

## Censorship and Authority in Ancient Rome

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**How can political life be rendered moral? By reconsidering the supervision of mores (“*regimen morum*”) in Ancient Rome, Clément Bur demonstrates that virtue was long considered a necessary condition for preserving the authority of rulers over citizens.**

For as the resources of the Roman people have risen to so high a level through the high qualities of its generals, so uprightness and self-restraint flourish when scrutinized by the Censor’s frown, an achievement equal in effect to the glories of war.

Valerius Maximus, *Memorable Doings and Sayings*, 2, 9, 1, Loeb Classics

For decades, political scandals have provoked outrage—to such a point that our political system is now experiencing a crisis of trust that is evident, for instance, in rising abstention rates during elections. The intense polemic over France’s proposal to deprive convicted terrorists of their nationality has revived the old debate on the relationship between citizenship and dignity in Western democracies, the history of which has recently been told by Anne Simonin.<sup>1</sup> The legal system, which has been assigned the responsibility for determining exclusions from civic rights since 1789, has struggled to inject higher moral standards into public affairs, on the one hand, and into citizenship, on the other. Others fantasize about new ways of regulating political life, in the hope that this might bring back leaders and citizens comparable to Cato or Robespierre, virtuous ancestors from a largely idealized past.

This problem is not a new one. What today seems like wishful thinking was, in ancient Rome, a reality. In the aristocratic Roman republic, the question of *auctoritas* (i.e., authority mixed with prestige and influence) was deemed central, notably when citizens aspired to higher rank and thus to prominent roles. Two magistrates, the censors, were responsible for examining such cases. To this end, they often had to examine the most intimate details of a citizen’s life. This supervision of mores, known as *regimen morum*, was a Roman peculiarity: it is often admired and occasionally discussed but, to our knowledge, has never been imitated.

The *regimen morum* did not simply produce a series of examples of the austerity and rigor of the old Romans, feeding the fantasy of Rome as the republic of virtue. Each time, men were brought down. Censors sought to make the city stronger by establishing a civic hierarchy founded on wealth and dignity. Thus their intention was to support the *boni*, i.e., the good

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<sup>1</sup> Anne Simonin, *Le Déshonneur dans la République. Une histoire de l’indignité, 1791-1958*, Paris, 2008. See the review of this work in *La Vie des Idées*: Bruno Bernardi, “La République: une idée morale?,” *La Vie des idées*, March 4, 2009: <http://www.laviedesidees.fr/La-Republique-et-ses-hommes.html>.

citizens, in decision-making processes and to limit the involvement of those who were untrustworthy or too selfish. This was all the more necessary because membership in the Roman aristocracy was not set in stone. It was a political rather than a blood nobility, which regularly incorporated new men, such as Marius and Cicero.

This nobility thus had to justify its status and its functioning, notably in relation to older family lines that could have demanded a greater share of power. An examination of the *regimen morum*'s procedures, as well as the reasons and nature of degradation from civic hierarchy, shows that social control was essential to the stability of the Roman society of orders, as it legitimated the aristocracy and helped to reproduce it socially through the public staging of dishonor.

### **Rome: A Hierarchical Society Ranked by Censors**

The *regimen morum* was central to the way Roman institutions functioned. At the end of the fourth century BCE, the Romans established a civic hierarchy based both on wealth and moral standing, presided over by two privileged groups: first, the senators (who were initially 300 in number, before becoming 600 in 81-80 BCE), who offered authoritative advice to the magistrates and were, in this capacity, Rome's true rulers; and, second, the knights (of whom there were some 1,800), which included the wealthiest citizens, whose political importance, particularly during elections, was decisive. The classification of citizens was reviewed every five years by both censors—magistrates who were elected to organize the census, as well as the awarding of public contracts. When it came to conferring ranks within the city, their discretion knew no limits other than the principle of collegiality, intended to ensure the impartiality of any decision by requiring both magistrates to consent to any changes. This liberty and respect for their decisions arose from their *auctoritas*, which they had earned over the course of lives spent in the republic's service (since the late fourth century BCE, all censors were former consuls). Every citizen belonged to two electoral units: the tribe, which depended on where one lived, and the centuria, which was based on wealth. However, in both instances, honor was also considered. Thus the four urban tribes were reserved to freedmen, citizens of modest means, and those who practiced shameful professions (such as actors), while the thirty-one rural tribes consisted of landowners.

