

δέ, καὶ ἀργυρίδες φιάλαι, καὶ σκεῦος ἀργυροῦν. Finally, another version is told by ps.-Plutarch:²⁹ Πῶλου δέ ποτε τοῦ ὑποκριτοῦ πρὸς αὐτὸν [Demosthenes] εἰπόντος, ὅτι δυσὶν ἡμέραις ἀγωνισάμενος τάλαντον λάβοι μισθόν, “ἐγὼ δ’,” εἶπε, “πέντε τάλαντα, μίαν ἡμέραν σιωπήσας.”

These drastically differing accounts dealing with the same theme lead to two conclusions: either Demosthenes was bribed on several occasions to lose his voice; or there has been manipulation of certain material to portray him in an unfavorable light. The former conclusion is implausible, since we would expect reference in the other authors to the other occasions; the second is the most likely. Perhaps the tradition of Demosthenes’ speech deficiencies forms the core of an anecdote concerning a sudden loss of voice by that orator, which was variously embellished by these later authors for literary effect. Plutarch doubtless styled the anecdote to fit his framework of the Harpalus affair and further incriminate Demosthenes; but, as we have seen, there is no truth to his anecdote. The other authors probably drew on Plutarch’s narrative (Aulus Gellius’ description of Demosthenes’ bandaging his neck and the people’s reaction recalls almost word for word that of Plutarch)³⁰ but used the theme to fit their own contexts. All are probably unreliable.

Thus Plutarch’s anecdote of the golden cup is inconsistent with the contemporary evidence, muddled, and has features of the sort that can often be found in his own handling of material for literary effect. It should therefore be regarded as unreliable: I submit that it was probably a later invention produced to help prove Demosthenes’ guilt in the Harpalus affair.

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29. *X Orat.* 848B.

30. Aulus Gellius *NA* 11. 9; cf. Plut. *Dem.* 25. 4–5.

CICERO AND THE CENSORSHIP

The censors of the middle and late Roman Republic were responsible for a variety of tasks—notably, registration of citizens and assessment of their wealth; review and enrolment of the membership of the Senate (*lectio senatus*), and of the equestrian order (*recognitio equitum*); a general oversight of the *mores* of Roman citizens; a responsibility for public places and public buildings; the initiation of public works; the placing of numerous and multifarious contracts; and the performance of the final ritual, the *lustratio*, “completing the *lustrum*.”¹ Although in formal terms these duties remained largely unaltered, it does not follow that there was no change in role. Where there is a complex of powers and duties time will bring modifications in their practical significance, in their relative

1. Th. Mommsen, *Römisches Staatsrecht*, vol. 2³ (Leipzig, 1887–88), pp. 358–459; J. Suolahti, *The Roman Censors* (Helsinki, 1963), pp. 25–66; W. Kubitschek, s.v. “Censores” (1), *RE* 6 (1899): 1902–5; C. Nicolet, *The World of the Citizen in Republican Rome* (London, 1980), pp. 49–88.

importance, and in how they are perceived in the community. Consequently, in the efforts to understand the role of particular institutions at particular stages in their history there is a special welcome for those instances—all too rarely available to the historian of Republican Rome—in which it is possible to discern something of the judgments and attitudes of a contemporary observer or participant. Into this category come the many references to the censorship in the writings of Cicero, in that collectively they do reveal something of his perception of the office as a contemporary institution.

Furthermore, the age of Cicero has its own particular interest in the history of the censorship. It saw, not quite the end, but the final phase in which the office functioned without the superimposition of imperial power; and there is a widely held belief that already, even before Augustus, it was a dying institution—that some of its functions were obsolete, that those which were not could be carried out through other agencies, and frequently were.² This is a large topic, requiring separate treatment, but it is clearly a relevant preliminary step to investigate, as far as may be possible, how Cicero, who was an intelligent and active participant in public life, saw the censorship of his own time.

