

## Tiberius Gracchus: A Study

Andrew Swidzinski

The tribunate of Tiberius Sempronius Gracchus has long been perceived by historians to have been the beginning of the end of the Roman Republic. Gracchus, a scion of one of Rome's noblest families, had distinguished himself at the siege of Carthage in 146 BC, but by 134 had been humiliated after having to negotiate an unfavourable treaty with the Numantines during his quaestorship, only to see it rejected by the Senate upon his return to Rome. In the next year, the ambitious young politician was elected to the Tribunate of the Plebs, where, with the support of several leading politicians, he proposed a radical agrarian law (called the *lex agraria* or the *Lex Sempronia*) designed to remedy the perceived social and military crises then facing the Republic. Faced with significant opposition, however, he broke with established tradition by refusing to present his law to the Senate, and by removing from office, by vote of the popular assembly, a fellow tribune who sought to veto the measure. Emboldened by his success, Tiberius embarked on an even more radical agenda, stopping the business of the state and seizing control of the wealth of the kingdom of Paërgamum from the Senate, and furthermore using it to finance the implementation of his law. Since he had opposed himself to the greater part of the Roman political establishment, he sought an unusual second Tribunate. In the electoral contest, however, his opponents brought him close to defeat, mob violence broke out, and a large group of senior Senators, believing that he intended to set up some form of tyranny, attacked and killed him.

Tiberius Gracchus, by virtue of the radical measures which he proposed, the approach he used to implement them, and the manner of his death, thus provided a precedent for a new and alarming trend in Roman politics which had until then been a relatively stable forum for competition between the members of aristocracy. The underlying social developments which he attempted to address, such as the agrarian crisis, the shortage of military manpower, and the role of the Italians in the Roman constitutional order, were also of paramount importance and would continue to plague future generations of political leaders until the end of the Republic, including Tiberius' younger brother, Gaius, who too became tribune and used his powers controversially. This paper will discuss the historiography of the Gracchan Tribunate, with a particular emphasis upon the justifications for his legislation, and the constitutional precedents for his actions.

### The Ancient Sources

The surviving literary sources for the Gracchan era, and for the generation that immediately preceded it, are sparse and often problematic. Livy's full narrative breaks off after 167, and Polybius', already highly fragmentary, ends with the destruction of Carthage in 146. We must therefore turn to less reliable authors, who wrote in less detail, and who are separated by two centuries from their subject matter.

Only fragments exist of the accounts written by contemporaries of the Gracchi, and they are small and mostly related secondhand, by later authors. Fuller references appear in the period after the first civil war, almost half a century after the deaths of the Gracchi, but only as minor digressions. Fuller histories of the period were written in the early Imperial era, but they either survive only as summaries

of larger works (Livy's *Periochae*) or else are so brief as to be of little use to historians (Veilleius, Valerius Maximus). The two principal sources upon which we must rely for any understanding of the years between 133 and 123 are the biographies of the Gracchi written by Plutarch most likely towards the end of the first century AD and the history of the civil wars written by Appian in the mid second century. Both were Greeks with an imperfect understanding of Republican Roman government, and both wrote over 200 years after the events they describe, basing their accounts on existing literary records. They thus can not be considered, in any real sense, to be primary sources for the period. Although the tendency among ancient historians is often to discuss the ancient sources for any event by beginning with the fullest accounts and moving on to those which are more fragmentary or of lesser quality, it will perhaps be more profitable in this case to proceed in chronological order and thus discern the diverging historiographic traditions concerning the Tribune of Tiberius Gracchus.

We know of at least five historians who lived in or close to the period of the Gracchi and could have written about it firsthand or with the help of eyewitness accounts. These are Cnaeus Gellius, Sempronius Asellio, Gaius Fannius, Gaius Gracchus and Publius Rutilius Rufus.<sup>1</sup> Gellius, about whom little is known, wrote a history of Rome from its foundation to his own time in 97 books, and organized his account by the Consular years, being perhaps one of the first to do so.<sup>2</sup> Lucius Calpurnius Piso Frugi, Consul in 133, also wrote a history, of which no fragment dealing with Gracchan era survives. He was principally interested in that perennial theme amongst Roman historians, moral virtue, and considered his own time to be one of decline.<sup>3</sup>

The origins of the competing historical traditions surrounding the Gracchi began, however, in the two decades immediately following his death, with the accounts of Caius Fannius, Sempronius Asellio, and Rutilius Rufus. All three have been identified as members of the Scipionic faction and members of the intellectual circle of Scipio Aemilianus. Although too little material survives to clearly indicate what positions they took on the actions of Tiberius Gracchus, it is generally assumed that they were hostile towards the Tribune and to some degree responsible for some of the negative interpretations evident in later works.<sup>4</sup> Fannius had known, and perhaps been close to both of the Gracchi. He had scaled the walls of Carthage with Tiberius in the Third Punic War, giving him credit for his achievement in one of the few surviving fragments of his work. He was later elected to the consulship in 122 with the support of Gaius Gracchus, but then turned against him and played a notable role in his defeat and death.<sup>5</sup> The History he wrote was a non-annalistic and partly autobiographical account of his own times, which has been considered to be a likely source for much of the accounts of Plutarch and Diodorus. The most notable fragments of his work include a speech by Metellus Macedonicus attacking Tiberius, a possible basis for similar such statements in Plutarch,<sup>6</sup> and an assertion that men grow wiser with old age which has been interpreted as a defence of his betrayal of Gaius.<sup>7</sup>

Sempronius Asellio was a military tribune at Numantia and a Scipionic supporter who sought to write a history of his own times in the style of Polybius and with the same desire to understand the long term causes of events. The style of his work, however, was considered so poor that it was seldom read,<sup>8</sup> and the only relevant fragment which survives, in Aulus Gellius' writings, simply states that Tiberius Gracchus went about with a bodyguard of 3,000 to 4,000 men.<sup>9</sup> Rutilius Rufus, another mili-

<sup>1</sup> Alvin Bernstein, "Tiberius Sempronius Gracchus: Tradition and Apostasy", (Ithaca: Cornell University Press, 1978), 235.

<sup>2</sup> Ibid.; Ernst Badian, "The Early Historians" in *Latin Historians* ed. T.A. Dorey, (London: Routledge, 1966) 1-35, 11-13.

<sup>3</sup> Ibid.

<sup>4</sup> Bernstein, 236.

<sup>5</sup> Plut. GG. 12.

<sup>6</sup> Plut. TG 14.

<sup>7</sup> Badian, 14.

<sup>8</sup> Ibid., 18.

<sup>9</sup> Gell 2.13.

tary tribune at Numantia, who was later convicted by the knights of the Gracchan extortion court, does not discuss the Gracchi in the surviving fragments of his history, but he may have dealt with them.<sup>10</sup>

The reputation of Tiberius Gracchus and his more favourable treatment by later authors such as Plutarch and Appian may to a great extent have been shaped by the writings of Gaius Gracchus, who seems to have written some form of biography of Tiberius, perhaps initially as a political pamphlet seeking to link his own legislative activities to those of his brother. Plutarch read it, and used it as a principal source for his life of Tiberius, mentioning it in particular as the origin of the belief that Tiberius had decided upon his political programme after journeying through Etruria and observing the replacement of small farms with vast, slave-run estates.<sup>11</sup> It may well be, as has been suggested, that the emphasis of both Plutarch and Appian on the use of the *original Lex Sempronia* to aid the Italian Allies was the result of the propaganda of Gaius, who may have seen an advantage in making it appear that his own policy of enfranchisement had originated with his popular brother.<sup>12</sup> This is corroborated by the fact that both Plutarch and Appian refer to only citizens receiving land allotments, and cite the Italians primarily as opponents of the measure.<sup>13</sup> It has however been suggested, by Cuff and Stockton among others, that Italians were indeed included in the plan to a limited degree and that it would have been impossible for Appian to so easily confuse the definitions of “Roman” and “Italian” when these divisions were such an important theme of his work.<sup>14</sup>

It is in the letters and speeches of Cicero that we find the first significant surviving treatment of the Gracchi, although he does not provide a narrative account of their actions. He is largely reflective of the hostile tradition towards the Gracchi already in existence in the decade after the death of Gaius. He ascribes to Tiberius the motive of seeking some form of vengeance against the Senatorial establishment for rejecting his treaty with the Numantines,<sup>15</sup> claims that his land reforms were harmful to the interests of the Italian and Latin Allies,<sup>16</sup> and finally suggests that Tiberius not only sought *regnum* but actually achieved it for a few months before his death.<sup>17</sup>

Sallust, a *popularis* and a supporter of Julius Caesar, also refers briefly to Tiberius Gracchus in his history of the Jugurthine War. His reference, however, is a laudatory one, as he recognizes the Gracchi as “vindicators of the liberty of the people” who were brought down by a guilty aristocracy that accused Tiberius falsely of seeking the Kingship.<sup>18</sup> Already, it seems, the alternative tradition in which the Gracchi were seen as lonely crusaders against the injustices of the wealthy, rather than more traditional participants in factional politics, had taken shape.

