IMPERIAL REGULATION OF MORAIS AND CONDUCT
IN THE EARLY PRINCIPATE

DISSERTATION

Presented in Partial Fulfillment of the Requirements for
the Degree Doctor of Philosophy in the Graduate
School of The Ohio State University

By

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* * * * * * * * *

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1967

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ACKNOWLEDGMENT

I wish to acknowledge my sincere gratitude to Professor William F. McDonald for the invaluable encouragement and assistance given to me in the preparation of this dissertation, and for his characteristic kindness through the years he has served as my adviser.
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"Legibus novis me auctore latis multa exempla maiorum exolescentia iam ex nostro saeculo redux et ipse multarum rerum exempla imitanda posteris tradidi."

Res Gestae 8.12-14
INTRODUCTION

The regulation of morals and conduct by the public authority is characteristic of all bodies politic. The degree to which it succeeds depends upon the nature of the state and the pressure of the times. Naturally, closed societies are more apt than open societies to impose restrictions upon their members. Again, sooner or later and for better or for worse, most societies, open or closed, find their way of life threatened by the intrusion of alien folk and alien customs. This crisis is most likely to occur most severely in an open society which extends its sway over alien peoples and at the same time encourages, or at least does not restrict, immigration of other folk into its home territory.

With respect to public order Rome was essentially an open society. Manners and customs, domestic and foreign, were generally tolerated so long as they did not appear an immediate and direct threat to the safety of the state. Moreover, in creating and maintaining her empire, Rome exported her governors, her soldiers, and her private citizens to the ends of the Mediterranean world, where they were exposed to the contagion of alien mores. As for Italy and the city of Rome itself, since entry therein was generally free and unimpeded, they became the resort of Greeks and Syrians, Jews and Christians, Stoics and Epicureans, and indeed of all sorts
and conditions of men from as far away as Mesopotamia and Britain.  

During the Roman Republic, once the office of censor was established (443 B.C.), the *regimen morum* was the responsibility of that magistrate. In fact, the censor's edict and his censure became the *viva vox* of the Roman public conscience, and, as time went on, the arbitrator between the *mos maiorum* and growing alien influences. In general, censorial concern extended to: (1) relations of private life; (2) certain occupations and professions in ill-repute; (3) political misconduct; and (4) criminal conviction. Among private matters were celibacy, marriage, and divorce; neglect of property and careless husbandry; and conspicuous display of luxury. In the second category, actors, gladiators and their trainers, prostitutes and panderers, suffered permanent public disabilities; while towncriers, masters of ceremonies at funerals, undertakers, and perhaps usurers suffered temporary disabilities so long as they practiced their trade.  

In the third category, the censorial *nota* might attach to a

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1Harry J. Leon, "One Hundred Per Cent Romanism," *South Atlantic Quarterly*, XXVI (1927), 146-160.

2Livy IV 8.2.

public official for neglecting or abusing the functions of his office; to soldiers for cowardice in battle; and to a judge or juryman for accepting bribes. Even the entire citizen body, when judged derelict in its voting responsibility, could incur censure. In the fourth and final category, infamia could result from certain private delicts and from criminal convictions entailing exile. This "mediate" form of infamia, however, did not attain prominence until the late Republic.

The last four decades of the Republic, however, witnessed a decrease in both the frequency and effectiveness of the censorship. From Sulla to Augustus the office of censor was held only on five occasions -- 70, 65/64, 55, 50, and 42 B.C. The lustrum was completed only in 70 and 55 B.C. A review of the lists of senators and equites was made no more than twice -- 70 and 50 B.C. Public building projects were sponsored once only in 55 B.C., and on only one occasion censorial regulations were published. The censorship lost one of its principal functions with the cancellation of the tributum in 167 B.C., and another with the procedural reforms of Sulla relative to membership in the senatorial order. Moreover, discord within the censorial college sometimes rendered the execution of its duties difficult, if not im-

4Livy XXIX 37.13-17.


possible. The contemporary inscriptive evidence of the 
termini riparum Tiberis chronicles this decline in censorial 
activity.\(^7\) Augustus revived the office only once in 22 B.C. 
The office of censor, after Augustus, was revived only peri-
dodically and then largely as an anachronism. The assumption 
of the censorship by Claudius in 47/48, Vespasian in 73/74, 
and Domitian in 85, when he assumed the title of censor 
perpetuus, were the exceptions that proved the rule.\(^8\)

It remained, therefore, for the princeps and the Senate, 
working together or separately, to assume such initiative as 
was necessary to preserve the Roman character "amid the alien 
corn." That the Roman government and educated class recog-
nized the immediacy and seriousness of the moral and cultural 
crisis is manifest. Sallust, in the words of Jugurtha, laments 
an "urbem venalem et mature perituram, si emptorem invenerit,"\(^9\) 
and Livy, a condition in which "nec vitia nostra nec remedialis 
pati possimus."\(^10\) This essay examines the attempts of the 
Roman emperors, from Augustus through Domitian, to carry on, 
in more difficult circumstances, the duty of the censors in 
the Republican period.

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\(^7\) *Inscriptiones Latinae Selectae* (Berlin: Weidmanns, 1892), 
5922a--c (55 B.C.) list names of the censors; 5923a--d (7 B.C.) 
list consuls instead; 5924a--d (6 B.C.) mention only Augustus; 
and 5925 (16 A.D.) lists the curatores riparum alvei Tiberis. 
Cf. Mason Hammond, *The Augustan Principate* (Cambridge, Massa-

\(^8\) See Hammond, pp. 90-101 for a discussion of censorian 
potestas in the early Principate.

\(^9\) *Bellum Jugurthinum* 30.10.  
\(^10\) Introduction 9-10.
CHAPTER I

TOWARD PRESERVING ROMAN MANNERS

Marriage and Celibacy: Lex Iulia de Maritandis Ordinibus; Lex Iulia Caducaria; Lex Papia Poppaea

In spite of the ease by which a marriage could be dissolved under the early Republic, divorce did not become a serious social problem at Rome until the second century B.C. In then, with the influx of wealth and luxury, men and women, especially of the upper classes, increasingly preferred freedom outside of marriage to the responsibilities of family life. This disintegration of family life threatened the Roman social order. If the old Roman families and traditions were to be perpetuated, reform was essential.

It was not until 18 B.C., however, that Augustus initiated his moral legislation. In that year he gained the approval of the Senate and the Comitia for the lex Iulia de maritandis ordinibus. By this law he penalized celibacy and thereby hoped to encourage increase in the population of

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1Aulus Gellius IV 3.1.


3Dio LIII 21.3-5.
Roman citizens, especially in the upper classes. In the same year, the *lex Iulia sumptuaria* was enacted to restrain the demands of women for luxury goods, and the *lex Iulia de adulteriis coercendis* to promote stability in family life by enforcing conjugal morality.

The *lex Iulia de matrimonius ordinibus* was designed to maintain the Roman upper classes upon whom fell the leadership in the vast administrative and military obligations of the Empire, and at the same time to preserve the reservoir of Roman citizens in the lower ranks in order to secure recruits for an adoptive aristocracy. This enactment encouraged Roman citizens to accept the responsibilities of marriage by means of a system of rewards and punishments.

The *lex Iulia de matrimonius ordinibus* placed penalties upon every male citizen between the ages of twenty-five and sixty and every female citizen between twenty and fifty who remained celibate. Widows were required to remarry after one year and divorcees after six months. The law also created three classes of women with different marriage rights: freeborn, who could become legal wives with moral dignity;

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5Guglielmo Ferrero, *The Greatness and Decline of Rome* (New York: G.P. Putnam’s Sons, 1909), V, 55-55; and Joseph H. Fichter, "The Sociological Implications of the Lex Julia et Papia Poppaea" (unpublished Ph.D. dissertation, Harvard University, 1947). Augustus, however, did not attempt to rectify the fundamental conditions which were eroding family life, such as the diminished power of the paterfamilias and the excessive freedom of women. Moreover, his system of rewards, which offered new liberties, inadvertently fostered the decline in domestic authority.
freedwomen, who could be either wives or concubines; and women who had suffered existimationis macula and therefore were eligible only for concubinage.\textsuperscript{6} Marriage between freemen and freedwomen was permitted except for senators and their descendants in the male line for two generations. Children of concubinage for the first time were recognized as legitimate.\textsuperscript{7}

Certain definite advantages were offered to those who contributed to the welfare of the state by compliance. Consuls who were married and had children held priority in assuming the fasces. The minimum age requirement for office was lowered by as many years as the number of children the candidate possessed. Women who had borne three children became sui iuris, were granted the right to wear the stola, and were relieved of the tutela of either husband or father. A freedman who had two or more sons or daughters under his own potestas was exempt from the obligations of operae when these were conditions of manumission.\textsuperscript{8}

In addition to rewarding those who complied, the law penalized those who did not. The unmarried could not be spectators at public festivals and shows nor receive any

\begin{itemize}
\item[\textsuperscript{6}]This latter group included prostitutes, procuresses and their freedwomen, actresses, and women convicted of adultery.
\item[\textsuperscript{7}]\textit{Acta Divi Augusti}, (Rome: Regia Academia Italica, 1945), pp. 168-173; and Dio LIV 16.2. Marriage between a liber and a freedwoman commonly occasioned the censorian notatio under the Republic (Livy XXXIX 19.5).
\item[\textsuperscript{8}]Gladiators and actors did not share in the benefits of this provision (\textit{ADA}, pp. 174-180; and \textit{Digest} XXXVIII 1.37).
\end{itemize}
inheritance or legacy except from blood relatives. This latter penalty fell most heavily upon the class of legacy-hunters.\(^9\) It is not surprising, therefore, that evasions were attempted. Some betrothed themselves to infant girls in order to share in the benefits of the law without the burdens of family life. Others resorted to frequent marriage and divorce in order to obtain the benefit of the law for a particular occasion. Augustus tried to check these evasions by shortening the period between betrothal and marriage to two years and limiting the number of lawful divorces.\(^10\) The ius trium liberorum which rewarded parents of three children, was obtained fraudulently by fictitious adoptions, and then, once the magistracy or legacy had been secured, the adopted sons were released from the newly instituted paternal control. This evasion was not checked until the principate of Nero.\(^11\)

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\(^9\) ADA, pp. 171 and 184; Dio LIV 16.1-2; Suetonius Augustus 34 and 45; and CAH, X, 450. Cf. Ferrero, V, 58-65. In spite of this measure, legacy-hunting flourished throughout the first century (Juvenal Satires XII 93-130).

\(^10\) The girl, therefore, in every instance had to be at least ten years old by the time of her betrothal (Dio LIV 16.7; Suet. Aug. 34). Apparently the efforts of Augustus to diminish the high rate of divorce were not successful. At any rate, Seneca reported that divorce was not a scandal at Rome since women from the best families were in the habit of distinguishing the various years, not by the annual magistracies but, by their own divorces and remarriages (De Beneficiis III 16.2). Juvenal describes the woman who flitted to eight different husbands in only five years' time (VI 229-230).

\(^11\) Tacitus Annals XV 19. In 62 A.D. a senatus consultum forbade the use of simulata adoptio as a device by which public advantage or eligibility for inheritances could be obtained.
Fideicommissa, or trusts, were commonly used in order to avoid the restriction placed upon legacies, and it was not until the reign of Vespasian that the senatus consultum Pegasianum extended to trusts the same disabilities that had applied to inheritance.  

