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The Agrarian Law of Spurius Thorius (119/118 BC?): Some Notes

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This paper considers one of the key events in the course of the post-Gracchan agrarian reform when the *lex Thoria agraria* was passed. This law sought to counter the effects of the political crisis brought about by the agrarian reform of Tiberius Gracchus. The author puts forward a hypothesis that the so-called *sententia Minuciorum*, an epigraphic document which is dated to 117 BC, can be regarded as a source for the agrarian law of Spurius Thorius. The argument is based on both ancient narrative of the *lex Thoria agraria* (Cicero, Appian) and two well-known inscriptions from the post-Gracchan time, the *Sententia Minuciorum* and the agrarian law of 111 BC. The author points out that the *Sententia Minuciorum* is the first epigraphic document in which a rent imposed on any part of the *ager occupatorius* is mentioned and that a rent paid in silver is also attested in the post-Gracchan time (117 BC) for the very first time. This fact could be well combined with Appian's narrative of three post-Gracchan agrarian laws and the *lex Thoria agraria*, in particular (App. *BC* 1. 27). In conclusion, the author points out that the enactment of the *lex Thoria agraria* must be regarded as an historical triumph of the large landowners in Rome, because its provisions, as discussed above, denied poor Romans (by means of land distribution) direct access to the resources of the *ager publicus populi Romani*.

Keywords: agrarian reform of Tiberius Gracchus, post-Gracchan agrarian reform, Spurius Thorius, public land of the Roman people, the *Minucii* brothers, agrarian law of 111 BC.

In memoriam Hartmut Galsterer

The chronology of three post-Gracchan agrarian laws mentioned by Appian (*BC* 1. 27) may without doubt be regarded as an "eternal" problem of Roman history. Although the first commentary on the text of the epigraphic *lex agraria* of 111 BC was published virtual-

ly 200 years ago,[1] many problems are still a matter of debate today and remain unresolved. Debate centres, in particular, on the question of exactly which one of the three laws was engraved on a bronze tablet also known as the *tabula Bembina*. Simone Sisani assumes, for example, that none of them at all can be identified with the epigraphic *lex agraria* of 111 BC.[2] Without claiming to resolve any "eternal" problems in this paper, I would like to present some arguments concerning the date and provisions of the *lex Thoria agraria,* which is often identified with the agrarian law of the *tabula Bembina.*

Appian describes the situation in Rome after the brutal suppression of the Gracchan reform movement as follows: "Thus the sedition of the younger Gracchus came to an end. Not long afterward a law was enacted to permit the holders to sell the land about which they had quarrelled; for even this had been forbidden by the law of the elder Gracchus. At once the rich began to buy the allotments of the poor, or found pretexts for seizing them by force. So the condition of the poor became even worse than it was before, until Spurius Thorius, a tribune of the people, brought in a law providing that the work of distributing the public domain should no longer be continued, but that the land should belong to those in possession of it, who should pay rent for it to the people, and that the money so received should be distributed; and this distribution was a kind of solace to the poor, but it did not help to increase the population. By these devices the law of Gracchus — a most excellent and useful one, if it could have been carried out — was once for all frustrated, and a little later the rent itself was abolished at the instance of another tribune. So the plebeians lost everything, and hence resulted a further decline in the numbers of both citizens and soldiers, and in the revenue from the land and the distribution thereof and in the allotments themselves; and about fifteen years after the enactment of the law of Gracchus, by reason of a series of lawsuits, the people were reduced to unemployment."[3]

In this well-known passage, Appian also tells us, amongst other things, about a *lex agraria* passed by a tribune named Spurius Borius. It is unnecessary to discuss the *nomen* of our legislator here,[4] I would simply like to emphasise that there is no alternative to the point of view which identifies the legislator as the Spurius Thorius mentioned by Cicero in his "Brutus".[5] Many further questions arise should we attempt to discuss and reconstruct some of the provisions of that law. Charles Saumagne assumes that a Greek phrase "εἶναι τῶν ἐχόντων" used by Appian[6] must be interpreted as follows: a tribune named Spurius Borius allowed all the so-called *veteres possessores* to declare their allotments on the Roman public land as private property.[7] Saumagne considers this phrase to be nothing more than a loan translation of the technical Latin phrase "privatus esto". The latter appears

[1] Rudorff 1839.