Several minor accounts of the Tribune of Tiberius Gracchus survive from the 1<sup>st</sup> century AD. That of Livy, which was undoubtedly larger and more comprehensive in full form survives only as a brief summary, which is notable mainly because he disagrees with Appian and Plutarch as to the legal limit on holdings of public land (he places it at 1000 iugera instead of 500) and because he describes Tiberius Gracchus in distinctly hostile terms.<sup>19</sup> Veilleius Paterculus, a Roman knight living in the Principate of Tiberius, is also hostile, accusing Gracchus of endangering the state. His account, however, seems particularly confusing and unreliable due to its reference to a plan on Tiberius’ part to give Roman citi-

<sup>10</sup> Bernstein, 237-238.

<sup>11</sup> Plut. TG 8.

<sup>12</sup> Earl, 21.

<sup>13</sup> Plut. TG 9; App BC 1.18-19.

<sup>14</sup> David Stockton, *The Gracchi*, (Oxford: Clarendon Press, 1979).

<sup>15</sup> Cic. Brut. 103.

<sup>16</sup> Cic. Rep. 3.41.

<sup>17</sup> Cic. De Amic. 12.41

<sup>18</sup> Sall. BJ 31.7; 42.1.

<sup>19</sup> Liv. Per. 58.

zenship to all of Italy, which even Gaius Gracchus did not proposed to do.<sup>20</sup>

Our principal source for the Tribune of Tiberius Gracchus is the biography of him written by the Greek author Plutarch of Chaeronnea, who wrote from 70 to 119 AD. Plutarch was not by his own admission a historian; rather he sought to use the lives of famous Greeks and Romans as moral examples, and as a basis for discussion of his own views concerning philosophy and human nature. As a result, his lives adopt a moralizing tone, are not organized according to a fixed chronological scheme, and are often divided into sets of anecdotes revealing the moral characteristics of the individual in question (the legend of the self sacrificing death of the father of Tiberius being an excellent example).<sup>21</sup> Plutarch is, however, in many respects, among the most reliable of the ancient sources we possess. Unlike Appian, he frequently cites his sources and appears to have read a large number of primary accounts of the tribunate of Gracchus, both hostile (such as that of Fannius)<sup>22</sup> and favourable (as that of Gaius Gracchus).<sup>23</sup> He also preserves important details, such as the prominence of the leading senators Appius Claudius and Mucius Scaevola in the development of the *lex agraria*.<sup>24</sup> Overall, he presents a favourable picture of Gracchus as an enlightened social reformer fighting for a cause which was “just and honourable in itself.”<sup>25</sup> It is important, however, to take his account with a grain of salt. Plutarch’s distance from Republican politics ensures a less than certain understanding of the motivations that underlay them. More importantly, his cultural experience was primarily Greek and as such, he was likely to see the Gracchi as figures similar to the Greek social reformers, democrats, and anti-oligarchic revolutionaries that had been present throughout the classical period. It is also important to note that his lives of the Gracchi were structured as comparative with the lives of two Spartan Kings who had sought social revolution and the redistribution of all private property, Agis and Cleomenes.

Appian of Alexandria was a second century Greek scholar and magistrate. Unlike Plutarch, his account of the Gracchan era is loosely structured as a chronological narrative, though he passes over extended periods (most of the 120’s) that seemed to him of little concern. He wrote a series of histories of the wars fought by the Romans. The events of 133 form the starting point for his account of the civil wars that brought an end to the Republic. As his remains the sole fully surviving narrative account of the period between 133 and the civil wars of Octavian, modern historians are in a sense trapped within his narrative scheme. Because Appian chooses the career and death of Tiberius Gracchus as the starting point for the fall of the Republic, scholars have generally been pushed into doing so as well.

If he had, like Sallust, chosen a later date as the beginning of the Republican decline, the Gracchi might never have received quite the same degree of attention. His belief that the Republican state was ultimately a corrupt and inefficient one that needed to be destroyed in order to make way for “harmony and monarchy” also imposes a particular structure upon his account.<sup>26</sup> In Appian’s history, Tiberius Gracchus emerges, essentially out of nowhere, to address the popular assembly at Rome concerning the destruction of the Italian people at the hands of the wealthy landowners, and the need to redistribute land to prevent a military crisis, as increasingly fewer men now met the property requirements necessary for service in the legions.<sup>27</sup> In Appian’s judgement (and here he differs from Plutarch), the *lex agraria* was intended as a pragmatic measure aimed at restoring military manpower, rather than a romantic attempt to aid the poor.<sup>28</sup> In Appian, Tiberius’ conduct and dealings with the rival tribune Oc-

<sup>20</sup> Vell. 2.2.2-3.

<sup>21</sup> Plut. TG. 1.

<sup>22</sup> Plut. TG. 4.

<sup>23</sup> Plut. TG. 8.

<sup>24</sup> Plut. TG..9.

<sup>25</sup> Ibid.

<sup>26</sup> App. BC. 1.6.

<sup>27</sup> Ibid 1.7.

<sup>28</sup> Ibid. 1.11.

tavius take an increasingly dramatic tone, as Gracchus somewhat implausibly rushes from the popular assembly to the Senate and then back again, before making the fateful decision to depose his colleague. Gracchus' death receives similar treatment. Like Plutarch, though, Appian also takes a favourable view of Tiberius Gracchus, who died "while in office for an excellent scheme, which he pushed forward by violent means." Having discussed the nature of the ancient sources, we will now turn to a broader discussion of the aims of Tiberius Gracchus and the nature of the political support he enjoyed.

### Revolution, Ideology, *Factio* or all Three

The place of Tiberius Gracchus in the broader Roman political scene, both during his own time and in the century after his death, when various political groups sought to either appropriate his legacy for themselves or to condemn his revolutionary actions when opposing other perceived radicals, has been a particularly contentious subject for historians. Some have seen him as a social and political revolutionary who tried to radically alter a deeply flawed system, a figure in many ways similar to the political radicals of the 19<sup>th</sup> and 20<sup>th</sup> centuries. Others have seen him as an idealistic social reformer, who sought a pragmatic solution to the social and economic crises of his time. Still others have seen him as a traditional figure within the context of Republican aristocratic political competition, a man who enjoyed the backing of other prominent members of the nobility and pursued an agenda designed to advance his and their political ambitions, and who broke with tradition only because of the threat of failure to his own career. A smaller school of thought has adopted the view of many of his Republican opponents; namely, that he genuinely aimed at revolution and some form of tyranny.

As we have seen, all four of these views are presented in the ancient sources. Sallust, a *popularis* and a supporter of Caesar, viewed the Gracchi as politicians who had stood alone against the collective forces of the nobility, the equestrians and the suborned loyalty of the Italian Allies by seeking "to vindicate the liberty of the people and expose the misconduct of the few," and who were killed as a result.<sup>29</sup> This sentiment seems evident in the account of Plutarch, who viewed the *Lex Sempronia* as a measure "which was honourable and just in itself," who attributes to Gracchus a speech emphasizing the suffering of the Italian people,<sup>30</sup> and who maintains that his principal motivation for advocating the measure was sympathy for the peasant farmers of Italy.<sup>31</sup> Even the otherwise highly negative Cicero admits that "devoted his efforts to the interests of the citizens."<sup>32</sup>

There is much in the ancient sources to support the view that Tiberius' actions, like those of any typical Roman aristocrat, were to a great degree motivated by personal political ambition and existing rivalries. Cicero ascribes his actions to personal ambition and frustration over the rejection of his treaty with the Numantines.<sup>33</sup> Plutarch allows for both the desire of his mother Cornelia to see him surpass his grandfather Scipio Africanus<sup>34</sup> and a personal rivalry with another young aristocrat, Spurius Postumius.<sup>35</sup> Cassius Dio, uniquely among the surviving ancient sources, but no doubt based on some previous account, holds that the behaviour of Gracchus and the deposed tribune Octavius was inflamed by a longstanding family feud.<sup>36</sup>

<sup>29</sup> Sall. BJ 42.1.

<sup>30</sup> Plut. TG. 9.

