

O.A.W. DILKE

CICERO'S ATTITUDE TO THE ALLOCATION OF LAND
IN THE *DE LEGE AGRARIA*

It has long been recognised that Cicero was a master of rhetorical exaggeration (1). The simplest form of exaggeration is numerical. Those who have commented on Cicero's approach to surveying in the *De Lege Agraria* (2) have not taken this sufficiently into account, imagining that when Cicero mentions a number he really means it.

It did not suit him in the year of his consulship that the *populares* should distribute *ager publicus* on a vast scale and gain all the kudos for it. His method of tackling the case against Rullus' *rogatio* was to try to scare the Senate and people of Rome into thinking that this was far too sweeping a land reform. The technique to adopt, therefore, was an adaptation of those exaggerations which 60 years earlier had caused the cancellation of Gaius Gracchus' colony of Junonia. With those the most ludicrous piece of political propaganda was the introduction of wolves (3), since these were never found in the Carthage area. If Cicero could not easily trade on Carthage as a potential rival to Rome, he could at least drag in Hannibal's former ally Capua. We must, admittedly, appreciate his concern over proposed land changes in Campania generally, since these are reflected in his later correspondence (4); but there is no evidence that Capua was any more affected by Rullus' proposals

(1) Cf. M. Rambaud, *Cicéron et l'histoire romaine*, Paris 1953, p. 24: « L'orateur était engagé si profond dans l'actualité qu'il ne pouvait ni s'en déprendre ni la peindre sans parti pris ».

(2) A.W. Zumpt, Berlin 1861; A. Boulanger, *Cicéron, Discours*, Tome IX, 2nd edn., Paris 1960.

(3) According to Plut. *C. Gracch.* 11, it was rumoured that the boundary stones were turn up by wolves, which carried them a long way off!

(4) *Cic. Att.* 2, 16, 1; 2, 18, 2.

than the rest of Campania, far less that there was the slightest danger of a resurgence of Capuan power. Capua could no more outrival Rome than could Troy.

But in addition to harping constantly on this theme, Cicero feels he must make the proposed creation of colonies sound utterly uncontrolled. The main passage in which he does this is *leg. agr.* 2, 32, unfortunately a very corrupt one: *deinde ornat apparitoribus, scribis librariis, praeconibus, architectis, praeterea mulis, tabernaculis* and this is followed in the manuscripts by *centuriis, supellectili*. Editors have rightly rejected such a heterogeneous catalogue, but have failed to find a convincing emendation (5). Surely what we need is to change the case from *centuriis* to *centuriarum*: a scribe could well have been influenced by the other ablatives to make that ablative too. *Centuriarum supellectili* will mean « and with all the apparatus (6) of centuriation », giving the customary tricolon with larger third member. Cicero continues *sumptum haurit ex aerario, suppeditat a sociis*.

The next word, *ianitores*, is clearly corrupt, and was long ago convincingly replaced by *finitores*, a word which Cicero uses again three times in this speech. It is in fact an early word for a surveyor, being encountered (as *finitor*) in Plautus (7). A further emendation a few words on was proposed by Mommsen, *uicenos* for the meaningless *in annos*. This seems likely enough, especially as a round number seems called for. With these changes the text continues: *finitores ex equestri loco ducentos, uicenos singulorum stipatores corporis constituit, eosdem ministros et satellites potestatis*. These instruments of what Cicero calls royal power (8) would, if we accept the emendation *uicenos*, total 4,200. What is not always appreciated is that until the early Empire there was no great bureaucracy of land surveyors (9). Cicero may well have tossed out this number,

(5) For *centuriis*, Pacato suggested *canteriis*, R. Klotz *centunculis*; other suggestions are listed by C. Nicolet in « *Latomus* » 29, 1970, 72 n. 2. For *mulus* in Nicolet's text read *mulis*.

(6) Admittedly *supellex* mostly means furniture, earthenware, pottery etc.; but it is a fairly general word (legal definitions are quoted by Forcellini *s.v. supellex*), and would serve for all that went into the *tabernacula*.

(7) *Poen.* 49 *ei rei ego sum factus finitor* (the short second syllable may be right, as Nettleship pointed out, if the word is here derived from *fnis*, not *fnio*).

(8) *Leg. agr.* 2,20; 2,32; 2,35; 2,42; 2,57; 2,93.

(9) O.A.W. Dilke, *The Roman Land Surveyors*, Newton Abbot 1971, pp. 34-43.

but only for rhetorical effect (and note that *constituit*, as we see from the preceding verbs, is present, not past), not as part of the exact wording of Rullus's *rogatio*, which as Hardy observes (10) is seldom quoted at length. It is not being quoted verbatim, whereas, for example, in 1, 38 *qui ager, quae loca, aedificia, aliudve quid* is part and parcel of the archaic legal phraseology which proposers of *rogationes* thought it incumbent on them to imitate. Nicolet (11) was clearly right in saying that *ex equestri loco* is not the same as *equites* but that it includes sons and grandsons of *equites*. But even to find 200 of these who were willing and capable in such a specialised field would have been difficult. Incidentally, Cicero quite liked the punning metaphor, and we may conjecture that when in the next sentence he says *formam adhuc habetis, Quirites, et speciem tyrannorum* he may have at the back of his mind the *formae* (maps) which were part of the basic equipment of Roman land surveyors (12).

