



COSTRUIRE LA MEMORIA

USO E ABUSO DELLA STORIA FRA TARDA REPUBBLICA
E PRIMO PRINCIPATO

VENEZIA, 14-15 GENNAIO 2016

a cura di

Roberto Cristofoli – Alessandro Galimberti – Francesca Rohr Vio

«L'ERMA» di BRETSCHNEIDER

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MONOCRAFIE

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Uso e abuso della storia
fra tarda repubblica e primo principato
Venezia, 14-15 gennaio 2016

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INTRODUZIONE

Il volume di Atti che viene pubblicato raccoglie i contributi presentati al Convegno Internazionale *Costruire la memoria: uso e abuso della storia fra tarda repubblica e primo principato*, tenutosi a Venezia nei giorni 14-15 gennaio 2016.

Il Convegno si inserisce nell'ambito delle iniziative promosse con il Progetto di Ricerca *Fra repubblica e principato*, che da anni si propone di riportare in una posizione di rilievo nel panorama degli studi sulla storia dell'antica Roma i secoli I a.C. e I d.C., e che ha dato vita a una serie di iniziative seminariali, convegnistiche ed editoriali.

Ciò che collega i dieci studi che hanno affrontato aspetti diversi del periodo in oggetto è l'analisi del trattamento storiografico di eventi e personaggi: la ricostruzione storica, notoriamente, non ha nelle sue possibilità quella di restituire il rankiano *wie es eigentlich gewesen*, e mai si configura come riproduzione neutra degli eventi colti nelle diverse sfaccettature del loro reale verificarsi, perché non esiste una verità univoca; la memoria è sempre, sia per volontà di quanti la costruiscono, sia a prescindere dalle loro consapevoli intenzioni, l'esito di una visione soggettiva di quanto è accaduto, perfino dal punto di vista della ricezione. Questa consapevolezza impone di prendere atto dei limiti insiti in ogni operazione volta a ricostruire ciò che è avvenuto, e dell'esigenza di un confronto tra il maggior numero di memorie possibile – ossia fra tipologie di rappresentazione e conservazione selettiva di epoche, personaggi o eventi del passato, interne a una o a più società –, ognuna da vagliare nella sua specificità anche ideologica, perché si possa pervenire a una forma di storia, per quanto non definitiva.

Dobbiamo principalmente agli *Annales d'histoire économique et sociale*, fondati nel 1929 da Marc Bloch e Lucien Febvre, l'affermarsi di una nuova definizione del concetto di fonte: non più il documento dotato di un'aura pressoché sacrale quale fu per il Positivismo, ma un punto di partenza per addentrarsi in un percorso mirato non solo all'acquisizione degli eventi, bensì alla comprensione di tutta una società, specie nelle strutture di lunga durata, e nei fattori di trasformazione non effimera e profonda. Nessuna accezione limitativa, naturalmente, ne consegue per la storia politica ed evenemenziale: le linee di governo, il profilo dei personaggi, il ri-

lievo e il corso delle vicende fungono da pavimento di un percorso che non si autolimita, e che ha come traguardo un macrocontesto.

Il difficile compito che attende lo storico della storiografia antica è dunque quello di impadronirsi delle fonti: non solo del loro contenuto, ma anche dei loro criteri di selezione del materiale, delle loro peculiarità ideologiche, della loro tendenza; come scriveva Carr, “il fatto che una montagna assuma forme diverse a seconda dei punti di vista dell’osservatore non implica che essa non abbia alcuna forma oggettiva” (*Sei lezioni sulla storia*, trad. it. Torino 1977², p. 32). Allo stesso modo, un evento attestato in maniera non analoga per estensione, caratteristiche e contorni dalle varie fonti, occorre che in virtù dell’opera di chi prova a ricostruirlo assuma sembianze le più solide possibile, mediante il vaglio di ogni tradizione, e confronti e integrazioni tra le varie memorie di esso: tutto ciò, nella consapevolezza del carattere non solo provvisorio, ma anche necessariamente “attualizzato” di ogni ricostruzione, in quanto, allo stesso modo in cui non è recuperabile un “passato oggettivo”, così non esiste uno storico che lo rifletta come uno specchio.

Una fonte storica, in ultima analisi, contemporaneamente attesta i fatti dell’epoca che racconta, e si fa carico dei condizionamenti e dei paradigmi di quella al cui pubblico si rivolge; in questo senso, Croce (*La storia come pensiero e come azione*, Bari 1938, p. 5) affermò che “ogni storia è storia contemporanea”.