### **The *Regimen Morum*: A Republican Spectacle**

Since classification was determined by subjective criteria, the censors sometimes degraded citizens who had proved unworthy of their status or denied a claimant entry into a privileged order despite the fact that they met the required financial, birth, or career qualifications. For young noblemen, crushed by the burden of family expectations, such a slight was a deep humiliation and a catastrophe that threatened the power and prestige of their lineages.

Indeed, if all (male) citizens were under the purview of the *regimen morum*, they were not each inspected individually by the censors. This would have been physically impossible, given the community's size (some 250,000 citizens at the beginning of the third century BCE). The only ones who were required to be reviewed by the censors were those who needed the productive power of the censors to be assigned a rank (i.e., new citizens) or to have their privileged status confirmed (aristocrats). The others simply had to make a statement made under oath before administrative officials to have their status reconfirmed.

Thus knights, who comprised the city's second order, marched before the censors at the forum. This was a legacy of older military reviews, the members of the equestrian order having originally been rich citizens who earned the honor of being given a horse, at the city's expense,

which ensured that they would serve in the cavalry. In addition to the physical inspection of the knight and his mount, the campaigns in which they had been involved needed to be verified and, at times, an inquiry into their morals was required. The review of the equestrian order were given temporal precedence, as knights were examined before other citizens.

Yet this republican spectacle was nonetheless ambivalent: it was honorific for those whose consciences were clear, and even prestigious for those whose conduct had been exemplary, but it could be dishonorable for those who met with the censors' reproach:

I cannot help referring to the example of the great and illustrious Publius Africanus [or Scipio Africanus], who [during his censorship, in 142 BCE], when Gaius Licinius Sacerdos came forward at the review of the knights in his censorship, said, in a tone loud enough to let the whole assembly hear, that he knew for a fact that Lentulus had solemnly and deliberately perjured himself, and that if any one cared to come forward and accuse him he was free to make use of his evidence ; and then, when no one did so, bade him pass on with his horse. The magistrate whose decisions were habitually accepted as sufficient both by his own countrymen and by foreign nations, did not consider his own private knowledge a sufficient ground for inflicting ignominy on a fellow-citizen. [Cicero, *In Defense of Cluentius*, W. Peterson, trans.].

Contrary to the conclusions that some have drawn from this text, the examination of mores did not always have a judicial character. If Scipio Africanus sought in this case an accuser and a witness, it was in order to show his moderation, which is why the anecdote was preserved as an *exemplum*. Magisterial discretion gave censors the right to choose whether to allow defense speeches, testimonials, or accusations. Because they were in an inferior position vis-à-vis the censors, few knights opted to defend themselves, fearing that this would enhance the disgrace and attract attention. At the conclusion of the interview, the censors would declare whether the knight would hold his rank or be degraded.

Similarly, ordinary citizens were summoned by the censors when the latter deemed it necessary. Their attention was drawn by scandals, statements taken by their assistants, the consultation of judicial archives, and even denunciation (a procedure that recalls that of public accusations, of which Romans were so fond in trials involving the community's interests). These swift investigations could result in the accused being relegated to a centuria of the lowest tax class and one of the four urban tribes, which were more numerous and less honorable. The goal in this instance was twofold: to humiliate unworthy citizens—an action that was particularly significant in a society so preoccupied with honor—and to limit their participation in civic life, while continuing to tax them at the same rate.

Senators, however, were neither subject to individual investigations nor summoned for public interrogation. Everything suggests that, for these Romans, the procedure was expeditious, administrative in nature, and closed to the public. Once both censors had drawn up the list, it was read at the forum, then posted along with the old list, consisting of crossed-out names and laconic explanations for their exclusion. This lack of debate was noticeably different from the investigations of knights and ordinary citizens. It was intended to protect the Senate's majesty, for to discuss a senator's dignity was to diminish it. Each member of this august assembly was presumed to be above suspicion.

### **The *Regimen Morum*: A Vice Squad?**

As its name suggests, the *regimen morum* was concerned with *mores*. Contrary to what is occasionally claimed, censors did not complete the work of the courts by punishing with

degradation or censure violations of moral norms, an exhaustive list of which was presented in an edict that was read and posted when they assumed office. The *regimen morum* was not a vice squad, rooted in the father's longstanding control over his clan, which tracked down bad people in order to deprive them of their civic rights. Unlike Athenian *isonomia*, Roman citizenship did not operate on a binary (inclusion/exclusion) basis, but a gradual one. Censors did not exclude, they classified. To this end, they inspected conduct in order to be able to make pronouncements about a citizen's dignity and the rank he merited. Did he conduct himself consistently with the community's expectations, which varied by rank? *Mores* were principles of conduct shared by all, thus shaping the image of the ideal Roman. In this way, aristocrats, who largely defined this model and sought to embody it, legitimated their domination by adhering to it. Censors thus wielded symbolic violence (as well as real violence, in the case of degradation) over the community, turning *mores* into an arbitrary cultural standard justifying the superiority of members of the privileged orders. It is true that one could rise in the civic hierarchy, but only to a certain level. Everything depended on one's starting point.