This, then, is numerical exaggeration; but we can give examples likewise of verbal and geographical exaggeration. On verbal exaggerations in the *De lege agraria*, Hardy pointed out (13) that Cicero frequently uses the verb *vendere* where the land commissions would be given powers to alienate *ager publicus* outside Italy, but that the correct verb, where the *ususfructus* of inalienable possessions of the Roman people was concerned, was *locare*. For geographical exaggeration we have already noticed the scare attached to a revival of Capua. But an even greater exaggeration is clearly the detailing of all cities in the provinces of Asia and Bithynia, namely Pergamum, Smyrna, Tralles, Ephesus, Miletus, Cyzicus, in short the whole of Asia acquired by the State as *ager publicus* since 88 B.C. (14). In reality, despite apparent support from Plutarch (15), who seems only to have read Cicero on the subject, it seems highly unlikely that this bill was intended to apply to any part of Asia Minor;

(10) E.G. Hardy, *Some Problems in Roman History*, Oxford 1924, p. 72.

(11) C. Nicolet, *Les finitores ex equestri loco de la loi Servilia de 63 av. J.C.*, « *Latomus* » 29, 1970, 72-103. For bibliography see his first note (p. 72 n. 1).

(12) Dilke, *op. cit.*, pp. 109-25; R.K. Sherck, *Roman Geographical Exploration and Military Maps*, in *Aufstieg und Niedergang der römischen Welt*, II.1 (Berlin 1974), 534-62.

(13) *Op. cit.*, pp. 76-7.

(14) 2, 39, cf. Hardy, *op. cit.*, p. 75.

(15) *Cic.* 12.

the area outside Italy on which Caesar and his supporters had their eyes was Egypt. At least Cicero knew well how to quote a discouraging example of centuriation for Italy. This refers to colonies for the urban poor rather than to military personnel, who however are also provided for by the bill. The citizens of Rome, he implies, will be mad if they choose to go to dry or unhealthy lands as colonists under Rullus rather than enjoy their freedom in Rome. The example he chooses of dry lands is Sipontum (Siponto) (16), which had been founded as a colony in 191 B.C. but had later become depopulated. According to the *Liber Coloniarum* its centuriation was in regular squares of 200 *iugera*. Today it is one of the gateways to the fashionable Gargano peninsula, though it hardly shares in the prosperity of Vieste; but in antiquity it was clearly an undesirable and arid place of residence, not even near Rome.

We know that Cicero was, during most of his life, the owner of much landed property (17), an owner who knew all the intricacies of land law. We also hear that Terentia was the lessee of some *ager publicus*. Cicero's quaestorship in Sicily had given him a particular interest in the financial side of land management. He could easily later, in the *Philippics* (18), mock a man like L. Decidius Saxa, who according to him had started his career as a military surveyor and was now, allegedly, threatening to divide up Rome itself into centuriation squares (an equal exaggeration) (19). It is clear that Cicero knew the technical terms of surveying very well, though sometimes he purposely spoke in non-technical language. He was twice worried about land reform in Campania, both with Rullus's bill in 63 B.C., itself no doubt inspired by Caesar (20), and when Caesar's bill was pushed through in 59 (21). These

(16) *Leg. agr.* 2, 71; Livy 34, 45; 39, 23; Lib. col. in *Schriften der römischen Feldmesser*, ed. F. Blume et al., Berlin 1852, I, 210, 11.

(17) Elizabeth Rawson, *The Ciceronian Aristocracy and its Properties*, in *Studies in Roman Property*, ed. M.I. Finley, Cambridge 1976, pp. 85-102.

(18) 11, 12; 13, 27; 14, 10; R. Syme, « Who was Decidius Saxa? », « *Journ. Rom. Stud.* » 27, 1937, 133-5; Nicolet, *op. cit.* (n. 11), p. 75 n. 3. Syme considers that *castrorum metator* was not a technical term.

(19) It is an exaggeration not merely because no one would dare do it to Rome, but because centuriation applied to rural areas, not large cities.

(20) Clearly Rullus was acting either for Caesar and Crassus or more likely for Caesar alone.

(21) See n. 4, and for Caesar's land bill the references given in Boulanger, 2nd. edn., p. 20 n. 2.

worries were no doubt partly due to the fact that he had landed interests there himself. At Cumae, by the Lacus Lucrinus, he had a villa managed, it seems, by *vilici* and *procuratores* (22), and another at Pompeii (23). His position as a big landowner may well have been added to his distrust of the *populares* in causing him to paint a blacker picture of land commissioners and surveyors than was warranted at a time when they were, and were likely to remain, far less numerous than he would have his audience believe.

(22) O.E. Schmidt, *Ciceros Villen*, « Neue Jahrb. f.d. Klass. Altertum » 2, 1899, 328-55, 466-97; Rawson, *op. cit.*; Cic., *Att.* 14, 16, 1.

(23) Cic., *Att.* 14, 16, 1; 14, 17-19.