

C. Gracchus and the Equites

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Discussions about the Gracchi seem to come forth in a virtually endless stream; and each new interpretation or explanation of what either one or both of the Gracchi intended—or accomplished—opens the door for still further discussion and speculation.* This is a salutary state of affairs, for our understanding of the period has steadily advanced despite frequent setbacks and false starts. One major pitfall that the scholar must avoid is to think that he has found *the* explanation for any one action or for all of the activity of either one or both of the Gracchi.¹ The very number of explanations suggests that no one will suffice. It is with these thoughts in mind that I propose the following interpretation of C. Gracchus' legislation which was connected with the class that was later to be called *equester ordo* or, simply, *equites*.²

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¹ See the remarks of E. Badian, "From the Gracchi to Sulla," *Historia* 11 (1962) 200.

² For the *equites* at the time of Gracchus, see E. Gabba, "Le origini della guerra sociale e la vita politica romana dopo l'89 a. C.," *Athenaeum* n. s. 32 (1954) 63–78. See further, Hill, *RMC* 87–112; F. Cassola, *I gruppi politici romani nel III secolo a. C.* (Trieste 1962) 25–83 (especially 68–83), 135–37, 381–403, and *passim*.

A consideration of only the titles of Gaius' laws will lead one to agree with Mommsen (*Hist. Rome* 3.344, cf. 468) that "what Gaius introduced in a series of separate measures was nothing else than an entirely new constitution." The essential truth of this statement has played some role in virtually all discussions, ancient and modern, of Gaius' legislation. The points under discussion here are: What was the framework of this new constitution? Was Gracchus concerned only with destroying the aristocracy and establishing democracy (Diod. 34/35.25.1; Plut. *CG* 5.1)? And if Gracchus was concerned with re-establishing the state on more democratic lines, what did democracy mean to him, a Roman *nobilis*?

Since C. Gracchus was a statesman, it seems that we ought to consider him first on the basis of what he was trying to do and what he did, according to the sources.³ The first two *leges Semproniae*, proposed in December 124,⁴ were the *lex de abactis* (Plut. *CG* 4.1; cf. Fest. 119L) which held that any magistrate who had been deposed from office by the people would be ineligible to hold further office, and the oddly named (by moderns) *lex ne de capite civium Romanorum iniussu (sc. populi) iudicaretur*.⁵ The first of these gave notice that Gaius would conduct his tribunate along lines similar to his brother's and recognized a modified, democratic right of recall. The second probably had its immediate origin in the *quaestiones* held after Tiberius' murder, but was more far-reaching in scope. Its main purpose was to affirm and define the right of *provocatio*, perhaps with a view (already) to the re-introduction of Fulvius Flaccus' ill-fated proposal of 125.⁶ Even more important, it was the first step in a thorough revision of the judicial system. The motif of revenge for Tiberius has played a large part in modern discussions of these two laws,⁷ but Badian (*FC* 182) has pointed out that "Gracchus had strengthened his

³ Cf. the dictum of the British historian A. J. P. Taylor, as quoted in V. Mehta, *The Fly and the Fly Bottle* (Boston 1961) 173-74.

⁴ G. Corradi, "Gaio Graccho e le sue leggi," *SIFC* n. s. 5 (1927) 243-44.

⁵ Sources in Green-Clay 31-32, to which add Pompon. *Dig.* 2.2.16, 23; *Schol. Gronov.* 289 Stangl.

⁶ For Flaccus' proposal, see Badian, *FC* 176-78.

⁷ Thus, e.g., E. von Stern, "Zur Beurteilung der politischen Wirksamkeit des Tiberius und Gaius Gracchus," *Hermes* 56 (1921) 271-72; Muenzer, *RE* A2 (1923) 1383, s.v. "Sempronius (47)"; Corradi (above, note 4) 247-48; J. Vogt, *Römische Geschichte* (Freiburg 1932) 1.185; E. Meyer, *Römischer Staat und Staatsgedanke*² (Zurich 1961) 288-89.

position against attack by his measures (not due to mere *pietas*) against his brother's enemies"—it might be added "and against his own enemies."