<sup>31</sup> Plut. TG. 8.

<sup>32</sup> Cic. De Rep. 3.41.

<sup>33</sup> Cic. Brut. 103.

<sup>34</sup> Plut. TG. 4.

<sup>35</sup> Plut. TG. 8.

<sup>36</sup> Dio. 24.4.

There is also much to support the notion that Tiberius had pragmatic objectives, and acted as part of a larger political faction. Cicero identifies the prominent aristocrats Publius Scaevola and Publius Crassus as the genuine authors of the *Lex Sempronia*, thus implying that Tiberius at least began as a representative of a political faction made up of men of greater stature.<sup>37</sup> In this he is echoed by Plutarch, who also adds the involvement of the *princeps senatus*, Appius Claudius.<sup>38</sup> The view of Tiberius Gracchus as a pragmatic reformer is probably most evident in the account of Appian for whom the aim of Tiberius was not to aid the poor, but to maintain a large population of potential soldiers so that the Republic might not risk losing its overseas possessions. Where Plutarch puts moral and emotional arguments into mouth of Tiberius Gracchus, Appian stresses his moderation in allowing the rich to keep a large share of their possessions, and claims that his supporters were mainly swayed by reason.<sup>39</sup>

But a final tradition, more prominent among the distinctly Roman sources than the Greek authors, holds that Tiberius either always aspired to, or eventually came to desire some form of personal rule, of *regnum* or *dominatio* over the Roman state. Cicero bluntly states that “he tried to obtain regal power—or rather he actually did reign for a few months.”<sup>40</sup> Sallust maintains that the opponents of Gracchus had argued that he aspired to be King.<sup>41</sup> The less reliable epitome of Florus holds that he aimed, from the beginning, to attain regal power, and that the agrarian laws were merely intended to help him achieve it.<sup>42</sup> Plutarch, though obviously not in agreement with this point of view, preserves the accusation leveled at Gracchus by Pompeius of receiving a royal diadem from a representative of the Pergamenes and planning to make himself King of Rome.<sup>43</sup>

Modern historians have dealt with the political ambitions of Tiberius Gracchus and his supporters in a variety of ways, in some cases influenced by a distinctly modern and ideological view of his legislative programme. The notion of a “class struggle” and the belief among 18<sup>th</sup> and 19<sup>th</sup> century intellectuals in the need to redistribute wealth and property to end social inequalities seemed to find resonance in the land reforms of Tiberius Gracchus and the struggle against “the rich” which Plutarch and Appian ascribe to him. It also raised the ire of more conservative authors, such as Niccolò Machiavelli, who falsely concluded that the *lex sempronia* and the Sexto-Licinian laws upon which it was based limited all property-ownership, rather than just the occupation of public land, to 500 iuegera.<sup>44</sup> Historians of the 18<sup>th</sup> and 19<sup>th</sup> centuries, often with politically liberal views, sometimes made, or came close to making, the same mistake.<sup>45</sup>

It was equally common for the political philosophers of the Enlightenment to look upon the constitutions of the Athenians, the Spartans and the Roman Republic as models to be imitated. “The Founders of the Ancient Republics,” Montesquieu wrote approvingly, “had divided out the land equally. That alone made a people powerful, that is to say a well regulated society, it also made for a good army, each man having an equal interest, and a great one, in defending his fatherland.”<sup>46</sup> The Abbé Mably, an 18<sup>th</sup> century essayist who called for land redistributions to address social iniquities in his native France, cited the Sexto-Licinian laws and the reforms of the Gracchi as precedents for his own proposals.

<sup>37</sup> Cic. Luc. 13.

<sup>38</sup> Plut. TG. 9.

<sup>39</sup> App. BC 11.

<sup>40</sup> Cic. De Am. 12.41.

<sup>41</sup> Sall. BJ. 31.7.

<sup>42</sup> Florus. 2.1.13.

<sup>43</sup> Plut. TG. 14.

<sup>44</sup> Machiavelli, *Discourses on Livy* 1.37.

<sup>45</sup> cf. Ronald T. Ridley, “Leges Agrariae: Myths Ancient and Modern” in *Classical Philology*, Vol. 95, No. 4. (Oct., 2000), 459-467 for a detailed discussion.

<sup>46</sup> R.B. Rose, “The Red Scare of the 1790’s: The French Revolution and the Agrarian Law” *Past and Present*, No. 103. (May, 1984), pp. 113-130. p.116

Rousseau, in his proposed Corsican constitution actually included limits on the amount of property an individual could hold. These ideas show that the generation of intellectuals and politicians who came to dominate Revolutionary France possessed a significant degree of awareness that ownership was sometimes limited and that property was occasionally redistributed in antiquity, and that the individuals responsible for such measures, such as Lycurgus and the Gracchi, were worthy role models for future statesmen. Some, such as the politician and publisher Francois Babeuf, a supporter of Robespierre who changed his surname to Gracchus in 1794 and founded a journal named "Le Tribun du Peuple", would openly attempt to have them implemented.<sup>47</sup>

It is therefore not surprising that subsequent generations of historians would adopt a similar, ideological interpretation of the Tribune of Tiberius Gracchus. Theodor Mommsen, the dean of classical historians, who did more than any single individual to shape the present day understanding of the Roman Republic and coined the term "Roman Revolution" wrote a highly sympathetic account of Tiberius Gracchus in his *Römische Geschichte*. His interpretation of the Gracchan reforms is to a great degree reflective of his own beliefs and his career as a liberal politician and staunch German nationalist and monarchist in the late 19th century. In his account, written less than a decade after the abortive revolutions of 1848, the Tribune of Tiberius Gracchus is not a unique political event, but one part of a social and economic revolution that was taking place during the late second century and which, because of the rigid inflexibility of the Roman state could not be dealt with in time to prevent the full breakdown of a system which was "in a constantly accelerating progression from reform to revolution, from revolution to anarchy and from anarchy to war against property."<sup>48</sup>

The Gracchi were thus "revolutionaries", the period that followed them a "restoration"<sup>49</sup> and their role was to serve as a catalyst for a "class war" between landholders and the "farmer class," a "conflict between labour and capital". Mommsen also imposed upon Roman politics the anachronistic division between two rival parties of "conservative"<sup>50</sup> *optimates* and progressive-democratic *populares*.<sup>51</sup> Although familial alliances, like that which existed between Gracchus and Appius Claudius, are held by Mommsen to be significant, for him ideological party determined whether one supported or opposed the *lex agraria*.<sup>52</sup> Mommsen's final judgment is that Tiberius was a genuine "conservative patriot"<sup>53</sup> whose reforms were based on a sincere desire to help the poor and seek "the deliverance of Italy."<sup>54</sup> His methods, however, violated the traditional constitutional forms of the Republic and brought it closer to the danger of mob rule, without making the full move towards monarchy or democracy that might have prevented the crises of the century that followed.<sup>55</sup>

The greatest (and largely successful) challenge to the view of Mommsen came from the school of twentieth century classical historians who followed the course set by Mathias Gelzer in his *Nobilität* (1912) and which was followed most notably by Munzer (1920) and Syme (1939) in holding that the political divisions in the Roman Republic lay not between ideological political parties but in the rivalries between leading aristocratic families or *factiones* and their dependents. Each *factio* would seek to dominate the largest number of political offices in the Republic, forge marital alliances with other groupings, and promote the careers of promising young politicians who did not belong to the top tier of

<sup>47</sup> Ibid. 117.

<sup>48</sup> RG. 3.340 For a fuller discussion of his views cf. James F. McGlew "Revolution and Reform in *Römische Geschichte*" *Phoenix*, Vol. 40, No. 4. (Winter, 1986), 424-445.

<sup>49</sup> The titles of his chapters on Gaius Gracchus and the decade after his death (RG IV. II and IV respectively).

<sup>50</sup> RG. 4.329.

<sup>51</sup> RG. 4.302-305.

<sup>52</sup> RG. 4.319.

<sup>53</sup> RG. 4.333.

<sup>54</sup> RG. 4.321.

<sup>55</sup> RG. 4.333.



the aristocracy, as in the case of Cicero and Cato the Elder. Each *factio* would continually seek to expand in size and gain new dependents or *clientela* among constituencies (like the rural plebs to whom Tiberius appealed), who would be grateful to them for promoting their interests when in office. Within this factional paradigm Tiberius Gracchus ceases to be the lone figure of opposition to the aristocracy, as he is presented as by Appian.

