

## The economic world of the *populus Romanus*

Both ancient and modern observers have often commented on how swiftly Rome rose from small Italian city-state to world empire. In the mid-second century BCE, the Greek writer Polybius devoted his life's work to chronicling 'how and by what form of government the Romans brought almost the entire inhabited world was brought into their sole power in less than fifty-three years' (Polybius, *Histories* 1.1).<sup>1</sup> In the next hundred years, Rome's conquests would go even further, encompassing the entire Mediterranean and reaching well into the Near East. Polybius' stated interests are the diplomatic and military activity of the Romans ('how') and the political system that lay behind them, and he carries through this scheme in the multi-volume history that follows, describing Rome's overseas activities and internal politics and including a long section with a thorough analysis of Rome's governmental and military institutions and culture (*Histories* 6). In this programmatic statement he does not mention economic aspects of imperialism, and only rarely dwells on them in his wider narrative.<sup>2</sup> To scholars of ancient history, this comes as no surprise: it is a cliché – open to challenge and nuance, but broadly correct – that the Greek and Roman tradition of his time had no real vocabulary to discuss the economy or even conceptualize it as a separate realm of human or governmental activity.<sup>3</sup> Nor did they have a vocabulary for sovereignty, let alone economic sovereignty.

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<sup>1</sup> My own translation. I would like to offer my thanks to all those who helped me as I developed this paper, including all the participants of the 2018 MPIL Heidelberg workshop on economic aspects of sovereignty, especially Mark Somos and Pamela Edwards; Lisa Eberle; and James Tan, who kindly offered comments. All errors remain my own.

<sup>2</sup> For discussion of some exceptions, see Erskine, Andrew. 'Money-loving Romans'. *Papers of the Leeds International Latin Seminar* 9 (1996), 1-11.

<sup>3</sup> Discussion and references to the wider scholarly debate can be found in Vivenza, Gloria. 'Roman Economic Thought'. In *The Cambridge Companion to the Roman Economy*, ed. Walter Scheidel (Cambridge; New York: Cambridge University Press, 2012), 25-44.

My aim in this article, prompted by an interdisciplinary workshop on economic aspects of sovereignty held at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg, is to investigate what place economic aspects of sovereignty might have in our analysis of Rome's imperial expansion and concomitant political evolution during the final phases of the Republic. The result, I hope, will contribute to discussions of the history and cross-cultural applicability of modern concepts of economic sovereignty. The fact that we cannot rely on ancient discussions of either economics or sovereignty, at least not in forms easily recognisable to us, makes my task more difficult. But it is possible to investigate analogous ancient concepts and activities. For questions relevant to sovereignty, there is a long tradition of scholarship on the creation and location of power, authority, and legitimacy within Roman Republican politics both internal and external, and a direct genealogical thread links Roman *maiestas* with the *maiestas* of Bodin and beyond. This scholarship tends to analyse ancient political discourse: Ciceronian treatises, political speeches, and narrative histories. More recently, a new generation of researchers has revitalised the study of ancient economics using contemporary economic, political, and legal science, primarily by moving beyond what the Romans said and wrote to documentary and material evidence for what the Romans actually did. My approach in this article, therefore, takes the form of an experiment in bringing together insights from these two bodies of scholarship. My choice is derived at least in part from the ambiguous positioning of 'economic sovereignty' itself between the ideological and the practical: where high-minded claims of sovereignty meet hard economic reality.

What emerges is something of a crisis of economic sovereignty, or at least a clash between discourses of political sovereignty and economics, in the second and first centuries BCE. Even as a flourishing political culture allocated political sovereignty to the People, the

*populus Romanus*, their economic stake in Rome's growing empire had all but vanished.

There are a range of possible ways to explain this paradox. We could note that the scale and complexity of empire meant that its economy was decentralized, while politics, and in particular the exercise of popular sovereignty, remained wedded to the city of Rome. In section 3 I will explore a theory that corporations or mega-rich dynasts effected a form of economic 'state capture', merely prefiguring the eventual takeover of Roman politics by an individual in the form of Augustus. In the final section of this article, however, I argue that as well as considering changes in the relationship between the *populus* and sovereignty, on the one hand, and the *populus* and the economy on the other, we must explore the changes that Rome's expansion wrought on the nature of the *populus* itself.

## **1. Political discourse and sovereignty in Republican Rome**

Where might we locate political sovereignty in the Republican Roman system? We know less than we would like about Rome's archaic political organization, but by 200 BCE, in what Romans themselves recognised had been a process of gradual evolution (Cic. *Rep.* 2.2), a system had developed in which elected magistrates led Rome's armies and the Senate served as the primary forum for debate and the development of policy.<sup>4</sup> Magistrates and senators had to be wealthy, and usually belonged to a loose group of aristocratic families.<sup>5</sup> But the Senate was technically a mere advisory body, with no legal powers. Elections and legislation were wholly in the control of the people. In theory, the people, or rather the *populus*, the people

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<sup>4</sup> For a general overview of the system described in this paragraph, see North, John. 'The Constitution of the Roman Republic'. In *A Companion to the Roman Republic*, eds. Nathan Rosenstein and Robert Morstein-Marx (Malden, MA: Blackwell, 2005), 256-77.

<sup>5</sup> This was not a closed aristocracy of birth: by the start of the period with which I am concerned, the hereditary status groups of patricians and plebeians had been replaced by a more fluid grouping of elite families, and 'new men' could and did rise to join them from time to time – though always from among the same economic class. The classic studies can be found in Hopkins, Keith. *Death and Renewal. Sociological Studies in Roman History* (Cambridge: Cambridge University Press, 1983).

drawn up in their voting units by a magistrate, were sovereign, or as close to sovereign as we can expect in a time long before the formal development of that concept.<sup>6</sup> No regulations limited the people's competency to legislate on any issue; their commands were law.<sup>7</sup>

Ancient authors versed in Greek political theory understood Republican Rome's tripartite system of magistrates, Senate, and people as a 'mixed constitution'; later thinkers have given it a privileged position as the origin of republicanism, systems of checks and balances, or representative democracy.<sup>8</sup> But scholars of Roman history have mostly tended to assume that the legalities of the (unwritten) constitution were beside the point: the nominally advisory Senate and the aristocratic families who dominated it were, it went without saying, the real holders of power in Rome. In the final decades of the 20<sup>th</sup> century, however, Fergus Millar drew new attention to the institutions of Republican Rome with a provocative claim that the people really did wield power.<sup>9</sup> Responses to his work have moved the focus from

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<sup>6</sup> On sovereignty and the Roman Republic, see Hammer, Dean, *Were the People Sovereign in the Roman Republic?* (Working paper, retrieved from [www.polisci.ucla.edu/sites/default/files/u20/5-20-2015\\_political-theory-workshop-dean-hammer.pdf](http://www.polisci.ucla.edu/sites/default/files/u20/5-20-2015_political-theory-workshop-dean-hammer.pdf), 2015); Hoekstra, Kinch. 'Athenian Democracy and Popular Tyranny'. In *Popular Sovereignty in Historical Perspective*, eds. R. Bourke and Q. Skinner (Cambridge: Cambridge University Press, 2016), 15-51 has a useful discussion of how one might apply notions of sovereignty to the ancient world.