The remainder of his program falls, more or less naturally, into two groups (with some overlapping); political or quasi-political and socio-economic. It seems best to consider each of the groups separately.

Among the first of the political bills was the *lex ne quis iudicio circumveniretur*⁸ which has recently been discussed by N. J. Miners and by Miss Ursula Ewins.⁹ Miners' main purpose was to reaffirm and rehabilitate Mommsen's view¹⁰ that this law should be associated with Gaius' *lex de provocatione* and may even be identified with it. Miss Ewins argues, rightly, that it is to be associated with the *lex de provocatione*, but is to be taken as a separate law. The aim of this law was "to punish those of the senatorial class who conspired or intrigued to procure the condemnation of a defendant (who was innocent?) (in a capital case?)." ¹¹ If the law on *provocatio* was partially a first step in attacking the notorious corruption of the courts,¹² and if these two laws are to be associated, then Badian is correct in taking the *lex ne quis* . . . to be an attack on the senatorially controlled courts ("Lex Acilia," 377-78). Gaius' main concern, at this time (early 123), was the curbing of irresponsible abuse of *auctoritas* and of judicial equity, the potential dangers of which he himself had so recently felt when falsely accused of complicity in the revolt of Fregellae.

Sometime later in 123, certainly after July, Gaius determined that these moderate judicial reforms were unworkable. We should not see Gracchus' ultimate aims in what he originally did; rather, we should see his original goals in his first acts. This is to say that he did not at first envision entrusting the courts to the *equites*; but, after his mild reforms proved unavailing in correcting the senatorial jurors' misconduct in the courts (even if they seemed only potentially unavailing), or after the senate's active hostility to his program became manifest, he formed the plan of

⁸ Sources in Green.-Clay 36; cf. Cic. *Brut.* 48.

⁹ N. J. Miners, "Lex Sempronia ne quis iudicio circumveniretur," *CQ* 52 (1958) 241-43; U. Ewins, "Ne quis iudicio circumveniretur," *JRS* 50 (1960) 94-107.

¹⁰ *Hist. Rome* 3.355 and n. 1; *RStrafr.* 258 with n. 1, 633 with n. 2.

¹¹ Ewins (above, note 9) 100.

¹² For which, see App. *BCiv.* 1.22 and Gabba, *App.* 73-74.

more drastic reform. Even his first steps in this direction were relatively moderate, however much the senate thought them revolutionary. We can never overemphasize that C. Gracchus, like his brother Tiberius, was first and foremost a *nobilis*,¹³ and, as such, was loathe to destroy completely the old system of rule by the senatorial oligarchy. It was the senate itself, by its intransigent conservatism, that forced Gracchus ultimately to be converted into a "democratic" revolutionary. To be sure, the senate worked with Gracchus during the early part of his tribunician career—the incident of the censure of Fabius who had sent grain from Spain demonstrates this¹⁴—but the only explanation for the senate's acting thus is that it was biding its time until an effective spokesman for its position could be found.

There are two distinct versions of Gracchus' *lex iudiciaria* in the literary sources: the one, that Gaius transferred control of the *iudicia publica* from the senate to the *equites* (who, of course, were not yet called that);¹⁵ the other, that the *equites* and the senate were in some way mixed. This mixture was to be effected either by drawing the juries partly from the senate (of about 300 members), partly from an *album* of 300 *equites* (Plut. *CG* 5.2, *Comp.* 2.1), or by adlecting 600 *equites* into the senate and drawing the juries from this new senatorial order (Liv. *Per.* 60). In addition to this literary evidence, there is extant the bronze *tabula Bembina* (Bruns⁷ 1.3.10; *FIRA*² 1.3.7) which deals with a *lex repetundarum*¹⁶ and which has been identified with a *lex Acilia* of 123 or 122.¹⁷ The importance, for our purposes, of the *tabula Bembina* is that lines 12–17, establishing qualifications and disqualifications for the judicial *album* (*GDLviri*), exclude not only senators, but all who would probably become senators or

¹³ Cf. his own words, *ORF*² 187–88, 190–91.

