* to work, it must be shown that *latifundia* were sweeping across the rural landscape. Emanuel Mayer, citing results of archaeological investigations conducted near Olynthus in Greece and Pompeii in Italy,

³⁹ R.E. Witcher, "Agrarian Spaces in Roman Italy: Society, Economy and Mediterranean Agriculture," *Arqueologia especial (Paisajes agrarios)* 26, (2006): p. 344.

⁴⁰ R.E. Witcher, "Agrarian Spaces In Roman Italy:" 345.

states that beginning in the fourth century BCE there was a change from agricultural based economies to commercial based economies around the entirety of the Mediterranean region. Speaking specifically of Pompeii he presents evidence for elite involvement in urban commercial activity rather than heavy agricultural endeavors.⁴¹

Moreover, Walter Scheidel and Phillip Kay in their works on the Roman economy of the second century BCE assert that agricultural pursuits were less attractive as a source of sustenance than in the past. Silver from the mines of Spain was filling the treasury, and people were flocking to the cities to take advantage of economic opportunities generated by commercial activities.⁴² Archaeologists have bolstered this notion of a booming economy by identifying a surge in building projects in Rome during this period. One such project included the construction of an aqueduct to bring more water to the city.⁴³

One issue on which scholars have generally agreed is that what happened in the voting assemblies was largely controlled if not by the elites in the government, then at least by the presiding tribune at the *contio* and the voting session. For example, Karl Holkeskamp lays to rest the idea that the poor were able to overcome the rich in the assemblies. He asserts that the wealth and status of the voter was all important. There was no direct representation, no one-man/one-vote. The tribe voted *en masse*. The leader of the *consilium plebis*, the tribune of the plebs, controlled every action, even assigning

⁴¹ Emanuel Mayer, *The Ancient Middle Classes*, (Cambridge: Harvard University Press, 2012), 40.

⁴² Walter Scheidel, "A Model of Real Income Growth in Roman Italy," *Historia: Zeitschrift für Alte Geschichte* Bd. 56, H. 3 (2007): 334. See also Phillip Kay, *Rome's Economic Revolution*, (Oxford: Oxford University Press, 2014), 24.

⁴³ Phillip Kay, *Rome's Economic Revolution*, 24.

voters to vote in empty tribes. “Even in crisis, no member of the Roman political class – not even a *populares* – ever questioned or debated the organization of the *comitia* or the powerful position of the presiding magistrates even in theory.”⁴⁴ This echoes Lily Ross-Taylor who more than four decades ago asserted that the tribune was all-powerful in the voting process and frequently ensured that things went as he wanted them to.⁴⁵

To sum up the problematic nature of traditional historiographical interpretations of Tiberius Gracchus’s agrarian law, modern scholarship of the last twenty years, utilizing textual, archaeological and demographic techniques has demonstrated that there was no decrease in population affecting the Roman world, the idea of the slave replacing the smallholder or peasant farmer has been put in doubt, and there was no class war or a struggle between the elite and the *capite censi* being settled in the tribal voting assemblies. The contribution of this new wave of interdisciplinary research in clarifying the socio-economic conditions of Roman society during the tribunate of Tiberius Gracchus, has been invaluable to better understanding the forces that pressed on the Roman government and led to the passing of the *lex Sempronia agraria*, and to this thesis’s reinterpretation of the motivations behind the *lex Sempronia agraria*, that will begin with a reexamination of the plebs and their place in Roman society and government.

⁴⁴ Karl-J., Holkeskamp, *Reconstructing the Roman Republic*, trans by Henry Heitmann-Gordon (Princeton: Princeton University Press, 2010), 22.

⁴⁵ Lily Ross-Taylor, *Roman Voting Assemblies from the Hannibalic War to the Dictatorship of Caesar*, (Ann Arbor, MI: The University of Michigan Press, 1966), 83.

CHAPTER TWO – THE PLEBS AND THEIR ASSEMBLY

This chapter will be devoted to demonstrating that the plebeian *ordo* was a distinct and influential economic, political and military class within Roman society as a precondition to understanding why they supported Tiberius Gracchus and his land law and to understanding Tiberius Gracchus's motivations in proposing agrarian legislation. It is clear that as tribune of the plebs Gracchus presented the *lex Sempronia agraria* in the *consilium plebis* or council of the plebs. But there is little in the way of clear evidence that plainly points out who was coming to the meetings of the *consilium plebis*, known as *contios* or filing to the voting area, following these meetings, to cast their votes.

During the early Republic the political and social denigration of the plebs by the patricians and the injustices that ensued were the primary cause of the conflict of the orders in which the plebs battled with the patricians to gain more and more political power over time. It is possible that keeping the plebs physically separate (they were assigned land outside of the boundary of the city of Rome) and locking them out of higher political positions (i.e. Consul, Senate) had arisen out of xenophobia on the part of the native Roman population. It appears highly likely that the plebeian *ordo* sprang from a new group of people, perhaps the remnants of a defeated enemy, entering Roman society. Livy in a passage concerning a law to grant land on the Aventine to the plebs refers to them as the “new people.”⁴⁶ Further evidence that the plebs may have been a

⁴⁶ Livy, I.33.

different people comes from the Twelve Tables, an early codification of laws for the citizens of the Republic. Table Eleven is a prohibition against inter-marriage of patricians and plebeians. This law drafted in the early Republic, which was eventually repealed, may be indicative of a culture seeking to maintain cultural or possibly racial purity, meaning originally the distinction between plebeian and patrician may have been based on a different culture or race.

It is generally agreed that the pleb, soon after entering Roman society, played an important role militarily in the early Republican period. Jean-Claude Richard argues for a plebeian *ordo*, with ties to the land and the military dating back to the archaic (6th Century BCE) Roman period. The cavalry was dominated by the patricians but this entity became less important as a primary military formation over time. The phalanx came into vogue and was staffed by the plebeian landholder from the rural districts around Rome. Richard continues by suggesting that this military phalanx took on importance in the community as well, evolving eventually into a political entity.⁴⁷

With their position in the army established plebeian political activism continued to expand in the fifth century BCE. One of the vehicles through which the plebs were able to influence political events, early on, was through their participation in a legislative assembly known as the *comitia centuriata*. This assembly was based on military rank, which was further based on the wealth of individuals and was structured in a way that the wealthier members decided the outcome of most votes.⁴⁸ Here, the influence of the

⁴⁷ Jean-Claude Richard “Patricians and Plebeians: The Origins of a Social Dichotomy,” In *Social Struggles in Archaic Rome*, edited by Kurt A. Raaflaub (Oxford: Blackwell Publishing, LTD., 2005): 114.

⁴⁸ Cicero, *De Republica*, II.22, 39-40. Livy, I.42-43.

affluent members of the plebeian *ordo* would have been felt, but not in a way that could raise the plebs up to a level of equal power with the patricians. Richard Mitchell has traced the earliest plebeian *gentes* or familial clans and asserts that a fifth century BCE plebeian “aristocracy,” existed.⁴⁹ Feeling the oppression of the patricians, Livy relates that the plebs eventually used a military boycott to extract concessions from the patricians or *Optimates*. The first Secession of the Plebs occurred in 494 BCE. The plebs, after the refusal of the patricians to agree to their demands for political and economic reforms seceded from the city of Rome to the Sacred Mount, located some three miles outside of Rome. After some time an agreement was reached which established the office of the tribune of the plebs.⁵⁰ Terentius Varro tells us that the first political tribunes of the plebs were chosen from the plebs that held the rank of military tribunes in the army.⁵¹ Livy and Varro both show clearly an evolving plebeian organization from a strictly military one to one concerned additionally with socio-political and economic affairs.

There is scattered evidence in the primary sources that hints that this burgeoning plebeian political organization was centered around the Temple of Ceres. Livy talks of the plebs meeting to discuss their grievances, as taking place on the Aventine. This is the district in which the Temple of Ceres was located.⁵² He also identifies, in at least one version of the first secession that the plebs retreated to the Aventine.⁵³ There is some

⁴⁹ Richard E. Mitchell, *Patricians and Plebeians: The Origins of the Roman State*, (Ithaca, NY: Cornell University Press, 1990), 23.

⁵⁰ Livy, II.33.1-2.

⁵¹ Varro, *De Lingua Latina*, V.81.

⁵² Livy, II.28.1.

⁵³ Livy, II.33.3.

disagreement as to whether the site of the secession was the Aventine or the Sacred Mount. Livy mentions both. Varro mentions the Sacred Mount as the site as does Dionysius. Sallust is convinced that the site was the Aventine.⁵⁴ Since the ancient writers generally agree on the Aventine as the likely site for this event, it must mean they recognized this district of Rome as important to the plebeian class. When Dionysius of Halicarnassus wrote, in regard to the establishment of the tribune of the plebs, that the person of the tribune would be sacrosanct, he specified that the punishment for violating this rule was property confiscation with the proceeds from this confiscation to be deposited at the Temple of Ceres.⁵⁵ In addition to the tribunes of the plebs the patricians also agreed to the beginnings of a bureaucracy with plebeian *aediles* appointed to oversee various aspects of governing the city, stating that they will oversee the public and the sacred sites.⁵⁶ This evidence, when taken together, shows the existence of a plebeian political organization made up of citizens with ties to landholders and the military. It was likely headquartered at the Temple of Ceres and received its funding through donations at this temple. It was this political organization that made up Tiberius Gracchus's power base of supporters who inspired, as well as saw to the passing of his agrarian legislation.

While this thesis takes the position that the plebeian political *factio* was providing the support for Tiberius Gracchus, definitively identifying exactly who showed up to vote for him and his agrarian law has been next to impossible as the ancient sources provide little in the way of solid descriptors. All of the extant writings describe Gracchus'

⁵⁴ Livy, II.32., Varro, V.81., Dionysius of Halicarnassus, *Antiquitates Romanae*, VI.45. Sallust, *Iugurthinum Bellum*, XXXI.

⁵⁵ Dionysius of Halicarnassus, VI.89-90.

⁵⁶ Dionysius Of Halicarnassus, VI.90.

supporters in very broad terms. Plutarch tells us the participants in the *contios* held by Tiberius were the *δημος* or the people. Later in that same paragraph he uses the term *πενης*, which translates to those who are day-laborers or farm hands. Later still he identifies these same supporters as veterans of the legion.⁵⁷ Plutarch's information is a bit untrustworthy as his overarching goal is to build a parallel between the life of Tiberius Gracchus and that of the Spartan King Agis. His identification of the Romans appearing at the *contios* has to be flexible enough to be the equivalent to the helots that Agis is attempting to aid.

Appian, the other most voluminous source of information on Tiberius Gracchus and his agrarian law, uses identical terms as Plutarch did when describing the supporters of Tiberius. Appian too uses *πενης*, or rural laborers and like Plutarch he refers to this group as the *δημος*. He also ties this group of supporters to the Roman legions.⁵⁸ Appian's use of these terms may show the influence of his Greek heritage instead of accurately identifying the specific socio-economic class of the Roman voters involved.