Ormai è noto che una delle ragioni dell’attrattività della storia è proprio la sua discutibilità, che si traduce nella provvisorietà del suo tessuto: ogni ricostruzione che pure riesca ad affermarsi, risulta comunque una ricostruzione continuamente da limare, da puntellare, da rincontrattare; pertanto, essa trova il suo merito nel costituire un passo avanti rispetto alle precedenti, e il suo limite nell’essere rimasta un passo indietro rispetto alla prosima che la supererà. Forse semplicemente perché parlerà meglio al suo tempo.

La storia, nell’esperienza romana, ha fin dalle origini avuto il compito di contribuire al sentimento di unità nazionale, alla coesione del corpo civico sulla base di ideali e di un codice di comportamento condivisi, e codificati anche attraverso la memoria evenemenziale. Tra il I secolo a.C. e il I secolo d.C. si consumò all’interno dello Stato romano una profonda trasformazione, la quale non lasciò immune nemmeno il codice di valori, che fu riscritto, per buona parte attraverso un recupero, certo selettivo, del passato, ma anche grazie all’innesto di elementi nuovi; e la memoria, che in Grecia era stata identificata con una divinità, concorse alla legittimazione di questo codice di riferimento, richiamando i fatti del passato che si intendeva perpetuare come esemplari e dando scrittura al presente, che diveniva rapidamente passato, e quindi a sua volta oggetto della memoria stessa,

secondo criteri che rispondessero a quegli ideali. Così, venne a svilupparsi un ruolo ulteriore della memoria, sia come fucina di valori, sia come fattore di legittimazione, tanto presso i contemporanei quanto presso i posteri; tale ruolo comportava nondimeno il rischio di abusi, ogniqualvolta il tessuto degli eventi veniva forzato attraverso un processo di selezione mirata, o attraverso il privilegio di precisi aspetti o significati rispetto ad altri.

Alla luce di tali presupposti, i contributi che hanno costituito il Convegno riuniti in questo volume si soffermano sulla memoria dei complessi decenni intercorsi tra le riforme dei Gracchi e la crisi generata dalle guerre civili di età sillana, e l'assetto consolidato conferito all'impero dai Flavi: l'intento è stato dunque, da un lato, quello di definire aspetti centrali di un periodo cruciale per la storia di Roma antica, e dall'altro quello di comprendere come si trasmise, ad opera di autori coevi o successivi a quei fatti, la memoria di esso, tra manipolazioni delle dinamiche, e omissioni di eventi e personaggi, o al contrario enfatizzazioni di fatti e protagonisti. Si spazia così tra i gruppi di potere, le famiglie illustri, il centro e la periferia di Roma antica, l'utilizzazione del passato mitico dell'Urbe in una prospettiva mirata alla politica coeva, il ruolo delle matrone, il culto imperiale, la strategia – spesso adottata dalle fonti – di demolizione della memoria degli imperatori più ostili al senato, le vicende del nuovo ordine che la seconda dinastia cercò di ristabilire dopo il *longus et unus annus*.

La prospettiva è stata interdisciplinare, ed il Convegno si è giovato dell'apporto, oltre che di storici dell'antica Roma, anche di specialisti della storia greca e del diritto romano; intergenerazionale, con studiosi affermati che hanno portato i propri contributi al confronto con quelli di studiosi più giovani; internazionale, con metodologie di Scuole diverse che riteniamo si siano integrate, nelle loro risultanze, tra loro.

Hanno contribuito all'organizzazione del Convegno il Dipartimento di Lettere – Lingue, Letterature e Civiltà antiche e moderne dell'Università di Perugia, il Dipartimento di Storia, Archeologia e Storia dell'arte dell'Università Cattolica del Sacro Cuore di Milano, ed il Dipartimento di Studi Umanistici dell'Università Ca' Foscari – Venezia, nei cui prestigiosi locali si sono svolte le sedute.

Un ringraziamento al Prof. Giuseppe Zecchini, che anche questa volta ha generosamente accolto gli Atti di un nostro Convegno nella prestigiosa Collana da lui diretta presso la Casa Editrice «L'Erma» di Bretschneider, alla quale pure esprimiamo la nostra gratitudine.

R.C.-A.G.-F.R.V.