¹⁴ Q. Fabius Maximus, propraetor of Spain (*MRR* 1.520), sent a supply of grain to Rome; for this he was censured by the senate at the insistence of Gracchus. The grain was sold and the proceeds of the sale were returned to the Spanish cities from which the grain had come (Plut. *CG* 6.2). Cf. below, p. 371.

¹⁵ Diod. 34/35.25.27, 37.9; Varro *ap.* Non. 728L; Vell. Pat. 2.6.3, 13.2, 32.3; Tac. *Ann.* 12.60.4; Flor. 2.1.6, 5.3; App. *BCiv.* 1.22.

¹⁶ See, in general, G. Barbieri, *Diz. Epig.*, s.v. "Lex," 714–15.

¹⁷ For the *lex Acilia*, see Cic. *Verr.* 1.51; 2.1.26. The identification of the epigraphic law with the *lex Acilia* and of the latter with the Gracchan law was first made by Mommsen, *GS* 1.17–18, 20–22; cf. *RSir.* 3.350, n. 1, 351, n. 1; *RStrafr.* 708 with n. 6, 709; *Hist. Rome* 3.353, n. 1.

were closely related to senators.¹⁸ Fraccaro,¹⁹ followed by Barbieri²⁰ and by Tibiletti,²¹ expanding an idea of Strachan-Davidson,²² identifies the jury qualifications of the *tabula Bembina* with those of the *lex Sempronia* which established *equites* as *Gracchani iudices*, about July 123. The *lex Acilia* would be an otherwise unknown law of about 111 which abrogated the *lex Sempronia* and which was itself abrogated by the *lex Servilia* of Caepio in 106. Gabba (*App.* 338–341), however, affirms that the law of Gaius, the *lex Acilia* mentioned by Cicero, and the epigraphic law “sembrano, pertanto, essere la stessa cosa.”

Badian, in a typically brilliant paper,²³ dissents. Gaius did not immediately exclude senators from the courts, but, in accordance with his ideas (at that time) of balanced reform, associated senators and *equites* on the juries. Then in 122, when “the intransigent hostility of the ruling clique had turned the reformer into a revolutionary, safeguards and balance were thrown to the winds in a desperate attempt to play off *equites* against the senators” (“Lex Acilia,” 377–78). Badian thus sees three laws: 1) the *lex ne quis* . . . as a first and immediate attack on the notorious corruption of the courts; 2) a *lex iudiciaria* setting up mixed juries; 3) a *lex iudiciaria* transferring the courts to the *equites*. The *lex Acilia*, the last of these, is part of the Gracchan legislation, identical with the law of the *tabula Bembina*, and dated to 122; the *lex Sempronia*, properly so-called,²⁴ is the second, dated to 123 (“Lex Acilia,” 383–84).²⁵

¹⁸ Cf. the wording of the *lex Claudia* of 218: *ne quis senator cuive senator pater fuisset* . . . (Liv. 21.63.3).

¹⁹ “Sulle *leges iudiciariae* romane,” *Opusc.* 2.270–86.

²⁰ Barbieri, *loc. cit.* (above, note 16).

²¹ “Le leggi *de iudiciis repetundarum* fino alla Guerra Sociale,” *Athenaeum* n. s. 31 (1953) 19–38; conclusion on 38: “In conclusione a noi sembra di poter identificare la legge *repetundarum* della tavola Bembina con la *Sempronia de iudiciis repetundarum* . . . e di doverla collocare intorno al luglio del 123: niente suggerisce che la legge *Acilia repetundarum* abbia qualche rapporto con la tavola Bembina o con gli anni dell’attività politica di C. Gracco.” For the *lex Acilia*, which he dates to 111 or a bit earlier, see 81–83.

²² J. L. Strachan-Davidson, *Appian, Civil Wars I* (Oxford 1902) *ad* 1.22; *Problems of the Roman Criminal Law* (Oxford 1912) 2.6–7, 82–83.

²³ “Lex Acilia,” 374–384, to which Tibiletti replies in *Athenaeum* n. s. 33 (1955) 388, n. 2. See also Badian, “From the Gracchi to Sulla” (above, note 1) 203–208, for a survey of more recent work and a re-statement of his own views.

²⁴ Or, perhaps, a *lex Iunia*; see A. H. M. Jones, “De legibus Iunia et Acilia repetundarum,” *PCPhS* n. s. 6 (1960) 39–42.