<sup>7</sup> The *locus classicus* is a phrase Livy quotes in three slightly different versions at 7.17, 9.33, and 9.34, claiming (probably anachronistically) that it comes from the Twelve Tables, Rome's archaic law code: 'whatever the *populus Romanus* last ordered is law'. For discussion, see Wirszubski, C. *Libertas as a Political Idea at Rome During the Late Republic and Early Principate* (Cambridge: Cambridge University Press, 1950), 83; Zarecki, Jonathan. *Cicero's Ideal Statesman in Theory and Practice* (London: Bloomsbury, 2014), 7; Straumann, Benjamin. *Crisis and Constitutionalism: Roman Political Thought from the Fall of the Republic to the Age of Revolution* (New York: Oxford University Press, 2016), 37; Arena, Valentina. *Libertas and the Practice of Politics in the Late Roman Republic* (Cambridge: Cambridge University Press, 2012), 63, all arguing for a strong interpretation in terms of popular sovereignty; conversely, Drummond, A. 'Rome in the Fifth Century II: The Citizen Community'. In *The Cambridge Ancient History*, eds. F. W. Walbank et al. (Cambridge: Cambridge University Press, 1989), 203; Crawford, Michael H., ed. *Roman Statutes*, 2 vols. (London: Institute of Classical Studies, University of London, 1996), 721 and Ando, Clifford. *Roman Social Imaginaries: Language and Thought in the Context of Empire* (Chicago: Chicago University Press, 2015), 74 emphasize the procedural, reading it as little more than a way of deciding between competing statutes. Further discussion in Russell, Amy. 'The *Populus Romanus* and the Rule of Law'. In *The Rule of Law in Ancient Rome*, eds. Elly Cowan et al. (Oxford: Oxford University Press, forthcoming).

<sup>8</sup> A useful overview of the ancient evidence and discussion of the modern reception from a classical perspective can be found in Nippel, Wilfried. *Ancient and Modern Democracy: Two Concepts of Liberty?* (New York: Cambridge University Press, 2016).

<sup>9</sup> Millar, Fergus. 'The Political Character of the Classical Roman Republic, 200-151 BC'. *Journal of Roman Studies* 74 (1984), 1-19; Millar, Fergus. 'Political Power in Mid-Republican Rome: Curia or Comitium?'. *Journal of Roman Studies* 79 (1989), 138-50; Millar, Fergus. 'Politics, Persuasion and the People before the

institutions to political culture.<sup>10</sup> Factors from religion to cultural memory to language ensured that the elite could take the lead in Roman politics even when their legal power was circumscribed; meanwhile, however, the culture of Roman politics did enshrine the sovereign power of the people, and measures unpopular among the senators were enacted more frequently than some have suspected.<sup>11</sup>

Scholarly debate on Roman Republican politics, then, could be caricatured as a contest between the people and the elite: did ordinary voters have more power, or did the elite hold sway? Each individual researcher's position is, of course, much more nuanced than this caricature might suggest; but the overall effect has been to figure the object of study, the Roman Republic itself, as locked in a similar battle. In this bipartite model, mass and elite struggle to control Rome's political destiny. Sovereignty is technically located with the people, but in practice they are not necessarily free to exercise it.

The political history of the final centuries BCE seems to accord with a bipartite model where power is contested between mass and elite. During the third and early second centuries, it seems, much daily political business was transacted in the Senate.<sup>12</sup> Though senatorial decrees were only ever advisory, the people's input was usually limited to stamping their

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Social War (150-90 BC)'. *Journal of Roman Studies* 76 (1986), 1-11; Millar, Fergus. *The Crowd in Rome in the Late Republic*, *Jerome Lectures* 22 (Ann Arbor: University of Michigan Press, 1998). Sir Fergus died in July 2019, as this article was going to press; he will be sadly missed.

<sup>10</sup> The most important of the immediate responses are found in Jehne, Martin, ed. *Demokratie in Rom? Die Rolle Des Volkes in Der Politik Der Römischen Republik*, *Historia Einzelschriften* 96 (Stuttgart: F. Steiner, 1995); see Hölkeskamp, K-J. *Reconstructing the Roman Republic: An Ancient Political Culture and Modern Research* (Princeton: Princeton University Press, 2010) for a full discussion of 'political culture' as an analytic tool. Mouritsen, Henrik. *Politics in the Roman Republic* (Cambridge: Cambridge University Press, 2017) provides one accessible account of how these models result in elite-dominated politics in practice.

<sup>11</sup> So e.g. Morstein-Marx, Robert. "Cultural Hegemony" and the Communicative Power of the Roman Elite'. In *Community and Communication: Oratory and Politics in Republican Rome*, eds. Catherine Steel and Henriette van der Blom (Oxford: Oxford University Press, 2013), 29-47.

<sup>12</sup> It is important to bear in mind that our knowledge of the middle centuries of the Republic is based entirely on later Republican and imperial sources, all themselves elite, who may be projecting nostalgic fantasies of a 'golden age' of aristocratic domination.

approval on decisions that had already been made. Over time, however, and often amidst major controversy and even violence, more and more issues that had traditionally been settled by senatorial consensus were brought to a public vote. In 133 BCE, a date many ancient sources treat as the beginning of the 'fall of the Roman Republic', the tribune of the plebs Tiberius Gracchus apparently defied precedent by drawing on the constitutional power of popular sovereignty more directly than previous political norms had allowed.<sup>13</sup> He took his measures, including bills to distribute public land to Rome's poor and to finance the new farms by taxing the new province of Asia, directly to a vote of the popular assembly, rather than waiting for prior approval in the Senate, against the wishes of the senatorial aristocracy. In the end, they used violence to stop him, and his brother too a decade later.

The Gracchi were themselves members of the traditional political elite, and exactly how radical or unprecedented their actions might have been is debatable.<sup>14</sup> They and others who followed their example always retained the initiative, and were often simply pursuing standard disagreements between aristocrats in new venues. There was no mechanism by which ordinary Romans could propose a bill. Yet the new political methods associated with the Gracchi provided a live demonstration of the principle of popular sovereignty, and ushered in a new reality: during the post-Gracchan period, tribunes of the plebs appealed more frequently to the popular assemblies.<sup>15</sup>

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<sup>13</sup> The bibliography on the Gracchi is huge. For a useful overview of some recent scholarship, see Santangelo, Federico. 'A Survey of Recent Scholarship on the Age of the Gracchi'. *Topoi* 15 (2007), 465-510. The best analysis of Tiberius' political method and its implications is Badian, Ernst. 'Tiberius Gracchus and the Beginning of the Roman Revolution.' *Aufstieg und Niedergang der Römischen Welt* I.1 (1972), 668-731

<sup>14</sup> In this brief overview, I have followed our sources in positioning 133 BCE as a watershed; reality was almost certainly more complex, and the Gracchi had forerunners: see further Taylor, Lily Ross. 'Forerunners of the Gracchi'. *Journal of Roman Studies* 52 (1962), 19-27; Badian, 'Tiberius Gracchus' (n.13); and on the practices of our sources, Russell, Amy. 'The Tribune of the Plebs as a Magistracy of Crisis'. In *Deformations and Crises of Ancient Civil Communities*, eds. Valerij Goušchin and P.J. Rhodes (Stuttgart: Steiner, 2015), 127-39.

<sup>15</sup> On these new methods and their practitioners, often called *populares* ('populist'), see Robb, Margaret. *Beyond Populares and Optimates: Political Language in the Late Republic* (Stuttgart: Franz Steiner, 2010), arguing against any ideological overtones; Arena, *Libertas* (n.7), with a more ideological reading. Williamson, Callie. *The Laws of the Roman People: Public Law in the Expansion and Decline of the Roman Republic* (Ann Arbor: University of Michigan Press, 2005), in tables following p.34, tracks the expansion of popular lawmaking in

## 2. Approaching the Roman Republican economy

The political analyses of the preceding paragraphs, like the Roman texts they draw on as source material, have made no mention of economic factors. Yet Rome did have an economy, and the changes that the Republic faced in the final centuries BCE, most obviously imperial expansion, had clear economic effects.<sup>16</sup> Modern scholars have long debated whether Romans intended to profit from conquest.<sup>17</sup> Yet whether or not it was their goal, vast sums of money did flow in to Italy from booty, war indemnities, captured slaves, and taxes, resulting in fundamental changes to Roman life. Recently, Philip Kay has analysed these changes anew, and drawn particular attention to the boom in liquidity that characterises Roman history after 200 BCE, rightly labelling this the period of *Rome's Economic Revolution*.<sup>18</sup> Wagon-loads of coin and bullion were paraded through the city's streets in triumphs, alongside exotic gems and works of art.<sup>19</sup> Building boomed, both public and private, while the few concrete figures we have for the cost of elite housing seem to show remarkable increases.<sup>20</sup> The new luxury goods available to wealthy consumers at this period become a

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terms of sheer volume: although direct comparisons are difficult because the source material is different for different periods, it is suggestive that before 133 BCE the largest number of publicly-voted laws we know of in any twenty-five year period is 43 in 224-200 BCE, and most quarter-centuries have fewer than 20; while after 133 no quarter-century has fewer than 60, and for the period 74-50 BCE we know of 118.