Cicero's references to the censorship are numerous and varied. Some are so incidental in character and so neutral in manner that they betray nothing of Cicero's own thoughts and attitudes toward it.³ Others are in tendentious contexts where allowance may have to be made for the special pleading of the moment, notably the sustained attempt in the *Pro Cluentio* to minimize the significance of certain censorial decisions, and the reiterated criticism of a law relating to the censorship introduced by Clodius in 58 B.C.⁴ Others range from incidental passing mention to direct comment on contemporary censors or censorships, revealing both empirical material and indications of Cicero's own attitudes and judgments. Similarly, anecdotes about censorships of the past yield clues about Cicero's own perception of the office through the use he made of the material or the language he employed.

Last but not least, there are several references to the censorship in the *De legibus*, in particular one substantial passage which contains, in the form of a model law, a summary of the powers and duties which Cicero envisaged for the censorship.⁵ In his discussion of constitutional law he put forward a set of model laws which are very largely a skilful summary of the actual Roman constitution with very few innovations—as he himself commented.⁶ The passage in question is his model law for the censorship, for which he visualized an important role in maintaining stability in the state. It is clear that the model is related closely to the actual censorship as Cicero knew it, but also that there is at least one provision (concerning the length of tenure and the continuity of office) which differs from actual practice.⁷ Thus the model appears to have sprung very much

2. Mommsen, *Staatsrecht*, 2¹: 336–39; Suolahti, *Censors*, pp. 24–25; Kubitschek, "Censores," col. 1903.

3. E.g., *Fam.* 188(9. 12). 2.

4. *Clu.* 117–35; *Sest.* 55; *Dom.* 134, 137; *Har. resp.* 58; *Prov. cons.* 46; *Pis.* 9–10.

5. *Leg.* 3. 7; also 3. 11, 27, 28, 46–47.

6. *Leg.* 3. 12.

7. The injunction *caelibes esse prohibento* is to be linked with traditions that censors had acted in this area, though how recently and how formally is open to discussion: P. A. Brunt, *Italian Manpower*

from his concept and valuation of the existing institution and its role, but also to have adumbrated some modification of that role. It will be convenient to quote this passage and then refer back to it later (*Leg.* 3. 7):

Censoris populi aevitates suboles familias pecuniasque censento, urbis templa vias aquas aerarium vectigalia tuento populiue partis in tribus describunto, exin pecunias aevitates ordines partiunto, equitum peditumque prolem describunto, caelibes esse prohibento, mores populi regunto, probrum in senatu ne relinquo. Bini sunt, magistratum quinquennium habento; reliqui magistratus annui sunt; eaque potestas semper esto.

When Cicero's many references to censors or the censorship are reviewed, it is immediately apparent that none contains even a hint, let alone an explicit statement, that the censorship was in decline, that it was any less important or less distinguished than it had been in previous generations. Unfortunately, negative arguments are rarely decisive; but if the obvious implication of this one is correct—that Cicero neither believed nor was aware of a belief that the censorship was a declining institution—it indicates what he probably took for granted, which is of some significance in relation to conventional historical assessments of what was happening.

To pass to a positive observation, Cicero clearly regarded the censorship with great respect, as an office of eminence and public importance, an office for which indeed he at one time considered offering himself as a candidate.⁸ It is an attitude displayed in a substantial number of passages, most obviously in several in which he included tenure of the censorship among the marks of distinction of individuals whose eminence and prestige he was emphasizing.⁹ In the *De officiis* he adduced the active concern of the censors as evidence of the great gravity with which earlier ages had viewed the violation of oaths.¹⁰ He commented to Appius Claudius, when Appius was seeking the censorship, that the office demanded very great resolution and very sound judgment.¹¹ In his recurring criticisms of Clodius, the latter's law, which had imposed certain restrictions upon censorial procedure, was repeatedly represented as an outrageous attack upon a most venerable institution (*sanctissimum magistratum*) which was a bulwark of the state.¹² And if it be objected that these passages are emotive and tendentious, the fact is that the tendentiousness is to be found in Cicero's exaggeration of the effects of Clodius' law (which probably provided for a judicial review of censors' intentions to pass over existing members when drawing up a new roll of the Senate); and Cicero manifestly expected public respect for the censorship, and resentment at Clodius' alleged injury to it, to assist him in rousing the hostility of his audiences toward Clodius. Finally the full, even extended powers and the major role envisaged for the censorship by Cicero in

225 B.C.—A.D. 14 (Oxford, 1971), p. 559. Cicero's explicit mention of the *aerarium* is slightly surprising but probably does not signify a radical innovation. I hope to discuss both these matters further in another context.