Instead he becomes the more traditional Roman politician to whom Cicero, and on occasion Plutarch, alludes: the scion of a noble family who sought by his activities as Tribune to advance the political interests of his political faction, which was led by his father in law Appius Claudius the *princeps senatus* and included such prominent politicians and consulars as Publius Mucius Scaevola, Publius Licinius Crassus Mucianus (then the Pontifex Maximus), several of the Fulvii Flacii and to a lesser extent the Calpurnii Pisones.<sup>56</sup> Thus *factio* element and personal motivations can be seen as motivations for the lex agraria,<sup>57</sup> which would in large part be a bid for the support of members of the rural and urban plebs, who would benefit from the measure and could be expected to join the *clientelae* of the Claudians.<sup>58</sup> The law itself can be interpreted as a measure devised for Tiberius by the senior members of his party,<sup>59</sup> who, having used him to front their own proposals, turned upon him when he began to act without constitutional precedent.<sup>60</sup>

The factional and prosopographical approach to the Tribune of Tiberius Gracchus was articulated in its most comprehensive form in the study of Donald Earl, *Tiberius Gracchus: A study in Politics*.<sup>61</sup> Earl emphasized above all the position of Tiberius as a subordinate member of the Claudian *factio* with his measures being supported and often directed to the very end by Appius Claudius Pulcher. He argues that together, the Claudian faction were attempting, through the use of the newfound *clientela* that would come with the law to ensure the Claudian dominance of the Tribune, the land commission and at least one of the consulships. This would, in theory if not in fact, amount to the *regnum* as envisioned by Cicero.<sup>62</sup>

The factional interpretation and prosopographical approach to Roman politics in general and the Tribune of Tiberius Gracchus in particular, tends at points towards excess—as when Earl, for example, cites the election in the year 240 of both a Claudius and a Sempronius to the Consulship and the appointment of a Claudius by a Sempronius to the dictatorship in 213 (exclusively to hold elections) as evidence of a long term alliance between the two families. But on the whole its merits are too great for it to be denied. It is doubtful that Tiberius, an inexperienced young aristocrat with a negative reputation stemming from his activities in Spain, could have single handedly mustered the support needed to succeed in both passing his legislation through the popular assembly and removing another tribune with the support of the people. It is unlikely that he would have received no opposition from other members of the tribunician college for the deposition of Octavius, unless he enjoyed the support of stronger political allies.

The presence of these prominent individuals in the account of Plutarch, who unambiguously identifies them as playing a critical role in the drafting of the law, is decisive.<sup>63</sup> So is the presence of Appius Claudius as the senior figure on the land commission along with Quintus Fulvius Flaccus,

<sup>56</sup> Earl, 14.

<sup>57</sup> Gelzer, Mathias. *The Roman Nobility*. Oxford: Blackwell, 1969. 129-131.

<sup>58</sup> Earl, 47.

<sup>59</sup> Earl, 15.

<sup>60</sup> Syme, Ronald. *The Roman Revolution*. Oxford: Oxford University Press, 1939. 60.

<sup>61</sup> See especially 8-14.

<sup>62</sup> Earl, 107, 113.

<sup>63</sup> Plut. TG. 9.



Gnaeus Papirius Carbo and the later election of Publius Licinius Crassus, a relative of Gracchus, to take his place in the 120s.<sup>64</sup> Whether or not they constituted a firm and cohesive faction, however, is in doubt. By the end of 133, Publius Mucius Scaevola, the Consul whom Plutarch identifies as having helped draft the *Lex Sempronia*, had effectively abandoned Gracchus and his supporters to the violent measures of Nasica.<sup>65</sup>

A more significant argument in favour of the factional interpretation is perhaps not the presence of family ties, but the absence of ideological ones. As has previously been mentioned, Scipio Aemilianus, the dominant political figure of the period between 148 and his death in the 120s, along with the men who supported him (most notably the other Scipiones and the Consular Gaius Laelius), had been viewed until the time of Gracchus as a sort of popular party. It was the Scipionic faction which had obtained consulships and military commands contrary to the traditional constitutional order in the 140s and the 130s. The Scipiones were also likely supporters of the Gabinian and Cassian laws that allowed for secret ballots, and the initiators of the first major attempt at land reform.<sup>66</sup> Yet it was they who provided the most significant opposition to the *Lex Sempronia*, and they who suffered the political consequences. So, in 131 Scipio, the former favourite of the masses and Rome's most successful living military commander, lost his bid to have the popular assembly vote him command against the Asian rebel Aristonicus to the Gracchan supporter Crassus Mucianus, by a vote of 33 tribes to 2.<sup>67</sup> The Scipiones cannot have opposed Gracchus out of ideological disagreement, as the programme of Gracchus was in most respects a more aggressive version of their own. The answer must therefore be a factional one, wherein Scipio and his adherents feared the popularity of Tiberius and his allies that the success of the legislation might engender, and decided to oppose it as a result.<sup>68</sup>

In recent decades, however, the theory of *Factio* and the absolute primacy of family ties in politics has increasingly been challenged, and replaced with a more moderate interpretation which seeks a balance between the importance of family alliances, individual ambitions and genuine political beliefs. In his landmark study of the period, *Roman Politics and the Criminal Courts*, Erich Gruen sought a middle ground between both arguments, accepting that political factions were typically determined by family ties, but insisting that these political groupings were more fluid and subject to external pressures than is generally acknowledged. The Gracchi are particularly significant in his study. Having begun as traditional political figures, operating along the model of previous tribunes, they succeeded by virtue of legislative controversy in breaking the traditional structure of Roman politics by bringing the interests of new participants, such as the Italians and the urban plebs, into the political process and by creating divisions on issues such as land reform which cut across factional lines.<sup>69</sup>

This approach has generally been followed in the two most recent major biographies of Tiberius Gracchus, those of Bernstein (1978) and Stockton (1979), both of whom accept the importance of factional divisions, often determined by family connections, to the Gracchan crisis but also allow for the significance of his personal ambitions. Bernstein thus concludes that the desperation of Tiberius to salvage his political career after the already humiliating defeat at Numantia prevented him from backing down,<sup>70</sup> and Stockton writes that Gracchus genuinely desired to address serious perceived socio-economic problems which he saw as threatening the very fabric of Roman society.<sup>71</sup> This bal-

<sup>64</sup> App. BC 1.18; Plut. TG. 21.

<sup>65</sup> Plut. TG. 19.

<sup>66</sup> Astin, 182-187.

<sup>67</sup> Astin, 205.

<sup>68</sup> Astin, 201-202.

<sup>69</sup> Gruen, 78.

<sup>70</sup> Bernstein, 228.

<sup>71</sup> Stockton, 38-39.

ance, between the demands of faction and those of personal ambition and ideology, seems the most credible solution.

### Legality and Precedent

The ancient sources and modern authors have continually emphasized the unprecedented nature of the Gracchan Tribune. But were his actions without precedent? Were the methods of Tiberius Gracchus, his use of the assembly to pass a measure the Senate had voted against and his infringement on senatorial jurisdiction completely without precedent? It was not the first instance in which the Tribunes and popular assemblies had infringed upon the traditional prerogatives of the Senate and the curule magistrates in that period of Roman history. The harsh burden of the military conscription, the need to keep troops on campaign for multiple campaigning seasons, overseas, and a series of defeats inflicted upon the Roman legions in Spain had created significant tension within the Roman political system and division within the ranks of the aristocracy. In 151, the tribunes of the plebs had thrown the two consuls of the year into prison for refusing to exempt their friends from military service.<sup>72</sup> The conduct of the annual levy had long been a prerogative of the Consuls, and those in question had carried out their duty strictly and fairly. The interference of the Tribunes with the levy, apparently without consequence, was therefore an unprecedented act. It was to be repeated in 138, when the tribunes again imprisoned the Consuls after they were refused the right to exempt ten men each from service. Only the displeasure of the public prevented them from also imposing a substantial fine on the consuls.<sup>73</sup>

In 140 a tribune of the plebs had attempted to go even further, using his veto to try to prevent the Consul Caepio Servilianus from taking up his province in further Spain, and was deterred only by personal threats and physical intimidation.<sup>74</sup> Because these events might seem small and unimportant when compared with the vast scope of the Gracchan legislation it should be recalled that in the period stretching from the late 150's to the Tribune of Tiberius Gracchus, it was not the Italian agrarian crisis, whether real or imagined, that most occupied the attention of the Roman public, but the military difficulties of the Roman State in Spain and the refusal of so many members of the aristocracy and the public at large to serve as officers or soldiers in the legions.<sup>75</sup> The interference of the Tribunes would therefore have been, in constitutional and political terms, an act of equal importance to the obstructionist tactics and unconstitutional methods of Tiberius Gracchus.<sup>76</sup>

It should also be recalled that the principal opponents of Tiberius Gracchus and his supporters, the so-called faction of Scipio Aemilianus, had virtually pioneered, at least in the second century, the use of the assemblies to override the will of the Senate and longstanding legal traditions. When in December of 148, Scipio had stood for the Aedileship, the people, in what must have been a carefully crafted political move, chose to elect him consul, despite his young age and failure to proceed through the normal *cursus honorum*. When the Consuls presiding over the election refused to allow what was obviously a constitutionally controversial act, the tribunes of the plebs threatened to take the responsibility of conducting elections away from the consuls for good (it had always been theirs) and declare Scipio to be consul on their own authority. The Senate agreed to the compromise of allowing the tribunes to repeal the laws governing consular elections to permit the election of Scipio, but forced the tribunes to reintroduce them the following year. The Tribunes then overrode another senatorial prerogative,

<sup>72</sup> Liv. Per. 48.