[2] Sisani 2015, 237.

[3] Translated by H. White (App. *BC* 1. 27).

[4] For discussion, see: Huschke 1841, 583–584; Mommsen 1905, 69; Douglas 1956, 388–389; Gabba 1958, 93–94, n. 122; Badian 1964, 240; Develin 1979, 54.

[5] Cic. *Brut*. 136: *Sp. Thorius satis valuit in populari genere dicendi, is qui agrum publicum vitiosa et inutili lege vectigali levavit*; see also *De orat*. 2. 284. See Badian 1964, 240: "On every count, the hypothetical, Spurius Borius' is a bastard begotten by a copyist." Even if E. F. D'Arms holds on the *nomen* Borius — D'Arms 1935, 245.

[6] App. *BC* 1. 27: καὶ περιῆν ἐς χεῖρον ἔτι τοῖς πένησι, μέχρι Σπούριος Θόριος δημαρχῶν εἰσηγήσατο νόμον, τὴν μὲν γῆν μηκέτι διανέμειν, ἀλλ' εἶναι τῶν ἐχόντων, καὶ φόρους ὑπὲρ αὐτῆς τῷ δήμῳ κατατίθεσθαι καὶ τάδε τὰ χρήματα χωρεῖν ἐς διανομάς.

[7] Saumagne 1927, 78. Supported by Kaser 1942, 15–16; Gargola 1997, 559; Uggeri 2001, 59; Roselaar 2010, 260.

fairly frequently in the text of the epigraphic agrarian law of 111 BC anyway.[8] Unfortunately, Charles Saumagne does not provide any examples from other sources to support his argument.[9] Hence his hypothesis cannot be regarded as the only possible solution to the problem mentioned above.

In this context we need to take a look at the second part of a well-known passage from "Brutus" (136): *Sp. Thorius… qui agrum publicum vitiosa et inutili lege vectigali levavit*.[10] Cicero seems to mean that the *ager publicus* (*populi Romani*) continued to be *public* even after Spurius Thorius had passed his bill. The "lex vitiosa et inutilis" must, I believe, relate to the agrarian law of Tiberius Gracchus.[11]

There is a further epigraphic document from this period (123–111 BC), the so-called *sententia Minuciorum*, which I consider could help us to reconstruct the post-Gracchan legislation:

> *quem agrum poplicum / iudicamus esse eum agrum castelanos Langenses Veiturios po[si]dere fruique videtur oportere pro eo agro vectigal Langenses / Veituris in poplicum Genuam dent in an(n)os singulos vic(toriatos) n(ummos) CCCC… quei intra eos fineis agrum posedet Genuas aut Viturius quei eorum posedeit K(alendis) Sextil(ibus) L(ucio) Caicilio / Q(uinto) Muucio co(n)s(ulibus) eos ita posidere colereque liceat e[i]s quei posidebunt vectigal Langensibus pro portione dent ita uti ceteri / Langenses*.[12]

It is clear that the law mentioned in the initial lines of the text[13] deals with the land under *Roman* jurisdiction, i. e. Roman public land.[14] This epigraphic document is dated to 117 BC, and if Spurius Thorius had indeed passed his agrarian law in 119/118 BC,[15] then the *Minucii* brothers could have simply inspected the public land in the area of the *Genuates* to impose a rent on it. Both the *Genuates* and their Roman neighbours had to pay rent for their *possessiones* on the *ager publicus populi Romani* according, presumably,

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[8] See for example: *sei quis post hanc legem rogatam agri colendi cau]sa in eum agrum agri iugra non amplius XXX possidebit habebitue,* ⟨ *i* ⟩ *s ager privatus esto* (Crawford 1996, 114; see also CIL I². 585. 14). Crawford 1996, 142 (translation): "[— if anyone after the (successful) proposal of this statute for the purpose of agriculture] shall possess or have not more than 30 iugera of land in that land, that land is to be private."

[9] See some critics of his view: Zancan 1935, 66; Hinrichs 1966, 274–275, 275, Anm. 56; Johannsen 1971, 254; Levi 1978, 46–50; Lintott 1992, 222; Crawford 1996, 164.

