*Lex Sempronia Agraria: The Land Reforms of Tiberius Gracchus*

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There is much written concerning the period surrounding the Roman Revolution. Bringing about the fall of the Roman Republic, it is said to begin with the tribunates of the Gracchi brothers. The historical accounts, both primary and secondary, begin to appear not long into the imperial period and are still being written to this day. Many of these have attempted an analysis of the actions of Tiberius Gracchus, trying to understand the underlying motivations behind the actions that proved fatal to both himself and the Republic. Yet, looking for analysis utilizing sound economic principles, there seems to be somewhat of a gap in the literature. Economic history, while it has been applied fruitfully to many periods of history, still has yet to become prolific in the classical studies.

There are a number of explanations for this. The study of classical history, being a the study of a rather remote period, relies very heavily on the kind of primary sources which are scarcely to be found during this period. The many artifacts and writings which we have are often very little concerned with those things most useful to the execution of economic history. For this, there are a few explanations. Firstly, those things which have been preserved for us from antiquity are very often preserved because they were considered of some worth to the original progenitors. Plato is preserved because Plato was revered in his own day, and thus tradition passed down his writings. On the other hand, if a culture does not particularly value the small statistics that the economic-historian finds useful, then those things will probably not be preserved, except by chance. The degree to which even chance will preserve economic data depends on the amount of data produced in the first place. For this reason, we have a relatively large amount of economic data from Imperial Rome, while data from the late Roman Republic is scarce. Centralization of power seems to have the effect of increasing the volume of useful economic data. Rome, at her height during the Imperial period, had management responsibilities over a large number of adjunct territories, and the whole empire was directly ruled by one man, who delegated imperium to subordinates as he saw fit. As a result of the necessary bureaucracy to enable this kind of government, economic reports made by the people to their rulers and the rulers to their emperor were numerous, and thus is preserved for us much more material with which to do economic history.

However, the period with which we are now concerned, beginning at the first tribunate of Tiberius Sempronius Gracchus in 133 B.C., was not marked by centralized power, but rather the reverse. The political situation in Rome was highly stratified and the territories abroad were not so numerous. Even the agreements between Rome and the nations she conquered were formulated in simpler terms. A more complete review of the political situation in 133 will follow on a later page; the point being now that the Roman republic leaves us relatively few sources of economic data. As before mentioned, it is partly due to this reasons that economic history done in any depth on this period is scarce.

Historical economic data is not, however, exclusively available through primary sources. Some useful economic studies of classical history have been done using archeological data. Measures in the prosperity of a society prove important for testing the effects of economic policy or the results of some change in production structure. In the absence of historical data such as the capital stock or wealth per capita or even income statistics, archeological data has allowed us to deduce some of these things. Capital goods preserved through the ages give us evidence of technological advances made. The division of land into plots can give some idea of the dispersion of wealth. Buildings and structures that still have some parts remaining also accomplish this. Thus, archeology proves to be a way in which economists can also gather data not found from any other source. All this presupposes a vital need for data to conduct economic historical research. In reality, the best tool for conducting classical economic history is the Austrian method of applying general economic theory to the situation, and using whatever data may be found to suit the theory to the peculiarities of the situation. This is what will follow in the treatment of an important period of classical history.

To begin, a full understanding must be possessed of both the historical accounts of the tribunates of Tiberius Gracchus and of the political institutions of the period. The most important thing to understand concerning the Roman Republican government is the existence of the mos maiorum, or the Way of the Ancestors. This was more than simply a set of unwritten laws or social norms, but rather a framework for thinking about life in Rome. The social structure was both hierarchical and familial. The basic building block of the Roman social order was the family, whose head was the representative body to the state. The mos maiorum was something of a law of precedent, for it concerned those things which were thought of as natural because they always were. In some ways, this represented a large part of the constitution upon which the Republic was founded, but if so, it must be stressed that it was an unwritten, unlegislated constitution. The binding power it possessed was moral and social rather than legal.[[1]](#footnote-1)

The importance of understanding the principle of mos maiorum is paramount to understanding the outrage that arose from the actions of Tiberius Gracchus. The historian Karl-Joachim Hölkeskamp describes in this manner:

“Its range of reference and meaning was almost unlimited and indeed, as it were, defied limitation: any modern attempt to narrow it down must fail to grasp its true constitutive importance. This notional stock of time-honored principles, traditional models, and rules of appropriate conduct, of time tested policies, regulations, and well-established practices not only prescribed social in 'private' life but also regulated all criminal and 'public' law, the state religion as well as the military system, the ways and means of running politics at home and abroad. Last but not least, mos maiorum also included what one might call "constitutional conventions".”[[2]](#footnote-2)

The formal organization of the Roman government was eclectic in its very nature. The history of the Roman Republic is the history of a sort of class warfare. There was, up to the period of Tiberius Gracchus, a perpetual standoff between two classes, the plebeians and the patricians, with the plebeians more or less representing the lower class and the patricians acting the part of the aristocracy. After the overthrow of Rome’s last king, his executive office was replaced by two consuls, chosen by the general populace, who came from the patrician class. Later, the plebeians succeeded in pushing for their own representation in the executive branch, and two tribunes of the plebs were selected from that class, and these could enact laws with at least equal force of law to the consuls. The Senate, meanwhile, was not a legislative body but rather designed to guide by their wisdom the decisions of the executives and the tribunes. It was consistent with the mos maiorum to heed the recommendations of the Senate. Various reforms altered the arrangements slightly. Plebs could soon occupy the consulship and the tribunes were becoming somewhat a tool of the Senate. By the end the Conflict of the Orders, of which more is spoken elsewhere, the plebeians had equal footing with the patricians and had a good deal of political power. However, the majority remained a poor class, with only a few achieving to a new nobility.

Throughout this whole system, and some might say the system itself, were constant checks on the power of any one individual. From the first, collegiality was a principle observed among the consuls; each consul had veto rights over the other. This continued with the rise of the Tribunes of the Plebs, who were themselves a check on the ruling class present in the Senate and magisterial offices. In addition to this, a limited tenure of office was in place, allowing only one year of service to the consuls. In emergencies, a dictatorship could be established for the conducting of foreign policy and generals obviously could not have limited tenure, but these things were kept in hand as they were regulated by the principles of the mos maiorum.

During the period leading up to that of Gracchus, Rome was in the midst of long military campaigns, which left the plebs somewhat out of the legislative decisions for that period because the traditional areas in which the senate was considered to have power were military policy and the treasuries that funded such policy. In such a time, it is important to note that many of the plebs, who, being poor, were traditionally farmers and agriculturalists, were away from home on the campaigns, and thus unable to work their lands. This, and a number of other factors which will be discussed later, contributed to the further poverty of the plebs. Throughout the history of the Roman Republic, the plebs were developing a culture of dependency. When things went poorly for them economically, they often resorted to relying upon the state to fix their problem. The Senate, having in it many conservatives who regarded the yeoman farmer idealistically, would often enact policies to help them, but often, as aforementioned, the dissatisfaction of the plebs led to political reform, granting more power to their class, that their wishes might be better fulfilled.

Concerning the state in which the lower classes of Rome could be found during this period, Plutarch writes, in his Life of Tiberius Gracchus:

“Of the territory which the Romans won in war from their neighbours, a part they sold, and a part they made common land, and assigned it for occupation to the poor and indigent among the citizens, on payment of a small rent into the public treasury. And when the rich began to offer larger rents and drove out the poor, a law was enacted forbidding the holding by one person of more than five hundred acres of land. For a short time this enactment gave a check to the rapacity of the rich, and was of assistance to the poor, who remained in their places on the land which they had rented and occupied the allotment which each had held from the outset. But later on the neighbouring rich men, by means of fictitious personages, transferred these rentals to themselves, and finally held most of the land openly in their own names. Then the poor, who had been ejected from their land, no longer showed themselves eager for military service, and neglected the bringing up of children, so that soon all Italy was conscious of a dearth of freemen, and was filled with gangs of foreign slaves, by whose aid the rich cultivated their estates, from which they had driven away the free citizens. An attempt was therefore made to rectify this evil, and by Caius Laelius the comrade of Scipio; but the men of influence opposed his measures, and he, fearing the disturbance which might ensue, desisted, and received the surname of Wise or Prudent (for the Latin word "sapiens" would seem to have either meaning). Tiberius, however, on being elected tribune of the people, took the matter directly in hand.”[[3]](#footnote-3)