THE “TYRANNY” OF THE GRACCHI AND THE CONCORDIA OF THE OPTIMATES: AN IDEOLOGICAL CONSTRUCT

ABSTRACT

The Gracchan period marked a turning point in the history of Rome, as antiquity recognised and modern scholarship has accepted. Never before, as Appian says, had a tribune of the plebs been assassinated, and his assassination sanctioned by the senate. The Roman ruling class was aware of what the death of Tiberius Gracchus could mean, and for that reason began a dual process right from the start, both to delegitimise Tiberius (and later Gaius) in the eyes of his contemporaries and in history, and also to legitimise the violence of the state. It is this process – essentially the construction of memory about the Gracchi – that this paper addresses. The justification of Gracchus’ assassination was that he aspired to tyranny. It was necessary in addition to construct a historiographical tradition which would provide historical legitimisation for the pre-emptive tyrannicide. To this purpose it was essential to create credible historical precedents which themselves would act as legitimising *exempla* for the use of violence without trial against Roman citizens and which would present such conduct as therapeutic tyrannicide. In this regard, the *optimates*’ version of history had every chance of superseding the popular version, because then, as now, “history belongs to those who know that it exists”.

The Gracchan period marked a turning point in the history of Rome, as antiquity recognised and modern scholarship has accepted. The Gracchi have been cast as examples, but not unambiguous ones. To a hostile tradition, Tiberius and Gaius Gracchus’ seditious actions during their tribunates initiated this historical turning point by obliging the Roman state to respond with violence to re-establish order. To another, favourable tradition, however, it was precisely this violent response instigated by the establishment which forever changed the power relations within Roman politics, creating a distinction between the self-proclaimed *boni* or *optimates*, called to protect the essence of *Romanitas*, and the pejoratively-named *populares*, populist demagogues who supposedly endangered the *civitas Romana*. It was not without reason, therefore, that Cicero stated that the death of Tiberius Gracchus, and his tribunate that preceded it, divided Rome into two factions¹.

¹ Cic. *rep.* 1,31: “nam ut videtis mors Tiberii Gracchi et iam ante tota illius ratio tribunatus divisit populum unum in duas partis”. If we can speak of a *popularis* ideology, it is clear that the Gracchan period was pivotal in shaping it: Ferrary 1997,228.

In the second century, when Appian wrote his work on the civil wars in Rome, he decided, significantly, to begin in the year 133, with the tribunate of Tiberius Gracchus. According to Appian, dissent had existed throughout the history of Rome, but had always been resolved through debate and discussion, never by force, except in the war started at the beginning of the fifth century by Coriolanus after he had been unjustly exiled². Tiberius Gracchus was, Appian continues, the first victim of Rome's internal violence, which was deployed in response to the laws which he had promoted as tribune of the plebs. It was this exceptional use of force that spawned an inexorable spiral of violence in the following decades³.

Appian's analysis is undoubtedly overly simple, insofar as we know few details about the social and political conflicts in Rome during the first centuries of her existence, a period about which our sources give us little reliable information. Ultimately, however, it appears to be an accurate analysis: it was the assassination of Tiberius Gracchus, and as such of a tribune of the plebs who was still in office, that proved to be a turning point in the history of Rome⁴. In previous periods, the ancient sources document harsh confrontations between consuls and the senate, or fierce debates about the approval of laws which the senate considered harmful. Even shortly before Gracchus' tribunate, the tribunes of the plebs dared briefly to imprison the consuls, in 138, because they believed their actions were against the interests of the people⁵. Never before, however, as Appian says, had a tribune of the plebs been assassinated, and his assassination sanctioned by the senate. That changed everything in Rome. The Roman ruling class was aware of what the death of Gracchus could mean, and for that reason began a dual process right from the start, both to delegitimise Tiberius (and later Gaius) in the eyes of his contemporaries and in history, and also to legitimise the violence of the state. It is this process – essentially the construction of memory about the Gracchi – that this paper will address.

THE TRIBUNATE OF TIBERIUS GRACCHUS AND HIS ASSASSINATION BY NASICA

The tribunates of Tiberius and Gaius Gracchus are usually studied together⁶. They certainly share some common elements, but there are also

² App. *b.c.* 1,1.

³ App. *b.c.* 1,2. Cf. Plut. *Ti.Gr.* 20,1.

⁴ Cf. Von Ungern-Sternberg 2004,92: "It was Tiberius' assassination that made the year 133 a turning point in Roman history and the beginning of the crisis of the Roman Republic".

⁵ Cic. *leg.* 3,20.