That Roman society was divided by economic class is well documented. The specifics about the economic divisions, however, remain somewhat ambiguous. Modern translators, most from the early twentieth century, replaced *pleb* with the English word "commoner." In the plural form common people or poor are translated from *plebs* interchangeably. There are problems with assuming the term *pleb* describes anyone who wasn't part of the ruling class of Roman society and further to infer that the identifying characteristic of the *plebs* was poverty. This inference has led to a false characterization

⁵⁷ Plutarch, *Tiberius Gracchus*, IX.4

⁵⁸ Appian, *Bellum Civile*, I.10.

of the episode of Tiberius Gracchus's tribunate as a battle between the rich and the poor, unwashed masses. This characterization makes for good drama but is misleading as some of the richest and most powerful men in Rome were of plebeian rank. Tiberius Gracchus's own father was plebeian while his mother was the daughter of Scipio Africanus, the hero of Zama, conqueror of Hannibal, and a patrician.

Instead, in surveying various ancient Roman authors it becomes evident rather quickly that pleb was a term of identification associated with that group of Roman citizen who were landholders and from which the Roman legions were staffed. In short, the plebs comprised the *pedites* or foot-soldiers of the legion, just as the *equites*, another class division within Roman society, formed the cavalry and officer corps of the legion. As mentioned earlier, during the early Republic and the Servian reforms, plebeian political power was limited to an obscure legislative body called the *comitia centuriata*. In warfare, the plebs were arrayed, on the *Campus Martius*, in centuries assigned to the five classes of wealth designated under the Servian plan. Their assembly was organized on the same lines as the Roman military, so voters were arranged first by class based on wealth and then the citizens of similar classes were placed in groups known as *centuriae* or centuries.⁵⁹ Livy writes that the tribunes of the plebs, which numbered 10 per year, were drawn two from the each of the five classes, therefore it follows that within the *comitia centuriata* there were five classes of citizens, classified as plebeian arrayed in 170 centuries.⁶⁰ Above the plebs there were 18 centuries of *equites* or cavalry and below the

⁵⁹ Livy, I.42-43.

⁶⁰ Livy, III.30.

plebs was a century that contained the craftsmen and the poor or *capite censi*.⁶¹ This last century was exempt from military service and it rarely if ever had an opportunity to vote.⁶²

This dual plebeian role of soldier/voter goes hand in hand with how Livy portrays the plebs. To him they are both a political and military body. In the following paragraph he explains that the Roman plebs were active participants in Roman society:

For a long time the Romans had withstood this evil, thanks partly to the prudence of the senate, partly to the patience of the plebs; but they had now come to a crisis. Two states had been created out of one: each faction had its own magistrates, its own laws. At first, though they (plebs) had a way of fiercely opposing the levies, yet when war began they (plebs) had obeyed their generals. No matter what the condition of things in the City, so long as military discipline held it had been possible to make a stand; but now the fashion of disobeying magistrates was following the Roman soldier even to his camp.⁶³

This excerpt shows the plebs not as the poor, unwashed masses but as a powerful political bloc with leverage to win concessions, which comes from their ability to withhold military services. By contrast, further on in his writing Livy uses terms like *agrestes* to refer to peasants coming in from the countryside or *multitudinis* for a generic segment of society, one that presumably defies clear definition.⁶⁴ Clearly the context in which Livy uses the term pleb is very different from the peasants or poor people or even commoners scholars have presumed them to be. Pleb, in Livy, is always linked to the army and to soldiery as well as political organization and land ownership.

⁶¹ Andrew Lintott, *The Constitution of the Roman Republic*, (Oxford, UK: Clarendon Press, 1999), 57-58.

⁶² Livy, I.43.11.

⁶³ Livy, II.44.9.

⁶⁴ Livy, III.6.2.

Another example from Livy, that assigns the plebeians an important place in city government, comes from a passage in which he describes the fate of Capua. It had become a “tomb and a monument” to its people. Livy continues that it is an “*urbs trunca*,” a city that has been cut-off, stagnated because it is “*sine senatu, sine plebe, sine magistratibus*.”⁶⁵ The modern translator, Evan T. Sage, wrote that Capua was without a senate, without people, without magistrates. But Livy was not relating that Capua was a ghost town. It had people. It was an *urbs trunca*: a city that was not vibrant and growing because it lacked a coherent government. Livy describes a successful city government as needing a senate, plebs and magistrates in order to grow and thrive. Again he is demonstrating that the plebs were an active political bloc in a typical city government, an assembly of landowners who were a legislative body and a check on the senate of the city. While Livy is relating events purported to be of the distant past, several modern historians have suggested that Livy’s history is actually based on events from much later in Roman history, around the time of Tiberius Gracchus.⁶⁶

Sallust, the Roman historian writing during the time of the late Republic, provides important documentary evidence that provides some detail regarding the plebs’ role at a *contio* of the *consilium plebis*, or council of the plebs in 111 BCE. Sallust’s restatement of a speech by a tribune of the plebs, Caius Memmius, ties the plebs in his audience to a class of citizens, an *ordo* within Roman society that has throughout the history of the Roman Republic fought the oligarchy. It is this same order that twice seceded to the

⁶⁵ Livy, XXXI.29.11

⁶⁶ Brunt, *Italian Manpower*, 391. Also see Gary B. Miles, “The Cycle of Roman History in Livy’s First Pentad,” *The American Journal of Philology* Vol 107, No.1 (Spring, 1986): 2.

Sacred Mount. It is this same order that Tiberius Gracchus sought to defend during his stint as tribune of the plebs. Sallust's reproduction of this speech ties the plebs in this assembly squarely to Tiberius Gracchus's followers twenty-two years earlier and back further to the plebs that seceded to the Sacred Mount, as related by Livy. With this excerpt from Sallust, along with the previous excerpts from Livy, the plebeian order must be seen as an influential political, social and economic group. They were voters in the assembly, soldiers in the army, and landholders. These writers have drawn a vivid picture of what it meant to be a pleb that differs from modern historical understanding of the term but which this thesis will use to help better understand the passage of the *lex Sempronia agraria*.

Other Roman sources have survived that provide support for the notion of the pleb as a warrior/farmer political class within Roman society. Cicero, in his speech on a pending agrarian law, describes the pleb as "that race of excellent farmers and excellent soldiers."⁶⁷ He provides further details on the plebs' activities in the political arena, suggesting that the Roman people and the plebs were separate political entities.⁶⁸ In his *de Republica*, speaking of the arrangements of the populace in the *comitia centuriata*, and here his evidence may have been a source for Livy, Cicero makes an interesting distinction between the Roman populace and the *capite censi*. He states that below the *equites* were arranged the *relicuum populum* in the centuries in the next five property classes and then later adds how the carpenters and the poor are arranged in centuries at

⁶⁷ Cicero, *De Lege Agraria*, II.31.84.

⁶⁸ Cicero, *De Leges*, II.31.

the bottom of the hierarchy.⁶⁹ For Cicero, the plebs in the five property classes are separate and distinct from the craftsmen and the poor.

Ovid, a contemporary of Livy, in book 4 of his work *Tristia* describes the role of the plebs in celebrating the emperor's son Tiberius's military victory against the German tribes in 13 CE. In this work Ovid shows the plebs assuming a position within a military procession, along with the senate and the *equites*, all under the watchful eye of the *princeps*.⁷⁰ Later in the text he mentions "all the people" would be watching this procession. He has separated the pleb from the *multitudinis*, and by putting the pleb into a military procession he highlights not only their corporate identity within the Roman system of governance but he underscores their role in the Roman army as well.⁷¹

The *Tabula Hebana*, which is a fragment of a senatorial edict discovered in Etruria, confirms the plebs' corporate entity within Roman society of the early principate. In it the plebs are commended for their solidarity with the *equites*, during a time of national grief, the death of Germanicus.⁷² It is apparent that the senate was addressing a significant political element in Roman society, not just the *multitudinis* in general.

Recent scholarship concerning the plebs and their role in the Roman political sphere has sought to rehabilitate the importance of the plebs to a level somewhat above the unwashed masses and maybe on par, at least from a political point of view, with the *equites*. Ronald Syme, acknowledges the plebs as a corporate entity, citing an excerpt of

⁶⁹ Cicero, *De Republica*, II.39

⁷⁰ Ovid, *Tristia*, IV.2.15-16.

⁷¹ Ovid, *Tristia*, IV.2.20.

⁷² *Tabula Hebana*, in Rowe, Greg, *Princes and Political Cultures: The New Tiberian Senatorial Decrees*, (Ann Arbor, MI: University of Michigan Press, 2002), 20.

Dionysius of Halicarnassus that shows the Senate, *equites* and plebeians all sending separate embassies to the sitting emperor. Prayers and sacrifices of these three groups were held separately as well.⁷³ Dell’Oro suggests that the plebs were an independent Latin community that was incorporated in to the Roman citizen body early in the Republic, and this community developed independent political mechanisms that they never gave up.⁷⁴ Jean-Claude Richard argues that the pleb is a landholder who gained in importance as the *phalanx* military formation came into vogue and the importance of mounted troops waned. Richard goes further explaining the social, economic and political reach this military formation had in the community at large.⁷⁵

Based on these ancient sources and contemporary scholarship there is sufficient evidence to establish a corporate identity for the pleb and significant plebeian influence in the political arena. These sources trace a path through time, from the early Republic through the latter part of the reign of Augustus, and at every turn in the path the plebs are shown to have significant political influence. That this plebeian political *factio* had staying power through time is difficult to argue against. What is needed now is to understand the political power of the plebs, and their ability to bring that power to bear in the legislative process in 133 BCE. This thesis’s position, that this plebeian influence could be translated in to the formation of powerful alliances in the *consilium plebis* as well as the *centuriate assembly*, is a logical next step in the rehabilitation of the pleb.

⁷³ Ronald Syme, “Seianus on the Aventine,” *Hermes* 84, Bd, H. 3 (1956): 260.

⁷⁴ R.T. Ridley, “Notes on Establishment of the Tribunate of the Plebs,” *Latomus* T. 27, Fasc. 3 (July-September 1968): 543.

⁷⁵ Jean-Claude Richard, “Patricians and Plebeians:” 114.