While the state sought to enforce the lex Julia de maritandis ordinibus by restricting evasions, at the same time it created certain legal exceptions by granting, on occasion, the ius trium liberorum to those who did not have the requisite number of children. The precedent for this practice was established upon the death of Drusus in 9 B.C. when Livia was enrolled among the mothers of three children as a means of consolation. In 9 A.D. Augustus extended this privilege to the Vestal Virgins, and later Caligula received it for himself by a decree of the Senate. Under Claudius exemptions from the law were granted to Roman citizens who were shipowners and those serving in the military. In general, these exceptions were granted sparingly. When it was clear that the

1273 A.D. Gaius Institutes II 286; cf. CAH, XI, 11.

13Dio LV 2.5-7. By 12 B.C. bachelors and spinsters were allowed, contrary to the earlier prohibition, to celebrate Augustus' birthday by their attendance at the public games (Dio LIV 30.5). Cf. the provisions of the senatus consulta de ludis saecularibus of 17 B.C. (Fontes Iuris Romanii Antejustiniani (Florence: A.S.G. Barbèra, 1941), I, 173-176).

14Dio LVI 10.2 and LIX 15.1.

15Suet. Claudius 19; Dio LX 24.3. In effect, the former measure seems to anticipate a later crisis when it became difficult to induce men to engage in maritime trade.

16For the limited use of this grant by emperors see Suet. Galba 14; Martial Epigrams III 95; X 95; and Pliny Epistles I 81;
lex Iulia de maritandis ordinibus was not accomplishing its purpose. Augustus proposed to extend its restrictions to those who were married but childless. This measure, the so-called lex Iulia caducaria, probably of 4 A.D., apparently allowed the state to claim the entire inheritances forfeited by the caelibes and orbi in the absence of qualified alternative recipients. Thus, by this extension of the law, not only social but also financial benefits accrued to the state. However, the enforcement of the lex Iulia caducaria was delayed for five years because of its extreme unpopularity. Finally, in 9 A.D., the lex Papia Poppaeae replaced the lex Iulia caducaria and amended the lex Iulia de maritandis ordinibus. As a result, the orbi (but not the caelibes) were able to keep a half of their inheritances; the other half reverted to relatives of the testator up to the third degree and to co-heirs with children. In the absence of these the inheritance devolved to the state.

In 20 A.D. it was suggested that the lex Papia Poppaeae be made more moderate because it was creating more harm than

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II 13; VII 16; X 2. The lex Iulia de maritandis ordinibus at first received general acclaim, but as criticism developed along with evasions Augustus tried to gain support for his legislation by referring to earlier attempts of Roman magistrates to encourage marriage (Suet. Aug. 89).

17 ADA, p. 193; and Ferrero, V, 295, n. Tacitus believed that the need for new revenues prompted the lex caducaria (Ann. III 25).

18 Dio LVI 7.3. Cf. Ferrero, V, 295-296; and Dio LVI 1.2.

good. Informers were imperiling many households and creating a surfeit of such cases in the courts. Tiberius was content to appoint a board of fifteen senators to investigate the matter.\textsuperscript{20} Later additional relief was granted when Claudius excluded both husband and wife from the penalty whenever the husband was over sixty and his wife under fifty, and Nero reduced by 75 per cent the fee that went to \textit{delatores} under this law.\textsuperscript{21} But the law itself, however, continued in force in spite of its general ineffectiveness and the annoyances, evasions and abuses associated with it.

\textbf{Public Morals: Lex Jul	extit{i}a de Pudicitia et Adulteriis Coercendis}

The \textit{lex Jul	extit{i}a de pudicitia et adulteriis coercendis}, enacted in 18 B.C., was designed to support the \textit{lex Jul	extit{i}a de maritandis ordinibus} in promoting conjugal morality. It was directed against all who with deliberation either commit or abet adultery or debauchery; in short, the defilement of \textit{ingenuae honestae} was prohibited. The \textit{pater familias} retained the power of slaying his daughter and her paramour only if discovered in \textit{flagrante delicto} on his property or that of his son-in-law. The husband was allowed to kill the paramour only when discovered in similar circumstances and only if the adulterer was a procurer, actor, gladiator, convicted criminal or freedman.\textsuperscript{22} Upon killing the para-

\textsuperscript{20}Tac. Ann. III 28.  \textsuperscript{21}Suet. Claud. 23.1; and Nero 10.1.

\textsuperscript{22}Augustus framed the first legal penalties for adultery. Prior to this enactment adultery was punished by the \textit{pater familias}, often with the aid of the family council. Marcus Cato
mourn the husband was bound to divorce his wife without delay.

The husband who caught his wife in the act of infidelity and allowed the adulterer to escape, and did not put away his wife immediately, was liable to indictment for the crime of procuring. Moreover, anyone who effected the evasion of punishment for those caught in adultery or whoever married a person convicted of adultery was also chargeable for lenocinium. In either case, the penalty for pandering was scourging. But male adulterers suffered relegatio ad insulam perpetua and lost half of their property. Women convicted of adultery relinquished half of their dowry, a third of their property, and were forbidden to remarry; they also were banished to an island for life.\textsuperscript{23} Although this law gave occasion for slander and the multiplication of accusations, it succeeded in bringing the family under the protection of the state by curbing excesses especially among the senators and equites.\textsuperscript{24}

\textsuperscript{23}For the various legal texts see ADA, pp. 112-128. Cf. CAH, X, 443-447; and Ferrero, V, 69-74. For the relationship of relegatio to more severe punishments see Caius I 159-162; and Digest XLVIII 22-23.

\textsuperscript{24}The spirit Ovid expressed in the Ars Amatoria was in direct conflict with the moral purpose of Augustus' reforms. Then when Ovid became, in some way or other, associated with an indelicacy which involved the imperial household in some fashion he was banished (8 A.D.) by Augustus to the Black Sea region where he died a decade later. John C. Thibault evaluates the various theories that have been suggested for the cause of
In the period following the passage of the lex Julia de adulteriiis, the emperors by means of enactments and actions, proceeded further to discourage immorality among the upper classes. An additional regulation in the form of a sonatus consultum in 19 A.D., prohibited a woman whose husband, father, or grandfather was a Roman eques to register her name in the list of public prostitutes. That same year a candidate for a vacancy in the college of Vestal Virgins was accepted over another because the former's mother had never been divorced. In 37 A.D. a woman of high rank was banished from Rome for ten years for the libidinous pursuit of her own son. Tiberius, according to Suetonius, went so far in puritanical zeal that he "cotidiana oscula edicto prohibuit." Caligula harassed all who had ever been prostitutes or procurers by levying a tax upon them, daily, equal to the standard fee for a single act of intimacy.

Ovid's exile and provides a collection of all ancient sources pertinent to the event (The Mystery of Ovid's Exile (Berkeley: The University of California Press, 1964), esp. pp. 24-32).

Suet. Tiberius 35.2; Tac. Ann. II 85.3; cf. ibid. II 50.2. Women who openly debauched themselves to avoid prosecution for adultery could be charged under the lex Julia de adulteriiis (Digest XLVIII 5.10). Merely promiscuous women such as dancers, actresses, flutists, and the like were not professional prostitutes and therefore were not registered as such with the state. Cf. Livy X 31.9 and XXV 2.9; Kiefer, pp. 55-63.

Tac. Ann. II 86. Ibid. VI 49.2. Suet. Tib. 34.1.

Suet. Caligula 40. The open acceptance of prostitution by the Romans contributed to its ready availability in the city. Cato the Censor recognized the social benefits derived from prostitution in minimizing the incidence of adultery (quoted in Horace Satires I 2.31-34). Cicero claimed that those who would deny young men access to brothels was out of step not only with the spirit of the times but with Roman tradition as well.
avoided an incestuous relationship with Agrippina when in
49 A.D. a *senatus consultum* permitted marriage with a brother's
daughter. However, this sanction was later rescinded by
Domitian.\(^30\)

Of all the emperors after Tiberius, Domitian was most
zealous in his concern for marital and extra-marital morality.
In 89 A.D. he revived prosecutions under the *lex Iulia de
adulteris*. Many from the upper classes including the chief
Vestal, Cornelia, were convicted and severely punished.\(^31\) In
the same spirit Domitian forbade the use of sedan chairs—a
symbol of status accorded to matrons—to women of doubtful
reputation. But of yet greater importance was his action which
made such women ineligible for legacies and inheritances.\(^32\)

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\(^{30}\) Pro Caelio 20). In the late Empire, Augustine, who obviously
disapproved of prostitution, acknowledged its social necessity:
"Aufer meretrices de rebus humanis, turbaveris omnia libidi-
nibus: constitue matronarum loco, labo ac dedecore dehonesta-
veris" (De Ordine II 4.12). Caligula's measure was probably
not designed as moral reform, for it is reported that he opened
a palace brothel in order to increase state revenues (Suet.
Cal. 41). Moreover, by taxing those who had already left the
professions, he provided no inducement to reform for those who
yet made their living in this way. Cf. the similar taxes that
Caligula levied upon artisans, porters, wage-earning slaves,
and operators of taverns (Dio LX 28.3).

\(^{31}\) Dio LXII 3.3-4; Suet. Domitian 8.3; Pliny Ep. I 11.
Cf. Stéphane Gsell, *Essai sur le Règne de l'Empereur Domitien*
that the restriction of adultery often led to an increase of
divorce and remarriage: "quae nubit totiens, non nubit: adultera
lege est" (VI 7). Juvenal lamented the fact that the emperor's
reforming spirit was not matched by a reputation of moral recti-
tude (II 29-35).

\(^{32}\) Suet. Dom. 8.3.
He attacked prostitution among the young and brought a degree
of regulation to brothels. Moreover, Domitian took serious
action against *stuprum cum viro* by strictly prohibiting ca-
stration throughout the entire Empire, and by enforcing the
obsolescent *lex Scantinia* against acts of pederasty. Those
who were convicted under this law were fined 10,000 sesterces. Domitian, by enforcing the *lex Iulia*, the *lex Scantinia*, and
other restraints, made a serious attempt to check rampant
immorality at Rome.

**Luxury: Lex Iulia Sumptuaria**

In spite of the general ineffectiveness of sumptuary
regulations hitherto, Augustus proposed the *lex Iulia*

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33 Martial IX 6.

34 Dio LXVII 2.3; Suet. Dom. 7-8; Ammianus Marcellinus
XVIII 4.5; and Martial IX 6 and 8. Quintilian records the
penalty for violation of the *lex Scantinia* (*Institutio Cra-
toria* IV 2.69). Cf. Geißel, p. 84; and the article of E.
Weiss, "Lex Scantinia," *Real-Encyclopädie der klassischen Alter-
tumswissenschaft*, edited by Pauly-Wissowa-Kroll, XII, 2413.

35 The contemporary social literature illustrates the
real need for some type of restraint. Earlier, in the princi-
pate of Caligula, male prostitutes were expelled from Rome,
but apparently the emperor did not seek indictments under the
*lex Scantinia* (Suet. Cal. 16). For reports of Nero's extreme
acts of *stuprum cum viro* see Tac. *Ann.* XV 37; Dio LXII 28.2-3;

36 Cælius II 24. Cf. the article by Kübler, "Sumptus,"
P-W, Ser. 2, IV, 902-908. Sumptuary legislation had been
common in the Republic ever since the late third century.
Crassus and Pompey, in 55 B.C., withdrew their proposed re-
strictions out of fear that they would prove unenforceable
and therefore result only in loss of public esteem for those
who proposed them (Dio XXXIX 37). When Julius Caesar was
dictator he enforced sumptuary legislation against the prod-
gigality of the upper classes. He instituted *portoria* upon
luxury imports and restricted the use of litters and the wearing
of costly garments. In order to facilitate enforcement he
stationed inspectors in the market place. Indeed, on occasion,
sumptuarie in 18 B.C. as a supplement to the other reform measures of that year. For conspicuous ostentation was as contrary to Roman tradition as the avarice which fostered it. Obviously even a superficial revival of Roman traditions necessitated regulation of luxury in some way or other. The lex Julia sumptuarie established the legal limit of expenditure for meals on regular calendar days at 200 sesterces; on festival days at 300 sesterces; and at wedding feasts, at 1,000 sesterces. This legislation, though by no means ungenerous, abolished the sumptuous banquets of the extremely wealthy and circumscribed ostentations display.