<sup>16</sup> For a precis of the history of scholarship on the Roman economy, and discussion of the methods required to do economic history of a culture which had no concept that maps well onto our 'economy', see Scheidel, Walter. 'Approaching the Roman Economy'. In *The Cambridge Companion to the Roman Economy*, ed. Walter Scheidel (Cambridge; New York: Cambridge University Press, 2012), 1-21.

<sup>17</sup> The scholarship on Roman imperialism and economics is vast. Champion, Craige, ed. *Roman Imperialism: Readings and Sources* (Oxford: Oxford University Press, 2004) has a good overview of the debate and bibliography. One key point for those claiming that Romans were indifferent to financial gain from imperialism is that they often failed to extract as much value from their conquests as they might have done; after defeating Macedonia, for example, they seized the royal mines, but rather than working them for profit they closed them down (Liv. 45.18; Diod. Sic. 31.8). Tan's model, discussed below, goes some way towards explaining their reticence.

<sup>18</sup> Kay, Philip. *Rome's Economic Revolution* (Oxford: Oxford University Press, 2014).

<sup>19</sup> See Östenberg, Ida. *Staging the World: Spoils, Captives, and Representations in the Roman Triumphal Procession* (Oxford: Oxford University Press, 2009).

<sup>20</sup> On building: Bernard, Seth. *Building Mid-Republican Rome: Labour, Architecture, and the Roman Economy* (Oxford: Oxford University Press, 2018). Cost of elite housing: Kay, *Rome's Economic Revolution* 2014 (n.18) 289.

trope in our literary sources: Livy dilates on one-legged tables, fine tapestries, slaves trained as luxury chefs.<sup>21</sup> The archaeological evidence for changes in land tenure and exploitation remains controversial. But one fact stands out: after 168 BCE, Rome was so flush from conquest that citizens were no longer required to pay tax.<sup>22</sup>

In his 2017 monograph *Power and Public Finance at Rome (264-49 BCE)*, James Tan proposes a model of the Roman Republican economy and its development during this period based on a three-way relationship between elite aristocrats, the state, and the people.<sup>23</sup> Tan's model adds a third element, the state, to the (oversimplified, but potentially useful) bipartite model of elite and people outlined above. Just as in the case of economics and sovereignty, 'the state' is a modern concept and not necessarily immediately applicable to the Roman case. Yet I focus my discussion of the Roman economy around Tan's model because introducing this third element brings us closer to modern approaches to economic sovereignty, which tend to be premised on the state.

When Rome first began its overseas expansion, there was no system in place determining how the new territory should be exploited, or how the profits should be distributed. Earlier expansion within Italy had not raised the same questions: booty, it seems, was largely distributed directly to the soldiers, while the defeated communities were forced into unequal alliances in which they contributed not money, but troops for future campaigns. The money available from the conquest of both metal-rich Hispania and the Hellenistic kingdoms was on a completely different level; meanwhile, extracting value from the territories in cash or kind

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<sup>21</sup> Liv. 39.6.

<sup>22</sup> Plin. *HN* 33.56. The tax stopped after 168 was the *tributum*, an annual property levy. Citizens were still liable to other incidental levies such as a 5% tax on the manumission of slaves; harbour dues continued until they too were abolished in 60 BCE (Cic. *ad Qu. fr.* 1.1.3).

<sup>23</sup> Tan, James. *Power and Public Finance at Rome, 264-49 BCE* (New York: Oxford University Press, 2017).

rather than manpower required new institutions. Tan argues that senators and generals worked hard to keep the state institutions small, and the bulk of the new revenues out of the treasury's hands. Taxation in newly-conquered territories, along with many other functions, was hired out to contractors, the tax-farmers or *publicani*, while governors themselves both invested and extracted large amounts of their own private funds in their provinces.<sup>24</sup> This was not because of ideological distaste for 'big government', but so that the Roman elite themselves could claim the lion's share of the new prosperity.

The second part of Tan's model concerns the money that did come to the treasury. Even once generals and tax-farmers had taken their share, the new revenues changed the financial basis on which the state operated. Previously, state expenditure (primarily for war) had been financed by a variable levy on citizen property known as *tributum*.<sup>25</sup> With new money coming in, Romans might have decided to expand the state's activities, providing welfare, new public building, or other benefits for the citizens (Tan makes a useful comparison with Saudi Arabia's use of oil revenue). But they – and we have to imagine that the impetus for this decision came from the elite – chose a different path. After 168 BCE, the *tributum* was not levied.<sup>26</sup>

In Tan's model, the elite moved simultaneously to reduce their own dependence on the state and to reduce the state's dependence on citizen taxation. The result was a state that stayed small, and a citizen body which lost its role as the main contributor to and stakeholder in the state's activity. Tan analyses evidence for the role of the popular assemblies before and after

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<sup>24</sup> A treatment of the *publicani* from an explicitly legal and economic angle can be found in Malmendier, Ulrike. *Societas Publicanorum* (Cologne: Böhlau, 2002).

<sup>25</sup> *Tributum* was not technically a tax, but Tan argues that it operated as one for all practical purposes.

<sup>26</sup> There may have been a brief revival of *tributum* during the civil wars of the first century BCE; for full discussion, see Nicolet, Claude. *Tributum* (Bonn: Habelt, 1976).

the end of *tributum*, and concludes that elite politicians consulted and deferred to popular assemblies more readily before 168 BCE than after, especially on matters of finance (which, in practice, means war finance). Eventually, the rich had financial resources that outstripped the state, while the state treasury was no longer funded by the people. The result was that aristocratic politicians and generals were no longer required to pay heed to the will of the sovereign people. The people were doubly marginalized: both denied a fair share of the new wealth, and denied their traditional political role in managing it.

Tan's economic history of the late Republic reaches a conclusion that might seem diametrically opposed to the one I laid out in the previous section. There, I sketched an argument that the political discourse of the period was increasingly focused on popular sovereignty: whether we believe the people's power was real or an illusion, claims to be consulting the sovereign people's will became more and more important. For Tan, as the people's contribution to state finances dwindled, the practical importance of popular sovereignty diminished. For the present investigation of economic aspects of sovereignty, it is not enough to point to a gap between (political) discourse and (economic) reality: even if such a difference could be fully theorized and justified, economic sovereignty belongs on both sides of the divide. Instead, in the next two sections I examine the other major difference between the two models: the introduction of a 'state' element.