[10] Translated as follows: "Thorius relieved the public land of a faulty and useless law by means of a rent" (Badian 1964, 237); "…der *den ager publicus* von einem fehlerhaften und nutzlosen Gesetz durch eine Abgabe erleichterte" (Meister 1974, 90).

[11] See also Meister 1974, 91.

[12] CIL I². 584. 23–25, 28–30; Chouquer 2016, 134 (for Latin text see also Rudorff 1842; Ritschl 1863). Bourne, Coleman-Norton, Johnson 2003 [1961], 46: "It appears that the Viturian fortress-dwellers shall properly possess and enjoy that land which we judge to be public land. For that land the Viturians shall give to the public treasury of Genoa each and every year 400 victoriates… As to what Genoan or Viturian possessed land within these boundaries: whoever of these possessed it on August 1 in the consulship of Lucius Caecilius and Quintus Mucius is permitted so to possess and to cultivate it. As to those Viturians who possess it: they shall pay a tax proportionally, just as all other Viturians who possess and enjoy their land in this land."

[13] *qua lege agrum possidentur* — CIL I². 584. 3; Chouquer 2016, 133.

[14] See for historical interpretation of the *Sententia Minuciorum*: Williamson 2005, 168–170; Roselaar 2010, 137; Haeussler 2013, 111–112.

[15] De Ligt 2001, 134.

to the *lex Thoria agraria*. In App. *BC* 1. 27 we are presented with the same information,[16] even if there is no word in the epigraphic text about the exact purpose of collecting the rent.[17] It is true that the agrarian law of 111 BC[18] concerned mainly the public land of the Roman people which was located *in terra Italia*,[19] whereas the public land of the Roman people mentioned in the *Sententia Minuciorum* was outside of Italy legally — Genua was an allied community in *Gallia Cisalpina*. However, in my view this does not necessarily mean that the *lex Thoria agraria* provided the same, i. e. that it concerned only the the public land of the Roman people located *in terra Italia*. It is well known that the *lex agraria* of 111 BC itself contained three parts: the "Italian", the "African" and the "Corinthian". Nor can it be definitively excluded that the *lex Thoria agraria* concerned all the parts of the *ager occupatorius* located, legally speaking, both *in terra Italia* and *extra terram Italiam*. Such a hypothesis does not run contrary to Appian's narrative in any way. Moreover, the *Sententia Minuciorum* is actually the first epigraphic document in which a rent imposed on any part of the *ager occupatorius* is mentioned. It is also significant that a rent paid in silver is attested for the very first time in 117 BC.

Parts of the *ager publicus populi Romani* were located in virtually every region of ancient Italy, and it is likely that many, if not all, of them were inspected according to the agrarian law of Spurius Thorius. And this was not only due to the numerous disputes arising between the Romans and the allies where the status of the land — i. e. public or private — was contested.[20] There is good logic behind such a measure: if you want to impose rent on something, then you must first find out what resources are available for it. It is also possible that the dispute between the *Veiturii Langenses* and the *Genuates* arose because they had not yet correctly understood the provisions of what was, in my view, a new

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[16] See Lapyrionok 2021, 155: "Zunächst sei betont, dass Appian in diesem Satz den *ager publicus populi Romani* als Ganzes meint. Daher lässt sich sein Wortlaut folgendermaßen interpretieren: Die Agrarreform des Spurius Thorius (Borius) erstreckte sich auf alle Teile des öffentlichen Landes. Dies bedeutet, dass sie sowohl die von den Römern als auch die von den *socii nominisque Latini* okkupierten Ländereien betraf. Anders gesagt, beide Kategorien der Ländereien wurden damals auf ein und dieselbe Weise behandelt".