While every aspect of a citizen's life fell under the purview of the *regimen*, censors did not show the same rigor or meticulousness in all cases. Rulers were always in the limelight, and Roman aristocrats were, in a way, celebrities. Yet their personal life was not only a topic of conversation among their peers (one thinks, for instance, of the mocking verses of satirical poets) and ordinary citizens (during triumph it was customary for soldiers to make fun of their generals; Caesar was the target of jibes due to his relationship with the king of Bithynia and his numerous extramarital affairs). The censors shared these interests, as Dionysus of Halicarnassus informed his Greek readers, who were astonished at the oddity of this office:

But the Romans, throwing open every house and extending the authority of the censors even to the bed-chamber, made that office the overseer and guardian of everything that took place in the homes; for they believed that neither a master should be cruel in the punishments meted out to his slaves, nor a father unduly harsh or lenient in the training of his children, nor a husband unjust in his partnership with his lawfully-wedded wife, nor children disobedient toward their aged parents, nor should own brothers strive for more than their equal share, and they thought there should be no banquets and revels lasting all night long, no wantonness and corrupting of youthful comrades, no neglect of the ancestral honours of sacrifices and funerals, nor any other of the things that are done contrary to propriety and the advantage of the state.

(Dionysus of Halicarnassus, *Roman Antiquities*, Book XX.15, Loeb Classical Library).

This curiosity was premised on a basic principle: private life was conceived as a good indicator of one's capacity to manage public affairs. A good ruler was in many respects comparable to a good father, as one is reminded by the fact that the title "father of the fatherland" was awarded to whoever saved the city in times of great danger, as Cicero had in thwarting the Cataline conspiracy. It was thus demanded of leaders that they be irreproachable in every aspect of their lives. The higher one's place in the civic hierarchy, the more rigorous the investigation had to be. One understands therefore why senators were expelled from the Senate for harboring a taste for luxury, having failed to seek their families' advice before a divorce, killing a man to please a favorite, or even kissing their wives in public. Ordinary citizens, however, were troubled by censors only for reasons of public morality, such as showing disrespect towards a magistrate or failing to complete one's military service. Knights were situated between the two: their private life was becoming a matter of interest, as they belonged to an envied (and closely watched) elite.

In their determination of reprehensible conduct, censors were respectful, needless to say, of tradition. Yet their arbitrary power allowed them to innovate, to respond to the demands of situations (investigations relating to military issues thus increased during the challenging wars against Carthage and the crises relating to the recruitment of legions) and other social developments (such as the influx of wealth and the diffusion of Greek practices following the eastern conquests of the second century).

They acted in a way that is consistent with what Howard S. Becker in *Outsiders* called “moral entrepreneurs.”<sup>2</sup> Yet it is remarkable that this task was never formally regulated. It is true that penal laws prescribed, among other penalties, exclusion from the Senate for those found guilty of misappropriation, embezzlement, and illegal canvassing. But this is as far as the law went, unlike in provincial towns, where municipal laws included lists of individuals who had been excluded from local senates. We have an idea of such practices from a bronze table found in 1732 in Heraclea, a small town on the Gulf of Taranto. A positive definition of the conditions of access to the privileged orders, with the exception of tax requirements, would have undermined the quest for virtue. It would have been enough not to uphold the minimum requirement. The *regimen morum*, a threat hovering over every head, especially the aristocrats’, was an incentive to not let oneself go and to strive for excellence—or at least to appear to. It also encouraged conservatism, which favored the old family lines, as no one could predict how the censors would react to new behavior.

### **Aristocratic Legitimacy through Rigorous Examination**

It would, however, be mistaken to conclude that aristocrats who had risen up from the nobility or who had attained a high rank in society were immune from censure. The former consuls P. Cornelius Rufinus, L. Quinctius Flaminius, C. Licinius Geta, and P. Cornelius Lentulus Sura were excluded from the Senate respectively in 275, 184, 115, and 70 BCE, while L. Cornelius Scipio Asiaticus, despite having defeated Antiochus III and being the brother of Scipio Africanus, lost his status as knight in 184 BCE. Four praetors also lost their senatorial rank. The overrepresentation of nobles, who made up half the known cases of censorial degradation, cannot be explained solely by the bias of sources, which were particularly concerned with prominent family lines and major scandals. It is also evidence that more was expected of them. Their elevated position implied an obligation of exemplarity according to the principle of geometric equality or, rather, inequality that prevailed in the Roman system (duties, on the one hand, and responsibilities and rights, on the other, being proportional to one another).