In 16 A.D. many in the Senate who were concerned with the prevalence of luxury were able to carry a senatus

his lictors invaded banquets in private homes in search for forbidden articles. In spite of this diligence, when Julius Caesar departed from Rome these regulations were largely unheeded (Dio XLIII 25.2; Suet. Divus Julius 43; and Cicero Ad Atticum XIII 7).

A simple perusal of the type of luxury goods purchased and the prices commonly paid demonstrates the patent excess of the wealthy. Scaurus, a contemporary of Cicero, displayed some 3,000 marble statues in his theater at a time when ordinary statuary sold for 20,000 sesterces. Caesar purchased 2 paintings for 80 talents and a single pearl for 6,000 sesterces. Citrus-wood table boards cost as much as 1,300,000 sesterces. Babylonian table spreads sold for more than 800,000 sesterces, and ornamental silver cups for 1,200,000 sesterces. A single mullet of high quality brought as much as 10,000 sesterces. Undyed wool sold for less than a denarius a pound, but a pound of "double-dyed" Cyprian wool cost 1,000 denarii (Tenney Frank, An Economic Survey of Ancient Rome (Baltimore: The Johns Hopkins Press, 1933), I, 352-354. For an exhaustive study of Roman sumptuary habits see Ludwig Friedlaender, Darstellungen aus der Sittengeschichte Roms (Leipzig: S. Hirzel, 1921), II, 266-383. Cf. Horace Odes II 15 and 18; Plutarch Lucullus 39.50-51.2; Crassus 2.1-6; Seneca De Beneficiis VII 9; and Pliny Natural History IX 53.104; IX 58.117-120; XXXIII 16.53-54.

Gellius II 24.14; Dio LIV 2.3-4; and Suet. Aug. 34.1.
consultum which forbade the use of solid gold table vessels and the wearing of silk by men. The opposition in the Senate, however, defeated a further effort to extend the restrictions to silver, furniture, and private dwellings, and Tiberius expressed an unwillingness to support stringent restrictions that were impossible to enforce.\textsuperscript{39} The fact is that the \textit{lex Julia sumptuaria} itself was increasingly disregarded through a variety of evasions. Indeed, the demand for luxury items so exceeded the supply that by 22 A.D. exorbitant prices for household goods were commonplace. When the aediles reported this breakdown of enforcement to the Senate the matter was immediately referred to Tiberius for a decision. In his reply the emperor stated that habits of luxury had become so widespread and extravagant that any attempt at regulation would be not only futile, but invidious.\textsuperscript{40}

Perhaps shortly after this Tiberius took steps to moderate the \textit{lex Julia sumptuaria} by allowing an expenditure of 2,000 sesterces for meals on festival days. He also proposed to extend a degree of stabilization to the market place by making prices subject to annual senatorial review.\textsuperscript{41}

Augustus exempted certain women from the provisions of the \textit{lex Voconia} and during the first century it became a dead letter until it was revived by Domitian (\textit{Dio LVI 10.2}).

\textsuperscript{39} \textit{Tac. Ann.} II 33; and \textit{Dio LVII} 15.1-2. Gallus argued that extravagance was relative to the wealth of the individual and not the austerity of the Roman past.


\textsuperscript{41} \textit{Gellius} II 24.14-15. This passage is not explicit on
But in any case the demand for luxury articles continued unabated down through the reign of Nero.\textsuperscript{42} Pliny the Elder estimated that the luxuries of Roman women sent some 100,000,000 sesterces each year out of the Empire to the East.\textsuperscript{43} The upper classes were joined by \textit{nouveaux riches} freedmen in expensive tastes and vulgar ostentation. Trimalchio, a successful merchant, boasted to his guests at a characteristically lavish banquet that a single voyage had brought him a fortune of 10,000,000 sesterces.\textsuperscript{44} The wealth of the imperial freedmen became proverbial during the reigns of Claudius and Nero. Pallas possessed a fortune of 300,000,000 sesterces and Narcissus 400,000,000.\textsuperscript{45}

In the midst of such conditions, Claudius, acting as censor, protested by purchasing an ornate silver chariot and having it crushed to pieces.\textsuperscript{46} The several attempts of Nero to check luxury were rather more comprehensive. He placed limits on private expenditures but stultified this measure by personally setting the style for extravagance.\textsuperscript{47} His prohibition of the use of the highly expensive amethystine and Tyrian purple whether the liberalization of limits on meals was the work of Augustus or that of Tiberius. Cf. Suet. \textit{Tib.} 34.1; and Tac. \textit{Ann.} III 52.2.

\textsuperscript{42}Tac. \textit{Ann.} III 55. \textsuperscript{43}Pliny \textit{Nat. Hist.} XII 41.84.

\textsuperscript{44}Petronius \textit{Satyricon} 75-76.


\textsuperscript{46}Suet. \textit{Claud.} 16.4. \textsuperscript{47}Ibid. \textit{Nero} 16 and 30.
dyes was vigorously enforced with the aid of agents provocateurs. A Roman matron apprehended wearing the forbidden color lost both the garment and her entire wealth.\(^{48}\) Nero also eliminated the public banquets because of the great expense involved in securing fancy cuisine, utensils and entertainment. The elaborate cena recta, therefore, was replaced by the simple sportula given either in the form of food or coin.\(^{49}\)

In time, clients came to depend upon the money dole for general living expenses. Therefore, when Domitian in 87/88 A.D. cancelled the sportula in order to restore the custom of giving public banquets, many clients were left without sufficient expendable income. The fact that clients commonly received inferior quality meals further aggravated the situation.\(^{50}\)

In the principate of Vespasian, extravagance was discouraged both by the times and the personal habits of the emperor. Some wealthy families had already squandered their fortunes beyond recall.\(^{51}\) Others avoided the risk of prose-

\(^{48}\)Suet. Nero 32.

\(^{49}\)Ibid. 16.2. For an example of the expense and planning that the cena recta entailed see Suet. Aug. 74. Cf. the article by Hug, "Sportula," P-W, Ser. 2, III, 1883-1886.

\(^{50}\)Martial III 14. This passage mentions a client who was disappointed that the dole was replaced by the dinner. Cf. Martial III 7, 30, and 60; Gsell, pp. 59 and 86; and Mason Hammond, The Antonine Monarchy (Rome: The American Academy in Rome, 1959), p. 151, n. 52.

\(^{51}\)Juvenal describes the plight of an individual who spent his entire fortune on lavish feasts only to end his days fighting as a gladiator in order to satisfy his expensive appetite (XI 1-20).
ution by exercising caution in their public display. Thirdly, and probably of greatest significance, Vespasian was, because of his rustic background and personal preference, a thrifty man.52

Manumission: Lex Iunia; Lex Pufia Caninia; Lex Aelia Sentia

There was no shortage of population in Rome and Italy when Augustus came to power. The steady influx of slaves since the late third century had increased the number of inhabitants to new levels. While the numbers of cives Romani were diminished by wars and long terms in the legions during years of greatest reproductivity, the fecundity of the slave population remained unimpaired. In view of the Roman practice of granting citizenship indiscriminately to manumitted slaves, there was the danger that the old Roman stock along with the Roman culture which it sustained might be subsumed in the cosmopolitan atmosphere of Rome. Indeed some half million new citizens were enrolled between 80 and 50 B.C. by this means alone.53

The remarks of Dionysius of Halicarnassus epitomize the concern at Rome over the unlimited access to Roman citizenship enjoyed by manumitted slaves of mixed character. He suggested that a policy of selective admission be administered through censors or some other important magistrates. Those manumitted


53 Tenney Frank, "Race Mixture in the Roman Empire," The American Historical Review, XXI (1915-1916), 703-704; and CAH, X, 429.
slaves who were excluded from the citizen rolls should be sent away from Rome under one pretext or other.\textsuperscript{54} Augustus, committed to a program of restoration of Roman manners, took steps to restrict the rate of manumission and to delay subsequent admission to full citizenship sufficiently to permit the assimilation of new citizens into the Roman cultural pattern. Coupled with the \textit{lex Iulia de maritandis ordinibus} these measures were meant to assure the integrity of the \textit{cives Romani}.

Since formal manumission necessitated a praetor’s participation and the payment of the \textit{vicesima libertatis} to the state some \textit{domini} avoided the inconvenience and the fee by freeing their slaves privately without the cognizance of the law. But confusion of status often resulted since slaves manumitted in this fashion were still considered slaves \textit{de iure}. The \textit{lex Iunia}, enacted in 17 B.C.,\textsuperscript{55} recognized their freedom by conferring upon them the rights of \textit{latinitas Iuniana}. While under this law the Junian Latin was restricted in the final disposition of his property and owed the usual obligations of the freedman-patron relationship, his children were \textit{liberi} with the option of becoming Roman citizens. Thus a situation potentially chaotic to Roman society was rectified at a time when the practice of informal manumission showed few signs of abatement.\textsuperscript{56}

\textsuperscript{54} Roman Antiquities IV 24.4-8.

\textsuperscript{55} For a discussion of the problem of the date of the \textit{lex Iunia} see Duff, pp. 210-214; and CAH, X, 888-890.

\textsuperscript{56} Suet. \textit{Aug.} 40; Duff, p. 84; and CAH, X, 429-432.
More directly related to restricting the number of manumissions were two later enactments, the *lex Fufia Caninia* of 2 B.C. and the *lex Aelia Sentia* of 4 A.D. In 2 B.C. the common practice of wholesale manumission through the will of a *dominus* was curtailed. A *dominus* with fewer than 11 slaves was allowed to release up to one half of this number. Masters with more than 10 but less than 30 slaves could free no more than a third. Those who owned between 30 and 100 slaves were allowed to manumit only a fourth of that number by this means. The lawful percentage was reduced yet further to one fifth for those who owned between 100 and 500 slaves. Moreover, in no case could more than 100 slaves be manumitted by testamentary means.\(^{57}\) This was significant legislation in that it restricted to a manageable proportion a main source of entry of alien stock into the Roman citizen body.

The *lex Aelia Sentia* of 4 A.D. completed this program by the establishment of certain conditions relative to manumission during the lifetime of the *dominus*. Slaves who had suffered certain forms of punishment, either from their master or the state, did not become citizens upon manumission but were relegated to the status of *dediticii*. If such lived nearer than a hundred miles from Rome they were liable to consignment to slavery for life. If the slave was over thirty years of age and the master over twenty, with the proper ceremony before a praetor, the manumitted slave was admitted to

the *cives Romani*. A master under twenty was not allowed to free a slave except by means of the *vindicata* and only then after showing reason sufficient to a manumission council at Rome composed of five senators and five *equites*. Moreover, if the master was of proper age but the slave in question was not yet thirty upon manumission the slave became only a Junian Latin. 58 By these methods manumission was discouraged and procedural safeguards were established to assure the dominance of Roman culture among the citizen body. Nevertheless, manumissions continued to occur frequently as is shown by both literary and inscriptive evidence of the first century A.D. 59

In 23 A.D., because certain freedmen were feigning membership in the equestrian order by wearing the gold ring, a *senatus consultum* was passed which limited its use. By this

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58 Suet. *Aug.* 40; Dio LV 13,7; and *APA*, pp. 205-219. Cf. Dio LVI 33,3; *CAH*, X, 432-434; Duff, pp. 72-85. According to Gaius (I 28-33) a number of means evolved by which it became possible for a Junian Latin to become a Roman citizen: (1) by marrying either a Roman citizen, Latin, or another Junian Latin and from that union possess a child of one year's age which is then presented to a praetor for certification; all three as a result become Roman citizens; (2) after 24 A.D., by serving in the *vigiles* for six years, and later, by serving in the military for three years; (3) under Claudius, by building and maintaining a ship which could carry 10,000 modii of grain and by using such a ship for carrying grain to Rome for a period of six years; and (4) under Nero, by possessing a fortune of more than 200,000 sesterces and by using at least a half of that amount in building a home at Rome. The children of those who remained Junian Latins could become Roman citizens by the same process by which Latins entered the citizen body.

enactment only men of equestrian census whose family had been free for at least three generations in the male line were allowed to wear it. The very next year, however, a lex Visellia reversed this decision when it reinterpreted the significance of the ius anuli aurei. Under this new law the wearer of the gold ring still had to possess a property qualification of 400,000 sesterces but it now was conferred upon freedmen by the princeps to signify the bestowal of ingenuitas. The recipient of this grant, although still obligated to his patron, was free from the social disqualifications of freedmen. Moreover provision was made for prosecution of freedmen who represented themselves as ingenui without being given the ius anuli aurei. Lastly, the lex Visellia conferred full citizenship upon Junian Latins who had served six years in the cohortes vigilum.