### **3. The 'state' in practice**

From Machiavelli to the Founding Fathers and beyond, philosophers and politicians have looked to the Roman Republic as a model for a republican polity. But there are fundamental differences between Republican Rome and the modern nation state; as I have emphasised,

Romans had no concepts that map well onto statehood or sovereignty, let alone economic sovereignty. Yet for precisely this reason, Rome has lessons for us today just as it did for previous generations. The pre-modern, pre-state world can be a fertile ground of comparisons with a post-modern, increasingly post-state age.<sup>27</sup> Tan's interpretation of the activities of generals and corporations in the provinces could be understood as a struggle for economic sovereignty fought between elites and the state. Was this the source of the Republican crisis of economic sovereignty? His model of the Roman economy speaks interestingly to today's, in which global corporations can outspend governments. When these non-state actors have the capacity to determine the choices sovereign countries make, including the regulatory systems that constrain the corporations themselves, we can speak of 'state capture'. Similarly, in Rome, corporations of *publicani* had outsize political influence, though the real competition to the state came from individuals, members of the elite like Crassus, Pompey, and Caesar who could fund entire armies from their own pockets.<sup>28</sup>

But there are also important differences between the processes Tan identifies in action at Rome and state capture in our own time. The most obvious is the notion of 'state' we are invoking. If there was anything like a 'state' in Roman times, it was a pre-Westphalian, non-Weberian protostate. Tan dispenses with these objections neatly and convincingly. His tripartite model of people, elites, and state does not require any particularly developed notion of the nation-state. Instead, he confines his notion of 'state' to a set of institutions that were clearly understood as 'public', in the sense that they were under the control of rotating magistrates rather than individuals or families. The treasury, the army, the census: these were

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<sup>27</sup> At the Heidelberg workshop, Kanad Bagchi gave a paper on the post-modern state as increasingly detached from territorial sovereignty.

<sup>28</sup> Plutarch, *Crassus* 2 reports that Crassus said no man could be counted rich if he could not maintain an army from his private income.

understood as public rather than private, however much individual members of the elite managed to blur the lines.

Even once we have adopted a limited definition of the state, however, applying the notion of state capture to Tan's model proves problematic. In a second sense, too, there was no 'state' to capture: the institutions that Tan entirely sensibly describes using the term 'state' were themselves developing at the same time as powerful individuals and corporations were seeking to control them. Rather than taking over the new depersonalized, 'public' institutions, they retarded their development – but even a formulation along those lines is dangerous, implying as it does a teleological model in which powerful state institutions along modern lines are the obvious end goal. Members of the elite opposed developments that strike us as state-like, but was anyone arguing for a more thoroughly state-like set of institutions?

To unpick these distinctions, we must go back to the beginning. Why and how did state-like institutions develop in Rome in the first place? I identify at least three different foci around which they grew up: two of them pragmatic, in the Tan line, and one more ideological, but no less important. The first two are a) the institutions of war and resource extraction from the provinces, on which Tan focuses, and b) the institutions of political life back at Rome; the third is the role of the *populus Romanus*, the Roman People themselves, as the institution conceptualized most closely to what we today might think of as a 'state'.

Though the details remain open for debate, scholars today tend to picture archaic Italian and Latin society as organised into loose groups, perhaps claiming clan-type kinship links and led by 'big men' that might best be identified as warlords.<sup>29</sup> Two main factors prompted them to

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<sup>29</sup> So e.g. Richardson, James H. 'The People and the State in Early Rome'. In *The Citizen, Past and Present*, eds. A Brown and J Griffiths (Auckland: Massey, 2017), 63-91; Smith, Christopher J. *The Roman Clan: The*

create, and give up parts of their control to, depersonalized institutions: warfare and competition. Paul Erdkamp has analysed the role of war in state formation at Rome.<sup>30</sup> Rome was predicated on conquest, with cultural and economic drivers to warfare that could not be resisted. But any expedition larger than a cattle raid demanded institutional structures. For the elites, banding together and placing war in the hands of a public army extended their reach: they could use the joint resources of multiple groups to achieve greater conquests than any single individual or family could manage alone. The army was the original state institution. But elements of private finance were always present in Roman war, and not as innovations of a wealthier late Republic but as survivals of the earlier age of warlords.<sup>31</sup> Pompey's soldiers and veterans could be counted on to be personally loyal to him, in later years partly because he supplemented their official pay from his own pocket – but originally because many of their fathers had been loyal to his father, and so on backwards through the generations of farmers working on the Pompeius family estates in Picenum.<sup>32</sup> They were clients of the Pompei, like the clients Scipio Aemilianus took with him to Numantia when no levies could be held to support his campaign in 132 BCE,<sup>33</sup> and not so different from the army of Fabii who fought a private war against Veii in the 5th century.<sup>34</sup> The public army was always overlaid on a prior substrate.

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*Gens from Ancient Ideology to Modern Anthropology* (Cambridge: Cambridge University Press, 2006). Terrenato, Nicola and Donald C Haggis, eds. *State Formation in Italy and Greece: Questioning the Neo-Evolutionist Paradigm* (Oxford: Oxbow, 2011).

<sup>30</sup> Erdkamp, Paul. 'War and State Formation in the Roman Republic'. In *A Companion to the Roman Army*, ed. Paul Erdkamp (Chichester: Blackwell, 2007), 96-113.

<sup>31</sup> Bleckmann, Bruno. 'Roman War Finances in the Age of the Punic Wars'. In *Money and Power in the Roman Republic*, eds. Hans Beck, Martin Jehne, and John Serrati (Brussels: Latomus, 2016), 82-96 collects plenty of examples.

<sup>32</sup> Plut. *Pomp.* 6 is explicit on this point: he raised his first extra-legal army to aid Sulla in Rome's first civil war in 83 BCE, at the age of just 22; he paid for the equipment himself, but the men of Picenum agreed to fight for him because he was his father's son.

<sup>33</sup> App. *Hisp.* 84.

<sup>34</sup> Livy 2.48-50.

The other factor that encouraged the development of public institutions at Rome was elite competition. The state made war, but also made peace: its political institutions provided a neutral political zone in which the opportunities provided for war (and, later, other activities) could be debated and allocated to leaders in turn without violent zero-sum internal competition.<sup>35</sup> These political institutions had to be depersonalized and public: no one individual or family could dominate.

Both of these functions of the state served elite goals up to a point.<sup>36</sup> Tan points out very clearly that it remained in the elite's interest to keep the state's role in warfare relatively small, since they could thus keep its share of the profits small too (and their own greater). And as individuals got richer and could achieve more and more with their own private resources, each generation of aristocrats had less need of the magnifying power of the state than their fathers and grandfathers. The consequences were not so much state capture as a return to warlordism, with civil war commanders maintaining private armies until in the final and decisive war Octavian (the future Augustus) based his claim to legitimacy not on any magistracy but on a personal oath sworn to him by his soldiers and all the communities of Italy.<sup>37</sup>

But the end result of the 'small state' in civil war points to a tension with the role of state institutions in regulating elite competition. Most Roman senators deplored, rather than applauded, the private armies eventually wielded by a Pompey or an Octavian in the horrific

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<sup>35</sup> We can see the same process operate in concrete terms in the development of public space, the literal location of this neutral interaction and the focus of my own previous work in Russell, Amy. *The Politics of Public Space in Republican Rome* (Cambridge: Cambridge University Press, 2016). Elite individuals and families were always seeking to lay claim to this space, including by using their own money to build 'public' structures or by emphasising the personal role that they or their ancestors had taken when making interventions with public money, and thus take control of the political activities that took place there.

<sup>36</sup> We might compare neo-Beardian analyses of the role of elite financial interests in the US constitution, as discussed by George Gallwey at the Heidelberg workshop.

<sup>37</sup> Augustus, *Res Gestae* 25.

civil wars that ended the Republic for good. For the ordinary members of Rome's economic, political, and social elite, the state's political institutions were vital to restricting the opportunities available to individuals among their number. Although they were presumably naturally keen to maintain their class interests as a group, both political and financial, and saw the state as their competitor in that sense, they also needed the state to maintain the balance of power between themselves. At the same time as some generals and financiers were extracting more and more private profit from Rome's provinces, others were working to regularise the ways in which both power and profit was distributed. A series of new laws laying down strict procedures for elections, from minimum ages for office-holding and limits on repeated tenure to the introduction of a secret ballot, were passed during the second century BCE; meanwhile new crimes and new courts were set up in an attempt to tackle peculation by provincial governors.<sup>38</sup> Direct commercial exploitation of Rome's imperial conquests also gradually came under greater state control. Lisa Eberle has examined how new legal systems arose in the provinces, where politicians serving as generals and governors were sometimes in cahoots with and sometimes at odds with wealthy civilian Roman investors.<sup>39</sup> The aim of the new institutions was to help Roman elite commercial interests, but, like the political institutions at Rome, they did so by creating a neutral, depersonalized 'state' framework that could arbitrate in cases of conflict and competition, rather than allowing any single individual or corporation free rein. Giving all these institutions more teeth expanded the state.