<sup>73</sup> Cic. De Leg. 3.20 ; Liv. Per. 55 ; one of the consuls in question was the same Scipio Nasica involved in the death of Tiberius Gracchus.

<sup>74</sup> Liv. Per. 54.

<sup>75</sup> cf. Liv. Per 48, 55 ; Pol. 35.4. ; App. Iber 49, 84 ; etc.

<sup>76</sup> cf. Lily Ross Taylor "Forerunners of the Gracchi" JRS (vol. 52), 19-27 for a fuller discussion of this.

by awarding Scipio the province of Africa and command in the war against Carthage.<sup>77</sup> This pattern was to be repeated again in 134, when according to Appian, the Tribunes, with the cooperation of the senate, suspended the normal electoral laws by granting Scipio Aemilianus a second consulship and command against the Numantines.<sup>78</sup>

Thus we find that in the two decades which preceded the Tribune of Tiberius Gracchus, it had been amply demonstrated that Tribunes of the Plebs could successfully exceed their traditional jurisdiction in order to intervene on a large scale in matters typically governed by the Senate and the curule magistrates when supported by the public. Furthermore, the Senate itself had demonstrated its own institutional flexibility in dealing with the political crises that might result from unconstitutional actions. In 148, they had retained control of the allotment of provinces, and the consuls had retained the power to conduct elections, because they were prepared to effectively suspend the electoral laws to make way for the election of Aemilianus. In 134 they had gone even further in this direction, given that, as is mentioned by Appian, the initiative to suspend the electoral laws to allow Scipio a second consulship came from the Senate itself rather than the Tribunes. At the same time, the traditional oligarchy's control over the voting public was weakening, as successive measures were passed that provided for a secret ballot in elections and thus it became more difficult to use bribery and intimidation to gain support.<sup>79</sup> Tiberius, looking back upon both incidents, would have had reason to believe that they might do the same for popular legislation, which he considered to be of equal importance.

Before this legislation can be properly assessed, it is important to determine whether it, and the tactics used to secure its implementation, had any precedent in Roman constitutional history. Upon doing so, it seems clear that Tiberius Gracchus had multiple precedents and constitutional justifications for his actions, while very few existed to support those taken by the Senate and by the Tribune Octavius to impede him.

The agrarian law of Tiberius Gracchus was neither the first measure of its kind, nor was it the first tribunician measure that aimed to harm the livelihood of wealthy Senators and to intervene substantially in the Roman economy. The tribunes had long been involved in the process of colonization in Italy, and were able to, just as easily as the Senate or Consuls, decide where new colonies might be situated and to whom they would be assigned.<sup>80</sup> Nor was the Gracchan legislation the first occasion in which land taken by the state was distributed amongst Roman citizens. In 232, the Tribune Gaius Flaminius, in many ways a forerunner of the radical politicians of the second and first centuries, divided the conquered lands on the border of Gallic territory in Northern Italy among Roman citizens, an act which Polybius considered the first of its kind. Although previous colonial foundations had given land to urban citizens, Flaminius' measure may have indeed been the first to do so for a social, rather than an explicitly military reason.<sup>81</sup>

Flaminius and his adherents had also been able to successfully infringe upon the economic prerogatives of the senatorial aristocracy, without any legal or political retribution. In 217 the Tribune Gaius Claudius passed a law which prohibited senators and the sons of senators from possessing vessels capable of bearing a cargo of more than 300 amphorae, a measure which would have severely restricted the ability of senatorial landowners to bring their goods to market, whether in Italy or overseas, and forced much of their trade and profits into the hands of (most likely equestrian) middlemen. According to Livy, the Senate opposed the law, but the public supported it sufficiently to allow Flaminius,

<sup>77</sup> App. Pun., 112.

<sup>78</sup> App. Iber., 84.

<sup>79</sup> Gruen, 49.

<sup>80</sup> cf. Liv., 32.29.

<sup>81</sup> Pol. 2.21.8.

virtually the only member of the Senate to support it, to be easily elected to a second consulship.<sup>82</sup> Although it may have been noted that Tiberius Gracchus had gone against custom in putting his law before the people and passing it without the support of the Senate, it is important to note that the legislation of Claudius and Flaminius did not have had Senatorial support either, but did not seem to lack legitimacy as a result.

It should also be noted that the *Lex Sempronia*, far from being unprecedented and revolutionary in its attempt to confiscate land and possessions, was primarily based upon the enforcement of existing laws. The political opponents of the measure were thus, in preventing its passage and failing to propose an alternative, effectively endorsing illegal exploitation on a large scale. The 500 iugera limit on land holdings had been in place since the laws of Sextius and Licinius in 367,<sup>83</sup> and on three further occasions (in 298,<sup>84</sup> 196, and 193)<sup>85</sup> the Aediles had prosecuted land owners for grazing their cattle on public land in excess of the legal limit. A fragment of Cato's speech for the Rhodians, delivered in 167 also alludes to a 500 iugera limit, arguing that it was not illegal to covet more land than that.<sup>86</sup> The most recent prosecution had occurred recently enough for the precedent to be well known. The proceeds from the fines imposed upon the landowners had been used to benefit the public, financing the erection of two gilded shields on the temple of Jupiter and the construction of two new porticoes. Perhaps most importantly, one of the Aediles responsible for the action was Lucius Aemilius Paulus, the most politically prominent conservative aristocrat of the generation preceding the Gracchan era and the birth father of Scipio Aemilianus. Indeed, prior to the Gracchan era, it had been the Scipiones, with their use of popular assemblies to circumvent established procedure, who if anything had deserved to be regarded as the popular party. It was they who through the agency of the Consul Laelius in 140 had attempted to pass a measure to prevent excess holdings of land, a very similar proposal to that of Tiberius Gracchus, only to withdraw it in the face of Senatorial opposition.<sup>87</sup>

But fault is seldom taken with the measures of Tiberius Gracchus themselves. He is instead criticized for the unconstitutionality of his methods, primarily the deposition of a fellow tribune in order to override his veto, and for the subsequent decisions to appropriate the sums obtained from the annexation of Pergamum and to run for a second term as tribune.<sup>88</sup> But were these actions unconstitutional? Again the evidence is ambiguous. There were certainly precedents for his actions. In 395, the public had essentially censured the tribunes of the day by fining them for exercising their veto on popular legislation.<sup>89</sup> The political battles of 151, 140 and 138, had also witnessed attempts to weaken the veto power, as most of the Consuls involved must have ultimately defied the rulings of the tribunes and risked fines and temporary imprisonment rather than submit.

Moreover, the actions of Octavius in refusing to lift his veto were equally unprecedented in Roman constitutional history. Polybius, who lived into the time of the Gracchi, and adopted much of his view of Roman Politics from conversations with his Scipionic patrons, recognized that tribune essentially served as a delegate of the plebs, "always obliged to act as the people decree and to pay attention to their wishes."<sup>90</sup> There is indeed, a few examples of Tribunes having acted against the will of the Plebs

<sup>82</sup> Liv. 21.63.

<sup>83</sup> Liv. 6.35.5. The historicity of these laws, and the 500 iugera limit imposed have often been doubted by historians. However, the prosecutions of the 190's and the reference of Cato clearly indicate that by the time of the Gracchi ownership limits had long been in existence.

<sup>84</sup> Liv. 10.13.14.

<sup>85</sup> Liv. 35.10.11-12.

<sup>86</sup> Cato. *For the Rhodians*.

<sup>87</sup> Plut TG 8.

<sup>88</sup> cf. Earl, 104-105; Bernstein, 196-197; Stockton, 68-69; Mommsen RG 4.331-333.