²⁵ Brunt, “*Equites*,” 147, asserts “that we cannot identify with any certainty . . .

Originally, Gaius thought that he would be able to work within the framework of the state as it then existed and was willing to accommodate the senate as far as this was possible, given the far-reaching scope of his plans—especially his plan to extend the citizenship—and as far as the senate itself would allow him to do. If Gaius was an idealist, it was here precisely that he showed his idealism, namely, in thinking that the senate would not be bitterly opposed on principle to his program, part and parcel. In my view it was always Gaius' intention to do something for the knights, even though he himself may not have known at first exactly what this would be. Some version of this view is an integral part of almost all discussions of the Gracchan legislation. The law on the consular provinces was part of the summer's legislative activity, almost surely with a view to secure the position of the Gracchan (as he was then thought to be) C. Fannius, whose election to the consulate for 122 was assured by Gracchus' support. Such a measure was no doubt construed by the senate as an attack on its position, as in fact it was. The senate's habit of eliminating problems by removing consuls during their year in office²⁶ laid it open to the charge of arbitrarily abusing its power—the same charge that led to the judicial reforms.

It is difficult to see how the *equites* would have benefited from the law on consular provinces; but no such difficulty exists in regard to the Gracchan socio-economic legislation: the equestrian

the lex Acilia with the Gracchan *repetundae* law," which identification Badian has made with sufficient certainty that, it seems to me, it cannot be toppled merely by an assertion. To claim that all of Gracchus' projects of reform were launched at once strains our credibility, while the step-by-step process outlined in the text above leaves ample room for Gaius' consolidating support among all classes. That the (final) judiciary legislation passed by only one vote (in the *concilium plebis*!) supports the date 122 when Gracchus' support had been subverted against early 123 when he was at the height of his power. It may well have been proposed and voted on while Gracchus was in Africa, or proposed before, and voted on after, he departed. Drusus may have vetoed it and withdrawn his veto under pressure; or, not yet knowing the extent of his support, he may have apprehended the fate of Octavius; or (the most likely alternative) he may have allowed the bill to be voted on as a gauge of the extent to which he had succeeded in turning popular opinion away from Gracchus. That we have no information about Gracchus' having changed his mind in the matter of judicial reform is no argument that he did not do so (Brunt, "*Equites*," 146); we are well informed of his withdrawal of the *rogatio de abactis*, not because of the biographical interest in Gracchus' change of views, but because of the role played by his mother in that withdrawal (Plut. *CG* 4.2-4).

²⁶ Sempronius Tuditanus in 129 (*MRR* 1.504) and Fulvius Flaccus in 125 (*MRR* 1.510).

order benefited from all but one of these laws.²⁷ One of the clauses of the *lex militaris* was that "clothing was to be distributed to the soldiers at public cost" (Plut. *CG* 5.1); the equestrian *publicani* will have provided these supplies. The other clause of this law, "that youths under seventeen were not to be enrolled in the army" (Plut. *CG* 5.1), may have been aimed at scions of equestrian families since sons of senators would have wanted to complete their military obligations by as early a date as possible in order to be eligible for the quaestorship.²⁸

The three major colonies established by Gracchus²⁹—Minervia at Scolacium, Neptunia at Tarentum, and Iunonia at Carthago—have never been thought of as for the benefit of the urban poor, but were, rather, for the propertied class, the equestrians.³⁰ After the first two colonies had been proposed (in 123), Drusus, early in 122 (or in December 123), proposed the founding of twelve colonies of 3000 citizens each, to draw people's support away from Gracchus (Plut. *CG* 9.3; App. *BCiv.* 1.23). Plutarch, *CG* 9.1 and 10.1–2, in saying that Gaius had proposed two colonies when Drusus proposed his twelve and that Rubrius proposed his colony (Junonia) in reaction to the latter, is just precise enough to be correct. There are eight colonies mentioned in the *Liber Coloniarum* as having been founded by a Sempronian law which, together with the two earlier ones and Junonia, gave Gracchus a total of eleven known colonies to his credit—there may have been more.³¹ After proposing two colonies which were for the benefit

²⁷ The exception (perhaps only apparent) is the *lex agraria*.