An even more concrete example is the role of public money in the distribution of grain. For centuries, it seems, wealthy Roman families had given out cheap or free grain to their poorer

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<sup>38</sup> For an overview of the changes, see Flower, Harriet. *Roman Republics* (Princeton: Princeton University Press, 2010), 61-9.

<sup>39</sup> Eberle, Lisa. *Land, Law, and Territories. The Roman Diaspora and the Making of Provincial Administration*. PhD., Berkeley, 2014, esp. 76-115.

neighbours. In return, they got loyalty, often in the form of votes. In the late Republic, Romans told stories of the evils of those who had gone too far, attempting to use their private wealth to hand out too much grain and gain too much popularity (Liv. 4.13-16). In the legends, these men were dealt with by force. In historical times, their examples were used to tar the name of politicians who promoted centrally-subsidised grain distributions as dangerous anti-senatorial populists, and of course these reformers did win plenty of adherents for their policies.<sup>40</sup> But consider a world in which so much money had flowed (unequally) into the upper echelons of Roman society that Crassus was able to give every single Roman three months' worth of grain in 70 BCE (Plut. *Crass.* 12.2). Yes, the move to public grain distributions removed opportunities from individual members of the elite and gave them instead to a rotating cast of office-holders; but it also reduced the chances that one individual could so thoroughly outbid the rest.<sup>41</sup>

This gradual process of state expansion, rather than contraction, can be interpreted in several ways, from a breakdown of aristocratic consensus (unwritten norms were no longer being respected and had to be written down) to a power grab by the people, but they were also undoubtedly the result of elite consensus in themselves, or they could never have passed. The majority of the elite used them to rein in the excesses of the most popular and prosperous, those whose runaway success threatened to limit the opportunities left to the rest of them.

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<sup>40</sup> For the moralizing discourse surrounding Gracchan attempts to distribute grain (and indeed land), see Coffee, Neil. *Gift and Gain: How Money Transformed Ancient Rome* (New York: Oxford University Press, 2017), 79-85. The Gracchi and their supporters criticized the rich for avarice, fitting well a narrative in which the elite sought to keep the profits of empire for themselves. Their opponents accused the Gracchi themselves of greed for power, but Coffee sees their proposals as an attempt at institutionalizing traditions of aristocratic generosity.

<sup>41</sup> On the economics of the move, see Garnsey, Peter and Dominic Rathbone, 'The Background to the Grain Law of Gaius Gracchus'. *Journal of Roman Studies* 75 (1985), 20-25.

So we have two forms of ‘state’ in Tan’s pragmatic formulation – the set of institutions that combines individual effort into collective conquest and resource extraction from conquered territories, and the set of institutions that ensure a neutral political zone – both of which served elite interests at least as much as they opposed them. As the economic revenues of Roman imperialism increased, the two faced different pressures, again from the elite. The institutions of collective military action and provincial exploitation were not allowed to expand, and even forced to contract. But as the stakes grew ever higher, it was in the interest of the majority of rich (but not super-rich) Romans that depoliticized political institutions maintained and indeed expanded their role in distributing the profits of conquest. Much more could be said – but the important point to note for the purposes of this article is that importing a contemporary model of state capture does not serve to explain the problems Republican Rome faced.

#### 4. The state in theory

How can the tripartite elite-state-people model developed in Tan’s economic analysis be reconciled with the binary elite-people division emerging from political history? Although, as explored in the previous section, many of the institutions identified there as state-like were developed by and in the interests of the elite, from the perspective of Roman political discourse they are linked closely to the people. The army *was* the people: the entire adult male citizenry was liable to military service, and they often voted in their army units.<sup>42</sup> Meanwhile, the institutions of politics defused elite rivalries precisely by handing sovereignty to the people: it was their votes that decided the issue. Drawing on the sociological theories

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<sup>42</sup> The very word *populus* originally meant ‘army’: Momigliano, Arnaldo. “The Origins of the Roman Republic.” In *Interpretation: Theory and Practice*, ed. C. S. Singleton (Baltimore: Johns Hopkins University Press, 1969), 1-34.

of Georg Simmel, Karl-Joachim Hölkeskamp has explained how a fundamentally aristocratic political culture can turn to the people as, essentially, a neutral referee and arbiter of individual excellence.<sup>43</sup>

The people, then, were closely associated with Tan's pragmatically-defined state-like

institutions. And the links between the people and concepts analogous to the modern state go

further still. If Romans had ever wanted to express a concept along the lines of today's

'state', the entity like 'UK' or 'Germany' that claims territorial sovereignty, for example, it would not have been *Roma*, and certainly not the *res publica*, but the *populus Romanus*, the

Roman People.<sup>44</sup> 'Rome' itself had no legal definition; the *populus* was the concrete

institution. The *maiestas* that would become Bodin's keyword for sovereignty was the

*maiestas populi Romani*, the majesty of the Roman *populus*.<sup>45</sup> In the Latin political

vocabulary, it was the *populus Romanus* that waged wars, made alliances, and maintained its

international standing.<sup>46</sup> It was the *populus Romanus* that took over the political sovereignty

of the subordinate Italian allies in the fourth and third centuries BCE, claiming for itself the

right to decide how and where they waged war; and given that warfare was so predominant in

all such communities' financial affairs, it is no great leap to say that the *populus Romanus*

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<sup>43</sup> Hölkeskamp, 2010 (n. 10). The formulation of the people as "referee" is taken from North, John. 'Democratic Politics in Republican Rome'. *Past and Present* 126 (1990), 3-21. In Hölkeskamp's model, the terms of the competition are still dictated by the elite, so the people's arbitration function still falls short of anything we might call sovereignty. In theory, however, the people also controlled the rules of the game, and could wield their power to defy the rules (by, for example, electing a man whom either law or the unspoken norms of aristocratic competition deemed ineligible); what is up for debate, then, is to what extent theory was carried through into practice.

<sup>44</sup> On the *res publica*, see now Moatti, Claudia. *Res Publica. Histoire Romaine De La Chose Publique* (Paris: Fayard, 2018). Hodgson, Louise. *Res Publica and the Roman Republic: Without Body or Form* (Oxford: Oxford University Press, 2017), 7 points out that Cicero's definition of *res publica* at *Rep.* 1.39 begins by defining *populus*. The use of SPQR to name the state is an imperial development: Moatti, Claudia. "Res Publica, Forma Rei Publicae, and SPQR." *BICS* 60 (2017): 34-48.

<sup>45</sup> Discussion in Hammer, 'Were the People Sovereign' (n.6).