<sup>89</sup> Liv 5.29.

<sup>90</sup> Pol 6.16.15.

(in 138, public reaction had led them to back down from fining the consul) and plenty to suggest that doing so, if not an outright illegality at least violated the spirit and traditions of Roman law.<sup>91</sup> Tiberius' defence of his tactics, preserved by Plutarch, makes just such a link:<sup>92</sup> The position of Tribune was not sacrosanct. Since it had been conferred by the people with the expectation that it would properly executed, it could also be taken away if the Tribune, like the early kings of Rome, behaved badly. Just as a tribune could expect to put a defiant consul in prison, so too could the plebs deal with their own recalcitrant magistrate.

The same argument may be made in dealing with the question of Tiberius' appropriation of the Pergamene treasury, and his decision to run for a second term as Tribune. As with the implacable veto of Octavius, there was simply no precedent for the Senate's denial of funds to a land commission. And while Tiberius' decision to seek a second term was also an untraditional one, it did have antecedents, most notably the continued elections of Sextus and Licinius to the Tribune in the 360s, which ended only when the Senate agreed to pass their agenda.<sup>93</sup> Moreover, as has been previously mentioned, it is difficult, in a system as complex and as fluid as that of the Roman Republic, possessed as it was of an unwritten constitution, to determine what was and was not illegal, particularly since, in recent years the suspension of laws for the benefit of figures such as Scipio Aemilianus had been common. Rather than describing the Tribune of Tiberius Gracchus as a long descent into illegality and revolution, it would perhaps be best to instead describe it as a move into uncharted waters, on the part of both the tribune and his political opponents.

### **Involvement of the Italians**

It is difficult to determine the extent to which the Italian and Latin Allies played a role in the land redistribution programme. Appian suggests that the purpose of the measure was to increase "the Italian Race" so that Rome might have a plentiful supply of allies.<sup>94</sup> In this he is contradicted by Plutarch, who claims that the redistributed plots of land were to be intended for citizens alone, as well as by a comment of Cicero's, who claims that Tiberius' measures had violated the rights of the allies.<sup>95</sup> The entire situation is further complicated by Plutarch's use of Gaius Gracchus writings as a source. Gaius, unlike his brother, had come forward with a strong proposal to expand Roman citizenship to the Latin allies and the Latin status to the Allies in Italy. It would thus have been to his advantage to cite a similar intention, however fictitious, on the part of his martyred elder brother. Moreover, Plutarch also includes, at the end of the life of Tiberius, a suggestion that shortly before his fatal attempt at re-election, he had proposed an ambitious agenda including proposals to reduce the time of service required by the armies, to allow for jury verdicts to be appealed in the popular assembly, and to admit knights to juries.<sup>96</sup> However, because these measures are so close in substance to those eventually proposed by Gaius, they have frequently been considered to be the product of an error on the part of Plutarch.<sup>97</sup>

Modern scholars have found the rival accounts to be particularly confusing. Theodor Mommsen held that land allotments of around 30 iugera were to be given to both Romans and Italians.<sup>98</sup> Earl

<sup>91</sup> Bernstein, 185-191; Astin, 207-211.

<sup>92</sup> Plut. TG. 15.

<sup>93</sup> Liv. 6.40-42.

<sup>94</sup> App BC 1.8.

<sup>95</sup> Plut. TG. 9; Cic. Rep. 3.41.

<sup>96</sup> Plut. TG. 16.

<sup>97</sup> Earl, 21.

<sup>98</sup> RG. 4.321.

saw the policy as aimed exclusively at citizens, aiming to increase the military manpower of the Republic—since the land allotments were inalienable, even a failed small farmer who had abandoned his land would technically be eligible for conscription—a view also accepted by Astin.<sup>99</sup> The argument against intentional involvement of the Allies is a persuasive one, though not simply because the accounts of Plutarch and Appian are contaminated by Gracchan propaganda. The events of the decades following the death of Tiberius amply demonstrated the massive unpopularity of virtually any measure aimed at securing land, rights or citizenship for the Italians and Latin Allies.<sup>100</sup> It is therefore doubtful that Tiberius would have proposed a measure which would have, besides handing off public land to non-Romans, implied a degree of equality between citizens and allies. If he had, it is unlikely that he still would have enjoyed the support necessary to proceed with his campaign to overturn the opposition of the Senate and the veto of a fellow tribune.

More recent scholarship has sought a solution to the question of Italian involvement. Bernstein, whose study sought in large part to reconcile the often conflicting accounts of Plutarch and Appian, argued that while Tiberius' initial proposal would have granted land to the Italians, he subsequently modified it to exclude them in the face of popular pressure.<sup>101</sup> Stockton accepts that land allotments were assigned to the Italians, arguing that the comments of Cicero were largely a product of Scipionic propaganda (they are put in the mouth of Gaius Laelius) and that a distinction must be made between the Italian poor and small farmers, some of whom were themselves occupying the *ager publicus*<sup>102</sup> and who would mostly not have been removed from the land they were already occupying, and wealthier Italian landowners who, like their Roman counterparts were holding land in excess of the legal limit. Stockton's argument is too a great degree persuasive.

The lands of the *ager publicus* had largely been confiscated or conquered during the wars in which the Romans had conquered the Italian peninsula, and more recently in the war with Hannibal. There is no evidence, however, that the Romans actively sought to expel the existing Italian residents of this territory. Indeed, Appian clearly states that the *ager publicus* was too large to be entirely colonized and exploited by the Roman state and that as a result "anyone", presumably Roman or Italian, could cultivate it for a rent. Moreover, the suggestion that this had been done to "increase the Italian race" who might then fight alongside with them, is a plausible one, as allowing Italians to cultivate vacant land effectively cost the Roman state nothing but could insure both local goodwill and a reliable supply of troops.<sup>103</sup> The result was that by the 120s many of the inhabitants of the *ager publicus* would have held their land for decades, even centuries, and that the line between Roman and Italian territory had become severely blurred. It is for this reason that Scipio Aemilianus was able in 129 to complain of the troubles inflicted by the land commission on the Italians.<sup>104</sup> It is quite conceivable that Tiberius would to some degree have anticipated this difficulty in 133, and that the mention of the Italians in his speeches defending the *lex agraria* were merely an acknowledgement that it would not be practicable or justifiable to dispossess existing Italian homesteads which were already situated on public land.

### Lex Agraria and Agrarian Crisis

The ancient sources, in this case Appian and Plutarch, are unambiguous. The years following the conclusion of the Hannibalic war witnessed the beginning of a profound social and economic crisis

<sup>99</sup> Earl, 21.

<sup>100</sup> cf. App. BC 1.21, 23, 29, 36, etc.

<sup>101</sup> Bernstein, 148-149.

<sup>102</sup> Stockton, 44-50.

<sup>103</sup> App. BC. 1.7.

<sup>104</sup> App. BC. 1.18-19.

in rural Italy. Refugees, dispossessed by the war, had taken refuge in the cities, establishing themselves there and abandoning their ancestral lands. The property owners who remained were placed under mounting pressure. Because of the need of the Republic to conscript large numbers of troops to fight in its foreign wars, small farmers were continually pulled away from their homes to fight, causing a significant loss of economic livelihood and opening the door to debt. Moreover, since so many of these wars were now being fought across the Mediterranean, and required the maintenance of large garrisons in rebellious territories like northern Spain, soldiers were kept away from their homes for considerably longer periods than had been the case in the Early Republic, when legionnaires could, theoretically, have returned from campaign season to conduct the harvest. As a result, small farmers went under, the countryside declined in population and Roman citizens increasingly moved to the city where, without significant property, they ceased to be eligible for military service. Adding to these economic hardships were the depredations of the wealthy, who increasingly sought to buy off or force small farmers off their lands, replacing their farms with vast, slave run estates geared towards commercial rather than subsistence farming.<sup>105</sup>