As mentioned above, ancient sources suggest the presence of a plebeian political headquarters and treasury at the Temple of Ceres on the Aventine, and this may provide clues to understanding the plebs' unique position within Roman society.⁷⁶ The intersection of sacred sites with political activity was not uncommon in ancient Rome and Livy confirms plebeian political activity at the Temple of Ceres by telling us that the temple was used both as an archive for senatorial edicts and as a treasury for the plebs.⁷⁷ Ridley, citing the work of the French historian Le Bonniec mentions that *plebiscites*, the laws passed in the assembly of the plebeians, were stored here as well. Ridley calls this temple complex the political headquarters for the plebs.⁷⁸

In her work on the goddess Ceres Barbette Stanley Spaeth states that worship of the triad of Ceres, Liber and Libera was tied to the plebeian *ordo*. Further she shows this *ordo* to be a distinct segment of society and in opposition to the patricians. She points out the positioning of the triadic temple complex of the plebs outside the *pomerium* and the patrician cult represented by the triad of Jupiter, Juno and Minerva, which had a temple complex on the Capitoline hill inside Rome, highlights the tension between the plebs and the patricians.⁷⁹ For example locating themselves and their cult outside the *pomerium* may have been a way for the plebs to remain separate and independent from the patrician state.⁸⁰ Through some detailed analysis of ancient texts, mostly Dionysius of

⁷⁶ R.T. Ridley, "Notes on the Establishment of the Tribune of the Plebs:"547.

⁷⁷ Livy, III.55.7-13.

⁷⁸ R.T. Ridley, "Notes on the Establishment:" 547.

⁷⁹ Barbette Stanley Spaeth, *The Roman Goddess Ceres*, (Austin, TX: University of Texas Press, 1996), 144.

⁸⁰ Barbette Stanley Spaeth, 145.

Halicarnassus, Spaeth has established that the Ceres, Liber and Libera temple complex lay outside the sacred boundary known as the *pomerium* on the Aventine. The siting, in what would have been a rural setting near Rome,⁸¹ of the temple to a goddess worshipped by the plebeian *ordo* is significant for a few reasons. Besides separating themselves from the patricians, being outside the *pomerium* reinforces the plebeian association with not only the rural districts of Italy, but also with agriculture, since Ceres is the goddess of the harvest in the Roman pantheon. Also a location outside the *pomerium*, the only place the Roman army is allowed to form up, demonstrates a possible association with plebs and the army. The plebeians, when first assimilating into Roman society, may have been the first to settle in this nearby district, so much so that after some time a law was passed in 456 BCE granting them possession of the Aventine.⁸²

A socio-political organization for the plebeians has been sufficiently demonstrated. Now the organs through which this *ordo* flexed its considerable political might will be examined. After the first secession of the plebs from Rome in 493 BCE, the office of tribune of the plebs was established. In the period under discussion it was the tribune of the plebs, of which there were ten elected for a one-year term, that headed the *consilium plebis* or council of the plebs. The *consilium plebis* was a legislative and electoral assembly, which voted on laws and elected certain Roman officials. It was a plebeian assembly, meaning only plebs could lead or participate in its political meetings. After the *lex Hortensia* of 287 BCE was passed, all laws passed by the *consilium plebis* were binding on all Roman citizens. There is much that still is unknown about this

⁸¹ Barbette Stanley Spaeth, 135-136.

⁸² Livy, I.33 and also Dionysius, X.32.

assembly and very little is known about who actually participated in the *contios* and *comitias* associated with this assembly, beyond the generic label of pleb. It has been firmly established that the purview of this political assembly was to hear about proposed legislation or listen to individuals running for certain offices appeal for the plebs votes.

Again, according to Livy, there are links between this assembly of the plebeian order, the *centuriate assembly* in which presumably all classes of citizens could participate, and the army. As previously mentioned, Livy states that the 10 tribunes of the plebs were drawn from the five classes within the *centuriate* assembly, which were made up of Romans that possessed a certain amount of wealth and would have been expected to serve as foot soldiers in the legion. Sometime in the mid- second century BCE, and possibly when the last two tribes, tribes being voting units based on geography in which Roman citizens were assigned, were established in 241 BCE there was a merging of the centuries within the five classes made up of plebs and the 35 tribes represented in a voting assembly. This reformation of the *comitia centuriata* is little understood, but it seems clear that it underscores a link between politics, voting and the army.

The voting after the *contio* started with the presiding magistrate's exclamation of "*Discedite, Quirites,*" which sent the participants of the Council of the Plebs scrambling to their respective tribal locations for voting. Usually the voting took place in the *saepta* on the *Campus Martius* just outside the city boundary of Rome. This tribal voting formation was called a *comitia* and as Lintott states "was used for an assembly...to take a substantive decision," which could be to vote on a piece of legislation or elect a candidate

to office.⁸³ However, Ross-Taylor suggests that the plebeian assembly should still be referred to as the *concilium plebis*, even when breaking into tribes to vote.⁸⁴ In her view the presiding magistrate determined the forum. If the meeting was led by a *tribunis plebis* then the voting organization was the *concilium plebis* and if led by a consul then voting took place in the *comitia tributa*. Lintott on the other hand suggests parallel *comitias* were in operation.⁸⁵ In his view the purpose of the *comitia tributa*, in which plebs voted following a meeting of the *concilium plebis*, was to pass legislation that was binding on the *populus Romanus*, and the *comitia tributa* led by a consul, included the entirety of the *populus Romanus*, and served to check laws passed by the plebeian *comitia*.

Dionysius of Halicarnassus provides a glimpse at a *contio* and the voting procedures that followed. The episode he describes comes from the time of the secession of the plebs. He shows soldiers arranged in an area listening to speakers talk about the settlement being offered by the senate. Various details, such as the crowd voicing approval of the speakers, are provided and then on the following day this group of soldiers is brought back, aligned in tribal divisions and they vote to accept the offer of the senate as well as to elect the first tribunes to lead their order.⁸⁶

Taken together, this evidence clearly demonstrates that the *concilium plebis* was a legislative or electoral body, whose membership was confined to members of the plebeian *ordo*. It was through this legislative and electoral body that the plebeian political *factio* made its impact on Roman society. This plebeian class wielded great political

⁸³ Andrew Lintott, *The Constitution of the Roman Republic*, 45.

⁸⁴ Lily Ross-Taylor, *Roman Voting Assemblies*, 60.

⁸⁵ Andrew Lintott, *The Constitution of the Roman Republic*, 54.

⁸⁶ Dionysius of Halicarnassus, VI.72-96.

influence through two entities within Roman society. First, the Temple of Ceres with its associated treasury which financed the political activities of the plebeians, and the archive in which the Roman legal corpus was maintained and administered. Secondly the *concilium plebis*, in which laws or *plebiscita* were promulgated that impacted all citizens of Rome.

Outside the political arena it has been demonstrated, through presentation of a plethora of ancient evidence, that the plebeian *ordo* was a class of landholders/soldiers that formed the backbone of the Roman army's infantry and had done so for centuries. It was this *ordo* that bore the brunt of Rome's military misadventures of the second century BCE. The impacts of these wars were devastating on their morale and greatly impacted the plebs willingness to go off to war.

CHAPTER 3 – WAR AND THE PLEB

During the second century BCE, following the defeat of Hannibal, Roman forces met with mixed results on the field of battle. They could point to the subsequent defeat and annihilation of Carthage in 146 BCE and the defeat of Perseus of Macedon as two examples of Roman military superiority. Starting in about 154 BCE, however, the Romans found themselves bogged down in a series of devastating wars in Spain, and then later in the century in the Servile Wars in Sicily. These conflicts did not go well for Rome and they weighed heavily on the morale of the Romans to the point that new recruits were afraid of serving in these wars. Recruitment slipped as young men failed to report for the levy. There are several mentions in the sources of active civil disobedience to reporting for the levy. Census numbers may also demonstrate that there was a movement afoot to avoid the draft. Based on the timing of the agrarian legislation of Gracchus it will be argued this law must be seen as a counter to the military recruitment doldrums being experienced at this time.

In his *Life of Tiberius Gracchus*, Plutarch provides a tidy explanation for Gracchus's desire to seek agrarian reform at this time. The picture he paints of the Roman peasant farmers being forced off of their land, is a gloomy one. Plutarch portrays the large landholders as greedily gobbling up failed farms of indebted soldiers and further accuses the rich of holding vast swaths of *ager publicus* illegally. As a result of this land hoarding by the rich, the small farmers, bereft of their lands were impoverished. This pool of men, the small farmers who we know made up the *ordo* known as the Roman

plebs “no longer showed themselves eager for military service.” Plutarch then mentions that the entirety of Italy was filled with slave gangs working the farms of the rich, thereby casting the rural farmer out of work.⁸⁷

P.A. Brunt in his seminal demographic work on the Roman Republic, largely follows Plutarch seeing not only economic crisis, but also a shifting of labor in the rural areas and a reduction of the *assidui* to the ranks of the *proletarii*. This meant a reduction in the pool of available men for the legions. In his assessment the rural peasant farmer had been replaced by slave labor,⁸⁸ and he uses census figures from Livy’s *Periochae* to prove that the free population was declining because of this displacement. These landless rural denizens simply wandered into the cities, especially Rome, to seek a way to make a living. Henry Borne, a contemporary of Brunt, states that an economic downturn hit the Roman Republic at about 140 BCE when the proceeds from the wars ending in 146 BCE had been spent and public building came to a halt. Borne explains this lack of fiscal resources as the draining off of wealth by “profitless wars in Spain, Illyria, Macedonia and most important of all, in Sicily.”⁸⁹ According to this scholarly work Rome was faced with a dwindling base of manpower for its armies and a mob in the streets of Rome that was a largely unemployed, faceless mass with little or no prospects, who could not look to the government for help.

As discussed in the previous chapter, recent historical, demographic and archaeological studies have cast doubt on the veracity of this economic assessment that

⁸⁷ Plutarch, *TG*, VIII.3.

⁸⁸ Brunt, 79.

⁸⁹ Henry C. Borne, *The Gracchi*, (New York: Twayne Publishers, 1968), 42.

has become so prevalent in the modern historiography. If we accept the refutation of long-standing notions regarding the second century BCE then the question becomes: if economic woes and population decline were not evident or at least not as extreme as previously believed, then what was the impetus for the plebian *ordo* to seek the passage of the *lex Sempronia agraria* and a realignment of the possession of *ager publicus*?

Borne highlights the problem when he calls our attention to the “profitless wars in Spain, Illyria, Macedonia and most important of all, in Sicily.”

The second century BCE saw the Roman Republic at war more often than at any other time in its history. Between 200 BCE and 132 BCE Rome saw only 28 years in which no wars were being waged and in the mid-second century BCE, Rome found itself embroiled both in foreign and domestic wars. Wars in what is today Spain against the Lusitanian tribes of Hispania Ulterior lasted from 155 BCE to about 139 BCE. These wars ran almost concurrently with the Numantine war begun by Celtiberian tribes of Hispania Citerior beginning circa 154BC and lasting until 133 BCE. It is telling that Polybius, a Greek living amongst the Romans at the time, called this “a fiery war” for its ferocity and the number of casualties suffered.⁹⁰ He further provides insight into the morale of those men eligible to be drafted into the army after all of these setbacks. “...but the worst of all was that the young men avoided enrolment, finding such excuses as it was disgraceful to allege, unseemly to examine, and impossible to check.”⁹¹ In addition, Roman armies were locked in conflict with rebellious slaves in Sicily. This war, known as the First Servile War, raged from 135 BCE to 132 BCE. In each case, whether it was

⁹⁰ Polybius, XXXV.3.