<sup>46</sup> The phrase 'allies of the *populus Romanus* appears in e.g. the epigraphically-known text of the *lex Antonia de Termessibus*. A tiny sample of many literary attestations: 'the *populus Romanus* destroyed Numantia' (*Rhet. Her.* 4.37); 'no king can make war on the *populus Romanus*' (*Cic. Cat.* 2.11); where we would say 'the history of Rome', Cato the Elder wrote about 'the deeds of the *populus Romanus*' (*Festus* 216).

also took over their economic sovereignty. Most strikingly for any analysis in terms of economic sovereignty, it was the *populus Romanus* that owned all Rome's common property, from the *ager publicus populi Romani* (a phrase repeated again and again in surviving agrarian statutes of all periods, meaning 'public land belonging to the Roman people') to the money in the treasury.<sup>47</sup>

Tan's pragmatic definition of the state makes sense for his own arguments, but my attempts to bring in economic aspects of sovereignty run into problems when confronted with the Roman thought-world. How can a tripartite model of elite, state, and people work in a world where the people *are* the state? When we try to squeeze Tan's arguments into the language of political scholarship without a third 'state' element, they have to be compressed into what looks like another example of a straightforward struggle between people and elite – and one which the elite win, as they waltz off with the profits of empire. But how can this be squared with the continued importance of popular sovereignty in politics? Perhaps the solution is to locate the tripartite model entirely in the hard-nosed world of Realpolitik and dismiss the sovereignty of the *populus* as mere discourse. But the consequences of this discourse are worth further exploration. Sovereignty, including economic sovereignty, cannot be easily reduced to well-defined legal institutions or Realpolitik: if it could, there would be no need for workshops on the topic. The *maiestas* of the *populus Romanus* was generated, defined, and bounded through complex and ongoing relationships between Romans (and non-Romans), and its economic role was no less determined by cultural factors than any other sphere of its operation. The economic results of these relationships can be analysed on a purely pragmatic level; if we want to pin down something we might call sovereignty, however, we must look beyond the what to the how and the why.

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<sup>47</sup> Treasury: e.g. Cic. *Verr.* 2.3.202.

## 5. Which people, and why?

So far I have focused on the ‘state’ element of Tan’s tripartite model. But the other two also deserve attention. It is not always easy to know which individuals, and which economic interests, should be assigned to the ‘elite’ and which to the ‘people’. The confusion has already surfaced in the previous section, in which I looked at the varying interests of the super-rich dynast and the ordinary senator, or the possibility of conflict between provincial governor and civilian investor. But identifying the elite is less my concern in this paper than identifying the people.

Many modern explanations of the Roman Republic’s political system, including in large part Millar’s claim that we should take its ‘democratic’ element seriously, take their start from Polybius’ description of Rome’s mixed constitution. The three elements – magistrates, senate, and people – are bound to each other, he claims, by mutual obligations, which force them to respect each others’ interests and thus act as checks and balances on each other. But when we look at the obligations he assigns to the popular element of his model, it becomes clear that there is already a confusion about who exactly counts as the people. The consuls must respect the people because the people are the ultimate sovereign, the arbiters of peace and war (6.15): this is the official *populus Romanus* as abstract entity. The senate, too, must respect the people because of the *populus*’s sovereign lawmaking power (6.16). But when we hear of what the people owe to the senate and the consuls, the picture gets murkier:

Through the whole of Italy a vast number of contracts, which it would not be easy to enumerate, are given out by the censors for the construction and repair of public buildings, and besides this there are many things which are farmed, such as navigable rivers, harbours, gardens, mines, lands, in fact everything that forms part of the Roman dominion. Now all these matters are undertaken by the people, and one may almost say that everyone is interested in these contracts and the work they involved.

For certain people are the actual purchasers from the censors of the contracts, others are the partners of these first, others stand surety for them, others pledge their own fortunes to the state for this purpose. Now in all these matters the senate is supreme. It can grant extension of time; it can relieve the contractor if any accident occurs; and if the work proves to be absolutely impossible to carry out it can liberate him from his contract. There are in fact many ways in which the senate can either benefit or indicate those who manage public property, as all these matters are referred to it. What is even most important is that the judges in most civil trials, whether public or private, are appointed from its members, where the action involves large interests. So that all citizens being at the mercy of the senate, and looking forward with alarm to the uncertainty of litigation, are very shy of obstructing or resisting its decisions. Similarly everyone is reluctant to oppose the projects of the consuls as all are generally and individually under their authority when in the field.

Plb. 6.17, trans. Paton

To begin at the end of the passage: the people must respect the consuls' authority, because the consuls as generals have supreme power in the field. The people, here, are the army: no surprise, in Roman culture, where the word *populus* originally meant 'army'. Citizens and soldiers were one and the same.

But when we examine what the passage says about the relationship between people and senate, the groups involved are suddenly radically different. The people must defer to the senate because the senate controls the public contracts on which they bid and in which they invest; and because they staff the courts which made decisions involving 'large interests' – presumably disputes over these same contracts. The 'people' involved in these transactions are not the entire *populus Romanus*, nor are they the 'people' as opposed to the 'elite': rank-and-file soldiers, workmen, and the subsistence farmers who made up the majority of Rome's people did not hold financial interests in public contracting. In Tan's model, government contractors form part of the elite whose private enterprise siphoned money away from public

institutions. For Polybius, at least in this clause, these *are* the people, and the poor do not get a mention at all.<sup>48</sup>

Tan's model makes productive use of the ambiguities inherent in different conceptualizations of the people. Indeed, one of the major contributions he makes is the argument that in the late third century BCE the people with whom the elite interacted were primarily identified as those who paid tax (and thus had a say), while in the first century BCE they were primarily identified as those eligible to receive public benefits (and thus were figured as petitioners begging for benefactions to be determined by the elite). His emphasis on taxpayers as stakeholders also convincingly does away with the enduring idea that it was through military service that Roman citizens earned their right to be consulted on political issues: the numbers actually serving in any given campaign were small. But other potential definitions of 'the people' deserve exploration. The electorate was not exactly identical with the taxpayers, for example: some were too poor to pay the tax (a percentage of property) but still had votes. And both the tax base and the imagined electorate were far from identical with the *actual* electorate that showed up to vote on any given occasion, especially in the final years of the Republic.

The difference between people and The People has occupied political thinkers from Cicero to Rousseau to today. But in Rome, things were (at least from a certain point of view) remarkably simple. The People, the political institution with sovereign power (of a sort), was the *populus Romanus*. The definition of the *populus Romanus* is the focus of my current research. Unlike in most other cultures, the *populus* is a first-order concept. By that, I mean

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<sup>48</sup> In a sense this is hardly surprising: Polybius, a member of the Greek political and social elite who spent his time as a Roman hostage treated like an honoured guest in the house of one of Rome's richest families, probably rarely met or had cause to think of the economic or political interests of an actual ordinary person.

that the citizenry is not defined by reference to the state, or concepts of politics, or anything else; the *populus* is the category to which others refer. What is *publicus*, public, up to and including the *res publica*, is so because of its relationship to the *populus*. In the famous formulation Cicero gives to Scipio (*Rep.* 1.39), *res publica res populi*: the *res publica* is a thing belonging to a *populus*.<sup>49</sup>

As we might expect, the *populus* is a far more complex institution than just ‘the population’. As soon as Cicero’s Scipio says that the *res publica* is the *res populi*, he immediately starts shutting down the more radical implications of that phrase by narrowing down which groups of humans can or cannot be a *populus*. His is a philosophical definition, but there were plenty of more practical ones too: of course the *populus* only consisted of adult citizen males who are not disqualified in some way.<sup>50</sup> Though it could be called upon in the abstract, it only appeared in reality as a *populus* when it was drawn up by a magistrate;<sup>51</sup> when it expressed its sovereign will, it did so via internal voting divisions by property class.<sup>52</sup>

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<sup>49</sup> On the property metaphor, see esp. Arena, *Libertas* 2012 (n.7).

<sup>50</sup> The economic prosperity of this group rested on internal as well as internal violence: this was a slave society, and before the period that either Tan or I consider, Rome’s political economy had already undergone a dramatic transformation during an earlier stage of territorial expansion in central Italy itself. Slavery had always existed at Rome, but it is in the fourth and third centuries BCE that our sources speak of mass enslavement of defeated enemies, whose labour gradually replaced forced labour by Roman citizens through debt-bondage or *corvées*. For a recent discussion of this change, see Bernard, Seth. ‘Debt, Land, and Labor in the Early Republican Economy’. *Phoenix* 70 (2016), 317-38.