A study by A. E. Austin shows that at every censure between 312 and 70 BCE, an average of 2-3% of all senators lost their rank.<sup>3</sup> Exclusions were both regular and small in number, suggesting that the practice arose from a need. The censors legitimated the Senate and the equestrian order by periodically purging those deemed unworthy of them. In this way, they confirmed the excellence of those who passed through the filter. The *regimen morum* converted the distinctive traits of the aristocracy (firmness, self-mastery, and so on) into legitimate titles of domination. Consistent with Pierre Bourdieu’s definition of charisma, the Roman ruling class, thanks to the institution of the censorship, imposed its own idea of what it was.<sup>4</sup> It became, for the community, what it was in its own mind by excluding those who did not live up to its self-representation. As a result, citizens consented to the domination of the aristocracy, which presented itself as possessing true virtue. If, however, too many senators or knights had been

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<sup>2</sup> Howard S. Becker, *Outsiders: Studies in the Sociology of Deviance*, New York, The Free Press, 1963, pp. 147–153.

<sup>3</sup> A. E. Austin, “*Regimen Morum*,” *Journal of Roman Studies* 78 (1988): 32.

<sup>4</sup> Pierre Bourdieu, *La Distinction*, Paris, Les Éditions de Minuit, 1979, p. 230.

excluded, the dishonor would have redounded to the group as a whole. The censors, in this way, had a careful balancing act to play.

The dignity of senators and, to a lesser extent, of knights, was in fact an essential element of the Roman political system. The Senate imposed its will on the people and magistrates through its *auctoritas*. The latter, however, was highly dependent on the quality of the individuals who claimed to embody it. Thus aristocrats needed the *regimen morum* to prove to the people that they were morally superior and that, consequently, it was they who should manage public affairs. The censors' supervision inspired the people's trust in their rulers, which was crucial to the republican consensus, the importance of which has been emphasized in recent years by German historiography.<sup>5</sup> They sought to form not an oligarchy, which would have triggered opposition, but an aristocracy in the etymological sense of the term ("*aristoi*" meaning "the best"). This conception gave birth to what Nathan Rosenstein calls the "myth of universal aristocratic competence," in order to explain why, each year, experienced commanders were replaced by beginners.<sup>6</sup> The Senate's authority was greater than the sum of each individual's authority and guaranteed its domination over Roman political life.

### **A Republican Practice?**

Such power was not without dangers. The censorship was not immune from the upheaval of the late Republic. It is presumably not a coincidence that the two greatest purges of the Senate occurred after violent conflicts: 32 senators were excluded during the censure of 115, which followed the bloody end of the revolutionary tribunate of Gaius Gracchus in 121, and 64 senators were forced out, in turn, by the censors in 70, the first since the civil war and Sulla's dictatorship ten years earlier. In 102, the censor Metellus Numidicus, the leader of the conservatives, attempted to expel his opponents, Saturninus and Glaucia, but was prevented from doing so by a colleague (and cousin!), who refused to initiate a power struggle with the leaders of the opposed faction (the *populares*), who, at the time, were powerful and capable of significant agitation. As can be seen, censure risked being instrumentalized at a time when the competition for honors within the aristocracy was degenerating. To this must be added a number of technical difficulties: the empire's residents were gradually acquiring citizenship, such as the Italians after 89 BCE, which vastly expanded the number of citizens.

Confronted with these difficulties, censure was increasingly challenged in the late Republic. Some called for its return, in order to bring order back to public affairs after a long interruption, while others rejected a magistracy that was perceived as the conservatives' weapon. Thus Clodius, the leader of the *populares*, had a law passed that regulated the censors' discretionary authority: henceforth, exclusions could only be pronounced at the outcome of a quasi-judicial procedure. The authority of the censors was no longer considered as a sufficient guarantee at a time when the struggle for personal power had thrown the city into chaos.

### **From the Republic to the Principate**

Beginning at the end of the second century BCE, the fragile equilibrium of the Roman ruling class was upset by numerous conquests, which brought wealth and glory to a handful of generals. Despite the

<sup>5</sup> See, among others, Egon Flaig, *Ritualisierte Politik. Zeichen, Gesten und Herrschaft im Alten Rom*, Göttingen, 2003 and Karl-Joachim Hölkeskamp's synthesis, *Reconstruire une République: la 'culture politique' de la Rome antique et la recherche des dernières décennies*, Nantes, 2008 (Munich, 2004).