⁶ The bibliography on this subject is huge. I shall limit myself to citing only a few basic and classic

many differences in their strategies and legislative proposals. The attitudes of the majority of the senate were likewise different in each case, which translated into distinct methods of repressing the tribunes and their followers, including an active policy of criminalisation and eradication from memory. The twelve years that fell between Tiberius’ tribunate in 133 and the death of Gaius in 121 witnessed an interplay of actions and reactions, of political and legal proposals and responses between both sides. The basic rights of Roman citizens were at stake, such as access to a fair trial and any potential appeal, or approval of the exceptional use of violence against citizens when a qualified minority considered it necessary.

According to Plutarch, Tiberius Gracchus had notable support within the senate when he presented his *lex agraria*⁷, among whom were the consul Scaevola, the *princeps senatus* Appius Claudius, and the *pontifex maximus* P. Licinius Crassus. All these were influential public figures, which seems to suggest that an important group of senators was aware of the need to introduce land reform. The bill attempted to alleviate the growing economic problems of the peasant farmers and thus to ensure the survival of the *adsidui*, which was essential for maintaining the legions. It was, however, a reform with limited effects, which would not substantially alter a highly unequal agrarian system, in which extensive land ownership was in the hands of the traditional senatorial families and the new social groups which were emerging thanks to the opportunities for enrichment offered by the empire. Fundamentally, Tiberius’ reform was pragmatic, and scarcely revolutionary – indeed, the tribune wished to present it as the restoration of a previous law that had fallen into disuse – although a large part of the senate perceived it as an unacceptable assault on private property, or rather, on their own properties.

Opposition in the Curia led Tiberius to bypass the senate and take his bill directly to the popular assembly. To legislate without the support of the senate was unusual but had precedents, including some very recent ones, such as the *leges tabellariae*, approved in 139 and 137. On this point, there was no legal irregularity, although naturally the tribune’s approach automatically placed him in conflict with an important group of senators. This opposition took the form of the obstructive action of Octavius, a tribune of the plebs, who wanted to veto Gracchus’ proposal. The *intercessio* had been one of the traditional and most basic prerogatives of

studies, such as, for example, Earl 1963; Badian 1972; Bernstein 1978; Stockton 1979; Shochat 1980; Brodersen 2000; Rich 2007; Golden 2013. See also Pina Polo 1999, 19-49. A review of recent bibliography on the Gracchi may be found in Santangelo 2007.

⁷ Plut. *Ti.Gr.* 9,1.

the tribunes of the plebs since the office was created: Octavius' veto should therefore have caused the withdrawal of the bill. Instead, Gracchus initiated the process to depose Octavius from the tribunate, arguing that a magistrate who acted against the interests of the people should not remain in office. The citizens who had elected him could therefore withdraw their confidence by the same procedure, through voting. Octavius was indeed deposed by the tribal assembly, and the law was finally approved.

The action taken by Tiberius Gracchus altered the nature of the conflict and proved decisive in the unfolding of events. The deposition of the tribune of the plebs by the people was unprecedented in the history of Rome, so it could be considered a revolutionary step which was against tradition. Accepting it implicitly meant recognising popular sovereignty, including over the wishes of the ruling classes represented in the senate: this was too dangerous for an aristocratic regime such as the Roman Republic, in which the people were permitted only a secondary role in decision-making bodies. As a result, those who were opposed to the Gracchan law redoubled their opposition to the tribune, and it is likely that many who had supported him until this point decided to oppose him. This hostility increased when Gracchus proposed using part of the legacy of Attalus III, the king of Pergamum, to grant a sum of money to those who will receive land under the *lex agraria* so they could buy equipment for their new land. With that, he challenged the senate's traditional hegemony over all decisions related directly to foreign policy and state finances, which could constitute a dangerous precedent. This action proved to be the absolute tipping point: from that moment, the *lex agraria* was no longer the centre of the debate, and Gracchus' actions became the object of polemic. The ex-consul Annius Luscus accused him of violating the sacrosanctity of a tribune by deposing Octavius⁸. Two other ex-consuls, Quintus Pompeius and Quintus Metellus Macedonicus, accused Tiberius of aspiring to bring tyranny (*regnum*) to Rome. As proof of this, they circulated the rumour that Eudemus, the envoy from Pergamum, had brought the tribune a diadem and a purple robe, symbols of the Hellenistic monarchs⁹.

Gracchus then declared his intention of standing for re-election as a tribune, in order to protect himself from any accusation before the courts if he became a private citizen. This was illegal, given that the *lex Villia annalis* expressly prohibited both holding an office for two consecutive years, and also re-election to a magistracy while still holding that same office. Gracchus had broken the principle of collegiality when he deposed

⁸ Plut. *Ti.Gr.* 14,4-6.