<sup>51</sup> On the constitution of the *populus* by the magistrate, see esp. Hölkeskamp, K-J. ‘Friends, Romans, Countrymen: Addressing the Roman People and the Rhetoric of Inclusion’. In *Community and Communication: Oratory and Politics in Republican Rome*, eds. Catherine Steel and Henriette van der Blom (Oxford: Oxford University Press, 2013), 11-28.

<sup>52</sup> The Romans believed these groups corresponded to army divisions; they also certainly related to wealth and thus to taxation, and in some voting assemblies the system of group voting allocated wealthier citizens to smaller groups, and thus gave them votes that were individually more powerful. We could see in these wealth classes a link between taxes and votes. But not all voting assemblies worked in this way: laws were mostly passed by assemblies divided by tribes, a category with origins in the voters’ place of residence. On voting groups, a key point of reference is still Taylor, Lily Ross. *Roman Voting Assemblies: From the Hannibalic War to the Dictatorship of Caesar* (Ann Arbor: University of Michigan Press, 1966).

But it was this group as a whole, the idealised *populus Romanus*, to which Roman political discourse allocated both sovereignty and indeed ownership, in the property metaphor *res publica res populi*. When Cicero talks to the people of foreign policy, he speaks of *their* revenues, *their* provinces.<sup>53</sup> We could choose to link this metaphor to imperial expansion: *res publica* most definitely does not mean ‘state’, but something more like ‘public affairs’, and it became easier to conceive of any individual or group ‘owning’ the *res publica* once affairs of public interest became tangible in the form of a territorial empire.<sup>54</sup> Land was the archetypal form of property; the new overseas territories were the property of the *populus Romanus*.<sup>55</sup> But the ownership metaphor was at least potentially present much earlier than Cicero: the phrase *res publica populi Romani* (‘the commonwealth of the Roman people’) may have appeared in a hymn written in 207 BCE by Livius Andronicus, the earliest Latin author whose name we know, and is also attested in texts both Varro and Livy report as authentic archaic ritual formulations.<sup>56</sup>

If we bear these traces of longstanding political discourse in mind, the calls of a Gracchus or a Clodius for the proceeds of empire to be shared more equally begin to look less like a populist demand for new entitlements and more like a persistence of older understandings that Roman citizens have a pre-existing claim, including an economic claim, to the *res publica*. It is a relationship which was expressed not in terms of notional taxpayer rights (including in the absence of tax) but in terms of ownership. Insofar as there was a concrete

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<sup>53</sup> E.g. *Leg. Man.* 5; also in a fragment of a speech of Gaius Gracchus preserved in Gell. *NA.* 11.10.

<sup>54</sup> On defining the phrase *res publica*, see the scholarship cited in n.44.

<sup>55</sup> The change relates in part to the changing meaning of the Latin word *imperium*, which would eventually come to denote (territorial) ‘empire’ but which was originally a more abstract term for ‘power’. Like *maiestas*, our Republican sources assign it to the people (*imperium populi Romani*), but the people’s empire could be understood as their literal property more easily than the people’s power could.

<sup>56</sup> Livius Andronicus: Festus 333. (Purportedly) archaic ritual texts: e.g. Varr. *LL.* 6.86; Liv. 22.10.

institution at the heart of the Roman project, it was the *populus Romanus*, and they owned all the land that Rome claimed and all the gold in the treasury.

The people's ownership of provincial revenues was not explicitly based on their contributions as taxpayers, or their position as citizens to whom the magistrates were required to provide grain and other *commoda* (the Latin for what an American politician would call 'entitlements'). Tan traces the progression from taxpayers to beneficiaries based on pragmatics: to what extent the elite consulted them, and on what issues. Perhaps political rhetoric is just that: rhetoric. And yet the insistence of Roman political culture to at least pay lip service to popular sovereignty had practical consequences too. In practice, the elite controlled the purse-strings; but sovereignty figured as ownership belonged to the people.

One of the diagnostic episodes Tan cites took place in 253 BCE.<sup>57</sup> In the midst of the first Punic War, the voting assemblies refused to countenance further public spending on fleets, which had not been particularly successful so far. Yet the fleet was eventually built, after the elite resorted to borrowing from their own private funds. Tan cogently argues that the people's control over spending in war was limited precisely to public money; the elite could and did continue to prosecute the war in the way they chose, so long as they could avoid calling on the treasury. For Tan, this was 'something akin to a tax revolt', though 'an oxymoronic tax revolt: a revolt by a sovereign'.<sup>58</sup> The people were protesting *qua* taxpayers, and got their way – a leverage that they lost after the end of *tributum*.<sup>59</sup> But we should not forget that there were also actual revolts.

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<sup>57</sup> Discussion and sources in Tan, *Power and Public Finance* 2017 (n.23), 109.

<sup>58</sup> Tan, *Power and Public Finance* 2017 (n.23), 114.

<sup>59</sup> Tellingly, we do not see revolts in this or later periods of the people *qua* army: Rome had a long and storied myth-historical tradition of plebeian secessions that were, essentially, army strikes, but by the middle Republic popular resistance at the levy seems to have been confined to individuals protesting arbitrary treatment (or, indeed, members of the elite protecting their friends). Tan is probably right to tie the lack of political pressure

In the period before the Punic Wars, these revolts have come down to us in myth-history as secessions. The Romans believed that the people's political rights had been won and defended during the fourth and third centuries BCE through a process we know as the 'struggle of the orders'. Protesting the political dominance of the hereditary aristocrats known as the patricians (not to be confused with the looser 'elite' of later centuries), the story goes, the plebeians, forming the vast majority of the Romans, withdrew from the community entirely, seceding to a nearby hill.<sup>60</sup> In what capacity did these citizens protest? There were also important economic dimensions: one of their demands was the abolition of *nexum* or debt-bondage, into which some Romans had fallen not because of the distress caused by *tributum* but by the exactions of their landlords. They were not protesting as economic stakeholders in Tan's sense, but as citizens who deserved the right of liberty, including both personal freedom and the right to political participation.<sup>61</sup> Their physical move to absent themselves, especially since the secessions always come at times when Rome is under external threat, suggests something more along the lines of an army strike than a tax revolt. But it is what they did when they got to their new location that is most interesting: they began to set up their own political institutions, institutions which would survive and become incorporated into the standard governmental apparatus of Rome. James Richardson, in a provocative reading, notes the frequency with which modern scholars refer to these new plebeian institutions as 'a state within a state'; why, he asks, should we not conceive of them

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via the army as a result of the reduced population serving at any one time. By the first century BCE, the army was well on the way to forming its own separate political constituency: Gabba, *Republican Rome: The Army and the Allies* (Berkeley: University of California Press, 1976).

<sup>60</sup> I have kept my narrative deliberately general, because of the difficulty of reconstructing and analyzing Rome's early quasi-mythical history; a good historical introduction can be found in Cornell, Tim. *The Beginnings of Rome: Italy and Rome from the Bronze Age to the Punic Wars (c. 1000-264 BC)* (London; Routledge, 1995), 242-71. For further socio-economic analysis, see Raaflaub, Kurt (ed.) *Social Struggles in Archaic Rome: New Perspectives on the Conflict of the Orders* (Malden, MA; Blackwell, 2<sup>nd</sup> edn, 2005).

<sup>61</sup> On *libertas*, see esp. Arena, *Libertas* 2012 (n.7).

as just a state, and indeed the first state?<sup>62</sup> Here is a third origin story for the state-like institutions of Republican Rome: it was the people's demand for political representation that prompted something analogous state formation. For my purposes, what matters is that the plebeians (not the entire *populus*, but once they had won their concessions the distinction ceased to matter) revolted not *qua* taxpayers and not only *qua* soldiers, but also *qua* citizens, and with an implicit demonstration that had a fundamental claim to control, and even to embody, the public institutions we see as state-like.