Gracchus’s taking the matter in hand was demonstrated in his attempt to begin to again enforce the land laws previously enacted, but so long ignored. This prohibited any citizen from possessing land in excess of 500 jugera, which was about 50 acres and that any citizen found breaking this law would have the excess land default to the ownership of the state, which could allocate it as it saw fit. This law had long been ignored, originally by the wealthy cheating the system, establishing fake persons through which they could exceed the 50 acre limit, but later in outright opposition to the law. Gracchus’s proposed reform would reinstate these limits, causing those above the limits to surrender the property to the state, that it might then be distributed as the state saw fit. The aristocracy, who were thus encroached upon, were extremely displeased with this proposition and the Senate placed themselves against this redistribution of wealth. [[4]](#footnote-4)

The way in which this land reform was passed certainly merits note. The Senate, upon hearing of this proposition, persuaded the colleague of Gracchus, the tribune Octavius, to resist the enactment of such a law. Octavius therefore resolutely vetoed the proposition. Under the constitution of Rome, this ought to have set aside the reform as having failed, but Gracchus firmly pressed yet again his law, only to have Octavius restate his veto. Much effort did Gracchus place into the convincing of his colleague, but to no avail. Thus, Gracchus, not giving up on his project, elected another means for its success, outside of those constitutional means. In all his pleading with his colleague, Gracchus represented his scheme as a plan for nothing less than the salvation of Italy and the Roman state. Octavius resisting, he turned to the people and asked whether one who opposed his will to the welfare of the nation had any further right to rule. The assembly of the people, who were accustomed to their state serving their wishes, agreed with him, and thus they deposed Octavius from the assembly and passed without him the land reforms.

However, the Senate, who being made up of the wealthy class, opposed the law, and having control of the purse of the state, offered for its funding a pittance scarce worthy of mention. To counteract this, Graccus proposed a law diverting certain money derived from military conquest to fund the enacting of his reforms. Gracchus also found the year of his tribunate to be running out, so he announced that he would stand for the office of tribune a second time. Deposing once again his vetoing colleague, he was set to begin a reign of the tribunes, with no limited tenure, when he was killed, along with 300 hundred of his followers, putting an end to what his opponents claimed were regal pretensions, as Plutarch eloquently narrates his death:

“Now, the attendants of the senators carried clubs and staves which they had brought from home; but the senators themselves seized the fragments and legs of the benches that were shattered by the crowd in its flight, and went up against Tiberius, at the same time smiting those who were drawn up to protect him. Of these there was a rout and a slaughter, and as Tiberius himself turned to fly, someone laid hold of his garments. 6 So he let his toga go and fled in his tunic. But he stumbled and fell to the ground among some bodies that lay in front of him. As he strove to rise to his feet, he received his first blow, as everybody admits, from Publius Satyreius, one of his colleagues, who smote him on the head with the leg of a bench; to the second blow claim was made by Lucius Rufus, who plumed himself upon it as upon some noble deed. And of the rest more than three hundred were slain by blows from sticks and stones, but not one by the sword.”[[5]](#footnote-5)

Gracchus ended up, through his ill-fated attempts at reform, exposing the Roman constitution as ineffectual. There were a number of reasons the government of Rome seemed to dissolve into greater centralized power. First, the various checks on power proved easily surmountable. Gracchus violated collegiality with incredible ease, simply through the popularity of his proposal. He also, through the same means, was on the point of violating the principle of limited tenure of office. Finally, he was able to encroach upon the political reserves of the Senate in proposing his means of payment. In the end, legal methods of stopping him we abandoned as they proved easy to surmount, and they only tool the aristocracy found in hand to do the job was violence to his person. This, as later history proves, did not accomplish much, for simply removing the disturber was not enough to reverse the political disturbances he began. He had exposed the flaws in the Roman constitution that others could exploit, which would eventually lead to the fall of the Republic.

Coupled with this was the problem aforementioned of the culture of dependency. The public, specifically the plebeians, were ready to support any who could deliver them good things. Completely regardless of the political implications, they deposed the only rival to an ambitious man out of a desire to benefit themselves. Whatever the motives of Tiberius Gracchus, whether born out of a desire to truly help Rome or out of personal ambition, he recognized the influence simply appeasing the general assembly of the plebs gave him. He saw that the legal constitution and political mores were not enough to resist the determined attack of the populace, and it is much to be doubted whether any legal or social institutions are truly impervious to such an attack.