⁹ Plut. *Ti.Gr.* 14,1-3. Cf. *Ti.Gr.* 19,2.

Octavius, and he was now demonstrating an intention to contravene the other major principle of Roman magistracies, that of single-year tenure. This only served to provide arguments to those who accused him of wanting tyranny, since no-one could ensure that he would not seek successive re-elections to obtain lasting power, beyond the senate's control and increasingly supported in popular sovereignty. It was no longer a matter of introducing social reform, or not, but rather of the very state itself, which was apparently endangered. Undoubtedly, this was what caused Gracchus to lose most of the little support he still had.

The end consequence was his assassination, which according to the ancient sources was preceded by a debate in the senate. During that debate, the senator Scipio Nasica took the lead, declared that he was ready to act immediately, and invited whomsoever wished to save the *res publica* to follow him¹⁰. The confrontation took place on the Capitolium, where Gracchus and scores of his followers died. It is difficult to see the event as an unfortunate accident; it was more likely to have been premeditated murder. Nasica was a *privatus* without public office, although he was the *pontifex maximus* at the time. He therefore lacked any legitimacy as representative of the *civitas romana*, even though he tried to imbue his action with a ritual nature¹¹. Nasica acted as a simple *privatus*, and without the expressed support of the senate, against a tribune of the plebs who had been elected by the people and endowed with *sacrosanctitas*. After the assassination, the senate charged the consuls of 132, Popillius Laenas and Rupilius, with the repression of Tiberius Gracchus' supporters¹².

GAIUS GRACCHUS AND THE PASSING OF THE SENATUS CONSULTUM ULTIMUM

Ten years later, Gaius Gracchus was elected tribune of the plebs for 123. He is occasionally presented, erroneously, as a man who merely continued Tiberius' social policies. Gaius certainly reclaimed his brother's character, while agrarian reform constituted one of his motions. He was also capable, however, of constructing an ambitious, complex and original programme of reforms which extended into very diverse areas. He hoped to gain support for these from large sections of the population, especially

¹⁰ Plut. *Ti.Gr.* 19,3-4; Val.Max. 3,2,17.

¹¹ This idea was proposed by Earl 1963,118-119. More recently, Nasica's action in his capacity as *pontifex maximus* has been seen as a *consecratio*: Linderski 2002. Nippel 1988,73, thinks that, by alluding to his office of *pontifex maximus*, Nasica wanted to dress his action in a special dignity.

¹² Val.Max. 4,7,1. Cf. Plut. *Ti.Gr.* 20,4.

the *equites*, to whom he offered greater political and legal integration into the Roman community, as well as better prospects for their livelihoods or personal enrichment. His proposals addressed public finances, the courts and procedural safeguards, the army, provincial government, the agrarian problem, the food supply to the city of Rome, the electoral system and the legal status of Latins and Italic peoples. The complexity of his legislative programme demands the conclusion that it was the fruit of careful planning throughout the years prior to his election as tribune. Gaius Gracchus hoped to reform some of the basic structures of the Roman state in the judicial, political, economic and administrative fields, without breaking the traditional Republican model, in which the senate was to continue to occupy its central role.

For our purposes, the most interesting aspect of this programme are the laws which clearly attempted to respond to the events of his brother Tiberius' tribunate. Firstly, the *lex de abactis* would have prevented a magistrate who had been deposed by the people from aspiring to any other public office in future¹³. Plutarch states that the bill was directed against Octavius, the tribune who had vetoed the legislation of his brother Tiberius, but goes on to say that he withdrew it at the request of his mother Cornelia, as a gesture of magnanimity. The law was clearly intended to vindicate Tiberius' tribunate, given that its principal objective was to make clear that the popular assembly had the right to depose a magistrate who had lost its confidence. No less importantly, however, it would also have served as an instrument of dissuasion to anyone who may have wanted to veto his legislative programme with the same obstinacy as Octavius, for which reason this must have been one of the first bills brought by Gaius.

The *lex de capite civis* or *lex de provocatione* represented a political and legal response against the repression that followed Tiberius' assassination. The fundamental principle of the law, based on the traditional right of *provocatio*, was that only the people could authorise the death penalty against a Roman citizen. Obviously, the provision was directed against the procedure that, in 132, had permitted the repression of the Gracchans through the creation of an extraordinary court sanctioned by the senate. In all probability, the law would have been applied retrospectively, as may be indicated by the fact Popillius Laenas, the consul in 132 who directed the reprisals against Tiberius' followers, preferred to exile himself voluntarily rather than face the certain trial that the new law would have permitted against him. Popillius only returned to Rome after the death of Gaius

¹³ Plut. *C.Gr.* 4.