[17] Such information must have been present in the agrarian law of Spurius Thorius itself. This law is namely mentioned in the initial lines of the *sententia Minuciorum*, I believe (CIL I². 584. 1–5; Chouquer 2016, 133): *Q(uintus) M(arcus) Minucieis Q(uinti) f(ilius) Rufeis de controversieis inter / Genuateis et Veiturios in re praesente cognoverunt et coram inter eos controvosias composeiverunt / et* ***qua lege*** *agrum possiderent et qua fineis fierent dixserunt eos fineis facere terminosque statui iuserunt / ubei ea facta essent Romam coram venire iouserunt Romae coram sententiam ex senati consulto dixerunt Eidib(us) / Decemb(ribus) L(ucio) Caecilio Q(uinti) f(ilio) Q(uinto) Muucio Q(uinti) f(ilio) co(n)s(ulibus)…* (Bourne, Coleman-Norton, Johnson 2003 [1961], 46): "Quintus and Marcus Minucius Rufus, sons of Quintus investigated concerning the controversies between the Genoans and the Viturians on the spot, and in their presence settled the controversies and pronounced under what rule they should hold the land and the boundaries should be established. They ordered them to make the boundaries and the boundary stones to be erected. When these matters had been done, they ordered them to come to Rome. At Rome in their presence, they pronounced their decision in accordance with a decree of the senate on Dec. 13, in the consulship of Lucius Caecilius, son of Quintus, and Quintus Mucius, son of Quintus."

[18] Its "Italian" part.

[19] "…[in the consulship of] P. Mucius and L. Calpur[nius], apart from that land, whose division was excluded or forbidden according to the statute or plebiscite which C. Sempronius, son of Tiberius, tribune of the plebs, proposed…" — Crawford 1996, 141.

[20] It had been contested ever since Tiberius Gracchus had passed his agrarian law. See for example App. *BC* 1. 18. And as a result of the activities of the *IIIviri a(gris) i(udicandis) a(dsignandis)* (ILS. 24–26; CIL. I². 639–645; ILLRP. 467–475) who had also surveyed the Roman public land in the allied regions of Italy, a political crisis broke out in 129 BC (App. *BC* 1. 19). See for the political consequences of this crisis Lapyrionok, Smorchkov 2016, 184. See also Astin 1967, 239; Beness 2005, 38.

law — the *lex Thoria agraria*. The *Minucii* point out: *…qua ager privatus casteli Vituriorum est quem agrum eos vendere heredemque / (6) sequi licet is ager vectigal(is) nei siet…* It is true that technical, juridical language is employed here, but the *Minucii* could conceivably have also issued such a communication in order simply to clarify a provision of a new law dealing with the imposition of rent on public land.

Appian says that the *lex Sempronia agraria* of Tiberius Gracchus[21] was invalidated as soon as the agrarian law of Spurius Thorius was enacted. Thereby, this would mean the period of 15 years he refers to (App. *BC* 1. 27), which is still discussed by modern scholarship to this day,[22] began in 134/133[23] and ended 119/118 BC, since the third agrarian law (the *lex agraria* of 111 BC) that was passed "a little later" falls outside the context of the passage, which is essentially about the abrogation of "the law of Gracchus — a most excellent and useful one, if it could have been carried out".[24] Finally, if we date the agrarian law of Spurius Thorius to 119/118 BC, then the logic of the *Minucii* brothers' mission becomes clear. It cannot be excluded that the plebeians[25] were generally more enthusiastic about a (direct) distribution of money rather than a long and controversial distribution of land provided by the *lex Sempronia agraria* of 133 BC, but there is no evidence confirming such an assumption.

All this allows for the reconstruction of some provisions of the agrarian law of Spurius Thorius, even if our evidence is considerably lacking. The *lex Thoria agraria* concerned all the parts of the *ager occupatorius* located, legally speaking, both *in terra Italia* and *extra terram Italiam*. This law replaced the *lex Sempronia agraria* of 133 BC, which regulated the holding of public land until 119/118 BC. Its most important provision was that the *veteres possessores* were allowed to retain their plots of public land,[26] even if they had to pay rent for them. Moreover, their *possessiones* enjoyed (according to the *lex Thoria agraria*) a kind of exemption from any future distribution in the manner of Tiberius Gracchus. I consider that this was Appian's view (*BC* 1. 27): …Σπούριος Θόριος δημαρχῶν εἰσηγήσατο νόμον, τὴν μὲν γῆν μηκέτι διανέμειν, εἶναι τῶν ἐχόντων…[27] If we talk about the holdings which were those located "in the land of Italy [in the consulship of] P. Mucius and L. Calpur[nius]", then it must be emphasised that the agrarian law of Spurius Thorius concerned the public land which had remained untouched by the Gracchan triumvirs (*IIIviri a(gris) i(udicandis) a(dsignandis)*).