Under Claudius some 400 prosecutions were instituted against freedmen who violated the lex Visellia. Those who were convicted of illegally assuming the ius anuli aurei suffered confiscation of property. Freedmen who with malice aforethought neglected the obsequium et officium due their patrons were returned to slavery. Claudius took a

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60 Pliny Nat. Hist. XXXIII 8.32-33. A detailed treatment of this entire question is given by Duff, pp. 214-220.


63 Suet. Claud. 25. Only the exceptional grant of restitutio natatuum annulled the rights of patrons over their clients (Duff, pp. 86-87).
positive step to restrict the mixing of free and servile stock through a senatus consultum relative to free women who became the concubine of another person's slave. If the relationship occurred against the will of the dominus the free woman became his slave. However, if consent had been granted she kept ingenuitas for herself but her children from that union were servile. Vespasian went even further through a senatus consultum which declared the loss of freedom for any woman who took another's slave for a lover. Domitian, during his principate and in conformity with his general attitude, zealously enforced these and similar measures. Slaves that had falsely attributed to themselves libertas were returned to bondage, and whenever a fraudulent act of manumission was detected the delator was granted dominium over the slaves involved.

Roman Dress

From time immemorial the toga was distinctively a Roman garment. It signified membership in the community and by variation the rank or office of the wearer. The privilege of wearing the toga was regulated by tradition and law. As time went on, however, Roman dress was affected by extended contact

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64 52 A.D. Tac. Ann. XII 53; and Gaius I 84 and 160. Claudius also placed liability upon those masters who abandoned sick slaves. Such slaves who recovered were granted their freedom (Dio LX 29.7; Suet. Claud. 25; and Digest XL 8.2).

65 Suet. Vesp. 11. Vespasian also decreed that a slave was to be freed if she had been sold on condition that she not be made a prostitute and that condition was not honored (Digest XXXVII 14.7).

66 Digest XL 16.1.
with the habits and customs of other peoples, and the wearing of the toga, especially in the city of Rome, was falling into disuse. Moreover, citizens of lower rank were presuming to wear the purple of senatorial rank, and in 36 B.C. Octavian prohibited this practice. Later, as princeps, he encouraged the use of the toga by all citizens, particularly in Rome. He commanded that only toga clad persons should be admitted into the Forum and its vicinity during daylight hours.

Tiberius, when faced with open disregard of the prohibition of purple clothing for men, took no action against the violators. Instead, he shamed them into compliance by his own circumspect choice of garments. But he took direct action against foppish dressers who wore togas of diaphanous material. Caligula, on the other hand, set no limit to innovation. He wore silk garments which the law forbade and, according to Suetonius, women's clothes as well. Therefore, it comes as no surprise that he allowed senators to wear hats at the

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68 Suet. Aug. 40.5. The toga was not convenient dress; only the aristocracy, whose day was spent in political activity, wore it for everyday dress. Others in more active occupations preferred tunics and cloaks. Yet, in the Forum, at the festivals and spectacles, or at a public assembly of any type, all citizens were expected to wear the toga. The public use of this garment at Rome set the gens togata apart from the alien peoples in that city. Cf. Wilson, pp. 82-83; and Suet. Aug. 44.

69 Dio LVII 13.5.
theater in the Thessalian custom. Claudius granted senators the right to attend public spectacles in garments of their own choice. When Nero founded the quinquennial festival in imitation of Greek theatrical competitions he encouraged spectators to wear Greek style clothing for atmosphere, and, of course, Nero's personal dress both on and off the stage was not exemplary by traditional standards. When senators came to visit him, he wore a short tunic of floral design. He even went to far as to appear in public in an ungirdled tunic instead of the toga.

Domitian, in his attempt to re-establish ancient customs, enforced the wearing of togas at the games. Although, there is reason to believe that this and similar regulations were indifferently observed in the late first and early second centuries, the toga remained the official dress of Roman magistrates down into the sixth century and was required uniformly of all who attended public gatherings.

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72 He imitated Nero in instituting Greek games at Rome; and he presided over these spectacles clothed in archaic Greek costume (Suet. Dom. 4.4).

73 Mommsen, III, 220-222.
Foreign Cults at Rome

During the final two centuries of the Republic the establishment of foreign cults at Rome by private initiative was discouraged. The repression of the Bacchanalians in 186 B.C. and the eviction of the Jews from Rome in 139 B.C. demonstrate this policy. But Roman isolation from alien cults became impossible as the foreign element at Rome increased greatly throughout the first century. By mid-century the cults of the Alexandrian deities and Javew were established at Rome. Such worship was confined mostly to the Oriental population to which the cults were native. Since unauthorized cults enjoyed only tenuous security and were outside the recognition and protection of the law, they were at the mercy of the magistrates and Senate. But as long as their number of adherents was small, and Roman citizens were not conspicuously involved, simple police measures provided sufficient restraint. 74

Even some religiones liciteae suffered limitations. Only cults which were officially identified with indigenous Italian deities were allowed a place within the pomerium. Although the association of Cybele with the Roman Magna Mater secured a place for that goddess within the sacred precincts, the state forbade Roman citizens prominent roles in her ceremony and the

priesthood was open only to Phrygians.\textsuperscript{75} The Alexandrian deities gained recognition at Rome but not without a struggle. Their chapels and altars were torn down in 58, 54, 50, and 48 B.C. in a vain attempt to suppress the cult.\textsuperscript{76} Julius Caesar shared this hostility until Cleopatra was able to say of him, in the words of Georges Lafaye, "venit, vidit, victus est."\textsuperscript{77} And after his death the provisional government decreed that a temple should be built for Isis and Serapis.\textsuperscript{78}

But the clash between East and West which culminated at Actium, and Augustus' program of reviving the worship of Roman deities curtailed official enthusiasm for the eastern cult. Augustus instituted a policy of limited acceptance only toward the religion. In 28 B.C. he excluded the practice of Egyptian rites within the pomerium and at the same time initiated the restoration of such temples as were beyond the sacred wall.\textsuperscript{79} Agrippa, acting in the absence of Augustus in 21 B.C., repeated the interdict and extended its application to within one mile of the city.\textsuperscript{80}

In spite of these reverses, the worship of Isis flourished at Rome until a scandal provoked renewed hostility in 19 A.D. Josephus provides the details of this incident.\textsuperscript{81}

\textsuperscript{75}Dionysius of Halicarnassus II 19. Cf. Guterman, pp. 120-121.

\textsuperscript{76}For an account of the persecution and regulation of the Alexandrian deities at Rome see Georges Lafaye, Histoire du Culte des Divinites d'Alexandrie (Paris: Ernest Thorin, 1884), pp. 44-53 and Guterman pp. 118-119.

\textsuperscript{77}Lafaye, p. 46. \textsuperscript{78}Dio XLVII 15.4.

\textsuperscript{79}Ibid. LIII 2.4; cf. Suet. Aug. 93. \textsuperscript{80}Dio LIV 6.6.

\textsuperscript{81}Josephus Antiquitates Judaicae XVIII 3.4.
It seems that a certain woman of rank, Paulina, was a devotee of the goddess Isis. Decius Mundus, a leading eques, desired to possess the chaste Paulina. When his proposition coupled with an offer of 200,000 drachmas was refused, he despaired of living. At this point his freedwoman, Ida, offered to procure Paulina for Mundus for only 50,000 drachmas, intending to use half of that sum to gain the connivance of the priests of Isis. Persuaded by the money, two priests agreed to help. The elder of the two informed Paulina privately that the god Anubis, the consort of Isis, was extremely fond of her and wished to consummate his love for her in the temple of Isis. The naive Paulina piously accepted the invitation and gave herself throughout the entire night to the god impersonated by Mundus. However, upon taking leave, he deliberately betrayed himself and thus caused Paulina to reveal the affair to her husband Saturninus.82

Upon hearing of Paulina's disgrace, Tiberius instituted a full senatorial investigation of the incident. This clear instance of temple prostitution involving a Roman family of high rank hardened the emperor's already unfriendly attitude toward foreign cults. In the wake of the investigation the

82 Rogers, Criminal . . . , pp. 32-36. He argues that her husband was probably the Gaius Sentius Saturninus who was consul ordinarius in 4 A.D. and therefore was associated with the lex Aelia Sentia. If this identification is correct the easy access of Saturninus to the emperor and the latter's outrage that a consular family had been treated so shamelessly is easily understood. Note that the deception of another Roman matron of rank occurred that same year when Jewish rogues deceived Fulvia (Josephus A. J. XVIII 5).
principals were prosecuted, most probably for violation of the *lex Iulia de adulteriis*.

83 The two priests and Ida were condemned to crucifixion while Mundus suffered *exsilium* and most likely the confiscation of half of his property. Moreover, in a wave of indignation, the Senate ordered the temple of Isis at Rome destroyed, the cult images cast into the Tiber, and prohibited the worship of Isis. Adherents who refused to conform were required to leave Italy or be liable to permanent slavery.

84 This action was no more successful than previous suppressions of the cult. Sometime in the principate of Caligula public worship of Isis was restored.

85 The first emperor to show open sympathy for the sect was Otho who, dressed in the appropriate vestments, frequently celebrated the rites of Isis in public.

86 The Flavians followed the precedent of Otho in

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83 Josephus A. J. XVIII 3.4; Digest XLVIII 5.30.2; XLVIII 5.9; XLVIII 5.10.1; and Paulus Opinions II 26.14. Cf. Rogers, pp. 35-36.

84 Josephus A. J. XVIII 3.4; Tac. Ann. II 85.5; and Suet. Tib. 36. Cf. Lafaye, pp. 53-58. Although the sexual act was not a part of the ritual of the cult, the temple of Isis had a reputation as a meeting place for those who sought amorous adventures (Ovid Ars Amatoria I 76; Juvenal VI 486-489; IX 22-26; and Kiefer, pp. 127-132).

85 For the restoration of the Iseum the terminus a quo is 19 A.D. and the terminus ad quem is the death of Lucan (April 30, 65 A.D.). Lucan reports that: "Nos in templo tuam Romana recepimus Istim" (Bellum Civile VIII 831). Mommsen, writing in CIL, I, 406, expressed the opinion that probably in the reign of Caligula public worship of Isis was restored to Rome.

86 Suet. Otho 12.
their overt sympathy for the cult. Its triumph was finally assured by Domitian's lavish restoration of the Iseum in the Campus Martius after it had been destroyed by fire.

Another foreign sect which came under the surveillance of the government at Rome was Judaism. By the middle of the first century B.C. the Jewish population at Rome was of sufficient size to arouse popular prejudice and to merit the existence of a number of synagogues. After the victories of Julius Caesar, the Jews at Rome and throughout the Empire were granted special privileges in return for the support they had gladly given to the dictator. Judaism at Rome was recognized as a *religio licita* and the individual synagogues were treated as licensed *collegia*.