⁹¹ Ibid., XXXV.4-6.

against tribes in Spain or the slaves in Sicily Roman armies met with disaster after disaster, finally overcoming their adversaries but only after protracted struggles. What this means is that from 155 BCE to 133 BCE Rome was fighting at least two major wars and at times up to four fronts were active. While there were successes against the Carthaginians in the Third Punic War (149-146 BCE) and the Macedonian's in the Fourth Macedonian War (150-148 BCE) the wars in Spain and Sicily wore on the morale of the populace.

Appian is the best source chronicling the devastating Roman setbacks in Hispania. In 155 BCE an army under the *quaestor* Terentius Varro lost 6,000 men when the Lusitanians revolted. This was followed by the slaying of 9,000 Romans under the command of the *praetor* Lucius Mummius.⁹² In 153 BCE the Roman consul Quintus Fabius Nobilior lost 6,000 men when his army of 30,000 was ambushed by Celtiberians. A few days later, the Celtiberians defeated Nobilior and killed 4,000 more Romans during a disorganized rout.⁹³ Beginning in 147 BCE the Celtiberian warrior Viriathus and his armies regularly defeated and harassed the Romans sent against them. Appian details the eight-year war to defeat Viriathus citing over 10,000 Roman deaths,⁹⁴ and describing it as "so very harassing to the Romans and so badly managed by them,"⁹⁵ Then in 137 BCE, adding to the Roman setbacks in Hispania, 20,000 Roman soldiers under the command of Publius Mancinus were surrounded and threatened with annihilation by the Numantines. Tiberius Gracchus, whose reputation was bolstered by his father's fair

⁹² Appian, *Hispanica*, 12.56.

⁹³ Appian, *Hispanica*, 9.45-10.46.

⁹⁴ Appian, *Hispanica*, 13.63-15.75.

⁹⁵ Appian, *Hispanica*, 13.63.

treatment of the Spaniards at the culmination of a war that ended almost 40 years before, was able to negotiate the release of the army, thus saving 20,000 Roman lives. This success would have far-reaching consequences on the future course of the younger Gracchus's life as will be discussed later.

In about 135 BCE a slave insurrection engulfed Sicily. Diodorus Siculus tells us that two slave armies, one under Eunus and the other under Cleon, controlled of a vast majority of the island. Further he tells us that Eunus' military leader Achaeus was able "to engage in a war with the Roman generals, and often defeated them in battle." Diodorus says that this army's numbers soon swelled to 10,000 fighters.⁹⁶ As for Cleon, the author claims that he fought many engagements and won many battles against the Romans and that the numbers of his soldiers reached a staggering 200,000 men.⁹⁷ But even more disturbing for the Roman people had to have been the additional slave insurrections that cropped up at home and around the Mediterranean. Uprisings were put down near Rome, in Greece, Delos and in many other places. Roman arms were seemingly being challenged everywhere.⁹⁸

Finally in 134 BCE, the Roman people were so exhausted by these wars, to the point that the centuriate assembly took the unusual step of electing an under-aged Scipio Aemilianus to the consulship. Their confidence in him was primarily based on his success in the Third Punic war and the destruction of Carthage. The Senate upon consideration of the young Scipio's failure to meet the minimum age for the office, and to make his

⁹⁶ Diodorus Siculus, *Bibliotheca Historia*, XXXIV.16.

⁹⁷ Diodorus Siculus, *Bibliotheca Historia*, XXXIV.17.

⁹⁸ Diodorus Siculus, *Bibliotheca Historia*, XXXIV.17.

election legal, asked the plebeian assembly to remove the minimum age requirement for the office and then bring it back into law the following year.⁹⁹ In giving him the generalship of the army in Spain, the soldiers through their assembly had spoken loudly and clearly. However, given the lack of success of previous Roman armies against the Numantines and their distaste for these Spanish adventures the Senate was hesitant to risk additional losses of manpower and thus forbade Aemilianus to hold a levy. Instead Aemilianus had to solicit 4,000 volunteers to fill out his ranks.¹⁰⁰ This prohibition against a levy is particularly noteworthy as Polybius states that levying troops was a right and privilege that belonged to the consuls.¹⁰¹

During the aforementioned period of unsuccessful warfare, cracks in the morale of the plebeian rank, from which the army was staffed, began to appear. Appian states that in 152 BCE troops were enrolled for Spanish service by use of the lot. The use of the lot was undertaken after numerous complaints of favoritism when decisions were made about who would go to Spain and who would get easier duty. Using the lot was meant to alleviate those concerns.¹⁰² Additional levies encountered resistance which Ross-Taylor sums up succinctly: "...there occurred a crisis in the levy in 151...The young men, both of the officer and the common soldier class, were frightened by the reports which had come from the Spanish camps, and were resisting the levy."¹⁰³ The *Periochae* of Livy

⁹⁹ Appian, *Historia Romana*, 84.134.

¹⁰⁰ J.W. Rich, "The Supposed Roman Manpower Shortage of the Later Second Century BC," *Historia: Zeitschrift Fur Alte Geschichte* Vol. 32, No. 3 (3rd Qtr. 1983): 302.

¹⁰¹ Polybius, VI.12.

¹⁰² Polybius, 9.49.

¹⁰³ Lily Ross-Taylor, "Forerunners of the Gracchi," *The Journal of Roman Studies* Vol. 52, Parts 1 and 2 (1962): 21-22.

states that these prolonged and unsuccessful wars in Spain had “caused great confusion among the Roman citizens,” to such a degree that no one wanted to go there. This confusion or crisis of confidence led to an event unparalleled in Roman history, in which the tribunes of the plebs had the two consuls for 138 BCE thrown into prison for conducting a levy “with great strictness” and that “favored no one with an exemption.”¹⁰⁴ An event in which two consuls, the supreme rulers of the state, were hauled off to prison demonstrates a rising level of anxiety amongst the constituency of these tribunes – the Roman pleb.

A more telling source, regarding plebeian attitudes toward these wars are the census numbers as they are a widespread measure of plebeian discontent. The census figures for the decades before and just after the tribunate of Tiberius Gracchus show clearly the lack of support the plebeian *ordo* provided to the army. A review of the shrinking census numbers between 164 BCE and 125 BCE reveals a startling trend. Plebs were failing to show for the census and this affected the pool of men making themselves available for the *dilectus* or levy. In 164 BCE the Roman population, as measured by the censurers was at its highest point during that century. This census was taken in the middle of one of the rare periods in which there were no wars being fought by Roman armies. Following the census of 164 BCE, when warfare was in full swing we see gradually declining numbers until there is a small rebound in the census numbers in 142 BCE. Again this rebound comes at a time of relative peace, as only one war was actively being fought. Also this increase comes just a few short years after the final defeat of Carthage. Afterwards the census numbers trend downward until 125 BCE when they jump up by

¹⁰⁴ Livy, *Periochae*, 48.16-17.

over 75,000 from the previous census of 131 BCE. Again this was a period of relative peace. The pattern remains. When there is no war or little war the population numbers recorded in the census rise. When Rome is at war the numbers drop.

In order to understand the significance of the pattern of rising and falling census numbers, it will be necessary to investigate the relationship between the census and the levy. Brunt asserts that the census counted all adult male citizens in order to build a database from which soldiers could be drafted into the army.¹⁰⁵ Hin suggests it hardly makes sense to count adult males who are too old to fight or are physically incapable of bearing arms. She also acknowledges that Livy's assertion that the census counted only those who could bear arms, while possibly accurate for the early Republic, was not supportable where the later Republic is concerned.¹⁰⁶ However, Hin's dismissal of Livy's view on the operation of the census fails to take in to consideration that the annalist often used anachronisms to color his early Republican history. Livy's statement that only those who could bear arms were counted in the census, should be given more credence. Also Hin seems at a loss to explain why the Romans would count their citizens for anything other than military purposes. After 167 BCE there was no *tributum* or tax assessed on Roman citizens, so there was no need to value their wealth to assess taxes. Hin goes on to state that counting Romans for the purposes of voting makes little sense either.¹⁰⁷

Livy, in his books concerning the middle Republic always equates the census with the levy. For instance he tells us that in 209 BCE the rebellious colonies that had refused

¹⁰⁵ P.A. Brunt, *Italian Manpower* 15-25.

¹⁰⁶ Saskia Hin, "Counting Romans:" 207.

¹⁰⁷ Saskia Hin, "Counting Romans:" 213.

to produce the required number of troops during the initial period of the Second Punic War were directed to provide “double the maximum number of infantry that each...had ever furnished...and also 120 horsemen.”¹⁰⁸ Livy adds that the Senate demanded that each colony conduct a census as instructed by the censors in Rome and from this census a military levy would be conducted by each. Later for the Third Macedonian war, he describes the census and attendant military levy. This description is particularly interesting, as Livy first outlines the military troop levels that were authorized by the Senate and then shows the census being conducted to fill the quota set by the Senate. He tells us the censors felt it was so important to field quality troops that they added a question to the procedure that helped them to ascertain that the citizen was under 46 years old or in other words not too old to fight.¹⁰⁹ There is no question for Livy that the census was being conducted to fill the ranks of the army and that only certain citizens, those of military age, needed to be counted.

Dionysius of Halicarnassus states that the census was, at least early in the Republic, for the purposes of assigning men, based on wealth, to certain centuries for military service.¹¹⁰ Polybius, who wrote in the mid-second century and was intimately familiar with the Roman military system, tells us that prior to the invasion of Hannibal, the Romans could muster a total of 250,000 infantry and 23,000 horse.¹¹¹ This total figure of 273,000 coincides fairly closely with the census figures we have from 234 BCE.¹¹² It

¹⁰⁸ Livy, *ab Urbe condita*, 29.15.

¹⁰⁹ Livy, *ab Urbe condita*, 43.14

¹¹⁰ Dionysius of Halicarnassus, IV.16.

¹¹¹ Polybius, II.24

¹¹² Livy, *Periochae*, XX.

seems likely that the census figures of 234 BCE are also the only source that Polybius would have had for estimating total manpower available for conscription into the legions in advance of the Second Punic War. Writing closer to the time period of Tiberius Gracchus, Polybius, tells us that the censor is present and that soldiers are assigned to four different classes based on age and wealth.

The census figures for 209 BCE show a close correlation with the number of men available for military service. This census shows 137,108 men, down from 273,000 men available for military service that Polybius counted in 225 BCE, before the invasion of Hannibal. This is a net loss of about 136,000 men. This steep decline can be put into context when considering that from the outset of the Hannibalic invasion of Italy the Roman army had met with a series of military disasters in which upwards of 150,000 Romans may have perished. Again, this census number from 209 BCE of 137,108 correlates well when 150,000 casualties sustained in the Second Punic War, are deducted from Polybius's count of 273,000 men available for military service in 225 BCE before the outset of this war.