Interesting as the politics, and the political effects, of this law are, the main purpose here is to examine the policy from the specific Austrian economic perspective. The first things to consider are the general circumstances surround the period in which Gracchus found himself.

As aforementioned, the period leading up to Gracchus was one of war and conquest. The famous Punic wars came to their conclusion roughly 75 years prior. Legionaries serving the various Roman campaigns could not return until the completion of the campaign. This left the farms of the soldiers in disuse, and the wealthy would snap up the bankrupt ones, forming large estates something along the lines of plantation models, employing others to work them who would have before tilled them as free men. Land brought in through conquest was sold or rented to those who already had large estates, and thus could front the capital for the new land. So it was that when the soldiers inevitably came back from the long campaigns, they found their sources of free livelihood gone, and thus were reduced to living either as surfs in the employ of the rich, or as dependents on the grace of the state.

Thus, the argument made by Gracchus for the Lex Sempronia Agraria was that it would use legislation to fix the problems of the monopolies of the wealthy land-owners oppressing the poor by better and more fairly distributing the wealth among the people. In today’s language, the problems that arose from the soldiers going away to fight might even be called a market failure and this government intervention a necessary thing to fix the problems caused by the free market. This is not a correct estimation of the problem. The interferences by government foreign policy that conscripted soldiers to leave their lands unused for so long a period directly caused the problems that followed. The interference served to change the way the economy was structured. Capital that was before allocated efficiently was now lying unused.

The problem can be reasonably thought of as arising from a sudden fall in the supply of labor. Conscription brought many productive workers from the areas in which they were producing for the economy and allocated them elsewhere. In the face of this, the general supply of produced goods would fall substantively. However, we know that things could not simply remain the same in the face of such a fall in the supply of labor. The market would reorganize itself so as to “make do” with the new situation, again allocating resources in the most efficient way possible. In this instance, the way that this is done is particularly interesting.

We know from the historical sources that the size of the farms was rising. As labor supply fell, the land was synthesized into large estates run by the wealthy. From this, we can deduce the way in which the free-market adjusted production to a new efficiency. In this case, the best description is technological development. The sudden reduction in the supply of labor meant that in order for production to not to be dramatically affected, the output per worker had to increase to some degree. That is, the technology of the production structure would develop to allow for a more economizing use of labor. It did exactly this by adopting the system of large estates run by the wealthy aristocrats. With bankruptcy coming to the farms which could no longer operate due to the labor being absent, these were purchased and incorporated into the estates, which the proprietors could, through their wealth, run using slaves. Thus the former owners of the property, when the returned could not simply be employed by these new estates, for they now had to compete with slaves for the labor.

Now it is true that we cannot exactly derive the whether the output of the economy fell during this period of the decline in labor. However, we know from economic theory that when the market is efficiently organized, and subsequently disturbed by government policy, the efficiency of the market must be negatively affected. It is not necessary to discuss the corollaries of this argument. If efficiency is declining, it must be true that the output would fall. It would fall according the degree to which the government policy affected normal market operations. However, we also know that the market would not remain passive, but rather actively shift the production structure so as to minimize the decline in output. Thus, we reason that the output must have declined, but that declined less than it might have, thanks to the market’s reorganization of the ownership of the land. It is not unreasonable to assume that there was initially no gigantic dip in the output. Certainly, there is nothing in the historical sources to contradict this assumption. Remarks concerning the extreme poverty of the countryside are to be found only after the soldiers returned, and the economy was yet again disrupted.

The economic problem in the government’s conscription of the farmers was the fact that it was not permanent. Had the supply of labor dropped permanently, there might have been no Lex Sempronia Agraria. There is some sympathy to be given to Rome in this, for not all of her campaigns were expeditions in conquest. The Punic wars were often fought in defense of Rome for Hannibal had succeeded in invading Italy from the north. Whatever the case may be, the legions certainly returned home and the dispossessed were in need of employment. There are a number of causes to which we can attribute the crisis that followed, not least of which was the Roman ideals that pervaded the mindset of her citizens. Romans such as Cato the Elder, a Senator influential in Rome’s policies toward Carthage, endorsed the ideal of the yeoman farmer; the idea that a man is most free when he is self-subsistent. Here was the opportunity for subsistence through farming taken away from the common people.