Gracchus, in 121. The *lex de capite civis* opened a debate in Roman society, which would last throughout the rest of the late Republican period, about whether the senate had the right to suspend the rights of citizens unilaterally at times of supposed emergency, and to authorise illegal actions by the magistrates to re-establish order.

Gaius Gracchus succeeded in being re-elected tribune for the year 122, amidst great popularity. It is not known whether his re-election was sanctioned by an earlier law which is unmentioned in the sources, but it seems that on this occasion, he did not need to face an opposition like that which ultimately led to the assassination of his brother. His second year as tribune, nonetheless, was not as successful as his first. The legal proposal that endeavoured to solve the problem of the integration of the Latins and Italic peoples into the Roman state was not approved. Gaius Gracchus progressively lost popularity, to the point where he was not re-elected as tribune for 121.

Lucius Opimius was elected consul for that year, and he would prove a decisive figure in the repression of the Gracchans. Once Gaius' tribunate ended and he became a private citizen, his reforms and even his person were in danger – precisely the situation his brother Tiberius had endeavoured to avoid a decade previously, by seeking re-election. The tribune of the plebs Minucius Rufus presented a proposal to abolish Gaius' laws¹⁴. As Minucius was defending his plan, a fight broke out which resulted in the death of someone who worked in the service of the consul Opimius. His body was displayed in the Forum and in the Curia, in order to create a feeling among the public that Rome was in the grip of an extreme situation. As a result, the senate passed a decree that charged Opimius to save the *res publica*. This was the first appearance of what has been called the *senatus consultum ultimum*¹⁵.

Gaius Gracchus had attempted to provide a legal response to the assassination of his brother at the hands of a *privatus* by promoting a law that would protect Roman citizens. The counter-response by the majority of the senate was not legal, but political. Roman citizens enjoyed legal protection, of course, but their rights could be suspended when the senate decided to suspend them, believing that a state of emergency existed. The *senatus consultum ultimum* was never regulated by a specific law that stipulated the jurisdiction of the magistrates, their limitations, the duration of the measure, etc. The lack of precise legal regulation enabled repressive action without legal limits, and retrospective legitimation on the part of

¹⁴ Plut. *C.Gr.* 13,1-2; *vir.ill.* 65,5; Flor. 2,3,4; Oros. 5,12,5.

¹⁵ Von Ungern-Sternberg 1970; Duplá 1990.

the senate. The consequence was that the *senatus consultum ultimum* became an arbitrary measure. In practice, it entailed almost systematically the deaths of those implicated, usually executed without trial. It was, ultimately, a veiled death sentence for individuals considered dangerous by the senate, who identified themselves with the Republic and arrogated to themselves the right to decide when a state of emergency existed that was serious enough to warrant the annulment of citizens' rights. The allegedly seditious individuals were ranged outside the law, as enemies of the state, and therefore without the right to receive legal protection; this was used to justify any violent action directed against them, which was implicitly taken for the common good.

After the senate proclaimed a state of emergency, the Gracchans occupied the Aventine, ready to make a stand. The consul Opimius attacked them with the soldiers that he had at his disposal. Gaius Gracchus managed to arrive at the Pons Sublicius where, according to tradition, he preferred to be killed by a slave rather than fall into the hands of his enemies¹⁶. As had previously happened after the death of Tiberius, a harsh repression was unleashed, as a result of which over three thousand people died, apparently many of them without trial.

REMEMBRANCE AND HOMAGE VERSUS CRIMINALISATION AND OBLIVION

That was a summary of the events narrated by the ancient sources, which are themselves the final result of a process of legitimisation and delegitimisation of their protagonists. This process took place both as the events unfolded, in order to win the support of Roman public opinion, and also later, with the intention of constructing a particular historical memory. We have enough clues to deduce that it was a process of conflicting opinions, in which the plebs – or at least, a substantial part of them – and the senate defended very different historical portraits of Tiberius and Gaius Gracchus.

The first and decisive clash arose from the question of what and how to remember, and what and how to forget. On this question, the difference between the senate's actions after the death of Tiberius and that of Gaius is clearly seen¹⁷. After the assassination of Tiberius, his body, and those of the people who died with him, was thrown into the Tiber¹⁸. This was an of-

¹⁶ Plut. *C.Gr.* 17.