<sup>6</sup> Nathan Rosenstein, *Imperatores Victi: Military Defeat and Aristocratic Competition in the Middle and Late Republic*, Berkeley, Los Angeles, Oxford, University of California Press, 1990, p. 172.

Roman's deep-rooted hatred of monarchy, these *imperatores* (Marius, Sulla, Pompey, Caesar, Anthony and, finally, Octavian Augustus), reducing all the other aristocrats to the role of clients and transgressing, one after the other, the rules of republican competition, established personal forms of power. This led to a succession of civil wars that ended with Octavian's victory over Anthony and Cleopatra at Actium in 31. Four years later, in 27 BCE, Octavian received the name Augustus and presented himself as "prince" (*princeps*, i.e., the first citizen of the city). If he skillfully preserved a republican façade in order not to be assassinated, like his adoptive father, Caesar, who had been accused of aspired to royalty, Augustus became, in fact, Rome's first emperor.

How did things work under the Principate? The Prince still needed senators and knights to keep the bureaucracy working and create an illusion of republicanism. But could he preserve the *regimen morum*, which would have created considered frustration, and would have elicited the charge of tyranny, had it been instrumentalized? Could he confine it to others without risking the emergence of rivals? Faced with this predicament, Augustus and his successors increasingly transferred the *regimen morum* to offices charged with verifying its objective conditions, notably the fiscal ones, and to tribunals that announced exclusions from the Senate when condemnations were pronounced. These less arbitrary procedures were more acceptable. The preservation of the *regimen morum* under the Empire, albeit in an attenuated and more judicial form, proves that it was perceived as a legitimating filter and a necessary form of social control. In 47-48 CE, Claudius attempted to bring back the old magistracy in order to assert his authority, while the Flavian dynasty (69-96 CE) used it to bolster their power after the brief civil war that followed Nero's death in 68 CE. Censure, which was incompatible with the new power, was thus gradually emptied of its substance and disappeared, paradoxically, when Domitian declared himself perpetual censor in 84 CE. In doing so, he absorbed the censorial powers into those of the Prince, who became a sort of unchallenged monarch, as the erstwhile magistracy's powers lost all specificity.

The *regimen morum* had been created to discipline an aristocracy that was recruited on a narrow basis with acceptable gaps within it and to regulate a relatively stable system of political competition. With the emergence of the *imperatores* (Marius, Sulla, Pompey, Caesar) at the end of the second century BCE, the civil wars, and exceptional measures they required, such arbitrary power became dangerous and it is symptomatic that it was assumed less frequently during this period. Similarly, when the reality of monarchical power began to assert itself openly, after a century of implicit rule, this magistracy, created to legitimate a group rather than individuals, had become obsolete.

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The *regimen morum* served to legitimate a civic hierarchy and, more generally, Rome's society of orders. The supervision of mores created a particular dynamic, the quest for virtue, legitimated heirs and outsiders, and fostered an illusion of meritocracy. Thus the political order, without hypocrisy, but rather brutally, reflected the social order, give or take a few exceptions that were justified by the *regimen morum*. The unworthy allowed the community to rally behind reasserted values, through a catharsis that strengthened the group and its pyramid-like structure. This supervision, and the degradations that soon resulted, reminded rulers that they were not untouchable, much to the satisfaction of the governed. In this way, it promoted consensus.

The *regimen morum* had, however, been created for a modestly sized city, in which personal connections were key and in which the people knew every aspect of the lives of their rulers. The expansion of the empire and of citizenship quickly revealed the limits of a magistracy that was best suited to aristocratic city-states. Displaying suspicion towards the

people as well as to personal power, it was of little use in monarchical regimes that depended on a blood nobility or in the democracies that later flourished in the West. In the modern period and especially during the French Revolution, the authors of various constitutions have, influenced by the legacy of antiquity, attempted to return to the model of individual virtues, but they never appealed to the *regimen morum*. Due to its effects, such supervision seems incompatible with the creation of a state based on mass citizenship and equal rights and, due to its arbitrary character, with the rule of popularly elected representatives.

Published in Books&Ideas, May 12<sup>th</sup>, 2016. ©[booksandideas.net](http://booksandideas.net)

First published in [laviedesidees.fr](http://laviedesidees.fr). Translated from the French by Michael Behrent, with the Support of the Florence Gould Foundation.