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87 For the association of Vespasian with the cult of Serapis while he was in Egypt see Tac. Histories IV 81-84 and Suet. Vesp. 7. A sestertius minted in 71 A.D. has a bust of Vespasian on the obverse and the front view of the Iseum on the reverse (cited in M. McCrum and A.G. Woodhead (eds.), Select Documents of the Principates of the Flavian Emperors (Cambridge: At the University Press, 1961), p. 65). Domitian preserved his own life during the brief reign of Vitellius by masquerading as an acolyte of Isis (Suet. Dom. 1 and Tac. Hist. III 74).


91 It is not surprising that the Jews of Rome were prominent among the mourners for the assassinated Caesar (Suet. Div. Jul. 84.5). For a summary of the various views on the legal relationship between Judaism and the Roman government see Guterman, pp. 130-160.
Jewish privileges were reaffirmed by the triumvirs and later Augustus granted them the right, if citizens, to obtain their dole on a day other than the sabbath, whenever normal distribution occurred on that day. The good graces of Augustus and Agrippa toward the Jews at Rome are reflected in the names of the synagogal congregations, Augustesians and Agrippesians.

That under such tolerant conditions the Jews at Rome were active proselytizers is seen in the literature of the early Principate. But their success in these matters aroused anxiety, especially when proselytizing was not confined to the lower strata of Roman society. In large measure such activity accounts for the occasional restrictions of Judaism at Rome. The first incident of this nature occurred in 19 A.D. when four Jews of doubtful character exploited the religious tendencies of a certain Fulvia. They met with her regularly ostensibly to instruct her in the Mosaic law but with the ulterior motive of enriching themselves. They succeeded in obtaining from her contributions of purple and

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93Leon, The Jews . . . , pp. 11 and 140-142.

94Horace Satires I 4.142-143; Seneca complained that Jewish practices had become common among the Romans, indeed that the "victi victoribus leges dederunt" (quoted by Augustine in De Civitate Dei VI 11); and Juvenal looked with great disfavor upon Roman fathers who experimented with a few Jewish customs but whose sons thereupon became full proselytes (XIV 96-106). Cf. Suet. Aug. 76.2; Tac. Hist. V 5; and Leon, The Jews . . . , pp. 250-256.
gold for the Temple at Jerusalem which they appropriated for their personal use. 95

It so happened, however, that Fulvia was the wife of a Roman senator Saturninus, who when he heard of the deception registered a complaint with Tiberius. 96 This disclosure of scandal connected with the proselytizing activity of the Jews and involving a Roman matron of high station unloosed latent antagonisms toward the Jews. 97 The Roman Senate decreed that 4,000 libertini of military age who followed Judaism should be drafted for police duty in Sardinia. 98 The worship of Jaweh was suppressed at Rome. Those Jews and proselytes who refused to cease observance of the rites were to leave the city before a specified day under threat of permanent slavery. Yet, since there was no criminal law which forbade the practice of Judaism at Rome, probably only peregrini and those who did not possess

95W.A. Heidel, "Why Were the Jews Banished from Italy in 19 A.D.?" The American Journal of Philology, XLI (1920), 38-47 provides an ingenious and rather unlikely thesis that Fulvia was being solicited as a prostitute for the Temple. A detailed refutation of this theory is given by E. Mary Smallwood, "Some Notes on the Jews under Tiberius," Latomus, XV (1956), 314-329.

96Josephus A. J. XVIII 5. There may be a confusion of names here since in both the Paulina and Fulvia incidents the husband's name is Saturninus, both women are of high rank and were defrauded by members of eastern cults in the same year. Rogers (p. 32) believes that mere coincidence in all of these details is incredible. He suggests that the two women are one and the same, in one instance referred to by her cognomen, and in the other by her cognomen. The present state of evidence makes final solution of this problem impossible.

97Dio LVII 18.5a; and Smallwood, "Some Notes . . . .", pp. 314-322. Miss Smallwood argues cogently that the suppression of the Jewish cult in 19 A.D. was caused by proselytizing activity among the cives Romani.

98Josephus A. J. XVIII 5; Tac. Ann. II 85; Suet. Tib. 36; and Dio LVII 18.5a. Cf. the suggestion given by Dionysius of Halicarnassus for ridding the city of undesirable elements (IV 24.4-8).
full citizenship were directly affected by the senatus consultum. The ban itself was of only temporary duration for with the fall of Sejanus in 31 A.D. Tiberius restored more equitable treatment to the Jews.

Conditions for Jews at Rome remained relatively unchanged under Caligula. But at the time of the accession of Claudius the Jewish community was in turmoil over the activities of newcomers from Judaea who preached that Jesus was the Christ. Rioting broke out and became worse to the extent that Claudius expelled from the city those who were prominent in the unrest and forbade all Jews the right of assembly. As the bitterness subsided normal conditions were once again restored.

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100 Philo Leg. XXIV 160-161. It is probable that those Jews who were banished were at this time readmitted by Tiberius. Cf. Leon, The Jews . . . , p. 20.

101 Suet. Claud. 25: "Iudaeos impulsore Christo assidue tumultuantis Roma expulit." Acts XVIII 2 reports that all Jews were expelled from Rome, but Dio LX 6.6 says that the Jewish population at Rome was too large to be expelled en masse. Both Tacitus and Josephus are silent about the entire episode. Cf. Henri Janne, "Impulsore Christo," Mélanges Bidez (Annuaire de l'Institute de Philologie et d'Histoire Orientales), II (1934), 531-553; Leon, The Jews . . . , pp. 21-27; and Elmer T. Merrill, Essays in Early Christian History (London: Macmillan & Co., 1924), pp. 102-108. Both Janne and Leon argue for the identification of "Chrestus" with "Christus" and the position that the tumult within the Jewish community was caused by those who carried on Christian missionary activity. Merrill, however, rejects this identification and places the expulsion date at about 49/50 A.D. (pp. 102-110). Disorder was common in Jewish communities throughout the Empire when the Christian message was proclaimed. This was especially true during the principate of Claudius. Cf. Acts XIII 50 (Antioch of Pisidia); XIV 4-6 (Iconium); XIV 19 (Lystra); XVI 1922 (Philippi); XVII 5-7 (Thessalonica); and XVIII 12-17 (Corinth). Note also the edict of
Jews at Rome throughout the reign of Nero were not troubled. The persecution of the Christians at Rome in 64 A.D. and the war in Judaea between 66-70 A.D. apparently did not affect the status of the Jewish Roman community, which enjoyed the protection of Poppaea. 102

Under Vespasian the only significant change was that those who had contributed the annual didrachma for the Temple now paid that sum into the fiscus Judaicus as a poll-tax. 103 Domitian, faced with many Jews and proselytes who avoided payment of the tax, exposed violators and vigorously enforced its collection. 104 The incident involving Flavius Clemens, Domitian's cousin and consul ordinarius in 95 A.D., may indicate that the emperor took extreme measures to check conversions to Judaism. Clemens and his wife Flavia Domitilla were convicted of "atheism" and following Jewish practices. Another consular, Acilius Glabrio, Claudius which confirmed Jewish rights throughout the Empire (Josephus A. J. XIX 5.3.287-291) and his rescript to the Alexandrians concerning, among other things, tumult in that city which involved the Jews and the citizens of Alexandria (Documents Illustrating the Reigns of Claudius and Nero (Collected by M.F. Charlesworth; Cambridge: At the University Press, 1939), pp. 3-5).

102 Josephus A. J. XX 8.11 and Vita 3.16.

103 Dio LXVI 7.2. This tax was collected from all those who were full members of the Jewish community, including proselytes (Leon, The Jews . . ., p. 31). The fact that this measure was not intended as a reprisal for the Jewish war is seen in the establishment of similar poll-taxes at this time among others—the fiscus Asiaticus and the fiscus Alexandrinus.

104 Suet. Dom. 12.
and nameless others, experienced a similar fate.\textsuperscript{105} Despite these incidents, and rumors of threatened persecution, the religious liberty of the Jewish community at Rome remained unimpaired. Perhaps the Jews by birth were only spared persecution by the timely assassination of Domitian. In any case, Nerva immediately quashed accusations against Roman citizens who had taken on Jewish customs.\textsuperscript{106}

The persecution of Christians at Rome in 64 A.D. was not an attempt to preserve Roman traditions from alien influence. If Nero had desired to restrain the proselytism of foreign cults certainly the Jewish community would have been affected also, and it was not. Tacitus believed that Christians were proper objects of proscription for the public good but he states that Nero took measures against them solely to divert the charge that he had fired Rome. The Christians were used as scapegoats.\textsuperscript{107} It is by no means clear under what criminal statute they were tried and convicted but probably they were charged for incendiariism.\textsuperscript{108}

\textsuperscript{105}Suet. \textit{Dom.} 15.1; and Dio LXVII 14.1-3. Dio states that many others who drifted "ἐς τὰ τῶν Ἰουδαίων ἡθοὺ" were also prosecuted. Domitilla was relegated to an island and Glabrio and Clemens were executed. For a discussion of whether a persecution of Christians occurred under Domitian see E. Mary Smallwood, "Domitian's Attitude toward the Jews and Judaism," Classical Philology, XXI (1956), 1-13; Merrill, \textit{Essays . . . .}, pp. 158-173; and Leon, \textit{The Jews . . . .}, pp. 33-37.

\textsuperscript{106}96 A.D. Dio LXVIII 1.2.

\textsuperscript{107}Suet. \textit{Nero} 16; Tac. \textit{Ann.} XV 44. Cf. Jean Beaujeu, \textit{L'Incendie de Rome en 64 et les Chrétiens} (Collection Latomus, Vol. XLIX), 1960, where it is argued that if the Christians were not used in this way the initiation of persecution against Christians at this time is inexplicable (p. 20).

\textsuperscript{108}For a discussion of the problem see Guterman, pp. 41-53 and Beaujeu, pp. 31-38.
Except for the possible Christian connections of Domitilla, there is no evidence for laws restraining Christians as such at Rome from Vespasian through Domitian.
CHAPTER II

TOWARD SECURING PUBLIC ORDER

In addition to those regulations which were designed to check alien influences upon the civis Romani of Rome and Italy, other regulations restricting personal liberties were ordained simply to maintain public order. Regulations of this latter type restricted collegia, tabernae, and the conduct of actors and spectators at the theater. Moreover, when astrologers and then also philosophers threatened the security of the princeps by their activities, they too were circumscribed by law.

Collegia

As is well known, the issue of collegia and sodalicia in the form of political clubs was particularly acute in the last generation of the Republic.1 In the end, Julius Caesar

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1In 64 B.C. the Senate decreed that only those few collegia which served the public good, such as associations of craftsmen, should be allowed. Private religious associations and funerary guilds that had not compromised their original purpose were also permitted (Asconius, Crationum Ciceronis Quinque Enarratio (Edited by Albert Clark; Oxford: At the Clarendon Press, 1907), p. 75). The lex Clodia de collegiis restored political clubs in 58 B.C. (Dio XXXVIII 13. 2; cf. Cicero Ad Atticum III 15.4). In 55 B.C., the lex Licinia de sodaliciis restricted those clubs which were formed to intimidate the voters and candidates during the election campaign of that year (Cicero Pro Flancio). Dio XL 48.1 gives a vivid description of gang rule in the streets of Rome. Cf. the article of J.F. Waltzing, "Collegium," in Dizionario Epi.
in his dictatorship forbade all such associations except those of ancient origin and non-political purpose, specifically exempting Jewish communities on religious grounds. Although some political clubs were revived during the second civil war, Augustus, following the example of his adoptive father, disbanded all except those of ancient origin and public worth. He reaffirmed the rights granted the Jews by Julius Caesar, and during his principate the Senate authorized a number of collegia which presumably met the conditions of a lex Julia de collegiis. In no case, however, was a citizen permitted to belong to more than one licensed collegium lest club membership become interlocking and thereby constitute a threat to public order. Anyone convicted of membership in a collegium illicitum was guilty of a capital offense.

Nevertheless there persisted among the urban plebs an irresistible tendency to combine in societies of their own making. Private collegia, whether professional, religious, or

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3 Suet. Aug. 32.1. Cf. Dio LIV 2.3 which reports that Augustus abolished some of the common meals and limited others.