¹⁷ Flower 2006,67-81. See also Beness 2000; Beness - Hillard 2001; Bats 2007.

¹⁸ Val.Max. 4,7,1; 6,3,1d; Vell. 2,6,7-8; Plut. *TiGr.* 20.3; App. *b.c.* 1,16; Liv. *per.* 58; Oros. 5,9; *vir.ill.*

fence against Roman traditions, including against the religious rituals associated with the death of a relative. Deprivation of burial was a serious *post mortem* punishment, aimed at stigmatising the rebels, preventing any funerary act that could result in public homage, and avoiding the conversion of their tombs into sites of future pilgrimage. The same thing happened to Gaius Gracchus and his followers, whose bodies were also thrown into the Tiber¹⁹, but the sanctions broadened and became more sophisticated²⁰: their relatives were expressly prohibited from having funerals for the dead or going into mourning²¹; much more importantly, their properties were confiscated by the state, and at least some were destroyed²². Specifically, they destroyed the house of M. Fulvius Flaccus, who had been consul in 125 and had collaborated widely with Gaius Gracchus²³; the plot that it had occupied (the so-called *area Flacciana*) was still apparently empty twenty years later, when Q. Lutatius Catulus built a portico there with the spoils won from the Cimbri²⁴. Gracchus' goods were also confiscated, but we do not know what happened to them²⁵; there is no indication that the house in which he lived was destroyed, perhaps because it was not his property²⁶.

It was not only important to promote the *damnatio memoriae* of the seditious citizens; it was equally important to create a permanent record of the victory over the sedition, something which did not happen after Tiberius' assassination, but did in 121 after his brother's death. The temple dedicated to *Concordia* in the western part of the Forum was thus conceived as a monument to the defeat of the Gracchans²⁷. Significantly, the

64,8. Plutarch (*TiGr.* 20,4) states that his brother was expressly forbidden from burying Tiberius at night. This might simply be Plutarch's error, given that his brother Gaius was then in Hispania. Or might Plutarch be referring to another brother that is unknown to us, or even to a cousin confused with a brother? See Flower 2006,299 n.10.

¹⁹ Vell. 2,6,7; App. *b.c.* 1,16; Plut. *C.Gr.* 17,7; *vir.ill.* 64,8; Flor. 2,3. Plut. *C.Gr.* 17,3-4, recounts a grisly story in which the heads of Gaius Gracchus and Fulvius Flaccus were cut off after their deaths in the hope of receiving rewards for them. Cf. Oros. 5,12,9.

²⁰ Flower 2006,67, correctly considers that the measures taken against Gaius Gracchus constituted a turning point in the development of *damnatio memoriae*: 'punitive sanctions were first deployed by the senate'. Cf. Nippel 1988,85-87.

²¹ Plut. *C.Gr.* 17,5. See Nippel 2000,16.

²² Plut. *C.Gr.* 17,5; App. *b.c.* 1,26; Oros. 5,12,9. In general on demolition of houses see Roller 2010.

²³ Roller 2010,130-131.

²⁴ Cic. *dom.* 102; Val.Max. 6,3,1c. Cf. Flower 2006,76-77.

²⁵ Plut. *C.Gr.* 17,6; Oros. 5,12,9.

²⁶ This is the view of Flower 2006,77. According to Plutarch (*C.Gr.* 12,1), at the end of his life, Gracchus moved from his house on the Palatine to another, closer to the Forum, in the hope of gaining greater popularity. See also Roller 2010,132-133.

²⁷ According to Akar, the first temple to *Concordia* would have been constructed in 217-216 by the praetor L. Manlius, who vowed the construction of the sanctuary after suppressing a mutiny among his troops in Cisalpine Gaul (Liv. 22,33,7; 23,21,7). This would have been the temple that Opimius rebuilt in

senate entrusted its construction to Opimius, the consul who had led the repression after the *senatus consultum ultimum* had been passed: this was a moral and political slap on the back for Opimius, as well as a reaffirmation of the senate's innovative initiative. The temple of *Concordia* was to preside over the Forum as a commemoration of the civil concord which had supposedly been re-established after the death of the enemies of the fatherland. The *concordia* whose celebration was envisaged was the maintenance of stability and the established order, the victory over the seditious and potential tyrants: it was a *concordia* that demanded submission to the senate's decisions, and the very construction of the temple suggested that this concord could only be re-established by the senate²⁸. As such, the temple clearly indicated an endorsement of the use of violence and was a genuine monument to the tyrannicide. From its beginning, the temple of *Concordia* was conceived by the senate as a *lieu de mémoire* for the repression of the Gracchans: its very existence indicated the strategy of repression to follow from this moment, and was a warning to anyone in future who may dare to confront the senate.