If we accept the *sententia Minuciorum* as a source of evidence about the agrarian law of Spurius Thorius, then it is clear that the legal norms mentioned above focused not only on the Romans themselves, but also applied to their allies.[28] The *socii* retained their

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[21] Cardinali 1965, 198, n. 2.

[22] See a discussion: De Ligt 2001, 132–135.

[23] E. Kornemann assumes that it began in 129 BC (Kornemann 1903, 52–53); some other scholars — in 124/123 BC: Rudorff 1839, 37–38; Terruzzi 1928, 87; Göhler 1939, 178–179; Badian 1962, 211. See for further arguments against these: Chantraine 1959, 20; Cardinali 1965, 198, n. 2; Johannsen 1971, 96; Lapyrionok 2021, 139–147.

[24] Molthagen 1973, 457.

[25] The *plebs urbana* especially?

[26] Gabba 1958, 94, n. 122; Molthagen 1973, 457. In whole amount, because Appian does not report that the old limit of 500 or 1,000 iugera was set again.

[27] "… Spurius Thorius, a tribune of the people, brought in a law providing that the work of distributing the public domain should no longer be continued, but that the land should belong to those in possession of it…" — translated by H. White.

[28] See once more Lapyrionok 2021, 155.

possessiones in full measure and also had to pay rent, as stated in the epigraphic text. The rent was collected annually — it amounted to a sum of 400 *victoriati* in the case of the *Genuates* and their Roman neighbours — and had to be paid *pro portione* (with regard to the amount of public land a *Genuas* or a Roman held). Payment of rent in kind was permitted, although maybe only in exceptional circumstances.

The fact that the rent had to be paid into the treasury of Genua, an allied community, can be explained by the aim of the Romans to compensate their allies for the loss of part of their territory confiscated by Rome.[29] Some allied communities were used by the Romans as fiscal centres, and, as Gerard Chouquer believes,[30] the case of Massilia surely confirms such a practice. Every *Genuas* who held a plot of *ager publicus* also had to pay rent. The sum of 400 *victoriati* covered the total payment for public land located in the area of the *Genuates*.

It is likely that the practice described in the *sententia Minuciorum* was applied to the *ager occupatorius* as a whole. The total amount could differ depending on the quantity and quality of the public land in a given region of Italy (or a province like Gallia Cisalpina). The exemption clause forbade any future land distribution in the manner of Tiberius Gracchus. No politician in Rome challenged this rule until the tribunate of M. Livius Drusus the Younger. Even such a radical tribune as L. Appuleius Saturninus did not disregard the norm mentioned above settling the veterans of Gaius Marius in Africa and Gallia.[31]

These are my conclusions about the agrarian law of Spurius Thorius. It was not abrogated after the enactment of the epigraphic law of 111 BC.[32] Some of its provisions remained in effect until the allies were enfranchised in Rome. This hypothesis can be indirectly supported by a legal norm presented in line 29 of the *lex agraria* of 111 BC:

"[---whatever according to this statute,] just as it is written down above, in the lands which are [in] Italy, which [were] the public property of the Roman people in the consulship of P. Mucius and L. Calpurnius. It shall be lawful for a Roman [citizen] to do, it is likewise to be lawful for a Latin and a foreigner to do without personal liability, for whom it was lawful [to do it in the consulship] of M. Livius and L. Calpurnius (112 BC) [in those lands which are written down above, according to statute], plebiscite or treaty."[33]

The Romans were allowed to declare their holdings of *ager publicus* as private property according to the agrarian law of 111 BC.[34] Simone Sisani assumes that there was also provision for the allies[35] to do the same, but in my view his hypothesis is unconvincing. An anonymous lawyer emphasises the priority of at least two other laws which were enacted before 111 BC and concerned the legal status of *ager publicus* held by the *socii nominisque Latini*. The precise statute or plebiscite to which he is referring is irrelevant; the point is that the allies' holdings could not have been brought into private ownership in the year 111 BC unless an earlier statute, plebiscite or treaty had provided for this. And no such document is attested for the period from 133 to 111 BC. It is likely that not a single one of three agrarian laws of Appian radically changed the legal status of *ager publicus* held by the *socii nominisque Latini* and that this land was still publicly owned in 91 BC, since the *lex*