Taken together, these ancient writers and census figures provide powerful evidence that the tradition of counting only Roman citizens who could bear arms in the census had survived in to the middle and late Republic. Further tying the census to the military was that the headquarters of the censors, the officials responsible for the census was located on the Field of Mars and the god Mars in the Roman pantheon was the god of war. Citizens assembled on the military field known as the *Campus Martius* to be counted and probably lined up in military formations based on their census rating. Claude Nicolet states: "...the object of the census was to draw up the order of battle, and citizens

under arms were not allowed to assemble inside the *pomerium*.¹¹³ Additionally, he points to the Altar Frieze of Domitius Ahenobarbus, which dates to circa 122 BCE and depicts a Roman census in operation. Here, interestingly in a prominent position is Mars, the Roman God of War, along with plebeian foot-soldiers and a Roman *equite* or knight with his horse.¹¹⁴ The evidence seems to support the supposition that performing the census for purposes of determining Rome's military manpower continued in to the period under discussion as well.

Not only did these series of unsuccessful wars dampen the morale of Roman populace, but there were effects within the ranks as well. Pierre Cagniard says "Spain was the nightmare and the cancer of Roman foreign involvements."¹¹⁵ He and others have cited low pay as a heavy contributor to low morale. De Ligt suggests that the *stipendium* for the Republican soldier was mostly eaten up to pay for clothing, weapons and food, leaving little for the soldiers' financial gains.¹¹⁶ This means there would have been a heavy reliance on gaining a share of spoils from the conquered but as defeat after defeat piled up for the Romans, the prospect of spoils grew fainter. Even in the midst of a rare Roman victory in Spain the general might keep the lion's share of the spoils for himself, as in the case of Galba, for whom Appian reserves special disdain.¹¹⁷ The impacts of this

¹¹³ Claude Nicolet, *The World of the Citizen in Republican Rome*, (Berkeley, CA: University of California Press, 1980), 63.

¹¹⁴ Claude Nicolet, *The World of the Citizen in Republican Rome*, 86.

¹¹⁵ Pierre Cagniard, "The Late Republican Army (146-30BC)," in *A Companion To The Roman Army*, ed. Paul Erdkamp (Malden, MA: Blackwell Publishing, 2007): 81.

¹¹⁶ Luuk De Ligt, "Poverty and Demography:" 743.

¹¹⁷ Appian, *Hispanica*, 12.60.

almost continuous warfare for the Roman pleb, the veterans of these conflicts and on the tribunate of Tiberius Gracchus are unmistakable.

Instead of trying to move the poorest Romans, the *capite censi*, onto farmland so that their census rating could be raised for the levy, as scholars have previously suggested, it is argued here that Gracchus, through the *lex Sempronia agraria*, is seeking to make remuneration, especially to the Spanish war veterans, many of whom he had just finished serving with. He says as much in a speech that is preserved in Plutarch:

The wild beasts that roam over Italy, and have every one of them a cave or lair to lurk in; but the men who fight and die for Italy enjoy the common air and light, indeed, but nothing else; houseless and homeless they wander about with their wives and children...and though they are styled masters of the world, they have not a single clod of earth that is their own.¹¹⁸

Tiberius Gracchus and his plebeian associates recognized the poor treatment of the returning war veterans and they made fixing this problem a priority. The deteriorating military situation demanded the tribune act quickly. As he stepped into the prestigious college of the *tribunis plebis* in 133 BCE, the Roman Republic was suffering another humiliating defeat at the hands of slave armies in Sicily. The plebeian *ordo* that had been counted on throughout Roman history to staff the armies was hesitant to answer when called to fight in foreign wars. The problems with conducting the levy are documented. Men were seemingly afraid to risk their lives and quite literally their financial security to fight in wars that promised little in the way of success or recompense for time served. In the next chapter this new argument will be contrasted against another of the traditional explanations for the *lex Sempronia agraria*, that of class conflict.

¹¹⁸ Plutarch, *TG*, 9.4.

CHAPTER 4 – THE MYTH OF THE DISAPPEARING PEASANT

That the tumult surrounding the passage of the *lex Sempronia agraria* which amounted to class struggle, the very poor against the rich, must be set against the reality on the ground, both in terms of the political and economic situation of the Roman Republic. Plutarch and Appian, our two most important ancient sources concerning the tribunate of Tiberius Gracchus, have left few clues as to the political processes of the Republic and the economic conditions that persisted during the mid-second century BCE. What they did say, as discussed above, left a lot of room for the imaginations of modern historians to theorize. In this chapter, prevailing theories will be looked at against the evidence and examined critically to show that the notion of a class struggle between the rich and the poor, the *capite censi*, to explain the development of the *lex Sempronia agraria* is unsupportable. The law was supported by the plebeian class, and using their political clout, along with their importance in filling the ranks of the army as further leverage, they brought this law forward and then passed it over the objections of the *Optimates* or patrician class.

Following Plutarch and to a certain extent Appian, modern historians have painted a gloomy picture of the economic conditions of the period under discussion.¹¹⁹ The historiography claims that the Roman farmer had been forced to sell his land to pay off

¹¹⁹ See Henry C. Borne, *The Gracchi* (1968), 42, Frank, C. Bourne, “The Origins of Roman Experiments in Social Welfare,” *The Classical Weekly* Vol. 44, No. 3 (Dec 4, 1950): 35, P.A. Brunt, *Italian Manpower*, (1971): 79.

debt that had accumulated while serving in the army. These farmers of plebeian stock drifted to the city to try to support themselves. Once in Rome, as Henry Borne depicts, a perfect storm for revolutionary unrest existed – people were unemployed, lacking in resources and susceptible to starvation since grain imports were affected by the slave revolts in Sicily. With the wealth of previous conquests depleted, public works were no longer undertaken, thus there was no mechanism to spur employment. While the danger of famine lurked, lack of money in the treasury meant a grain dole could not be supported.¹²⁰ It is against this backdrop of class struggle, unsuccessful war and flagging prosperity that many historians have set their interpretations of the land legislation of Tiberius Gracchus.¹²¹

Plutarch, in Book VIII of his *Life of Tiberius Gracchus*, provided the basis for this economic assessment that has been the bedrock of Gracchan motivations for land legislation since the time of Mommsen. In this work we see a bipartite society with the poor struggling against the rich for equity. Here he may have followed Livy, who in his *ab Urbe condita*, portrayed the plebeians and the patricians in almost constant battle over equal or at least fair treatment as it concerned economic and political issues for the plebeian class.¹²² What Plutarch did not seem to understand was that the plebs of the early and late Republic were not the poor, they were a distinct social, economic and political group that could bring tremendous power to bear on the issues of their day.

¹²⁰ Henry C. Borne, *The Gracchi*, 42-44.

¹²¹ Henry C. Borne, *The Gracchi*, 42.

¹²² Plutarch, *TG*, VIII.1-4.

As Plutarch continues, the outlines of class struggle emerge. Plutarch, using highly charged rhetoric, tells of the “rapacity” of the rich and of the poor being “ejected” forcibly from their land. He tells us that the poor, relocated to the city of Rome where, as it is imagined by modern historians, they scratched out a living, mostly one based on handouts and charity of the state. Graffiti scrawled on buildings begged Tiberius Gracchus to recapture the *ager publicus* for them.¹²³

Along with his statements on the “rapacity of the rich” Plutarch cites a pamphlet written by Caius Gracchus, brother of Tiberius, in which we are told that during his journey through Etruria on his way to the wars in Spain, Tiberius noticed a preponderance of slave labor working the fields and a dearth of free laborers. That was the point at which he decided on a course of action that resulted in the *lex Sempronia agraria*.¹²⁴ This is the first instance in which Plutarch identifies his source of information concerning Tiberius Gracchus.

While it is tempting to cling to a piece of information that is allegedly primary source, this picture of the Roman countryside does not square with recent archaeological studies that demonstrate a vibrant rural population.¹²⁵ Recognizing the limitations and biases of the literary sources, historians have recently turned to archaeology to answer the questions concerning the state of agriculture and the plight of the peasant during the second century and beyond. The findings are as interesting as they are effusive in their refutation of the simplistic assertions of class warfare portrayed in the literary sources.

¹²³ See also Appian, *BC*, Book I. 8-10 for similar narrative concerning rich versus poor.

¹²⁴ Plutarch, *TG*, VIII.7.

¹²⁵ Mariaelena Ghisleni, *et al*, “Excavating the Roman Peasant I: Excavations at Pievina,” *Papers at the British School at Rome* Vol. 79 (2011): 138.

Archaeology has put into question the accepted notion of the Roman peasant farmer as prey to the whims of the elites. In fact, modern research suggests that the rich reaped many financial and political benefits from working together with their poorer neighbors. This is an important clarification of the literary sources. If the small landholder thrived during this period, or if the rural denizens were largely selling out to go to the city to take advantage of better economic opportunities, then it means that the need for the *lex Sempronia agraria* was not class conflict between the rich and the poor. The elimination of this theory will lend credence to this thesis's argument that the land law was meant as a reward for recent veterans and as an enticement for enlistment.

Other recent archaeological projects seeking to clarify rural life both in the ancient Mediterranean in general and Italy in particular challenge other aspects of the accepted historiography. The first of these that will be discussed involve excavations of a Republican era small farm site at Pievina, which dates to the second century BCE. The evidence shows a complex inter-twining of grain harvesting, raising of cattle, pigs and chickens, as well as commercial grade production of ceramics, specifically roof tiles at the site. The inhabitants of this small site not only raised grain for their subsistence, but consumed meat. Archaeologists noted the capability for small-scale production of ceramics such as roof tiles as well. The combination of agriculture, animal husbandry and ceramic manufacturing demonstrates the inhabitants of this site had diverse avenues for generating income.¹²⁶ Based on the discovery at this site of pottery sherds from ceramics that likely came from around the Mediterranean, and which dated to the Republican period, it is evident that the inhabitants were tied into a regional trade network. They

¹²⁶ Mariaelena Ghisleni, *et al*, "Excavating the Roman Peasant I:" 138-139.

likely had access to trans-Mediterranean goods at the nearby village, through traveling merchants or occasional trade fairs.¹²⁷ This ability to buy goods would also indicate a certain level of disposable income was available to the inhabitants. Coins discovered at the site also confirm this group was part of a monetized economy.¹²⁸

The presence of the remains of cows, sheep-goats, and pigs suggests other possibilities. First, the presence of pig remains suggests that the inhabitants were meat eaters. They may have used cows as draught animals for tillage of the soil. These uses for animals fly in the face of conventional beliefs that peasant farmers' diets mostly consisted of what could be grown, such as wheat. The remains of these animals also suggests these rural dwellers had access to materials for clothing themselves with sheep and goats providing wool for making clothing.