²⁸ See A. E. Astin, *The Lex Annalis before Sulla*=*Collection Latomus* 32 (Brussels 1958) 43. Fraccaro's important paper to which Astin refers (in n. 2) is now available in *Opusc.* 2.213–15.

²⁹ Sources in Green.-Clay 38–39, to which add Vell. Pat. 2.6.3; App. *BCiv.* 1.23. To the sources from the Gromatici cited in Green.-Clay, add p. 210 and p. 136 (Siculus Flaccus: Gracchus colonos dare municipiis, vel ad supplendum civium numerum, vel, ut supra dictum est, ad coercendos tumultus qui subinde movebantur, praeterea legem tulit, nequis in Italia amplius quam ducenta iugera possideret: intellegebat enim contrarium esse morem, maiorem modum possidere quam qui ab ipso possidente coli possit.)

³⁰ Cf. H. Last, *CAH* 9.68–69.

³¹ I hope elsewhere to present in detail my views on the Gracchan agrarian legislation. Briefly, they are as follows: (1) most of the land which the *Liber Coloniarum* says was distributed *limitibus Gracchanis* was distributed by the triumviral commission established by Ti. Gracchus; (2) C. Gracchus, early in his first tribunate, carried an agrarian law which (a) re-introduced the adjudicatory powers of the original commission, (b) provided for some viritane allotments; (3) late in 123, he proposed his first two colonies; (4) in December of 123, or very early in 122, Drusus made his

of the propertied class, Gracchus was in danger of losing the support of the urban plebs, on whose passions Drusus (and others) skillfully played. To win back, or to ensure their support, Gracchus had Rubrius propose the sending of a colony to Carthage, an extremely fertile area; the size of some of the plots³² and Plutarch's statement (*CG* 9.1: of the first two colonies) that the colonists were all prosperous will indicate that Junonia was colonized by a mixture of upper and lower classes. The principal importance of this colony was to provide the *negotiatores*—from all Italy (App. *BCiv.* 1.24)—with a base for carrying on business in Africa, which was to prove so crucial ten years later at the time of the Jugurthine war; furthermore, the supplying of African grain to Rome was undoubtedly not without importance. The remaining Sempronian colonies, which were probably founded in Gaius' own name (in 122), were all in fertile, rustic areas, most of which were of easy access to Rome. These colonies had the primary aim of securing firmly the support of the city proletariat; the supplying of grain to Rome will have been important for these colonies also. One might even say that the colonial law (or laws) establishing these Italian colonies is Gaius' *lex agraria*.³³ The major colonies, then, benefited the business class—surely not the wealthiest members of this order, but the small businessmen, the traders (not *mercatores*), many of whom were either Italians or of Italian origin. It might not be too much to suppose that one of the considerations that led to Gracchus' bill on citizenship was the enfranchisement of these businessmen who formed the backbone of the order in which Gracchus was taking such an interest.³⁴

proposal; (5) shortly afterwards the *lex Rubria* was proposed; (6) at about the same time, as a result of the tumults which were stirred up during the proposals of Drusus and the *lex Rubria* (cf. Siculus Flaccus 136, quoted above, note 29), Gracchus proposed the founding of new colonies, which are the colonies mentioned in the *Liber Coloniarum* as having been founded by a *lex Sempronia*. Detailed argument on these points will require more space than the paper to which this is added only as a note.

³² See J. Bradford, *Ancient Landscapes* (London 1957) 151, 197–200, with plate 48; cf. Siculus Flaccus 136 (quoted above, note 29).

³³ Cf. above, note 31.