8. *Att.* 74 (4. 2). 6.

9. E.g., *Dom.* 87; *Div. Caec.* 69; *Verr.* 5. 15; *Deiot.* 31; *Quir.* 6.

10. 3. 111.

11. *Fam.* 73 (3. 10). 11.

12. See refs. above, n. 4.

the *De legibus*, albeit in the context of a model set of laws, indicate his high regard for it in actuality.

A third observation is that Cicero made incidental references to most of the main areas of censorial activity and did so in a way which presupposed that they were practical operations of the moment. The registration of citizens and the associated declaration and assessment of property figure in several contexts, notably in Cicero's exhortation to Atticus to attend the census in person, in the case of Decianus (who in the *Pro Flacco* was alleged to have registered another person's property as his own), and in the reasons given to explain why Archias, whose citizenship was in dispute, had not been registered.¹³ The supervision of *mores* is a recurring theme in Cicero's remarks, and more will be said about this below. Censorial contracts of various kinds are mentioned, including contracts for the collection of provincial revenues, for the leasing of public lands, and for the maintenance of public buildings.¹⁴

The *lectio senatus*, too, is referred to as a contemporary reality, mostly in connection with the omission, in effect the expulsion, of some existing members. Quite apart from the attacks on Clodius' interference with the procedure, Cicero referred to it directly in connection with his own standing following his exile, and it is a prominent feature of a substantial section of the *Pro Cluentio* (where Cicero struggled to demonstrate that the censors' expulsion of certain senators on the ground that they had been involved in judicial bribery did not constitute a legal judgment or even a strong presumption that they were guilty).¹⁵ Admittedly, among the model laws of the *De legibus* there is a proposition that the Senate should be recruited automatically by the enrolment of ex-magistrates; but it is explicitly stated that this arrangement would dispense with censorial co-option, thereby confirming that technically the latter procedure still existed.¹⁶

This proposition in the *De legibus* may reflect contemporary experience that censorial choice was now largely preempted by the great number of those who each year acquired the *ius sententiae dicendae*, and thereby de facto membership of the Senate, through tenure of magistracy. This experience probably accounts also for the sharpness with which Cicero separated responsibilities in this area. Strictly speaking, the expulsion of existing senators was part of the same process as the enrolment of new ones: certain names on the existing roll had a mark, a *nota*, placed against them, signifying that they were to be omitted from the new roll which the censors were preparing.¹⁷ In the *De legibus* Cicero separated these functions completely, proposing the end of censorial co-option but emphasizing the duty of assessment and expulsion. It is the latter aspect of the *lectio* which really claims Cicero's attention in other passages. This in turn reflects both Cicero's own interests and the reality that it was this aspect of the *lectio* in which

13. *Att.* 18 (1. 18). 8; *Flac.* 79–80; *Arch.* 11. See also *Verr.* 2. 1. 104 and 111; *Har. resp.* 30; *Ad Brut.* 24(26[1. 18]). 4; *Balb.* 5.

14. *Att.* 17(1. 17). 9; *Qfr.* 1 (1. 1). 35; *Verr.* 2. 1. 142–43, 2. 3. 12, 13, 16–18, 2. 5. 53; *Leg. agr.* 1. 3, 4, and 7; *Prov. cons.* 12.

15. *Dom.* 84 (see also 82, 124); *Clu.* 117–35.

16. *Leg.* 3. 27.

17. Mommsen, *Staatsrecht.* 2¹: 418–24 (although his precise interpretation in relation to the *lex Ovinia* is open to question).

