LAND AND CITIZENSHIP, 125-122 B.C.

BY

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Arguing from the natural connotation of Valerius Maximus' words (IX 5, 1) regarding the famous proposal of Fulvius Flaccus in 125 B.C., E. Badian has recently supported a restrictive interpretation of it, whereby the offer of civitas or provocatio is seen as directed to individuals rather than to communities 1). This view of the measure can in fact be further strengthened in two ways. First, from the history of the principle of civitas offered as a reward to individuals, which was extended precisely in this decade. Long before this, indeed, civitas had been offered to individuals for military valour—at first, probably, sine suffragio 2). But it is in the 120's that we have civitas (or provocatio) offered as a reward to those who accepted the burden of local administration in Latin towns 3) and again to those who successfully undertook the task of delatio, in order to bring erring provincial governors to book, as evidenced by the closing sections of the lex repetundarum of the Tabula Bembina. The offer of Fulvius Flaccus fits very well into this context, when conceived of as open only to those individuals who performed the beneficium of accepting the jurisdiction of the Gracchan agrarian commissioners, i.e. the large-scale possessores of ager publicus. By accepting civitas such Italians would ipso facto become subject to that jurisdiction, whilst those who opted for provocatio would, we must suppose (with Badian), be required to make a prior formal renunciation of the special status of their holding. To have widened the offer even "to those of their individual citizens who might choose it" 4), with-

3) Sherwin-White, op. cit., 215-6, rebutting the arguments of Bradeen and Mattingly in favour of a later date.
out qualification, might well have made more difficult Fulvius Flaccus’ problem of meeting the demand for redistributed *ager publicus*, since there would be no basis for holding off additional demands for such land on the part of Italian *proletarii* (supposing they had so far been excluded) who could naturally be expected to seize upon the chance of citizenship.

Secondly, as P. J. Cuff 5) has recently re-emphasised, the strict logic of Appian’s account (*B.C.* I 22) as to the calculations of those who favoured making the offer at Rome and as to the Italians’ reaction to it, fits in with the restrictive interpretation. For only the big *possessores* could be properly visualised as “likely to put aside disputes about land in view of the greater offer” (of *civitas*) or described as “setting a higher value upon citizenship than upon land”. As we have noticed, the landless Italians, so far from surrendering anything, would qualify for land *as well* if they accepted citizenship. E. Gabba 6), of course, argued that Appian had no need to refer to any others except the large landholders among the Italians in this context, since the rank and file Italians were *already* eligible to receive land. That view has generally been rejected, most recently again by Badian 7). We should recognise here that, since the Italian *possessores* could be expected to protest about ‘violation of treaties’ (*Cic. Rep.* I 19, 31, III 29, 41) even if their fellow Italians had been entitled to benefit under Tiberius Gracchus’ law, there being no reason to suppose them more altruistic or foresighted than their Roman counterparts, the only argument of much value is that from the epigraphical *lex agraria* of 111 B.C.; and even there it remains an oddity that in a document where superfluous repetition is almost to be looked for, it is only in l. 3 (which Mommsen, *G.S.* I 98, took to refer to allotment of land in Roman colonies) among the series of clauses II. 2-7 that the words *ceivi Romano* appear. But if Gabba’s argument fails to convince, the interpretation which does most justice to what Appian actually says—admittedly not necessarily what he means!—when taken alongside the other evidence, is

5) *Historia* 16 (1967), 182 n. 40 and 183.
6) *Appiano e la storia delle guerre civili* (Florence 1956), 53.