4 An inscription (CIL, VI, 2193) refers to a lex Julia de collegiis under which a collegium symphoniacorum was granted recognition by the Senate. It is not certain whether the lex Julia was the work of Julius Caesar or that of Augustus (Suet. Div. Jul. 42 and Aug. 32). Under Tiberius new collegia continued to be licensed on a restricted basis; the Senate granted authorization to a collegium dendrophorum (CIL, VI, 29691) and to a corpus piscatorum et urinatarum (CIL, VI, 1872).

5 Digest XLVII 22.1.

6 Ibid. XLVII 22.2; and III 4.1. Gaius states that the
simply funerary in nature, helped the individual who was overwhelmed by his personal insignificance to recapture a sense of identity and dignity within the corporate strength of the association. Denied ready access into the exclusive ranks of the upper classes, the plebeians found relief from the dullness and obscurity of everyday existence in the "magistracies" and ceremonies of the collegium. As a result, many such societies were formed at Rome without specific authorization. Although the legal prohibitions were clear, enforcement was left to the discretion of the government. Consequently, at times their clandestine existence was overlooked. Any involvement in public disorder, however, resulted in immediate suppression.

When Caligula came to power enforcement of regulations against unlicensed associations was relaxed with a resultant proliferation of collegia at Rome. But the abuses that occurred prompted Claudius to restrict their numbers. All indiscriminate founding of associations was not permitted and that authorization for new collegia was the exception rather than the rule. The Digest XLVII 22.3 states that without specific authorization the organization was ipso facto in conflict with the law. Collegia illicita were to be disbanded according to procedure established by the state; in such cases the members were permitted to recover their contributions to the common fund.


8J.P. Waltzing, Étude Historique sur les Corporations chez les Romains (Louvain: Charles Peeters, 1895), I, 137-140.

9Dio LX 6.6. The senatus consultum de collegiis which granted general permission for the establishment of funerary societies provided that such societies could meet no more often than once each month for purposes of business. This
imperial regulations of the right of association had applied only to Rome until Nero extended the provisions of the lex Iulia to all Italy.\textsuperscript{10} No change in these regulations and their application occurred from Vespasian through Domitian, but by the time of Trajan the provinces also were brought under its provisions.\textsuperscript{11}

\textbf{Taverns and Cook Shops}

The numerous tabernae or popinae provided the Roman plebs places for eating, drinking and merriment. In many respects the social life of the lower classes centered at such establishments.\textsuperscript{12} Naturally, drunkenness and petty

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This measure was enacted sometime between the reign of Augustus and that of Hadrian (\textit{FRAC}, I, 291). Moreover, the \textit{Digest} XLVII 22.1 states that assembly for religious purposes was permitted as long as government regulations were not violated. By these concessions the state adopted a more realistic attitude toward the right of association. Cf. Dill, pp. 259-260 and Guterman, pp. 130-150.

\textsuperscript{10}Tac. Ann. XIV 17.2: "collegiaque, quae contra leges instituerant dissoluta." Nero was forced to take this repressive measure because the strife between inhabitants of Nuceria and Pompeii had resulted in bloodshed. Cf. Waltzing, "Collegium," p. 355.

\textsuperscript{11}A rescript of Trajan forbade the setting up of beneficial societies in all areas subject to Roman jurisdiction (\textit{Pliny Ep.} X 93). Trajan was so cautious in this matter that he refused permission for the establishment of a guild of firefighters for the city of Nicomedes. He insisted that public order would be better served if only the necessary equipment were purchased for the use of property owners and spectators in time of emergency. Trajan feared that those "qui in idem contracti fuerint hetaeriae aequae brevi fient" (\textit{ibid.} X 34). For an example of public disorder instigated by a \textit{collegium fabrorum} see Acts XIX 23-41.

\textsuperscript{12}For a full discussion of popinae see Tönnes Kleberg, \textit{Hotels, Restaurants et Cabarets dans l'Antiquité Romaine} (Uppsala: Almqvist S. Wiksells, 1957) and W.C. Firebaugh, \textit{The Inns of Greece and Rome} (Chicago: Pascal Covici, 1928).
brawling sometimes ensued causing public nuisance, especially when quarrels spilled out of the taberna into the street.

Moreover, places of this type probably afforded collegia opportunity to meet in clandestine manner. If so, the expression of discontent and seditious thinking was common place at such establishments. As we have already seen, emperors generally were suspicious, if not hostile, toward gatherings which might disturb the tranquility of the city. And the government, which obviously preferred to superintend the free time of the masses by offering politically innocuous spectacles, naturally regulated these breeding grounds of public mischief. In order, therefore, to limit expenditure among the lower classes and to curtail their license, restriction was placed upon the service of food in the tabernae. Under this circumscription both patronage and profits diminished.

The earliest regulation of this type occurred under Tiberius, who restricted the menus of popinae and ganaeae to the point of forbidding even the serving of baked goods. Caligula, in his desire for new sources of revenue, taxed, among others,

13Kleberg, p. 94.

14Kleberg compares the archaeological evidence from popinae at Pompeii with that of the popinae of Ostia. He concludes that the latter's paucity of luxury cuisine can, in part, be attributed to the effectiveness of imperial regulation in the vicinity of Rome. Whereas at Pompeii the wall paintings advertised prepared poultry, seafood, ham, wine, and the like, the cafe walls at Ostia bore illustrations of more meager fare, turnips, and fruit (pp. 54-55). Cf. Firebaugh, p. 178.

15Suet. Tib. 34. Cf. Pliny, who reported that in 23 A.D. a certain Gaius Sulpicius Galba sought to curry favor with the emperor by effecting the entrapment of operators of popinae who were not observing the limitations (Nat. Hist. XXXIII 8.32). Cf. Rogers, Criminal Trials . . . , pp. 73-74.
the operators of taverns. But this action was hardly in the spirit of regulation. Claudius, after disbanding the political clubs which had sprung up under the laxity of his predecessor, closed down establishments where it was the custom of patrons to fraternize and drink together immoderately. In others he simply forbade the serving of cooked meat and hot water. By this means he sought to curtail the tavern life which bred illegal association as well as the collegia themselves. Yet when tenants on Claudius' own property along with his steward were implicated in violations of this regulation, the emperor reversed his policy. The aedile who had administered the penalties was relegated to an island and the college of aediles was relieved of jurisdiction over popinae. As a result, enforcement lapsed and menus listing luxury cuisine reappeared.

Nero, in spite of his steady patronage of gainaeae and popinae, revived the neglected regulations by limiting meals at such places to pulse and vegetables. Vespasian went so far as to allow the serving of pulse only. For the rest of

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16 Dio LIX 28.8.

17 Ibid. LX 6.7. The hot water was served for mixing with wine. Its popular use is attested by the social commentators of the first century A.D. Thus by forbidding hot water for drinks the government discouraged the patronage of popinae.

18 Suet. Claud. 38.2.

19 Prior to Nero's revival of restrictions every type of fine food was available in cook shops (Suet. Nero 15.2).

20 Ibid. and Dio LXII 14.2. Cf. Petronius 14 where Encolpius and Ascylos carried only a dupondius with them to purchase the meager fare of peas and lupines at a popina.

21 Dio LXVI 10.3. Dio believed that Vespasian's continuation of regulation was motivated by his personal inclination to thrift.
the century, there is no further evidence of regulation of popinae.

The Ludi Romani

Of the many varieties of ludi publici at Rome gladiatorial contests (munera), wild beast hunts (venationes), racing (ludi circenses), and the theater (ludi scaenici) were the most common. By the end of the Republic the Roman year contained over 113 holidays. By the time of Claudius the number had increased to 159. Of these, 93 were observed by games presented at public expense. Obviously, it was the policy of the government to monopolize the leisure time of the urban masses by publicly controlled diversions. The social excitement which had been found earlier in political clubs and taverns was now transferred to the more impersonal associations connected with public spectacles.

By providing an abundance of panem et circenses the emperor loomed large as the beneficent pater patriae. At the same time, by providing a tolerable outlet for the passions of the masses the imperial regime promoted its own stability and the public tranquility. Augustus continued the policy

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22 Jerome Carcopino, Daily Life in Ancient Rome (New Haven, Connecticut: Yale University Press, 1940), pp. 202-206; and Dio LX 17.1 mentions that in 43 A.D. Claudius curtailed the number of holidays because of the difficulty of transacting public business in the limited time available.

23 Carcopino, pp. 206-210 and 221. In Rome there were 150,000 individuals living on public assistance; an equal number was free from employment by the noon hour. The emperor was well aware that so much leisure time in the hands of the masses constituted a potential threat to public order. The games channeled their attention away from activities dangerous
established by his adoptive father in limiting magistrates of municipia to the exhibition of only one munus (gladiatorial show) a year.24 Within Rome the praetors, who had the responsibility for public festivals, were restricted to offering only two munera annually with no more than 120 combatants in each event.25 By thus placing restrictions upon the number and expenses of munera Augustus was primarily attempting to transfer the kudos from the praetors to his own person, for, while curbing the magistrates, he set new standards of lavish display in the extraordinary munera which he proceeded to offer to the city.26 In this way munera were increasingly monopolized by the emperor as a matter of policy.27

At all these exhibitions, steps were taken by the state to preserve the dignitas of the upper classes, a tolerable level of morality in the performances, and public order among the actors and spectators.

\[\text{to the state. The remark that Dio places in the mouth of Pylades addressing Augustus expresses this policy succinctly: \textquote{συμφέρει σοι, Καίσαρ, περὶ ήμας τὸν δῆμον ἀποδιατρίβεσθαι} (Dio LIV 17 5). Nero forbade public sponsorship of munera in the provinces because by this means governors were able to divert attention from their misdeeds (Tac. Ann. XIII 31). Cf. Tac. Dialogue 29.}\]

\[\text{24Lex coloniae Genetivae Juliae 70 and 71 in Paul F. Girard, Textes de Droit Romain (Paris: Arthur Rousseau, 1923).}\]


\[\text{26Res Gestae 22 states that during his principate Augustus presented some fifteen extraordinary munera (in ADA, pp. 44-45). Cf. Dio LIX 7.3 where it is said that Caligula in his zeal for the games exceeded the usual limitations on games and in LIX 14.3 where he lifted the limitation on the combatants permitted to contest in each munus.}\]

\[\text{27Later Claudius transferred the responsibility for the}\]
Prior to 194 B.C. the seating at public games had been entirely arbitrary. In that year, the censors set apart in the orchestra reserved seats for members of the Senate.\textsuperscript{28} Then in 67 B.C. the Roman equites, by the \textit{lex Roscia theatralis}, obtained exclusive right to the first fourteen rows of the Cavea, directly behind the senators.\textsuperscript{29} These privileges, however, applied only to the theater at Rome. But in 26 B.C., as a result of insult to a senator who was not offered a seat in the crowded theater at Puteoli, a \textit{senatus consultum} enacted that the front rows of theaters throughout the Empire were to be reserved for senators.\textsuperscript{30} Although in 5 A.D., senators and equites were granted the privilege of special seating at the Circus as well as the theater,\textsuperscript{31} it was not until the reign of Claudius that a specific seating area was designated for senatorial use,\textsuperscript{32} and under Nero the area in front of the public games from the praetors to the more numerous quaestors (Suet. \textit{Claud.} 24; and Tac. \textit{Ann.} XI 22). The Circus Maximus accommodated some 255,000 spectators; the Colosseum some 50,000; and the aggregative capacity of the three Roman theaters was approximately 50,000. Obviously, gatherings of such magnitude required close surveillance and suitable regulation (Carcopino, pp. 222 and 233). For reference to the presentation of games by the various emperors see Suet. \textit{Cal.} 18-19; Dio LIX 2.5 and 7.5-8 and 13.5 and 14.3; Suet. \textit{Claud.} 21; Dio LX 13.1-3; Suet. \textit{Nero} 11-13 and 20-25; Vesp. 19; Dio LXV 10.3; Suet. \textit{Titus} 7; and \textit{Dom.} 4.