Cicero perceived continuing censorial initiative. For Cicero the *lectio*, like most of the other traditional duties of the censorship, was a contemporary reality, although one aspect of it bulked larger in his mind and probably seemed to him more genuinely an area of responsibility.

The only major censorial functions which Cicero did not mention in terms which presuppose their contemporary reality are the *recognitio equitum* and the initiation of public works. In view of the *recognitio* known to have been carried out by the censors of 70,¹⁸ the former omission is probably a matter of chance and not to be construed as a significant silence. On the other hand Cicero's failure to mention with contemporary reference any association between the censorship and public works may well reflect the actual decline of this function. Although the Ciceronian age saw vast expenditure on new buildings and public works, only one project (admittedly a substantial one) is known to have been undertaken by censors.¹⁹ In this field there had indeed been a change of practice. Political leaders who did not hold the censorship were eager to enhance their personal prestige through association with conspicuous buildings and public works, and increasingly some of them were able to divert much of the spoils of war and empire to that end. The censors' role in this area was not defunct and formally had not been changed, but its significance was certainly much reduced in comparison with the great censorial projects of a century before.

Cicero's silence on these two matters, however, is noticeable precisely because of the contrast with those other aspects of the censorship to which he did allude in a manner which implies their contemporary reality. Cicero's recurring assumption was that the censors of his day would perform essentially the same duties as their pre-Sullan predecessors. Moreover, the same assumption underlies the model law for the censorship in the *De legibus*. Even though this does include some novel elements (about which more will be said below), much the greater part of the model law consists of a statement of the traditional duties of the censors, omitting only the enrolment of new senators; and, as has been mentioned already, another passage in the *De legibus* confirms that Cicero looked upon this too as one of the normal duties of the censors of his day.

Cicero, then, took it for granted that censors in his day would perform a range of tasks which in formal terms was essentially the range which fell to their predecessors. It remains to explore what can be discovered about the importance of these tasks in his eyes and how he characterized this magistracy and its role.

Unfortunately, there is no satisfactory indication of what Cicero believed to be the practical purposes of the census proper in his own day; but he did look upon it as at least a normal and still serious task of the censors. It is the first of the duties specified in his model law quoted above; his letters to Atticus about the census of 60 imply both that Atticus was taking the procedure seriously and that Cicero took it for granted that he should do so. And in 55 an inquiry to Atticus about whether tribunes were vitiating days in order to impede the census shows that Cicero thought this to be a real possibility and suggests that both he and the

18. Plut. *Pomp.* 22. 4–6; [Plut.] *Apophth.* *Pomp.* 6.

19. Intensive work on the banks of the Tiber, probably consequent upon floods mentioned by Dio 39. 61. 1–2. See *ILLRP* 1², no. 496 and note.

tribunes considered it to be a matter of some importance.²⁰ As for the plethora of public contracts, it is reasonable to suppose that he looked upon these as essential to the functioning of the state, and upon the censorship as the obvious and most convenient way of managing much of this business. It has been seen already that he probably regarded the enrolment of new members of the Senate by the censors as largely a formal procedure, but also that he placed considerable value on the censors' discretionary power to remove members for unsuitable conduct. And this power is itself an expression of the responsibility which undoubtedly characterized the censorship most strongly in Cicero's thoughts and preconceptions. By far the most common motif found in the passages is the supervision of *mores*. Roughly one-third of all Cicero's references to the censorship allude to the concern with *mores* and the associated characteristic of severity, including such explicit phrases as: *moribus praefuisse; censoriae severitatis nota; praefectus moribus; magister morum; censorium iudicium ac notionem et illud morum severissimum magisterium; vetus illa magistra pudoris et modestiae, censura*.²¹