In short, the excavations of Pievina, show a peasant farming community that was self-supporting from a food perspective, but also had a means with which to acquire money, produce or services through its production of ceramics. This is in contrast to Tiberius Gracchus's description of this area, in which he is said to have remarked that he saw a dearth of free-laborers. This new evidence however, lends credence to the idea of the small landholding as a self-sustaining enterprise is reasonable.

While on its own the site at Pievina cannot speak to the system of rural labor in the second century BCE as a whole, other excavations have helped to buttress a different model of rural life for this period. Lin Foxhall, in her wide-ranging assessment of the Greco-Roman Mediterranean region, sees evidence for a multi-layered, multi-faceted

¹²⁷ Mariaelena Ghisleni, *et al*, "Excavating the Roman Peasant I:" 139-140.

¹²⁸ Mariaelena Ghisleni, *et al*, "Excavating the Roman Peasant I:" 138.

rural economy in which free-labor was not only allowed to exist but was crucial to the operation of the system. Foxhall advocates for the existence of free-labor, specifically tenancy, from the Greek Classical period through the later Roman Empire of the sixth century CE. The poorest of the rural residents existed within a communal model, living together in a village or small town and working the small plots of land assigned to them.¹²⁹ Foxhall insists this accords well with the archaeological record that shows community structures such as a kiln and a granary, but little evidence for individual housing.¹³⁰ This would explain the lack of remnants from small farmsteads, specifically individual farm houses that have led previous historians to draw mistaken conclusions about a lack of free peasant farmers in this period. This research has highlighted the existence of the peasant farmer, who may have farmed a small plot of land, but lived in a village or some other type of communal arrangement.

Moreover, based on what archaeology has discovered, and a common sense application of what ancient literature has demonstrated, it seems more logical for the elites and the peasants to have cooperated. Rathbone, in his study of agriculture of the *ager Cosanus*, posited through a series of calculations that the villa was operated at a greater profit if a mix of slave and free-labor was utilized.¹³¹ Rathbone utilized, amongst other evidence, Cato's suggestions on staffing a *villae rustica*, operating costs and his projected outputs of produce per *iugera* based on crop type. Rathbone further posits that

¹²⁹ Lin Foxhall, "The Dependent Tenant: Land Leasing and Labour In Italy and Greece," *The Journal of Roman Studies* Vol. 80 (1990): 108.

¹³⁰ *Ibid.*: 108.

¹³¹ D.W. Rathbone, "The Development of Agriculture in the 'Ager Cosanus' during the Roman Republic: Problems of Evidence and Interpretation," *The Journal of Roman Studies* Vol. 71 (1981): 14.

the rich man's villa attained optimal functioning with a mix of slave labor and free-labor.¹³² Having freemen in the neighborhood, who could be hired for seasonal work, or that could provide artisan work, or that could be levied to meet a town's military commitment was in the best interest of the rich landowners and magistrates of the area.

This cooperative relationship between the classes belies the notion of a land grabbing nobility chasing the small farmer out of town that has been the mainstay of traditional scholarship. Certainly there were peasants who went bust due to a poor harvest or died performing military services and it makes sense that these farms would have been annexed or folded into or sold off to bigger estates. It does not appear, however, that eating up the majority of small landholdings in a given area would make sense from the wealthy landowner's perspective of utilizing free labor to reduce operating costs, or of having men in the area who could meet the required military commitment. Witcher confirms this in his study of agricultural practices in ancient Italy. He states that:

“However, by setting up a binary opposition between slaves and free labour, perceiving them to be in competition, the complexity of dependency has been underestimated.”¹³³

There was in Roman society an agrarian system in which the members of this system were vital to one another's success. The loss of one element of this system, in this case the peasant farmer, would have caused severe repercussions for the other parts of the system.

Cato makes sure to tell his readers who were scouting for a farm to buy that they should ensure, among other things, that there is a good supply of free labor in the

¹³² D.W. Rathbone, “The Development of Agriculture:” 19.

¹³³ R.E. Witcher, “Agrarian Spaces in Roman Italy:” 344.

neighborhood.¹³⁴ He goes on to mention labor that may need to be contracted for, such as for erecting buildings and burning lime in a kiln. It is clear that his expectation is that there will be a pool of free labor available to attend to certain chores.¹³⁵ While artisans and tradesmen could expect to find work on these large estates, the results of the archaeological findings discussed above, also point to merchants and traders in the area that would have supplied manufactured goods to the inhabitants.

The new evidence calls into question the accuracy of Plutarch's story concerning the pamphlet of Caius Gracchus in which he states that Tiberius Gracchus, while on his travels through Etruria on his way to the war in Spain, supposedly had noted a dearth of free labor, must be questioned based on this evidence. It is possible that Tiberius' interpretation of what he saw could be related to an economic phenomenon that was taking place across the region. That phenomenon was a migration of free men to more attractive commercial opportunities in the cities. According to Emanuel Mayer, based on the archaeological evidence from the ancient towns of Olynthus in Greece and Pompeii in Italy, the economy of the Mediterranean region shifted from an agro-economy to one that was more urban centered and commercialized beginning in the 4th century BCE. By the outset of the 2nd century BCE this evolution was almost complete.¹³⁶ Taking into consideration, the huge loss of life and the devastation of the land that attended the Second Punic War, a shift of a large segment of the surviving rural populace to the cities where commerce was thriving, makes a large amount of sense.

¹³⁴ Cato, *De Agricultura*, 3-4.

¹³⁵ Cato, *De Agricultura*, 14-16.

¹³⁶ Emanuel Mayer, *The Ancient Middle Classes*, 40.

There are many explanations for shifting population patterns that do not involve class conflict or an economic crisis. That the population in the city of Rome increased, for example, is suggested by the construction between 144 BCE and 140 BCE of a new aqueduct that increased Rome's water supply by as much as 80% daily. The expenditure on this aqueduct amounted to approximately 180 million *sesterces*. This suggests that scholarly pronouncements of an empty treasury are not accurate.¹³⁷ A reassessment of archaeology in southern Etruria has shown a drop in rural farm sites during the mid-third and mid-second centuries BCE. Some of this depopulation may be apportioned to the invasion of Hannibal, however we must take in to account the potential for communal living attested to by Foxhall in her previously mentioned study of archaeological sites throughout the Mediterranean. Communal living would have reduced the number of farmsteads in the archaeological record. Also the emigration of rural residents to more attractive commercial opportunities in the cities could account for the drop in rural farm sites.

Phillip Kay in his book, *Rome's Economic Revolution*, has noted the population in Rome rose significantly and that Rome's "strong investment in religious and utilitarian building," attests to this increase.¹³⁸ He further asserts that the second century BCE saw a large influx of bullion from the silver mines of Spain, as well as booty and tribute from the few military victories the Romans did manage to achieve in this period. This wealth "resulted in real per capita income growth...which radically changed the composition,

¹³⁷ Phillip Kay, *Rome's Economic Revolution*, 24.

¹³⁸ *Ibid.*, 24.

scale and complexity of the Roman economy.”¹³⁹ Kay goes on to draw parallels to the economic impact of vast amounts of bullion arriving in Europe from the New World in the sixteenth and seventeenth centuries to that of the situation in the second century BCE Roman Republic. This later influx of wealth contributed to a doubling of England’s population from 1500 to 1640 CE. Towns grew substantially as England’s rural citizens came to the cities to enjoy the economic opportunities that arose there. Land holdings grew in size, agricultural techniques improved and output increased. Trade networks grew as well.¹⁴⁰ All of these elements are seen in the transition from an agro-based economy to an urban-based economy that occurred in the second century BCE Roman Republic.

In another sign of prosperity, Walter Scheidel states that “the volume of Roman silver coinage in Italy grew between five and ten times between the mid-second and mid-first century BCE.”¹⁴¹ This is directly due to increased mining and smelting that took place in Spain from the mid-second century BCE in to the first century BCE.¹⁴² Scheidel and Kay both see this influx of bullion as having an impact on production technologies and resulting in real income growth throughout all strata of the populace of Roman Italy.

To summarize, the Roman Republic of the second century BCE was undergoing an economic transformation but not of the type discussed in the traditional historiography. There was a large influx of wealth through the mining of silver in Spain. There were vast tracts of land available following the devastations of the Second Punic

¹³⁹ Phillip Kay, *Rome’s Economic Revolution*, 6.

¹⁴⁰ *Ibid.*, 6.

¹⁴¹ Walter Scheidel, “A Model of Real Income Growth in Roman Italy:” 334.

¹⁴² *Ibid.*: 334.

War and the attendant uprooting of the rural populace. Finally there had been a shift away from an agro-economy to an urban-based, commercialized economy. This urbanization, attracted many rural residents to the city in hopes to find a better life through enhanced economic opportunities. This understanding of the condition of the plebs is in stark contrast to the depiction of their condition as told by Plutarch and then down through the millennia to the present.

It may therefore be posited that the large land owners faced with a dwindling supply of free labor became more and more dependent on slave labor to the point that what was left to the peasants who remained, was to work their farms and pick up seasonal work on the large villas in their neighborhood. Given these developments, it may be suggested that Plutarch's descriptions of the poor of the city of Rome, scrawling graffiti imploring Tiberius Gracchus to recover their lost farms, may have been merely the echoes of Gracchus's own political rhetoric in which he sought to bring back the idea of the farmer/soldier so dear to the Roman people.

CHAPTER 5 – *LEX SEMPRONIA AGRARIA*

The preceding chapter demonstrated convincingly that the Roman plebs of 133 BCE were likely thriving economically. There had been a significant shift in the population from the rural areas of Italy into the cities to take advantage of the booming economy. Further it was demonstrated that there was no need to alleviate widespread poverty through social reform legislation. In this chapter it will be argued that the *lex Sempronia agraria* was put forward for different reasons. First, Tiberius Gracchus and his supporters wanted to reward the returning veterans of the disastrous wars currently being waged by Rome. Secondly, they hoped to encourage plebs to show up for the census and by extension the military draft. The supporters of Tiberius Gracchus and this legislation will also be identified.