Tiberius Gracchus' *lex agraria* sought to remedy this crisis by confiscating the public land held in excess of the legal limit, stated to be at 500 iugera, and distributing it among the plebeians in smaller allotments. The size of these theoretical allotments, however, is not explicitly stated in the ancient sources. Theodor Mommsen estimated it at roughly 30 iugera.<sup>106</sup> Donald Earl, though committing to no explicit figure, argued that the typical allotments of 8, 6 and even 5 iugera stated for colonial foundations in the earlier part of the century would have been a more appropriate number. In any case, there cannot have been enough available to satisfy all of the needs of the urban and rural poor, even if we accept as Earl does that the increase of approximately 75,000 in the census figures of 125 comes almost entirely from the individuals settled by the land commission.<sup>107</sup> The ancient sources do not describe how those given land allotments would have been chosen. As a measure designed to appease aristocratic opposition, Tiberius included in his *lex agraria* a provision that all individuals holding 500 iugera of land might receive full title to these lands, with their children each being able to possess another 250 iugera for a maximum of 1000.<sup>108</sup> A final provision of the law, and a particularly unusual one, stipulated that the land allotments would thereafter be inalienable.<sup>109</sup> This could have been intended either as a measure to prevent the wealthy landowners from trying to buy back or seize the land or as a method of insuring that, even if a citizen were to abandon his plot, he would still possess the property qualifications to be conscripted into service.<sup>110</sup>

The image of an agrarian crisis, or at least a dangerous decline in military manpower is supported by two pieces of corroborating evidence. First, as we have seen, it had become enormously difficult to levy sufficient troops to fight in the Spanish Wars. Secondly, the Senate had, in the decade prior to the Tribune of Tiberius Gracchus significantly reduced the property requirements necessary to serve in the legions.<sup>111</sup> This view of the situation has largely been accepted by modern historians.<sup>112</sup>

Only recently has it met with any serious challenge. Nathan Rosenstein, employing a complex statistical model based upon the nutritional requirements and potential labour of farm families, has sought to demonstrate that farm families could continue to support themselves and avoid starvation,

<sup>105</sup> App. BC 1.7-8; Plut TG 8.

<sup>106</sup> RG 4.321.

<sup>107</sup> Earl, 18-25.

<sup>108</sup> App BC 1.12.

<sup>109</sup> Ibid.

<sup>110</sup> Earl, 21.

<sup>111</sup> Rosenstein, 154.

<sup>112</sup> Mommsen, 4.312; Bernstein, 70-102; Earl 19-21; Astin, 194-195; Stockton, 38; Gruen, 49 etc.



even with one or more male members away from home.<sup>113</sup> More convincingly he has shown the two most serious flaws in the traditional interpretation of Roman military life. Firstly, the notion that Roman legionaries of the Early Republic could return after campaign season to conduct the harvest is disproved, given that the accounts of military campaigns provided by Livy clearly show that troops were kept in the field at times of the year that would have made it next to impossible for combatants to simultaneously insure the smooth operation of their farms.<sup>114</sup> Secondly, the demands of conscription were structured so that the majority of soldiers were young, unmarried men between the ages of 17 and 25 who might not own their own farms and would not have begun raising a family until several years afterwards. Moreover, the demands placed upon men in their 30's were far lighter, and even when employed in battle they were kept in the position of least danger.<sup>115</sup>

Under Rosenstein's model there would have been no agrarian crisis, at least not as Appian and Plutarch would have understood it. Instead, the perverse effect of the Hannibalic war would have been to ensure, by virtue of the casualties inflicted, the existence of a generation of young men with secure title to their land, given a lack of siblings to share it with, and the potential or marrying earlier (secure ownership would have made this possible, as would the postwar disparity in numbers between women and men). The result was a veritable "baby boom" which the census figures for the second century demonstrate. By the time of Tiberius Gracchus the demographic trends of the previous decades had created a situation of overpopulation in some areas of rural Italy, as in a society lacking primogeniture, land was increasingly subdivided between siblings, who were then forced to make do with less and, eventually, fell below the property requirements.<sup>116</sup> How then, could the Gracchi and the ancient authors who wrote about them have been so wrong?

When we consider the extent to which Tiberius Gracchus, his colleagues and his audience were truly aware of an agricultural crisis and a manpower shortage, it is important to consider just what evidence for such events would have been at their disposal. The Roman Republic did not possess the same administrative mechanisms as a modern state. The Roman civil service was made up of a small number of free men and slaves, was based in the city of Rome, and was directed by senatorial aristocrats who worked, without formal training, on a temporary and voluntary basis. The census, which was the only concrete method of measuring the population which would have been at Gracchus' disposal, was conducted intermittently and required citizens to present themselves for registration. Although penalties existed for failing to register, the censorial staff did not go from house to house, and could thus have been easily evaded.<sup>117</sup>

Outside of the census figures, which are preserved haphazardly in the ancient sources, there is little evidence of how the Roman state acquired information on the nature of the citizen population of Italy. One particularly revealing event preserved by Livy may give us a sense of just how limited that information was. In the year 194, a colony of Roman citizens was established at Sipontum, on the south Adriatic coast, on lands which had previously belonged to the Arpi.<sup>118</sup> At the end of the year 183, however, it was reported by the consul Spurius Postumius "that in the course of his journeys along both coasts of Italy in connection with the commission of enquiry", he had found the colony at Sipontum to be abandoned. A senatorial commission was then established to enroll new colonists.<sup>119</sup> Postumius' commission of enquiry had been charged with stamping out the Bacchanalian cult; it had nothing to do with

<sup>113</sup> Rosenstein, 63-107.

<sup>114</sup> *Ibid.* 39.

<sup>115</sup> *Ibid.* 84-85.

<sup>116</sup> *Ibid.* 155.

<sup>117</sup> cf. Brunt "Italian Manpower" (London: Oxford University Press, 1971), 15-33.

<sup>118</sup> Liv. 34.45, 1-5.

<sup>119</sup> Liv. 39.23, 3-4

monitoring the state of Roman colonies along the Adriatic.<sup>120</sup> Thus, it had only become possible for the Senate to know of the abandonment of a colony founded 11 years before, in territory that was closer to Rome than the Etrurian hinterland through which Tiberius Gracchus later passed through on his journey to Spain, because one of the Consuls had accidentally discovered it while on unrelated business. Although it is impossible to know when exactly the colony was abandoned, a census had been taken in 189-188.<sup>121</sup> If the abandonment of Sipontum, or a significant decline in population had occurred before then, the census either did not inform the authorities in Rome of it, or else whatever information gathered was not put to use.

It is in this light that we must consider the census figures for the decades immediately prior to the Tribune of Tiberius Gracchus. The decline in population observable in the census figures taken in the decades immediately prior to the Tribune of the Gracchi was a small one, going from 337,022 in 164/3 to 317,933 in 136/5. A decline in population of less than 20,000 over a thirty year period does not suggest a demographic crisis of the kind described by Appian and Plutarch and accepted by so many modern scholars. Given that we have no accurate figures for military losses including those caused by disease and starvation<sup>122</sup> during the period, and we know that military manpower had become scarce by the time of Scipio's subjugation of Numantia.<sup>123</sup> The decline could thus have been a product of military casualties alone. More likely it was, as Rosenstein has suggested,<sup>124</sup> in large part caused by the refusal of citizens to register themselves, when doing so could increase their chances of being conscripted into service.<sup>125</sup>

The wars in Spain were unpopular, and had resulted in more defeats than victories before the coming of Scipio. It would therefore not be surprising to hear of large numbers of able bodied male citizens who had "dodged the draft" by failing to register in the census, and thus led to lower census figures. It is notable that the examples of open evasion offered by Polybius and Livy are primarily those of young aristocrats refusing legateships or military tribunes.<sup>126</sup> It would have been easy for the senatorial aristocrats to learn of any avoidance of duty on the part of members of their own class, and necessary for recalcitrant young aristocrats to try to come up with excuses or obtain exemptions like those demanded by the Tribunes in 151 and 138. But for Roman citizens of the lower orders, particularly those living in the countryside, avoidance might simply mean avoiding giving one's name to the censorial staff and refusing to show up for the levy.

It is thus entirely likely that the supposed decrease in population alluded to by the Gracchi, and decried in equally forceful terms by the more conservative Metellus Macedonicus was a statistical illusion, supported only by unreliable personal observation of declining communities in the countryside and eroding family structures within the city. The most convincing evidence that this was the case can be found in the census figures of 125, in which the number of registered citizens had grown to 394,736 an increase so large and disproportionate to previous patterns of growth that it could not have been the result of natural causes. The individuals who had failed to register when liable for the draft might no longer fear to do so.<sup>127</sup> In what was perhaps a development of equal importance, as the Gracchan land

<sup>120</sup> Liv. 39.14.

<sup>121</sup> Brunt, 13 (all census figures referred to are taken from this source).

<sup>122</sup> A common occurrence during the Spanish Wars, particularly during protracted sieges cf. App Iber. 54, 82, etc.

<sup>123</sup> App. Iber 84

<sup>124</sup> Nathan Rosenstein, *Rome at War: Farms, Families and Death in the Middle Republic* (Chapel Hill: University of North Carolina Press, 2004), 147.