[29] Chouquer 2016, 137.
[30] Ibid.
[31] Cic. *Balb*. 48; App. *BC* I. 29; Flor. 2. 4; [Aur. Vict.] *De vir. ill*. 73.
[32] = the third post-Gracchan agrarian law of Appian, in my opinion.
[33] Crawford 1996, 144; for Latin text see Crawford 1996, 116. See also CIL I². 585. 29.
[34] With regard to the old limit of 500/1,000 iugera.
[35] See his reconstruction of lines 1–7 of the epigraphic law of 111 BC — Sisani 2015, 46.

agraria of 111 BC was the last *lex agraria* of the 2nd century BC to regulate the legal status of public land of the Roman people in Italy.

I have previously stated that the allies did not have to pay rent once the *lex agraria* of 111 BC had come into force.[36] However, this was more than likely not the case, since the only holders of public land who did not have to pay rent were the Romans, whose plots of public land became private by virtue of the epigraphic law of 111 BC.[37] The allies had to pay rent, I believe, until they became Roman citizens, i. e. until the *lex Iulia* and the *lex Papiria — Plautia* were enacted.

In conclusion, I would like to comment on the political nature and purpose of the agrarian law of Spurius Thorius.[38] This law was an important part of the post-Gracchan agrarian legislation that sought to counteract the effects of a political crisis brought about by the agrarian reform of Tiberius Gracchus. The enactment of the *lex Thoria agraria* must be regarded as an historical triumph of the large landowners in Rome, because its provisions, as discussed above, denied poor Romans (by means of land distribution) direct access to the resources of the *ager publicus populi Romani*. The plebeians had received monetary compensation in lieu, but it is not clear whether such a practice was still in force once the epigraphic law of 111 BC had been passed. If the allies had to pay rent after the enactment of this law, then the money collected was due to be distributed among Roman citizens. It was a smaller amount in any case, because the Romans did not have to pay rent for the holdings which the epigraphic law of 111 BC had converted to private property.[39]

It is plausible that Appian meant exactly this when he claimed: "So the plebeians lost everything, and hence resulted a further decline in the numbers of both citizens and soldiers, and in the revenue from the land and the distribution thereof and in the allotments themselves…" Moreover, the agrarian law of 111 BC made provision for every Roman citizen to declare, at a future point, a plot of *ager publicus* as private property, up to a limit of 30 iugera.[40]

This was definitely not an equivalent exchange, since the buying and selling of land was permitted, whereas public land (in Italy) could no longer be distributed. Nevertheless, the senate succeeded in reducing social tension for a while by means of populistic measures such as monetary compensation. This was, however, only temporarily successful, as a new conflict arose between the Romans and their allies in respect of the *ager publicus populi Romani* just 20 years later, engendered not least, I believe, by the provisions contained in the epigraphic agrarian law of 111 BC.

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[36] Lapyrionok 2021, 173.

[37] CIL I². 585. 19–20; Crawford 1996, 115.

[38] Whether or not my main hypothesis is convincing.

[39] The Romans whose plots of public land were located *in terra Italia* legally.

[40] CIL I². 585. 13–14; Crawford 1996, 114: 13 *quei ager locus publicus populi Romanei in terra Italia P. Muucio L. Calpurnio // co(n)s(ulibus) fuit, extra eum agrum, quei ager ex lege pl[eb]iue ṣc(ito), q[uod C. Sempronius Ti. f. tr(ibunus) pl(ebis) rog(auit), exceptum cavitumue est, nei divideretur, e]xtraque eum agrum, quem vetus possesor ex lege plebeiuę [scito ---]* 14 *[--- sei quis post hanc legem rogatam agri colendi cau]sa in eum agrum agri iugra non amplius XXX possidebit habebitue,* ⟨ *i* ⟩*s ager privatus esto.* Vac. Crawford 1996, 142 (translation): "Whatever public land or piece of land of the Roman people there was in the land of Italy in the consulship of P. Mucius and L. Calpurnius, apart from that land, whose [division was excluded or forbidden] according to the statute or plebiscite [which C. Sempronius, son of Tiberius, tribune of the plebs, proposed,] and apart from that land, which a prior possessor according to statute or plebiscite [— if anyone after the (successful) proposal of this statute for the purpose of agriculture] shall possess or have not more than 30 iugera of land in that land, that land is to be private."