³⁴ Brunt, "*Equites*," contrary to his own evidence (e.g. Cic. *Font.* 46), over-emphasizes the role of the publicans as the "flower of the equestrian order" and drastically de-emphasizes the importance of the *negotiatores*; publicans and businessmen were often the same individuals (cf. Broughton, *Econ. Surv. Anc. Rome* 4.541), nor can we disregard the fact that Atticus was a *negotiator* (*Att.* 1.18.8). Brunt notes ("*Equites*," 131) that "equites insisted on vengeance on Jugurtha after he massacred Italians at Cirta" without mentioning that these *Italici* (Sall. *Iug.* 26.1) were *nego-*

It has long been clear that Gaius' *lex de provincia Asia*,³⁵ which established a tithe let out in Rome by *ensoria locatio*, was a boon to the *equites* who contracted for the collection of the tax and who were able hereby to strengthen their hold on the province.³⁶ Probably connected with this law is the law by which new *portoria* were established (Vell. Pat. 2.6.3).³⁷ Fraccaro thought³⁸ that this law was very probably a clause of the *lex de provincia Asia* and that the new duties "colpivano l'intenso traffico che passava attraverso i confini della provincia stessa." Just as possible is the view which he rejects, that the *portoria* were to be collected in Italian harbors, a procedure that would have required a separate law.³⁹ This new tax, or rather extension of an old tax,⁴⁰ was collected by the *publicani*, probably under *ensoria locatio*.

The law by which Gaius provided for the building of new *horrea* (Plut. *CG* 6.3; Fest. 392L) was an adjunct to his grain law; the state would buy up large amounts of grain immediately after the harvest when grain was cheapest and store it up in the *horrea* until needed. In addition to this, work would be provided for the urban plebs at a time when Rome was still suffering from a depression of long duration. The *lex viaria* (Plut. *CG* 6.3, 7.1–2; App. *BCiv.* 1.23) provided for the construction of roads throughout Italy. This law may have been associated with his grain law,⁴¹ or with his agrarian law,⁴²—or with both—or it may have

tiores (*id.* 26.3), at least some of whom, as I suggest in the text, would have been *equites Romani* had Gracchus' bill on citizenship passed. The brothers Cloatii of Gythium, had they been active before 90, would probably have been just as wealthy as they were in the 70's; but, would they have been as influential as *Italici* as in fact they were (*SIG*³ 748)? We may note also Q. Minucius, a *negotiator* (Cic. *Verr.* 2.2.73) and an *eques Romanus in primis splendidus* (*id.*, 69, 80), and, in the empire, that member of the Emperor's council *iam princeps equitum, magna qui voce solebat vendere municipes . . . siluros* (Iuv. *Sat.* 4.32–33). It may be worth pointing out that the person whom Rostovtzeff singles out as a typical example of the *negotiator* as landowner (*SEHWW* 3.1565)—land was the characteristic investment and source of revenue for the *equites* (Brunt, "*Equites*," 122–23)—viz., Appuleius Decianus, combines in himself the names of two politicians who were favorable to the *equites* (cf. E. Badian, "P. Decius P. f. Subulo," *JRS* 46 [1956] 95–96).

³⁵ Sources in Green.-Clay 36.

³⁶ See Hill, *RMC* 67–68.

³⁷ See S. J. de Laet, *Portorium* (Brugge 1949) 55–63, especially 57 with n. 7.

³⁸ "Ricerche," 97 = *Opusc.* 2.33.

³⁹ Hill, *RMC* 106, suggests that this law may have been prompted by the increase in commerce between Italy and Asia consequent upon the *lex de provincia Asia*.

⁴⁰ Cf. e.g. Liv. 32.7.3. See de Laet (above, note 37) *loc. cit.*

⁴¹ Von Stern (above, note 7) 279; J. Goehler, *Rom und Italien* (Breslau 1939) 148.

⁴² Fraccaro, "Ricerche," 95–96 = *Opusc.* 2.32–33; cf. Gabba, *App.* 78–79.

had a military aim.⁴³ Like the law on granaries, this too provided work for a large number of unemployed. But the most immediate beneficiaries of these laws were the *equites* who contracted with the state to do the work—at a large profit to themselves. The Gracchan grain law⁴⁴ will also have proved to be a boon to those *equites* who saw to its importation and probably supervised (for a fee) the distribution (cf. Tac. *Ann.* 2.87.1).⁴⁵ The private sector of the grain economy would have been little affected by this law, since the urban plebs who directly benefited from the sales of grain at a reduced rate were precisely those who were previously unable to provide for themselves at the free market price—and were still largely unable to pay the reduced price. Thus, even if one is not prepared to accept the argument that the *equites* benefited from the grain law, the businessmen were at least not adversely affected by it.