\textsuperscript{28}Livy XXXIV 44.5. The censors who curried the favor of the Senate were Sextus Aelius Paetus and Gaius Cornelius Cethegus.

\textsuperscript{29}Pliny \textit{Nat. Hist.} VII 30.117; and Plutarch Cicero 13. The provision of special seating for the equites provoked an uproar in the theater during the consulship of Cicero.

\textsuperscript{30}Suet. \textit{Aug.} 44; and Dio LIII 25.1.

\textsuperscript{31}Dio LV 22. \textsuperscript{32}Ibid. LX 7.3-4; cf. LXI 16.
plebeians was reserved for the *equites*. Moreover, Augustus’ seating policy involved more than the segregation of senators and *equites*. Married men were also given special seats and women were confined to the back rows. Boys sat near their tutors and soldiers were not allowed to sit promiscuously with civilians.

A further effort to preserve the dignity of the upper classes was made in 22 B.C. when Augustus forbade sons and grandsons of senators and *equites* to perform in public. Those who disregarded this enactment were liable to loss of citizenship. During his principate *equites* were also forbidden access to the stage. In spite of threats of punishment, members of the upper classes continued to appear in public per-

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33 Tac. Ann. XV 32. Tiberius was enraged by the suggestion of Junius Gallio that retired members of the Praetorian Guard should be seated in the theater with the *equites* (Tac. Ann. VI 3 and Dio LVIII 18,3-4). Caligula scattered gift vouchers in the reserved seat areas in order to entice plebs into conflict with the guards (Suet. Cal. 26). Because of over-crowding and the spirit of abandon which frequently grips those who attend public affairs, access to these special seats was often challenged. Domitian strictly forbade the appropriation of these sections by the commons (Suet. Dom. 8). Juvenal, however, believed that Domitian’s enforcement of reserved seating served only to embarrass the poor and honor the mere acquisition of wealth (III 152-159; cf. XIV 322-324).

34 Suet. Aug. 44. Attendance at athletic contests was restricted to men only by Augustus. The *ludi sacculares* could be attended by minors, for the evening performances, only if an adult relative acted as chaperon (ibid. Aug. 31).

35 Dio LIV 2.4-5. Augustus had previously exhibited women of high rank on the stage (Dio LIII 31.3). Suetonius mentions that only one person of high rank, Lycius, appeared on stage after a senatus consultum forbade such practices (Aug. 43). But the continuation of this abuse throughout the entire first century demonstrates that Augustus’ success in this matter was short lived.

36 Dio LVI 25.7; and Gaius I 161.
formances, and in 2 B.C. Augustus took no notice of the *equites* and women of high rank who performed. In fact, the emperor attended spectacles in which violations of this type occurred presumably because the plebs manifested greater interest in performances of this type. In 11 A.D. the penalty was lifted altogether, since those who were determined to pursue this course were not deterred by threatened loss of citizenship.

At first Tiberius took no action against the association of members of the higher orders with the acting profession. But, when senators and *equites* began to resign their rank in order to avoid prosecution, Tiberius restored severity of punishment to the offense. Those who evaded the law by this means were now sent into exile. A *senatus consultum* went even further by prohibiting fraternization between members of the upper classes and performers. Senators were not to enter the home of pantomimists, and *equites* were not to throng about them in the streets.

Under Caligula these measures were relaxed. Indeed, they were violated by the emperor himself. Not only was he addicted to the company of performers but he also imitated

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37 Dio LV 10.11.


39 Dio LVI 25.7. Apparently those who performed were subject only to *infamia* after the penalty was lifted.

40 Suet. Tib. 35; cf. Dio LVII 14.3.

their craft in public as tragedian, pantomimist, and even gladiator.\(^42\) Moreover, with the Senate's permission he forced members of the upper classes to follow his example on stage and in the arena. Others, with his encouragement, of their own free will followed these pursuits. Under Claudius, however, there was a reaction, and all Romans of high rank who had habitually performed during the reign of Caligula were subjected to public humiliation.\(^43\)

The participation of the upper classes in the theater reached its culmination under the influence of Nero, the actor-emperor. After 59 A.D. great numbers of men and women of high-ranking families took part in every type of performance, many by imperial compulsion and others of their own volition.\(^44\) The last imperial prohibition of this practice was the edict of Vitellius which restored severe penalties for infractions.\(^45\) Yet apparently, both the prohibition and the practice continued to coexist down through the fifth century.\(^46\)

\(^{42}\) Dio LIX 5.2-4. \(^{43}\) Ibid. LIX 10.1-4; and LX 7.1.

\(^{44}\) Tac. Ann. XIV 14-15; XIV 20-21; XV 32-33; and Dio LXI 9.1 and LXI 17.2-4. Members of the great Roman families appeared as performers: the Furii, Horatii, Fabii, Forcii, Valerii, etc. (Dio LXI 19.1-20; LXII 15.1; and Suet. Nero 11 and 12). Nero also invited the Vestals to observe the athletic contests (which women were forbidden to attend by order of Augustus, Suet. Aug. 44).

\(^{45}\) Dio LXV 6.3; and Tac. Hist. II 62.

\(^{46}\) In 89 A.D., Domitian compelled Glabrio to fight in the arena (Dio LXVII 12) and in 95 A.D. Glabrio was executed after being charged with, among other things, fighting in *venationes* (Dio LXVII 14.3). Cf. Dio LXVII 13.1 and Suet. Dom. 8 and 13.
Beside discouraging, however unsuccessfully, the participation of senators and equites, the government maintained a lively interest in the conduct of both performers and spectators at the ludi Romani. Moral turpitude and public disorder were especially the object of imperial concern. Pylades, the leading pantomimist of the late first century B.C., was expelled from Italy by Augustus for either sedition or obscene gestures on the public stage, or both.\textsuperscript{47} Stephanio, an actor, when found keeping a married woman as his personal attendant, was scourged in each of the three Roman theaters and then sent into exile; a comedian, Hylas, was flogged for misconduct.\textsuperscript{48}

Nevertheless, Augustus befriended professional entertainers and took genuine interest in their welfare. He carefully enforced the rules which governed combatants and prohibited munera in which the vanquished were not allowed to plead for mercy. Moreover, Augustus revoked an ancient law which made performers, even outside the theater, liable to arbitrary punishment. Instead, magistrates retained jurisdiction only for offenses committed at performances.\textsuperscript{49}

Tiberius, sensitive to the lawlessness which often found expression among the spectators, tried to encourage orderliness by his personal attendance. Nevertheless, at the

\textsuperscript{47}Dio LIV 17.4 and Suet. Aug. 45. Pylades was recalled in 18 B.C.

\textsuperscript{48}Suet. Aug. 45.

\textsuperscript{49}Ibid. Cf. Suet. Nero 4. In 6 A.D. gladiators and other alien inhabitants of Rome engaged in non-essential fields were banished to a distance of 100 miles from Rome because of extreme food shortages (Dio LV 26.1 and Suet. Aug. 42). For a discussion of munera see Carcopino, pp. 239-242.
Augustalia in 14 A.D., the uproar of the multitude was so incessant that only a special session of the Senate granting the crowd's demands restored order. On this occasion, Tiberius inclined to leniency in order to curry favor with the populace at the inception of his reign. But in the following year, when violence resulted in the death of some spectators, a centurion, and some common soldiers, and the wounding of a tribune of the Praetorian Guard, governmental regulation became inevitable. The Senate reacted sharply by proposing that praetors again have arbitrary power to scourge actors. The measure did not stand, however, for a tribunus plebis interposed his veto and Tiberius considered it impolitic to reverse the freedom that Augustus had granted to performers. Even so, a senatus consultum was passed which lowered the pay of actors and limited the freedom of association of the Roman upper classes with professional performers. Actors were restricted to public, as opposed to private, performances. Spectators who encouraged riotous behavior were liable to banishment by the praetor.

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50 Tac. Ann. I 54; Dio LVI 47.2 and LVII 11.5. The tumult occurred when an actor refused to work for the set fee and his supporters vigorously protested his absence from the cast. The skill possessed by actors in the art of demagoguery is referred to in Tac. Ann. I 16. Indeed, the theater commonly served as a place of public protest. By allowing this, the government became informed of the prevailing winds of public opinion while at the same time the frustrations of the populace were expressed under conditions of state surveillance and regulation. Cf. Dio LVI 12; Pliny Nat. Hist. XXXIV 19.62; Tac. Ann. III 23; and Acts XIX 23-41.


52 Ibid. and Suet. Tib. 34. Paulus V 22 states that instigators of public disorder were punished according to their rank
These measures by no means eliminated tumult at the theater. Indeed, it was only after a number of riots that the praetors' complaints were heeded by the Senate. In 23 A.D. a senatus consultum banished all actors from Italy, not only for disturbing the peace, but also for ridiculing Roman families and engaging in public acts of obscenity. The leaders of the rival factions among the spectators shared in the penalty. As a result, authorities were able to restore order to the city. Throughout the remainder of his principate Tiberius resisted popular pressure for the recall of the pantomimists.

In 27 A.D., Tiberius outlawed venationes as well. As a result, those who frequented such spectacles now attended games which were privately-sponsored outside the pomerium. On one such occasion the jerry-built amphitheater at Fidenae collapsed causing injury to thousands of spectators. In order to prevent further disasters of this nature a senatus consultum decreed that exhibitors must possess capital of at least 400,000 sesterces.

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53 Dio LVII 14.10 states that this difficulty was in part the result of the continued fraternization of Drusus with performers.

54 Tac. Ann. IV 14; Dio LVII 21.3; and Suet. Tib. 27. Gambling at the games heightened the zeal of the crowd for competing factiones and combatants. Betting was lawful at all events where contestants performed for the purpose of displaying skill and courage (Digest XI 5.2.1). Kiefer, pp. 171-179 discusses the sensual emphasis of the stage. Cf. Carcopino, pp. 223-229 and Friedlaender, II, 111-113. Indeed, any woman who performed professionally in the theater was ipso facto liable to a charge of adultery (Digest XLVII 5.10). See also Valerius Maximus II 10.8; Juvenal VI 63; and Tertullian De Spectaculis 10, 15, and 17.
terces and all such structures be approved by the government.55

With the accession of Caligula, both pantomimes and venationes were restored to Rome.56 In contrast to Tiberius, Caligula was an ardent admirer of performers and the ludi. With his personal encouragement and active participation, public disorder again erupted at the theater.57 Claudius shared the enthusiasm of his predecessor for games, and, when opinion was expressed that in exhibitions under his sponsorship bloodshed was excessive, he responded by merely removing the statue of Augustus from the scene of carnage. But in 47 A.D., acting as censor, Claudius expressed disapproval of disorderly conduct at the theater.58 Nero, however, in the tradition of Caligula, nullified the effect of Claudius’ edict by deliberate incitement to riot. His experiment of granting unrestrained freedom at the theater ended in chaos when he removed the Praetorian cohort which customarily policed the performances.59 The resulting tumult was so intense that he was forced to restore the cohort to its previous assignment

55Tac. Ann. IV 62-63 and Dio LVIII 1.1. The exhibitor was banished from Italy. Then in 29 A.D. Tiberius rebuked the populace for lack of decorum at public functions (Tac. Ann. V 5).

56Dio LIX 2.5. Cf. Suet. Cal. 15.

57Dio LIX 2.5-6; LIX 13.5; LIX 14.3-6; and Suet. Cal. 26. Cf. Dio LIX 7.5.