Tiberius Gracchus stepped into this maelstrom of societal change that was swirling about the Roman Republic. He had witnessed what he thought was the depopulation of the peasant farmer on his travels through Etruria and, according to Plutarch he was determined to fix that issue.¹⁴³ He got himself into a position to do so with his election as tribune of the plebs for 133 BCE. His pedigree and preparation for this appointment were impeccable. He was the son of Tiberius Sempronius Gracchus, a plebeian who had an illustrious career in service to Rome. His mother was the daughter of Scipio Africanus, the hero who defeated Hannibal at Zama. The younger Gracchus

¹⁴³ Plutarch, *TG*, VIII.

acquitted himself well in the defeat of Carthage, being the first soldier over the wall of that beleaguered city. Following the war against Carthage he served as *quaestor* to the army headed by the consul Gaius Hostilius Mancinus in Spain in 137 BCE. This military expedition met with disaster. As mentioned above Mancinus, a middling general, allowed his army to be surrounded by the Numantines and Gracchus prevented this army's annihilation by negotiating a treaty with the Numantines. Thus Gracchus had saved 20,000 Roman soldiers from death at the hands of the Spaniards and came home as something of a war hero.¹⁴⁴

Once back from the war Gracchus, possessing a certain cachet with the Roman public, was quickly surrounded by the leading plebeian political figures in the Rome of that date and with their help gained the tribunate of 133 BCE. The plebeian political faction, now headed by Gracchus, recognized that Rome had a two-fold problem. First that it was not taking care of its veterans. Harkening back to ancient times, Rome would send out veterans to establish colonies, granting plots of land to these veterans. However, this practice had been abandoned early in the second century BCE, modern historians have no explanation for this cessation of colonization. But Livy's last mention of a colony concerns the establishment of Luna in 177 BCE.¹⁴⁵ Second this lack of financial reward for serving in the army was creating a shortfall in manpower as many were now shirking their duty to serve in the army. Tiberius Gracchus, a war hero of plebeian rank, who had just saved a Roman army was the right choice to address the problem. Further,

¹⁴⁴ Plutarch, *TG*, V.4.

¹⁴⁵ Livy, *ab Urbe condita*, XLI.13.4-5. Also see E.T. Salmon, "Roman Colonisation from the Second Punic War to the Gracchi," *The Journal of Roman Studies* Vol. 26, Part One (1936): 64-65.

Gracchus could tap into a large pool of veterans, those he had just served with and saved in Spain. Presumably, a proportion of these veterans could be counted on to fill the *consilium plebis* and carry the vote for Gracchus's initiative, such as land legislation. There was something in it for Gracchus as well. Not only was his appointment as tribune of the plebs a jumpstart on the *cursus honorum*, but additionally he could help his Numantine army mates by securing land on which they could retire and support themselves and their families.

The association of a neophyte politician, albeit a war hero, with a group of highly successful politicians raises some eyebrows. Even harder to understand is how this man with very limited political experience found himself spearheading a legislative drive to redistribute wealth in second century BCE Roman society. Considering that the elder and wizened Laelius, with the backing of the powerful Scipio Aemelianus, had failed to get a land law passed a few years before, albeit a land law that virtually nothing is known about, it seems difficult to believe that Tiberius Gracchus would be chosen for another attempt. The sources are not much help in figuring out why Gracchus could expect to succeed where a politician with more experience had failed or why Gracchus was given the chance. It seems logical that Gracchus had a broader organization behind him as he moved towards the introduction of this legislation. One possible answer is that there was, as discussed in Chapter 2 of this work, a powerful, well funded plebeian political organization already up and running in Rome. It seems likely that this *factio* was instrumental in building a coalition that reached deep within Roman society and could bring in additional support beyond Gracchus's pool of veterans.

It could be said that Gracchus was just a figurehead, the war hero as the face of a powerful movement that had the full backing of senior plebeian leaders. Any notion of that arrangement can be quickly dispelled as Plutarch tells us that Gracchus was in firm control of the tribal electoral body. This is evident in the episode of the deposition of one of the tribunes of the plebs for 133 BCE, Octavius, who was called on by the Senate to block the agrarian law. In an unprecedented parliamentary move instituted by Tiberius Gracchus, but one that was clearly within the guidelines of the Roman constitution at the time, Octavius was deposed with an affirmative vote being given by the first eighteen of the thirty-five tribes. In the tribal voting system once the majority of tribes, eighteen, had registered either a yes or no vote, voting ceased. That the first eighteen tribes that voted approved of Octavius's deposition shows no splintering in the plebeian coalition. Here perhaps in this strategy to depose a tribune, we see the fingerprints of Publius Mucius Scaevola, a known associate of Gracchus and one of the great legal minds of the time. Whatever the case, the plebeian *factio* demonstrated solidarity in deposing Octavius and then again in the vote to carry the *lex Sempronia agraria*.

Gracchus, with the support of a vast majority of the veterans of the war against the Numantines, sought to reward these veterans by providing plots of land on which they could now retire and support themselves and their families. Doing so was in keeping with Roman tradition of providing land for colonies for its veterans or, in the case of Scipio Africanus, direct awards of land to the veterans of his Spanish and African campaigns.

Evidence for increased silver smelting activity in Spain, expansion of the city of Rome's water supply and increased building activity seem to point to a wealthy Roman state with treasuries overflowing with silver and other wealth from the tribute of

conquered nations, as previously discussed, why should the veterans not be given money instead of land? The answer to this question concerns the Romans' *mos maiorum* or the ancient ideals that Rome was founded on and lived by. Plutarch's narrative concerning the background for the *lex Sempronia agraria* calls out a violation of Roman *mos maiorum*: the men were being separated from the land. Tiberius Gracchus therefore is not promoting just a land giveaway, he is promoting a restoration of men to the land in concert with an ancient Roman ideal. This ideal is that the Roman works the land and in times of danger he lays aside the plow and picks up the shield and sword to defend his nation. This concept, that the man and the land were inextricably connected, was deeply ingrained in the Roman psyche. This was not simply about money or wealth.

Livy provides two distinct examples within his history of Rome. The first is the story of Cincinnatus who was called from his fields, by the senate, and appointed dictator in order to take command of an army against invading Italian tribes. He defeated the enemy, resigned his dictatorship and went back to his small farm.¹⁴⁶ Livy also tells us of the centurion Spurius Ligustinus who served in the legions for over twenty years. He then retired to his small farm, which was handed down from his father, and he had been profligate in the rearing of children, six sons and two daughters.¹⁴⁷ In short Ligustinus was the idealized model of what a Roman soldier needed to be.

Horace, an important poet of the Augustan period, and a contemporary of Livy's also reaffirms the notion of Rome's greatness being built on the backs of the Roman farmer who takes up arms in times of great peril:

¹⁴⁶ Livy, *ab Urbe condita*, III.26.6-29.7.

¹⁴⁷ Livy, *ab Urbe condita*, XLII.34.

The young men who stained the Punic Sea with blood
 they were not born of such parentage, those who
 struck at Pyrrhus, and struck at great
 Antiochus, and fearful Hannibal:

they were a virile crowd of rustic soldiers,
 taught to turn the furrow with a Sabine hoe,
 to bring in the firewood they had cut
 at the instruction of their strict mothers.

when the sun had lengthened the mountain shadows,
 and lifted the yokes from the weary bullocks,
 bringing a welcome time of rest,
 with the departure of his chariot.¹⁴⁸

Keeping with the customs of their ancestors was important to Romans. This was especially true during Gracchus's tribunate, when Roman society's image of itself was being assaulted, not only by demoralizing military defeats, but also under the onslaught of Hellenization, brought on by Rome's contacts with eastern societies. Gracchus, knowingly or not, had tapped into a psychologically important idea. The noble farmer/soldier figure of the Roman mythology, the man who had filled the ranks of Rome's legions for centuries, was disappearing. The plow and the rustic life of the farmer were being traded for easy comforts of city life and pretty baubles from the east. When Tiberius Gracchus strode to the Rostra, to address that first *contio* that was called to hear about his land law, he made it clear that he intended to do something about it. However, this desire for a return to the ways of the ancestors, in and of itself, was likely only a

¹⁴⁸ Horace, *Odes*, III.6.

rhetorical vehicle, one that from an emotional point of view might sway voters in the *concilium plebis* to affirm the *lex Sempronia agraria*.

The real intention behind the rhetoric for Gracchus and the other plebeian leaders of his inner circle, was to reward veterans returning from Rome's recent military misadventures, but the law had a secondary purpose as well: to demonstrate to the plebeian body of the Roman citizenry that if they stepped up to fight in Rome's wars their financial futures would be secure and possibly enhanced. Gracchus needed to fix the problem of levying troops that had become more and more difficult. Given the huge influx of rural residents coming to the cities to seek financial betterment, the incentive to go fight with the army was truly lacking.

Plutarch tells us Gracchus witnessed the loss of the Roman farmer and a rising number of slave laborers working in the fields of Etruria and bemoaned the fate of the Republic. But where modern historians may have gotten it wrong is that the farmers were not necessarily leaving the land because they had gone broke. The farmers may have been going to the city for a shot at the wealth that was flowing there from outside of Italy. MacMullen, explains that in the second century BCE and beyond this wealth and the effects of Hellenization were dramatically altering life of the cities, but the countryside was feeling little effect.¹⁴⁹

Plutarch recounts that Gracchus received help in preparing his agrarian legislation from the *pontifex maximus* Publius Crassus, and Crassus' brother Mucius Scaevola, who was renowned as one of the great legal minds of his time, and one of the two consuls for

¹⁴⁹ Ramsay MacMullen, "Hellenizing The Romans: 2nd Century BC," *Historia Zeitschrift fur Alte Geschichte* Bd. 40, H. 4,(1991): 420.

the year.¹⁵⁰ Other political stars of that era were Gracchus's supporters and in some cases must have been part of his inner circle. Ten of these men have been identified in a work by John Briscoe, and they share some common traits.¹⁵¹ Each was of plebeian rank. Most either had served or would serve as consul and most had been high-ranking officers in the army.

The last piece of the puzzle is to identify a power base that would support Gracchus as he pushed his legislation through the assembly. His father, as an elite member of Roman society, would have had *clientele* that his suddenly famous son could have tapped into. However, he had another supply of support: the 20,000 Roman soldiers he had just saved a few years before in Spain. Undoubtedly, at least some of these men could be counted on to attend the voting assemblies, especially since presumably they would be the beneficiaries of the Gracchan initiative. Plutarch confirms the intended beneficiaries by recounting a speech attributed to Gracchus. "...but the men who fight and die for Italy enjoy the common air and light, indeed, but nothing else; houseless and homeless they wander about with their wives and children...and though they are styled masters of the world, they have not a single clod of earth that is their own."¹⁵²

Specifically, the supporters of Tiberius Gracchus would have been those most in need of land and those most entitled to the help of the tribune. As Livy tells us in his work on the early Republic and as has been previously noted, it is the veterans just off the field of battle who needed the assistance of the tribune to address whatever wrongs they

¹⁵⁰ Plutarch, *TG*, IX.

¹⁵¹ John Briscoe, "Supporters and Opponents of Tiberius Gracchus," *The Journal of Roman Studies* Vol. 64 (1974): 127-130.