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References

Astin A. E. *Scipio Aemilianus*. Oxford, Oxford Clarendon Press, 1967.
Badian E. From the Gracchi to Sulla. *Historia* 1962, 11, 197–245.
Badian E. *Studies in Greek and Roman history*. Oxford, Basil Blackwell, 1964.
Beness J. L. Scipio Aemilianus and the Crisis of 129 BC. *Historia* 2005, 54, Hft. 1, 37–48.
Bourne F. C., Coleman-Norton P. R., Johnson A. Ch. (eds, comm.). *Ancient Roman Statutes*. Clark, NJ, The Lawbook Exchange, 2003 [Austin, Texas University Press, 1961].
Capps E., Pace T. E., Post L. A., Rouse W. H. D., Warmington E. H. (eds) *Appian's Roman History*. Vol. III. Translated by H. White. Cambridge, MA, Harvard University Press, 1958.
Cardinali G. *Studi graccani*. Roma, L'Erma di Bretschneider, 1965.
Chantraine H. *Untersuchungen zur römischen Geschichte am Ende des 2. Jahrhunderts v. Chr.* Kallmünz, Opf., M. Lassleben, 1959.
Chouquer G. *Les catégories de droit agraire à la fin du IIe s. av. J.-C. (sententia Minuciorum de 117 av. J.-C. et lex agraria de 111 av. J.-C.)*. Paris, FIEF, 2016.
Crawford M. H. (ed.). *Roman Statutes*. Vol. I. London, Institute of Classical Studies, 1996.
D'Arms E. F. The date and nature of the lex Thoria. *AJPh* 1935, 56, 232–245.
Develin R. The Dismantling of Gracchan Agrarian Programme. *Antichthon* 1979, 13, 48–55.
Douglas A. E. The Legislation of Spurius Thorius. *AJPh* 1956, 77, 376–395.
Gabba E. (ed., comm.). *Appiani bellorum civilium liber primus*. Firenze, La nuova Italia, 1958.
Gargola D. Appian and the Aftermath of the Gracchan Reform. *AJPh* 1997, 118 (4), 555–581.
Göhler J. *Rom und Italien. Die römische Bundesgenossenpolitik von den Anfängen bis zum Bundesgenossenkrieg*. Breslau, Priebatsch, 1939.
Haeussler R. *Becoming Roman? Diverging Identities and Experiences in Ancient Northwest Italy*. Wallnut Creek, CA, Leftcoast Press, 2013.
Hinrichs F. T. Die lex agraria des Jahres 111 v. Chr. *ZRG* 1966, 83, 252–307.
Huschke E. Rec. A. A. F. Rudorff, Das Ackergesetz des Spurius Thorius. *ZRG* 1839, 10, 1–194. *Kritische Jahrbücher für deutsche Rechtswissenschaft* 1841, 5. 10, 579–620.
Johannsen K. (ed., comm.). *Die Lex agraria des Jahres 111 v. Chr.* München, Ludwig-Maximilians Universität München, 1971.
Kaser M. Die Typen der römischen Bodenrechte in der späteren Republik. *ZRG* 1942, 62, 1–81.
Kornemann E. *Zur Geschichte der Gracchenzeit. Quellenkritische und chronologische Untersuchungen*. Leipzig, Dieterich'sche Verlagsbuchhandlung, 1903.
Lapyrionok R. V. *Die Ursprünge des Bundesgenossenkrieges. Land und Politik in den Jahren 133–91 v. Chr.* Bonn, Rudolf Habelt, 2021.
Lapyrionok R. V., Smorchkov A. M. Die Krise des Jahres 129 v. Chr. Eine rechtlich-historische Rekonstruktion. *Historia* 2016, 65, 170–185.
Levi M. A. *Il tribunato della plebe e altri scritti su istituzioni pubbliche romane*. Milano, Cisalpino — La Goliardica, 1978.
Ligt de L. Studies in Legal and Agrarian History III: Appian and the Lex Thoria. *Athenaeum* 2001, 89, 121–144.
Lintott A. W. *Judicial Reform and Land Reform in the Roman Republic*. Cambridge, Cambridge University Press, 1992.
Meister K. Die Aufhebung der Gracchischen Agrarreform. *Historia* 1974, 23, 86–97.
Molthagen J. Die Durchführung der gracchischen Agrarreform. *Historia* 1973, 22, 423–458.
Ritschl F. Zur Sententia Minuciorum. *RhM* 1863, 18, 452–456.
Roselaar S. T. *Public Land in the Roman Republic. A Social and Economic History of Ager Publicus, 396-89 BC*. Oxford, Oxford University Press, 2010.