In sum, C. Gracchus struck at the power of the ruling oligarchy by his first two judicial laws, by his law on the consular provinces, and, to a certain extent, by his law on the province of Asia. He alleviated the plight of the poor by his military law, by his agrarian law, by part of his colonial laws, by his laws on public works, and by his grain law. Various other groups or institutions were favorably affected by several of his laws; for example, he really was the patron of the treasury and of the provincials, despite Cicero (*Tusc.* 3.48) and Posidonius (*FGrH* 87, F 111b; cf. Badian, *FC* 184–85). Lastly, he benefited the equestrians, directly or indirectly, by his later judicial measures, by his military law, by part of his colonial laws, by the law on the province of Asia, by his law on the new harbor duties, by his laws on public works, by his grain law, and (perhaps) by his projected bill on citizenship. It surely cannot have been by mere chance alone that the *equites* were so frequently the beneficiaries of the Gracchan legislation.⁴⁶

⁴³ Corradi (above, note 4) 267.

⁴⁴ Sources in Green.-Clay 32–33. I have analyzed this law in my dissertation “Roman Grain Legislation, 133–50 B.C.” (Univ. of Pennsylvania, 1964, microfilm) 81–96.

⁴⁵ The amount of grain imported from Sicily after 73 was about 6,500,000 *modii* a year (see R. J. Rowland, “The Number of Grain Recipients in the Late Republic,” *Acta Antiqua* 13 [1965] 81–83), the transporting of which will have been extremely profitable to those involved; it may well be that it was the size of the grain trade that led Caesar to reinstitute the *Lex Claudia* in 59 (*Dig.* 50.5.3).

⁴⁶ A later politician also made the knights “the cardinal factor in the whole social,

The episode of Fabius and the Spanish grain and the *senatus consultum* censuring Fabius (passed at the insistence of Gracchus) (Plut. *CG* 6.2), as Fraccaro has pointed out,⁴⁷ does not prove a virtual collaboration between Gracchus and the senate; it does show that, by the summer of 123 or even earlier, open, violent hostility had not yet broken out between them. Even more significant than this, however, since only the senate could grant triumphs, is the fact that Fulvius Flaccus, one of the leaders of the Gracchan faction, triumphed in the first half of the year (before the tribunician elections in July).⁴⁸ This triumph conclusively shows not only that Gracchus was conciliating the senate (e.g., by his moderate judicial reform) but also that the senate was conciliating Gracchus. Gaius may have been waiting until after his re-election—as the senate, for its own purposes, was waiting for that time—to bring forth his major proposal of judicial reform, or he may have thought that moderate reform was all that was needed, or it may have been that Gracchus was moved by the appearance of the tribune-elect, Livius Drusus, as an outspoken upholder of the senatorial position. Even if it were not his original plan to reconstitute the state in such a way that the power of the senate would be diminished and the position of the *equites* and of the urban plebs (not to mention the *agrestes* and the *Italici*) would be enhanced, this is the working plan at which he ultimately arrived. As a schematic oversimplification, we can say that the nucleus of this new constitution was to be the opposition of *equites* and senate, each balancing and keeping in check the other, with the urban plebs supplying a counterpoise against whichever began to develop supremacy.⁴⁹ Things did not work out this way, of course; but Gracchus did succeed in shifting the balance of power in the state—with far-reaching consequences for the next few decades.

military, and political structure of [his] New State” (R. Syme, *The Roman Revolution* [Oxford 1939] 355). Gracchus and Augustus, viewing the same problem—the knights’ involvement in public affairs—arrived at opposite solutions. Augustus succeeded precisely because, in his re-formed constitution, the knights were banished from politics.

⁴⁷ “Ricerche,” 89–90 = *Opusc.* 2.28–29.

⁴⁸ Source for the triumph: *Inscr. Ital.* 13.1.559; for Flaccus’ position as a Gracchan: Badian, *FC* 182.

⁴⁹ For the natural antipathy of the city proletariat toward the senate, see von Fritz 271.