¹⁵² Plutarch, *TG*, 9.4.

were suffering. In Livy's Book Two of *ab Urbe condita* we find evidence to bolster this idea that it was the Numantine veterans, who served as Gracchus's powerbase. Many modern historians have noted that much of Livy's treatment of the struggle of the orders during the Early Republic came from recent Roman history and includes the tribunes of the Gracchi.¹⁵³ This notion seems accurate, for upon reading Livy's account of the episodes surrounding the first secession of the plebs, there is a consistent theme – the plebs want proper recompense for the risks that they have taken in fighting Rome's wars.

We can be sure that Tiberius' supporters are the legions he has just saved from annihilation in Spain and who have come back to Rome following their disgraceful defeat at the hands of the Numantines. Plutarch offers some proof of this as he tells us that Gracchus negotiated a treaty with the Numantines, but after the conclusion of negotiations this army was marched back to Italy.¹⁵⁴ Plutarch describes the warm feelings that friends and relatives of these soldiers expressed toward Gracchus for saving these citizens and how they swarmed out to meet him as the army arrived at the city.¹⁵⁵ Further this group of veterans and family members made sure that the disgrace of the defeat and surrender were deflected from Gracchus and laid squarely at the feet of the commander Mancinus, the commander of this ill-fated army.

While this constituency owed Gracchus their lives, he owed them his ascension to the tribunate. It would have been the votes in the tribal units, mostly rural tribes, tribes that provided the soldiers for Rome's legions, that made sure that Gracchus was elected.

¹⁵³ R.T. Ridley, "Notes on Establishment of the Tribunate of the Plebs:" 536. Ridley cites De Sanctis, Beloch and Siber. See also PA Brunt's *Italian Manpower*, 391.

¹⁵⁴ Plutarch, V.4-VI.1

¹⁵⁵ Plutarch, *TG*, VII.1

In exchange for this election to a position of power, a position that guaranteed ascension to membership in the senate and, by extension, a chance at the consulship, Tiberius Gracchus owed his men something, a pension in the form of land with which they could retire or raise families or support themselves. It had been almost 50 years since Rome had sent out her last colony. Rome had departed from its policy of providing land to its soldiers and had depended on military victories and a share of the spoils that attended those victories to assuage the rank and file. But in this period and before, victories had been slow in coming to non-existent. Therefore, especially for these veterans of the Spanish wars, th. Roselaar, in an analysis of Livy, shows 18 donatives to soldiers between 200 BCE and 167 BCE. She states these donatives could have equaled 100 times the monthly pay of a legionnaire.¹⁵⁶ These veterans of the recent Spanish and servile wars got no donatives only escaping their respective conflicts with their lives. They were owed and Tiberius Gracchus harnessed this electoral power to see that they got what they wanted.

Beyond helping the recent veterans of Rome's disastrous wars of the mid-second century BCE, Gracchus and his political entourage had to have recognized the declining census numbers, as avoidance of the military draft, which was negatively impacting the army's strength at a time when Rome was fighting wars on several fronts. While Scipio Aemilianus had just concluded the war in Spain, the slave revolts in southern Italy and Sicily still raged. Troops were still needed to protect Rome's far flung empire and this law – the *lex Sempronia agrarian* – was a reasonable response to a draft boycott. Plutarch

¹⁵⁶ Saskia Roselaar, *Public Land in the Republic*, 194.

tells us that the pleb was not eager to serve in the army.¹⁵⁷ Livy provides multiple accounts of troubles with getting men to report for the *dilectus* and fear of service in the Spanish wars.¹⁵⁸ This low morale amongst the Roman populace needed correction. In the absence of victories in the field and the attendant *spolium* or spoils of war, the government needed to offer incentives to encourage pleb participation in the draft. It had to have been an aim of this legislation to reverse the troubles in recruitment. By enriching returning veterans faced with financial difficulties, the pool of draftees would certainly be enticed to sign up, seeing a potential promise of reward at the end of their service.

While there is no documentation, no written testimony to validate the aims of Gracchus and his group, the census numbers do show a dramatic turnaround. In 125 BCE, just eight years after the passage of the *lex Sempronia agraria*, the census numbers jump by 75,000 registrants from the previous census in 131 BCE. Brunt sees this jump as proof that Gracchus's land bill had enriched thousands of Romans to the point that they appear in the census.¹⁵⁹ While this may be a contributing factor, Roselaar asserts that it seems unlikely that the entirety of the jump in numbers is due to upward mobility. She suggests some of the number may reflect a new found desire on the part of those eligible for the levy to register in order to get land.¹⁶⁰

Tiberius Gracchus was not a social reformer who was seeking to improve the lot of the poor and who further mobilized the rabble into a powerful voting bloc. Instead he was a war hero who sought justice for the men who had just served with him in Spain and

¹⁵⁷ Plutarch, *TG*, VIII.3.

¹⁵⁸ Livy, *Periochae*, 48.16-17.

¹⁵⁹ P. A. Brunt, *Italian Manpower*, 79.

¹⁶⁰ Saskia Roselaar, *Public Land in the Republic*, 254.

returned to their homeland without compensation for the travails they had suffered. As the former officer of a legion he perhaps felt an obligation to help men in the army he saved in Spain. Further besides being a hero, he had the pedigree that provided access to elite members of the plebeian order who were themselves veterans of the army as well as officeholders in the Roman political system. Also he had influence with a large body of Roman veterans who had just returned from the war in Spain. Gracchus was able to parlay his political connections and his influence with these veterans in to an election to the position as one of the tribunes of the plebs in 133 BCE. Once elected as a tribune of the plebs he and the elite plebeian politicians in his circle crafted a law to provide land for these Spanish war veterans and to encourage those who were avoiding service to come forward, through the promise of ongoing land allotments for those who have served. His *lex Sempronia agraria*, was passed with the help of these veterans showing up in the tribal voting assembly to ensure it had the votes to pass.

This explanation behind how the agrarian law came about and why is, from a logical perspective, soundly based on what we know of the economic and social condition of the Republic and the military situation it faced. Rome's access to manpower for its legions was stretched thin. The numbers from the census show a population in recession not growth. The problem is that statistics can be misleading. On the surface it could appear as though the Roman populace was shrinking, but a more logical interpretation of this decline, especially with the military situation being what it was, is that the Roman pleb was boycotting the census to avoid the draft.

Plutarch tells us that the poor were showing up to support Gracchus and his bill, but he doesn't provide specifics as to who these poor were or what segment of the

populace they represent. The poor had no power or voice in Roman government so it defies logic that Gracchus would seek them out as a base of support. Since as Plutarch tells us, the Optimates and senators, feared that Gracchus was seeking to make himself king, it makes more sense that Gracchus, with the votes of a 20,000 man army, or some fraction of it at his disposal would be a cause for grave concern among the elite layer of Roman society. The only reason that the elites should have feared Gracchus seizing power for himself was due to the manpower at his disposal. Aulus Gellus, quotes a contemporary of Gracchus as claiming that Tiberius Gracchus had a bodyguard of 3,000 to 4,000 men with him at all times.¹⁶¹ Likely this multitude was made up of the most ardent of Gracchus's supporters from the 20,000 veterans that returned with him from Spain. Perhaps it is this access to veterans, veterans who seemed devoted to Gracchus, that led the senatorial faction to fear and ultimately assassinate him.

¹⁶¹ Aulus Gellius, *Noctes Atticae*, II.13.

CONCLUSION

Previous scholars have touted the tribunate of Tiberius Gracchus as the beginning of a period of revolution, a rising up of the poor, unwashed masses led to victory over the rich and powerful of Rome, by this mercurial and fiery demagogue. This signal event in Roman history led eventually to the downfall of the Republic and to the rise of the *populares* Julius Caesar in a virtual dictatorship similar to the reign of Sulla. Historians have drawn a clear line between the ascension of these two political stars - Gracchus and Caesar. These men shared a *populares* ideology and were backed by armies sufficient to ensure that their agendas were implemented. However, the lives of the two leaders diverged substantially from there. While Caesar would eventually ascend to the position of dictator, Gracchus enjoyed a less grandiose future. He led a group army of veterans of the Spanish war or some fraction of it. Based on his war record and having saved an army from annihilation he became the fulcrum of a powerful voting bloc, which was made up mostly from the army he had served with in Spain. These veterans were devoted to Gracchus and he to them. Moreover, he was supported by several prominent plebeians as supporters who helped him ascend to the tribunate and then helped to draft and secure passage of the agrarian legislation that bears his name.

With a contingent of supporters that could deliver votes in the assembly and the leadership of the plebeian order in his camp, Gracchus brought the *lex Sempronia agraria*, to the plebeian assembly for a vote and saw to it that it passed, becoming the law of the land. With its passage the veterans of the wars in Spain got some recompense for

their service and the strictures of the *lex Licinia*, with its prohibition against owning more than 500 *iugeras* of land, was upheld. Within eight years of the passage of this legislation census figures jumped by an astounding 75,000 registrants.

GLOSSARY OF TERMS

Aedile – Roman Republic magistrates who were charged with care of the Temple and cult of Ceres.

Ager Privatus – private land owned by individuals.

Ager Publicus – public land owned by the state.

Agraria – pertaining to land.

Agreste – countryman or rustic

Assidui – Roman class of citizen that possessed sufficient wealth to serve in the army.

Capite Censi – Roman class of citizen that was counted by the head, because they had no or little property to count at the census.

Centuriae – Division based on class within the Roman assembly, the *Comitia Centuriata*, in which all male citizens were assigned for voting, being counted in the census and to establish fitness for military duty.

Comitia Centuriata – Popular assembly of the Roman Republic with electoral, legislative and judicial duties. All male Roman citizens could participate in the activities of this assembly.

Comitia Tributa – Popular assembly of the Roman Republic that voted on certain pieces of legislation or elected certain magistrates.

Consilium – Council. The *consilium plebis* was the council of the plebs and was a legislative, electoral and voting assembly.

Contio – the meeting held to introduce a law or a candidate to the assembled group before the vote was taken.

Dilectus – military draft or levy.

Equites – Roman class known as knights for their association with the cavalry.

Factio – Faction which is usually political in nature.

Gentes – A clan or family sharing the same name and a common ancestor.

Iugera – a measure of land.

Lex – a law

Mos Maiorum – Ancient customs or traditions of the Roman people.

Multitudinis - A multitude or mob.

Optimates – roughly defined as the elite class in the Roman Republic.

Ordo – a social order or class based on socio-economic factors.

Pater Familia – The male head of the family.

Pedites – Foot soldiers.

Pomerium – The boundary around the city of Rome. No weapons were allowed to be carried within the *pomerium*.

Populares – politicians that espoused popular ideals usually in opposition to the *Optimates*.

Princeps – One who is the most distinguished. The first in rank.

Proletarii – Roman citizens that were very poor.

Relicuum Populum – The remainder of the people.

Sui Iuris - Legally your own person. Not subject to the *pater familia*.

Tributum – Tax or tribute.

Urbe – City. Usually refers to Rome. For instance Livy's *ab Urbe condita* translates to “From the Founding of the City.”

Villa Rustica – A country home.

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