<sup>125</sup> cf. Liv. 1.44. Livy considered the Census to have been initiated, during the times of the Kings, as a method of measuring the number of men that the Roman state could put into the field. Brunt, arguing against Mommsen and others who have claimed that only citizens meeting the property qualifications for service in the legions would be registered has shown that all able bodied men were likely included. Brunt p. 15-25.

<sup>126</sup> Liv. Per. 48; Pol. 13.4. 6-8.

<sup>127</sup> Rosenstein, 157.

commission operated during the 120s and allowed the opportunity for at least some poorer peasants and labourers to acquire their own land, there was now an actual incentive for individuals otherwise indifferent to the census to register, and thus increase their chances of receiving redistributed allotments.<sup>128</sup>

But what then led Tiberius Gracchus to propose his radical program, and what caused such a large segment of the public to support it? We may here again turn to the arguments of Rosenstein. As both Appian and Plutarch record, the strongest support for the Gracchan programme came, not from the urban proletarii, but from rural peasants, who when the harvest was being conducted, could not spare the time to go to Rome in support of his bid for a second tribunate.<sup>129</sup> It is likely that these individuals may have been the small farmers suffering from economic difficulties posited by Rosenstein, and that they saw in the law of Tiberius Gracchus the possibility of obtaining secure title to larger and better lands than they currently possessed.

### Conclusions

As we have seen, the methods of Tiberius Gracchus were, although certainly controversial, not without precedent. An analysis of recent scholarship has also contributed to a new understanding of the nature of the agrarian crisis of the second century, and the steps taken to address it. Having discussed the nature of the proposals and political support for the programme of Tiberius Gracchus, as well as the relative legality of his methods, it is now necessary to examine why his proposals met with such significant opposition and why he himself was assassinated. Traditional factional politics certainly played a part. Tiberius and his faction sought to outbid their principal aristocratic rivals by bringing forward a plan which would have when executed provided them with a potential *clientela* of tens of thousands of rural voters (who tended to dominate in the tribal assemblies because they were divided into a larger number of tribes), as well as the gratitude of a sympathetic urban populace. But the *lex agraria* went further than that. The effort involved in resettling thousands on land that would have to be systematically measured and repossessed from its previous occupants would have been massive. In the earlier part of the second century, colonial foundations had been made on a significantly smaller basis. Generally, a commission of three men, usually including one of the senior curule magistrates and other senior senators, would be assigned to establish settlements of only a few hundred men and their families, and at most of a few thousand.<sup>130</sup> These men do not seem to have possessed significant factional or familial ties. The land commission of the Gracchi, however, was dominated at the outset by three members of a single family: Tiberius, the young Gaius Gracchus who had yet to hold a significant magistracy prior to his appointment, and Appius Claudius, Tiberius' father in law and one of the most powerful men in the Senate.

Their mandate was enormous and, in the absence of a stated method for selecting individuals who would receive land, or a stipulated size for the allotments in the *lex agraria*, would have permitted them to decide who received land, and how much they would receive (given an upward limit of 500 iugera, they could have theoretically moved some individuals into sufficiently high property class for their votes to have real weight in the centuriate assembly which elected men to the consulship). Given the murky distinctions between public and private land, the commission would have, as Appian clearly states, been able to re-survey lands, arbitrarily decide which were public and private, and potentially dispossess the rightful owners.<sup>131</sup> The commissioners thus would have enjoyed unprecedented power to endow citizens with wealth and property, or deprive them of that which they already pos-

<sup>128</sup> Earl, 35-36.

<sup>129</sup> App BC 1.14; Plut TG 8.

<sup>130</sup> cf. Liv 32.29.; 34.45; 39.45; 39.23.

<sup>131</sup> App BC 1.18.

sessed. They could have, if so motivated, used such powers to reward supporters and punish political opponents. The nature of the appointments to the commission, and the significant number of lawsuits and complaints brought against it, strongly suggest that this was the case.<sup>132</sup> It would have been even more effective at this once Tiberius had gotten hold of the vast wealth of Pergamum to finance the activities of the commission, supply newly settled farmers with implements, and potentially reward those individuals who had not received allotments.<sup>133</sup> It is notable that after the death of Tiberius Gracchus, the Senate rapidly moved to take the power to adjudicate on land disputes arising from the commission, and placed it instead in the hands of the consuls to restore balance, because the litigants regarded the commissioners as “prejudiced”.<sup>134</sup> Although there was undoubtedly some factional obstruction involved in the subsequent slowing of the commissions’ activities, there could hardly have been otherwise. Had Tiberius remained alive and still, quite likely continuing to serve as Tribune, the efforts of the Senate would undoubtedly have been prevented, either through an outright veto, or through other obstructionist methods. It was this unprecedented power, vested in him and his kinsmen, which ensured that much of the established aristocracy would come to regard Tiberius Gracchus as a revolutionary, and come to believe, not only that he had aspired to *regnum*, but that he had in some sense actually reigned.

<sup>132</sup> Ibid. 18-19.

<sup>133</sup> Plut TG 14.

<sup>134</sup> App BC 1.19.

## **Bibliography**

### ***Primary Sources***

- Appian, *The Civil Wars*. Trans. John Carter. London: Penguin, 1996.
- Appian, *Appian's Roman history*. Trans. Horace White. vol. 1-4. London: W. Heinemann, 1913.
- Cicero, *De Senectute, De Amicitia, De Divinatione*. Trans. William Armistead Falconer. London: Heinemann, 1923.
- Cicero, *On the commonwealth and On the laws*. Ed. James E.G. Zetzel. New York: Cambridge University Press, 1999.
- Cassius Dio. *Dio's Roman History*. Trans. Earnest Cary; on the basis of the version of Herbert Baldwin Foster. vol. 1-9. London: W. Heinemann, 1914-1927.
- Lucius Annaeus Florus. *Epitome of Roman history*. Trans. E.S. Forster. London: W. Heinemann, 1929.
- Livy, *Rome and the Mediterranean: books XXXI-XLV of The history of Rome from its Foundation*. Trans. Henry Bettenson. Harmondsworth: Penguin, 1976.
- Livy, *Rome's Mediterranean Empire : books forty-one to forty-five and the Periochae*. Trans. Oxford: Oxford University Press, 2007.
- Plutarch, *Makers of Rome*. Translated and with an introduction by Ian Scott Kilvert. New York: Penguin, 1965.
- Sallust, *Works*. Trans. J.C. Rolfe. Loeb Classical Library Edition. London: W. Heinemann, 1955.
- From the Gracchi to Sulla: Sources for Roman history, 133-80 B.C.* Trans. & Ed. D.L. Stockton. Harrow, Middlesex : London Association of Classical Teachers, 1981.

### ***Secondary Sources***

- Astin, E.A. Scipio Aemilianus. Oxford : Clarendon Press, 1967.
- Bernstein, Alvin Tiberius Sempronius Gracchus: Tradition and Apostasy. Ithaca: Cornell University Press 1978.
- Brunt, P.A. Italian Manpower, 225BC-AD14. London: Oxford University Press, 1971.
- Earl, Donald C. Tiberius Gracchus: A study in Politics. Bruxelles: Latomus, 1963.
- Gelzer, Mathias. The Roman Nobility. Oxford: Blackwell , 1969.
- Gruen, Erich S. Roman Politics and the Criminal Courts. Cambridge: Harvard University Press, 1968.
- McGlew James F "Revolution and Reform in *Römische Geschichte*" *Phoenix*, Vol. 40, No. 4. (Winter, 1986), pp. 424-445.
- Mommsen, Theodor. A History of Rome. New York: Charles Scribner's Sons, 1898.
- Morley, Neville. Metropolis and Hinterland, Cambridge, Cambridge University Press, 1996.
- Ridley, Ronald T. "Leges Agrariae" Myths Ancient and Modern" *Classical Philology*, Vol. 95, No. 4. (Oct., 2000), pp. 459-467.

- R.B. Rose, "The Red Scare of the 1790's: The French Revolution and the Agrarian Law" *Past and Present*, No. 103. (May, 1984), pp. 113-130.
- Rosenstein, Nathan. *Rome at War: Farms, Families and Death in the Middle Republic*. Chapel Hill; University of North Carolina Press, 1968.
- Ross Taylor, Lily. "Forerunners of the Gracchi" *JRS* vol. 52 pp. 19-27.
- Stockton, David. *The Gracchi*. Oxford: Clarendon Press, 1979.
- Syme, Ronald. *The Roman Revolution*. Oxford : Oxford University Press 1939.