Another cause is the fact that once accomplished, the organizational advances that brought about the larger farms, and therefore greater output per worker, were not going to undo themselves. The market had adjusted to efficiency, and it would do so again here, but not by simply returning to the old model. This interacts with the previous cause: the market might fix this new problem as it fixed the old one, but the Romans preferred the way they had it before. They preferred the smaller farms more or less independent. Also, as mentioned before, the allocation of the land into larger farms brought the former land owners from a state of applying their own labor to their own property, to having to compete with others for pay. This was problematic because the large estates were run by slaves.[[6]](#footnote-6) Thus, they had to compete for labor with slaves, which too was odious to the ideals of the mos maiorum. And so, unable to compete with the slave labor, and having no longer the land to live upon, these returned soldiers became homeless and turned to the cities to find living howsoever they might there.

Before turning to the analysis of the land reforms themselves, it is profitable to consider how the free market might have provided employment for these returning soldiers. Concerning this, there is certainly no information in the sources, and so whatever is to be known, must be derived from economic theory.

The main problem that arises here is the existence of slaves. The slaves were not competing with the farmers before because only the rich would have owned slaves. The estates before the labor supply drop were seemingly not so efficient as to outcompete the smaller farms. We can be sure of this from the historical accounts saying that the reallocation of land only began with the drop in labor supply. As the estates became larger, more slaves could be brought to them as there was need. The slaves were coerced to their labor by the aristocrats, and thus those who had to “compete” for the labor with the slaves could only do so by giving some incentive to the estate owners to hire them. This they could only do by demeaning themselves to the lot of slaves, which it seems they were unwilling to do. The problem was that the existence of labor that could be coerced drove out the labor that would not be, creating the unemployment.

These soldiers, not being fit for skilled labor, could have been employed by some other means, but it is impossible to predict how this would arise or what it would look like. Speaking purely from the historical data, it seems as though this problem was not solvable. This is not because of a failure of the free market, but rather because the existence of slaves meant that there was no truly free market. Certainly, we don’t have evidence as to how market forces would have worked because of the interference of Tiberius Gracchus’s appeal to the dependent spirit of the plebs and because of further agitations by his political successors. However, it is certain that we have a very interesting case concerning how the fundamentally coercive institution of slavery could affect the market in ways which may not have been expected.

The abolition of slavery could not have been expected of the Ancient Romans, having no precedent thitherto in history. Nor were there any thinkers of the period that would have propounded such an idea. However, it would be interesting to consider how things might have gone differently if such a thing had been enacted in place of the Lex Sempronia Agraria. In the absence of slavery, labor costs would have suddenly gone up, possibly causing the aristocrats to liquidate some of their land, reallocating it to those who could use it for production. It certainly would have provided a much better market for labor, allowing many of those returned soldiers to find reasonable employ.

However, the blame of the unemployment did not rest upon the institution of slavery as perhaps it ought, but rather on the rapacity of the aristocracy. Such it was that inspired the land reforms of Tiberius Gracchus, to which it is now prudent to turn. The full consideration of the circumstances surrounding this bill as was just undertaken was necessary to frame it in the proper light. Given all that has been seen, it is much easier to sympathize with the desire of Tiberius Gracchus to re-enfranchise the Roman soldiers through the means of economic policy. A detailed outline of the legislation, as given by the great German classicist Theodor Mommsen, follows:

“So Gracchus, immediately after entering on office, proposed the enactment of an agrarian law, which in a certain sense was nothing but a renewal of the Licinio-Sextian law of 387. Under it all the state-lands which were occupied and enjoyed by the possessors without remuneration—those that were let on lease, such as the territory of Capua, were not affected by the law—were to be resumed on behalf of the state; but with the restriction, that each occupier should reserve for himself 500 jugera and for each son 250 (so as not, however, to exceed 1000 jugera in all) in permanent and guaranteed possession, or should be entitled to claim compensation in land to that extent. Indemnification appears to have been granted for any improvements executed by the former holders, such as buildings and plantations. The domain-land thus resumed was to be broken up into lots of 30 jugera; and these were to be distributed partly to burgesses, partly to Italian allies, not as their own free property, but as inalienable heritable leaseholds, whose holders bound themselves to use the land for agriculture and to pay a moderate rent to the state-chest. A collegium of three men, who were regarded as ordinary and standing magistrates of the state and were annually elected by the assembly of the people, was entrusted with the work of resumption and distribution; to which was afterwards added the important and difficult function of legally settling what was domain-land and what was private property. The distribution was accordingly designed to go on for an indefinite period until the Italian domains which were very extensive and difficult of adjustment should be regulated. The new features in the Sempronian agrarian law [Lex Sempronia Agraria], as compared with the Licinio-Sextian, were, first, the clause in favour of the hereditary possessors; secondly, the leasehold and inalienable tenure proposed for the new allotments; thirdly and especially, the regulated and permanent executive, the want of which under the older law had been the chief reason why it had remained without lasting practical application.”[[7]](#footnote-7)

Thus, this reform proposed, as we have already seen, simply to reinforce old regulations.

A detailed economic analysis of the effects this policy would have had is now necessary. These are secondary to the social effects because Gracchus was killed before this law could be thoroughly carried out, but the effects of his actions would carry on in the political sphere for the rest of the history of the Roman Republic. The principle of the redistribution of wealth is dealt with extensively in the economic literature. It seems to hold true here that had the Lex Sempronia Agraria been carried out, it would have had all the ill-effects on production that could be expected. The efficient allocation of the land to the large estates would be disrupted. There were certainly be bureaucratic inefficiencies in the distribution of the land to the returned soldiers. However, there would also probably have been good effects, at least from the Romans point of view. The soldiers would be able to return to work, and work that was seen as natural and liberating by the Romans. The expense of this would be the dissolution of the large farms. The “capital” which was invested in them, namely, the slave, would have to be reallocated through liquidation. Their value would certainly decline, and with them, the assets of the aristocracy.

A good point of comparison is between the effects of this policy and the effects of the bust stage of business cycles in the present day. The business cycle begins with the artificial lowering of the interest rate. Here, the price of land was “artificially” lowered through the removal of labor required to work it. The market then adjusted, investing capital in goods that would allow them to incorporate better more land. But the lowered land prices were deceptive, for Gracchus’s reforms would show them to be temporary. The land reform would then be like the bust, taking away the land from the aristocracy and exposing their malinvestment. This is not to say that this can be construed as an example of a business cycle, but rather is used simply to draw an analogy so as to help explain an economic phenomenon utterly uncommon in our own day by comparing it with something more common.

In regards to passing judgment on Gracchus, this is a hard thing to do. One can hardly blame him for not seeing the negative impact slavery had on his countrymen. Morally speaking, the redistribution of wealth sought after by Gracchus is probably the most innocuous in history, for its main effect would be to remove the slaves from the Roman aristocrats, and cause them to lose their investment in them. It can be seen that had they invested in any other form of capital that could allow them to efficiently run the large estates, less sympathy for the Lex Sepronia Agraria might have arisen.

Thus, the tale is indeed a strange one when looked from the economic perspective, certainly one worthy of greater attention than has been given it here. It is hoped that with such analysis of the period of Gracchus, that more will done on like periods. The novelty of the position of Tiberius Gracchus and the Roman republic has been demonstrated here, as well, it is hoped, has the danger of jumping to conclusions based on insufficient knowledge of all the factors. Certainly, without a full historical perspective, the Austrian economic analysis of Gracchus’s proposed reforms would probably have looked very different. Finally, it is to be hoped that the idea that economic history cannot be done in the absence of economic data has been dispelled.

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2. Holkeskamp, pp.17-18 [↑](#footnote-ref-2)
3. Plutarch. *The Parallel Lives*. Vol. 10. Cambridge: Loeb Classical Library, 1921. p.162 [↑](#footnote-ref-3)
4. Plutarch, p.162 [↑](#footnote-ref-4)
5. Plutarch, p.163 [↑](#footnote-ref-5)
6. Plutarch, p.163 [↑](#footnote-ref-6)
7. Mommsen, Theodor. "The Tribunate of Graccus; His Agrarian Law." *In The History of Rome*. New York: Meridian Books, 1958. [↑](#footnote-ref-7)