Rudorff A. A. F. Das Ackergesetz des Spurius Thorius. *ZGR* 1939, 10, 1–194.
Rudorff A. A. F. *Quinti et Marci sententia Minuciorum inter Genuates et Viturios dicta.* Berolini, typis Deckerianis, 1842.
Saumagne Ch. Sur la loi agraire de 643/111: essai de restitution des lignes 19 et 20. *RPh* 1927, 1, 50–80.
Sisani S. *Lager publicus in età graccana (133–111 a. C.). Una rilettura testuale, storica e giuridica della lex agraria epigrafica*. Roma, Edizioni Quasar, 2015.
Terruzzi P. Intorno all'applicazione della legge Sempronia agraria. *Athenaeum. N. S.* 1928, 6, 85–95.
Uggeri G. Le divisioni agrarie di età graccana: un bilancio. In: S. Allessandrì, F. Grelle (eds). *Dai Gracchi alla fine della Repubblica. Atti del V convegno di studi sulla Puglia romana, Mesagne 9–10 aprile 1999.* Galatina, Congedo, 2001, 31–60.
Williamson C. *The Laws of the Roman People. Public Law in the Expansion and Decline of the Roman Republic*. Ann Arbor, University of Michigan Press, 2005.
Zancan L. *Ager publicus: ricerche di storia e di diritto romano.* Padova, Università di Padova, 1935.

Заметки об аграрном законе Спурия Тория (119/118 гг. до н. э.?)

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Статья посвящена историко-правовой реконструкции аграрного закона Спурия Тория, принятие которого, по мнению автора, явилось ключевым событием в ходе постгракханской аграрной реформы. Этот закон упоминается в первой книге «Гражданских войн» Аппиана и философских трактатах Цицерона («Брут», «Об ораторе»), а главной задачей законодателя при его разработке являлось искоренение последствий политического кризиса в Риме, обусловленного аграрной реформой Тиберия Гракха. Автор предлагает гипотезу, согласно которой эпиграфический памятник, известный в отечественной науке об античности как «Судебное решение Минуциев», может рассматриваться в качестве источника при реконструкции содержания аграрного закона Спурия Тория. Гипотеза основывается на материалах как литературных (Цицерон, Аппиан), так и эпиграфических источников («Судебное решение Минуциев» и аграрный закон 111 г. до н. э.). Автор указывает на то обстоятельство, что «Судебное решение Минуциев» является первым эпиграфическим документом, в котором вообще упоминается подать, выплачиваемая в республиканское время за пользование ресурсами римского «общественного поля». Кроме того, выплаты производились серебряной монетой, и лишь в исключительных случаях — в натуральной форме, то есть продуктами земледелия. Данные факты соотносятся, в частности, с рассказом Аппиана о содержании аграрного закона Спурия Тория. В заключение автор приходит к выводу, что принятие *lex Thoria agraria* ознаменовало историческую победу крупного землевладения в Риме, поскольку прописанные в нем правовые нормы лишили малоимущих римлян прямого доступа к ресурсам *ager publicus populi Romani*. Этот закон прекратил передел общественной земли, закрепив за владельцами принадлежавшие им участки, пусть на тот момент лишь на правах *possessio*.

Ключевые слова: аграрная реформа Тиберия Гракха, постгракханская аграрная реформа, Спурий Торий, общественное поле римского народа, братья Минуции, аграрный закон 111 г. до н. э.

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