Within this area the *De legibus* confirms a sharper focus to Cicero's thought: "mores populi regunto, probum in senatu ne relinquo." ²² In principle the censors were responsible for the *mores* of the Roman people, but for Cicero the main thrust of this responsibility was to be found in the concern with the *mores* of the senatorial class and in the sanction of expelling those who did not conform to acceptable standards. The senatorial order is to be "without fault, an example to the rest," and for the detailed application of this broad requirement a censor is needed.²³ It is this level of activity, dealing with unworthy senators, that is alluded to in many of Cicero's other passages which mention *mores* and severity. And it is the centrality of this concept to his overall perception of the censorship which led him in the *De legibus* both to envisage a prominent role for the censorship and to suggest an arrangement which is a remarkable departure from long-established tradition: that the term of office of censors should be five years, and that there should be continuity between successive censors. As later passages make clear, this is because he thought of the censors as guardians of the laws, who would not only safeguard the texts but review and assess the conduct of other magistrates at the conclusion of their terms of office.²⁴

The censor's concern with *mores* and their practice of excluding unworthy senators from their revised list were both of long standing, and since the early second century the former had increasingly found expression in the latter. In 70 the censors excluded no less than sixty-four existing senators, including some who were of great distinction.²⁵ An active concern with *mores* and expulsions from the Senate on a substantial scale were, therefore, aspects of the

20. *Leg.* 3. 7; *Att.* 18(1. 18). 8, 21(2. 1). 11, 85(4. 9). 1; cf. also 89 (4. 16). 8 (*lustrum* despaired of in July 54).

21. *Clu.* 119, 129 (and implicit in the whole passage 117–35); *Fam.* 76(3. 13). 2; *Prov. cons.* 46; *Pis.* 9.

22. 3. 7.

23. *Leg.* 3. 28.

24. *Leg.* 3. 11 and 46–47.

25. *Livy, Per.* 98; *Cic. Clu.* 117–35; *Dom.* 123–24; *Ascon.* p. 84C; cf. *Plut. Cic.* 17. 1; *Dio* 37. 30.

ensorship which were entirely familiar in Cicero's own experience. At the same time he was naturally disposed (as no doubt were most of his contemporaries) to see the misconduct of individuals and the abandonment of traditional standards in public life as the principal causes of the instability and disorder which Rome was experiencing. It was therefore entirely natural that the supervision of *mores* and the maintenance of senatorial standards should have been closely linked in his thought, that he should have perceived this aspect of the censorship as essential to the office, and that in the *De legibus* he should have envisaged for the censorship a role of special importance as the institution through which high standards might be maintained in the quality and conduct of those who governed.

Thus the treatment of the censorship in the *De legibus*, despite the element of novelty, is consonant with Cicero's other references to it. For him the censorship symbolized traditional values, orderly conduct, stability, and hence sound government. The strengthened role he visualized for it indicates an awareness that all was not well; but what he perceived was not a decline in the censorship but failings in *mores*. His sketch of the censorship does not have the appearance of an attempt to revivify a fading office, the functions of which had become obsolete or could be performed as well or better through other agencies. Rather, the office is seen as a most potent instrument, more continuous application of which could maintain order and sound conduct, both private and public. Whether Cicero's perception of the censorship of his day was widely shared by his contemporaries; how it compared with perceptions and with realities in previous generations; whether it failed to comprehend the true trend of the times: these are larger and more complex questions which must be treated elsewhere.²⁶

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NEW EVIDENCE CONCERNING IAMBIC AND CRETIC SHORTENING IN CLASSICAL LATIN

The standard theory of the shortening of final *-ō* in classical Latin posits the *brevis breviens* process of old Latin as the starting point from which the change gradually worked its way into the standard language.¹ Cretic shortening is

1. See, e.g., W. Lindsay, *The Latin Language* (Oxford, 1894), pp. 207–15; F. Sommer, *Handbuch der lateinischen Laut- und Formenlehre*² (Heidelberg, 1914), pp. 127–29; A. Meillet and J. Vendryes, *Traité de grammaire comparée des langues classiques* (Paris, 1963), pp. 140–41; C. D. Buck, *Comparative Grammar of Greek and Latin* (Chicago, 1933), pp. 95–96.