In the post-Gracchan period, we read more about urban riots which map well onto Tan's model of the people configured as recipients of public benefits.<sup>63</sup> But there were other signs of discontent, on a broader scale. Armed uprisings shook the countryside as well as the city. It is possible that the Gracchi themselves had a hand in provoking these conflicts, as their land redistributions disadvantaged some while benefitting others: the town of Fregellae revolted in 125 BCE, just as the impact of Tiberius' reforms would have been felt.<sup>64</sup> Some forty years after the first distributions, in 91 BCE, Rome's Italian allies revolted *en masse*. Until this point, full citizenship and political rights had been restricted to Romans, officially those with ancestral ties to the city of Rome itself, even though Rome's civic institutions and indeed the population of citizens had spread across most of the peninsula. After a brief war (in which Rome had the worst of it for the most part), all Italians were admitted to citizenship and became members of the sovereign people.<sup>65</sup> This massive expansion of the citizen body is less often cited in ancient and modern scholarship as a turning point than the Gracchan

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<sup>62</sup> Richardson, 'The People and the State' 2017 (n.29).

<sup>63</sup> Full discussion in Lintott, Andrew. *Violence in Republican Rome*. (Oxford: Oxford University Press, 2<sup>nd</sup> edn, 1999).

<sup>64</sup> Plut. *G. Gracch.* 3.

<sup>65</sup> For the context, see Lomas, Kathryn. 'Italy during the Roman Republic, 338-31 BC'. In *The Cambridge Companion to the Roman Republic*, ed. Harriet Flower (Cambridge: Cambridge University Press, 2004), 199-224.

moment, but surely must have had far wider implications.<sup>66</sup> The new citizens had different interests from the old, whom they far outnumbered; but they were less able to exercise their new rights to participate.

The expansion of the *populus* had wide-reaching effects, but in some ways it merely heightened an existing tension at the heart of Roman political culture. It had been a long time since Rome's popular assemblies had truly represented full participatory democracy (if they ever had), since citizens living far afield or working to survive could not have attended to vote in person. Now, with the expansion of the franchise the gap between actual voters and the notional electorate became a gulf.

Even after the expansion of the franchise, armed uprisings continued. In a period of twenty years, renegade generals including Lepidus, Sertorius, and even Spartacus – not to mention the civil war between Marians and Sullans – gathered large bands of citizen supporters who were willing to fight both for their economic interests (up to and including survival) and their political rights, which the dictatorship of Sulla in the late 80s BCE had decisively (if temporarily) curtailed.<sup>67</sup> Valentina Arena has explored how one strand of Roman political rhetoric of the period defined these two demands as one and the same: in order to be truly free, the people needed both the economic means to survive, and the political power to manage their communal property, that is, the *res publica*.<sup>68</sup> In practice, however, while all wished to be counted as members of the *populus* and share in Rome's new prosperity, few

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<sup>66</sup> Important treatments include Nicolet, Claude. *The World of the Citizen in Republican Rome* (Berkeley: University of California Press, 1980), 17-47; Gabba, Emilio. *Republican Rome*, 1976 (n.59), 70-130.

<sup>67</sup> Provocative analysis in Rosenblitt, Alison. 'The Turning Tide: The Politics of the Year 79 BCE'. *Transactions of the American Philological Association* 144 (2014), 415-44.

<sup>68</sup> Arena, *Libertas* (n.7).

would have imagined turning up day after day to exercise their notional sovereignty by casting ballots.

## 6. The changing *populus*

The complex ideological relationship between the people and the *populus* ('the People' as an institution) had economic as well as political elements. All revenues belonged to the People, and the People could notionally at any time (and occasionally did) overrule the senate on any fiscal issue. Yet as Tan has shown, both the People and ordinary people increasingly lost their status as economic and political stakeholders even as their empire grew. I have tried to locate economic sovereignty away from Tan's pragmatic model, but the political rhetoric and ideological manoeuvring I analyse had material effects that can be reconciled with the narrative he proposes.

The ideal form of the *populus Romanus*, all adult male citizens drawn up in their divisions, could never convene in reality. In historical times, it was not coextensive with the army – especially as Italian allied troops did more and more of the fighting. Nor was it identical in anything but a rhetorical sense to the individuals who actually turned up to vote. The closest we might come to an actual instance of the *populus*, the institution in which the largest number of eligible citizens actually participated, may well indeed have been the pre-168 *tributum*. After 91, the citizen body was multiplied many times over, now including many who had never paid *tributum*. Very few of them claimed their citizen rights to the grain dole, which was only distributed in person at Rome; if there was a single civic institution in which they all participated as citizens, it was the census, which recognised their economic status even though it was no longer the basis for reckoning tax contributions.

Tan's third- and second-century 'people' is defined as taxpayers; his first-century 'people' are recipients. Behind both looms the sovereign *populus*, who might be sovereign in the minimal sense that they are the ultimate referee between competing politicians, but are at least conceptualized as economically sovereign in the sense of the literal owners of Rome and everything in it. Between Tan's first and second period, the end of *tributum* was not the only relevant change. I noted in the first section that the Gracchi and other tribunes began to insist on popular sovereignty over a broader spectrum of decision-making; beyond that, the citizenry had massively increased. Both changes affected the relationship between the *populus* and the economy, though in different ways: new debates around popular sovereignty reinforced the identity of *populus* and state, and the notional right of the people to manage their own property. At the same time, however, the expansion of citizenship turned the *populus* into an impossible abstraction.

Over the course of the two and a half centuries this article has covered, the fiction by which the sovereignty of the *populus* was equated with the votes of a small number of real people at Rome became harder and harder to sustain. The citizenry was large, geographically scattered, and economically diverse: indeed, as Polybius shows, a subset of them were doing very well in the new economic landscape of imperialism. It does not necessarily follow that the *populus* was less cohesive: this is not a story about how Republican government only works for small, homogeneous populations. Rather, the fundamental relationship between the concrete citizenry and the abstract *populus* had shifted. For elites seeking to maximise the political and economic benefits of empire in their own interest, it became easier to separate the abstract *populus* from the ordinary voters standing in front of them, and to hail the ideal of popular sovereignty while in fact marginalizing the vast majority of real Romans.

In the first section of this article, I identified a disconnect between political and economic readings of the late Republic. In political discourse, popular sovereignty is key; newer economic history, however, positions the people as both practically and theoretically marginalized. I have resisted any solution which separates ‘discourse’ and ‘reality’: claims of popular sovereignty, even if those speaking them meant them only as lip service, had material and economic effects. The urban and rural revolts that blighted the late Republic showed that ordinary Romans believed in and were willing to fight for their place in the political and economic system. Similarly, we cannot simply say that the two models are invoking two different ‘peoples’, assigning the abstract *populus* to the world of politics and the actual population to economic reality: my task is to investigate economic aspects of sovereignty, and both are relevant. Rather, I conclude that we cannot fully reconcile the two models precisely because Rome did face a crisis of economic sovereignty. The paradox is not of our making, but reflects an ancient disconnect. My contribution is to locate the problem not, or not only, in changing relationships between the people and the elite, or between people, elite, and state institutions, but in the changing nature of the *populus* itself. Imperial expansion brought new administrative challenges and new sources of wealth, and Rome’s political and economic system was gradually adapting to both without challenging the technical sovereignty of the *populus*. But the population had also expanded, and fewer and fewer citizens participated directly in the institutions which embodied the *populus*. Different Romans had their own relationship to expansion and its revenues: some were contractors, some were soldiers, some lost everything. Appealing to the *populus* as sovereign, as literal owner of Rome’s empire, no longer satisfactorily expressed the relationship Rome’s population as a whole had with the economics of imperialism – not as a direct result of economic or political change, but because the *populus* itself had changed.

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