How did Gracchus arrive at this position? One simple answer might be that the Claudian *factio* had a history of being interested in the business class⁵⁰ and that Gaius' fostering of this class was merely another stage in the history of the faction to which he belonged. Given the extent of Gracchus' changes, however, we should find more cogency in the arguments of a Greek political philosopher and historian. Polybius, as is well known, speaks of the monarchical, aristocratic, and democratic elements in the Roman body politic. In equating the consuls with the monarchical element, he grossly overstates the position of the consuls, while, conversely, greatly understating the position of the senate (the aristocratic element).⁵¹ For Polybius, the people (the democratic element) meant only those Roman citizens who had full rights or those citizens assembled to vote on laws or in elections (von Fritz, 193). Abstract "citizen rights" are useless if one has no opportunity to exercise the concrete embodiment of those rights, i.e., the vote; and an effective vote was generally possessed only by the substantial citizens, especially in the major electoral assembly, the *comitia centuriata* (von Fritz, 234–35). In fact, Polybius at one point (6.17.1)⁵² speaks of the people (*dêmos*), but describes the *publicani*. One of the basic tenets of the Roman constitution as Polybius idealized it was that "the people must be submissive to the senate and respect its members" (6.17.1). This, precisely, was the major constitutional problem in Rome of the second century B.C.: the senate had arrogated to itself the predominant position in the state.

It is probable to the highest degree that C. Gracchus knew of Polybius' ideas at first hand. Polybius was a constant companion of Scipio (Vell. Pat. 1.13.3; Cic. *Rep.* 1.34; Plut. *Mor.* 814c–d; Suid. s. v. *Polybios*) with whom Gracchus had close family ties;⁵³ Polybius may have been with Scipio at Numantia,

⁵⁰ Cf. e.g. the *lex Claudia* of 218 (Liv. 21.63.3); E. S. Staveland, "The Political Aims of Appius Claudius Caecus," *Historia* 8 (1959) 410–433. For the Claudian *factio* and for the Sempronii Gracchi as part of it, see D. C. Earl, *Tiberius Gracchus: A Study in Politics*=*Collection Latomus* 66 (Brussels 1963) 5–15, and *passim*. The case of C. Claudius Pulcher (censor 169: *MRR* 1.423–24) has special political complications. I expect to deal with the Claudians and the *equites* elsewhere.

⁵¹ For the distribution of power, see von Fritz 155–77.

⁵² Cf. F. W. Walbank, *A Historical Commentary on Polybius* (Oxford 1957) 1.692–94.

⁵³ Gracchus' sister, Sempronia, was married to Scipio Aemilianus, probably by 147 (cf. Plut. *TG* 4.5). See the *stemma* on the fold-out leaf at the end of Earl (above, note 50).

where Gaius also served (*MRR* 1.491). Finally, if Gracchus had read Polybius' book—as he surely did—he would have read: “I think that a description (of the Roman constitution) is not only germane to the whole scheme of my work, but will be of great service to students and practical statesmen for forming or reforming other constitutions” (3.118.12).

In my view then, C. Gracchus consciously set out to achieve the re-formation of the Roman constitution with a view to preserving—or re-establishing—the Polybian *miktê*.⁵⁴ This he intended to accomplish by (1) diminishing the authority and power of the senate; (2) increasing the power, influence, and wealth of the business class, the *equites*; (3) increasing the economic independence of the lower classes.⁵⁵ It was unfortunate both for him and for Rome that he was forced by circumstances not really of his own making to go far beyond this original purpose.

⁵⁴ For Scipio Aemilianus and Polybius' *miktê*, see H. H. Scullard, “Scipio Aemilianus and Roman Politics,” *JRS* 50 (1960) 59–74, especially 65, 70–71, 74.

⁵⁵ Gracchus' younger friend, the scholar M. Iunius Congus Gracchanus, may have advised him in these matters. Congus was the friend of M. Antonius the orator (Cic. *De Orat.* 1.256), who was closely associated with the *equites* until the 90's, of C. Lucilius the satirist (Fr. 595–96 Marx), of the father of T. Pomponius Atticus (Cic. *Leg.* 3.49). For Congus, see Wissowa, *RE* 10 (1917) 1031–33, s.v. “Iunius (68).”