The temple of *Concordia* could not hide, however, the dissensions that existed within the senate over the use of violence generally, and specifically about the use of the *senatus consultum ultimum*²⁹. In particular, it could not conceal the different view that the Roman plebs took on the Gracchan episodes. We do not have a detailed version of this view in the sources, but we do have some indications.

The debate that took place in the senate in 133, before the action led by Scipio Nasica against Tiberius Gracchus, revealed the lack of consensus about the use of violence against the tribune, who was still in office³⁰. During the discussion, the consul Scaevola categorically refused to act vio-

121, which would not therefore have been a new construction. In Akar's opinion, the temple attributed to Camillus in 367-366 was not historical, but an invention that emerged during the historiographical creation of the figure of Camillus. The temple of Opimius would have been smaller than the later one built by the emperor Tiberius, and it was situated closer to the Capitolium and further from the perimeter of the Forum. See Akar 2013,16-27. Cf. Flower 2006,302 n.38: Opimius' temple was entirely new; it was not built upon Camillus'. See also Momigliano 1942,114-117; Levick 1978,219-220; Burckhardt 1988,78-85.

²⁸ Akar 2013,148. This *concordia* as antithesis of revolution would have been one in which every individual accepted the place and status that they had been given in society (Cic. *rep.* 1,69), so that everyone would embrace the same interests for the good of the community. Obviously it was understood that only the elite was capable of determining those interests and the manner in which the *civitas* should be governed (Cic. *rep.* 1,49). It is no coincidence that the term *concordia* was used much more frequently in political vocabulary after the Gracchi, although of course this greater usage is influenced by the preservation of a substantial part of Cicero's work. See Akar 2013,36.

²⁹ Augustus preferred to use *pax* as a slogan during his government precisely because the term *concordia* could appear contaminated by its association with repression and violence during the late Republican period. Cf. Gallia 2012,54.

³⁰ Plut. *Ti.Gr.* 19; Val.Max. 3,2,17.

lently against Gracchus unless there was a legitimate prior trial. Undoubtedly, the defence of legality and the *mos maiorum* may be discerned in Scaevola's thesis, since with good reason he was famed as one of the great jurists of his day. His position must have represented the majority in the senate at that time, since no decision was adopted to authorise or promote the use of violence against Tiberius. It was an individual action by Nasica that precipitated the events which had important consequences for Rome for several decades afterwards, consequences that probably neither Nasica nor any of his followers could have foreseen, but which perhaps Scaevola was indeed able to intuit. Twelve years later, there was enough of a consensus within the senate to pass a *senatus consultum* that proclaimed a state of emergency and implicitly encouraged the magistrates to use violence against the seditious citizens. Curiously, this occurred when neither Gaius Gracchus nor Fulvius Flaccus held public office, so neither of them could advance further legislative initiatives. The senatorial decree was passed against citizens who had broken no law nor transgressed any tradition, as Tiberius Gracchus had indeed done when he had refused to accept his colleague Octavius' veto, when he had deposed him, and in his attempt at re-election.

That consensus obtained in 121 which sufficed to pass the *senatus consultum ultimum* surely disguised a fundamental disagreement between two parts of the senate, whose positions continued to evolve over the following decades towards what Cicero called *optimates* and *populares*. The *senatus consultum ultimum* was passed on other occasions, but always remained contested by what was presumably a minority of the senate. Ultimately, the *senatus consultum ultimum*, as an institutional mechanism which stood between legality and illegality, was a failure. It was created to repress, but also to caution. It was intended as a threat to those who in future may dare to confront the senate, but it did not succeed in dissuading a series of politicians who, despite everything, attempted to introduce reforms in the face of the senatorial majority.

The *senatus consultum ultimum* was passed in 100 against the tribune Saturninus, with similar consequences to those in 121: Saturninus and many of his followers were assassinated; his laws were annulled; his property was confiscated; and his house was destroyed³¹. Almost forty years later, however, the issue was still sufficiently contentious that Rabinus was prosecuted as Saturninus' alleged assassin. It was not only a process against an individual, it was a direct attack against the *senatus*

³¹ Cic. *Balb.* 48; Oros. 5,17,8-10; Val.Max. 6,3,1.