59Tacitus says that Nero was attempting to free the Praetorians from the demoralizing influence of the theater and at the same time test the self-control of the crowd (Ann. XIII 24). Dio, however, charges the emperor with sinister intent—the desire to create the ultimate in public disorder (LXI 8.1-3). Cf. Suet. Nero 26.2 and Tac. Ann. XIV 17.2.
and expel the offending pantomimists and their factious supporters from Italy. Those who provoked continued unrest were summarily imprisoned by the praetors. Perhaps it was at this time also that Nero curbed the lawlessness of charioteers who harassed passers-by on the city streets.

In spite of the severity of these measures, or perhaps in response to public reaction to them, pantomimists were allowed back in the city a few years later. In 60 A.D. they reappeared on the stage at Rome, but, to the disappointment of their favorites, were not permitted to enter the sacred contests (the Neronia). Domitian, who allowed munera and contests at the Circus, disapproved of the unrest and immorality so prevalent at the theater to the extent that he limited actors to private performances only. This restriction was repealed by Trajan, who restored pantomimists to the public stage.

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61 Tac. Ann. XIII 28. The tribunus plebis Antistius was censured by the Senate for seeking the release of the prisoners.


63 Tac. Ann. XIV 21. Nero was personally offended by a speech of the comedian Datus and therefore expelled him from the city. But when the pantomimist Paris fell from imperial favor he was executed (Dio LXIII 18.1 and Suet. Nero 39).

Potentially Dangerous Sources
of Supernatural Knowledge

At this time belief in oracles, astrology, and magic was widespread, and since these allied practices could be used to embarrass the government as well as private individuals, the state was naturally concerned.

The ancient policy of strict state supervision of the secrecy of the Sibylline books was continued by Augustus. He ordered the priests to edit them under conditions of privacy and then placed them in two gilded vaults under the statue of Apollo on the Palatine hill. Moreover, he attempted to clear Rome of a large accumulation of spurious prophetic verse. He ordered that before a set date the inhabitants of the city were to deposit all such literature with the praetor urbanus. Possession of oracles after that date was unlawful. As a result, more than 2,000 works of this sort were burned. Only the Sibylline books were spared. Yet, as one might expect, all books of this type were not surrendered, and new ones were imported to Rome to satisfy the popular desire. In 19 A.D. and again in 32 A.D., government investigation of oracular works was necessary. Only personal superstitious fears prevented Tiberius from outlawing oracles in Rome and

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65 Dionysius of Halicarnassus IV 62; Dio LIV 17.2; and Suet. Aug. 31.

the vicinity. \textsuperscript{67} Further state regulation for the rest of the century is not mentioned in our sources. \textsuperscript{68}

Of even greater concern to the authorities was the practice of astrology and magic. The use of these devices for purposes of love, enmity, gain, and the like was so popular, and belief in their efficacy so widespread, that the state, not without reason, considered it salutary to attempt regulation. \textsuperscript{69}

By the Law of the Twelve Tables it was a capital offense to employ incantations to harm another. \textsuperscript{70} In 139 B.C. the praetor peregrinus expelled astrologers from Rome and Italy because in the midst of general unrest unstable minds were excited by their predictions. \textsuperscript{71} The next suppression occurred approximately 100 years later when in 33 B.C. Agrippa, acting as aedile, banished astrologers and sorcerers from the city in order to curb speculation against the fortune of Octavian. \textsuperscript{72}

\textsuperscript{67} Tac. Ann. VI 12 and Dio LVII 18.4. In the latter instance, and presumably in the former as well, this matter was handled by the College of Fifteen (Suet. Tib. 63).

\textsuperscript{68} In Dio LXII 18,3 it is reported that after the fire of 64 A.D. in Rome verses which foretold the end of Roman power were circulating as genuine Sibylline prophecies. Nero, of course, hastily denied their authenticity. Cf. Apocalypse XVII 1-6 and 18; and XVIII 7-19.

\textsuperscript{69} The most authoritative work in this area is that of Frederick H. Cramer, Astrology in Roman Law and Politics (Philadelphia: The American Philosophical Society, 1954).

\textsuperscript{70} VIII 1a-b and 8a (FIRA). \textsuperscript{71} Valerius Maximus I 3.2.

\textsuperscript{72} Dio XLIX 43.5. The bulk of astrologers and sorcerers were apparently not citizens and at the same time were strong supporters of Antony. Their expulsion from Rome, and not from Italy too, probably indicates that Octavian sought primarily to isolate the lower classes from their invidious influence. Cf. Frederick H. Cramer, "Expulsion of Astrologers from Ancient Rome," Classica et Mediaevalia, XII (1951), 18-20.
Astrology was by no means held in official contempt; for the triumvirs and later the emperors regularly consulted expert astrologers. There was, however, governmental anxiety lest, in times of political uncertainty, individuals be moved to seditious behavior on the basis of astrological calculation. Similarly, individuals in their private affairs were threatened with loss or otherwise harmed by opportunists who used fortune-tellers as their agents.

For these reasons predictions made in the presence of a single person only were strictly prohibited by Augustus. Forecasts of death were not permitted even when a greater number were present. But in the political unrest which accompanied the conspiracy of Libo Drusus in 16 A.D. Tiberius found the regulations of Augustus impossible to enforce. So, after the death of Libo, a senatus consultum decreed the expulsion of all astrologers and sorcerers who would not forsake their craft and seek imperial pardon. Apparently many of the practitioners who were Roman citizens failed to heed the ban, relying either upon their citizenship or senatorial patrons for protection. Thereupon a second and more severe decree was reluctantly enacted by the Senate upon the insistence of the emperor. Under this action unrepentant diviners, if they were non-citizens, were threatened with execution; if citizens, with exile and loss of property. Perhaps also at this time

7311 A.D. Dio LVI 25.5. Augustus, however, published his own horoscope in an attempt to show that the restrictions were not motivated by his own fears. Cf. Pliny Ep. II 20.

74Tac. Ann. II 32; Suet. Tib. 36; and Dio LVII 15.8-9; and Ulpianus in Mosaicarum et Romanarum Legum Collatio XV 2.1-3.
a law was enacted which made consultation with astrologers about the life of the emperor or the safety of the state a crime punishable by death. Nevertheless, from time to time in the reign of Tiberius violations of these restrictions occurred and offenders were prosecuted.

In 49 A.D. Lollia was charged with consulting astrologers about Claudius' marriage to his niece Agrippina. As a result of her conviction, she was exiled from Italy and most of her wealth was confiscated. But in 52 A.D., in the wake of the conspiracy trial of Scribonius and his mother Vibia, Claudius felt that a general suppression was needed. The Senate thereupon decreed that astrologers should leave Italy under the threat of severe penalty. Once the scare had passed without danger to the emperor, astrologers drifted back into the city. Prosecutions for consulting astrologers unlawfully continued down through the reign of Nero. During the year of the four

75 Paulus V 22-23 reports that the punishment of slaves who inquired about their master's life was crucifixion; and diviners who accommodated such inquiries were deported or sentenced to the mines. Paulus XXI 3 states that practitioners of magic were liable to death, either by burning, crucifixion or in the arena; those who were apprehended with books of magic in their possession were either deported or executed.

76 Cf. Tac. Ann. III 22-23; VI 29.4-7; and Dio LVIIII 24.3-5.


79 In 53 A.D. Statilius Taurus was charged with participating in magical rites (Tac. Ann. XII 59). That same year Lepida lost her life when she was convicted of using incantations against her rival, Agrippina (Tac. Ann. XII 65). Soranus was executed in the wake of the Pisonian conspiracy on the charge of practicing magic (Tac. Ann. XVI 30 and Dio LXII 26.3).
emperors, the predictions of astrologers heightened rumor and intrigue. Vitellius, upon arriving in Rome in midsummer, commanded the astrologers to leave Italy by the first day of October. In revenge, they predicted that the emperor would not live that long.\textsuperscript{80}

Immediately following Vespasian's accession, the astrologers continued to foretell disaster, and, as a consequence, were banished from Rome once again.\textsuperscript{81} This measure, like those that preceded it, was meant only as emergency legislation. At any rate, private citizens were soon able once again to consult their favorite astrologers.\textsuperscript{82} Domitian, because of the insecurity of his own imperial position, again suppressed astrologers. In 89 A.D. and in 93 A.D., they were expelled from the city.\textsuperscript{83} The return of political stability following the assassination of Domitian, and its permanence for nearly a century, removed astrologers and their kind from the annoyance of state intervention.

\textbf{Philosophers and Rhetoricians}

It was not until the reign of Vespasian that philosophers and rhetoricians became the object of imperial regulation.\textsuperscript{84}

\textsuperscript{80}\textsuperscript{80}Tac. Hist. II 62; Dio LXV 1.4; and Suet. Vitellius 14. For a detailed treatment of this incident see Cramer, "Expulsion . . .," pp. 36-39. Cf. Zonaras XI 16.

\textsuperscript{81}\textsuperscript{81}70 A.D. Dio LXVI 9.2.

\textsuperscript{82}Juvenal records that astrologers were rated by clients according to the amount of harassment the diviner had received from the government (VI 560-565).

\textsuperscript{83}Jerome Chronica 89 and 93. Cf. Dio LXVII 13.2-3; Suet. Dom. 10.3; and Pliny Ep. III 11; see Cramer, "Expulsion . . .," pp. 41-46 and Dio LXVII 12.1-2 and LXVII 15.5-6.

\textsuperscript{84}Augustus encouraged intellectuals during his princi-
The seeds of tension had been germinating as early as the reign of Tiberius when eulogies of Republican martyrs oc-
casioned official concern. Then Caligula, in 39 A.D., sent the rhetorician Carrinas Secundus into exile for giving an oration against tyrants. Later he disbanded a small group of philosophers and sentenced the leaders to death.\textsuperscript{85} Nero, although educated and advised by Seneca and an admirer of philosophical debate, found it expedient to suppress certain members of the profession.\textsuperscript{86} Isidorus the Cynic was banished for chiding the emperor about his inability to rule and the Stoic Thrasea Paetus was a constant irritant to Nero's pride. The Pisonian conspiracy both revealed and heightened existing animosities.\textsuperscript{87}

With the accession of Vespasian philosophers of the Stoic and Cynic schools openly opposed and embarrassed the new pr
c
inceps with support from a circle of senatorial dissidents. The fact that Vespasian was a novus homo with rustic tastes was

\textsuperscript{85}Dio LIX 20.6. Both Julius Canus and Rectus were sentenced to death on charges that remain unknown to our age (Apollonius of Tyana IV 47). But the reliability of this report is in doubt.

\textsuperscript{86}Tac. Ann. XIV 16 and Suet. Nero 52.

\textsuperscript{87}Tac. Ann. XV 71; XVI 16; Dio LXI 27.4; LXII 26.1-2; LXII 27.4; and Suet. Nero 39. In 62 A.D. Tigellinus advised Nero against Rubellius Plautus, who, it was alleged, had associated with the Stoic sect which Tigellinus described as full of arrogance and sedition. Indeed, by the end of Nero's reign, Stoicism had become decidedly associated with the senatorial opposition. Cf. Friedlaender, III, 252-254.
repugnant to the Roman aristocracy. Moreover, his views of
the role of the Senate and the succession of his sons to the
imperial purple were opposed by those senators who entertained
more Republican ideas. The Stoic senator, Helvidius Priscus,
led the abuse against the emperor. When Vespasian arrived in
Rome from Syria Helvidius, then praetor, refused to greet him
as "Caesar"; and in his praetorian edicta, courteous reference
to the emperor was deliberately omitted. Vespasian at first
ignored his rudeness, but, when it appeared that Helvidius'
effrontery was without restraint, the emperor's patience gave
way to contempt. In addition to Helvidius, Demetrius the Cynic,
and many others who called themselves philosophers, harangued
the populace with invective against the regime. Governmental
suppression became inevitable.89

As a result, upon the advice of Mucianus, Vespasian, in
71 A.D., banished all philosophers except the Stoic Musonius

88 For the nature of the political opposition to Vespasian
see: M. Rostovtzeff, The Social and Economic History of the
Roman Empire (Oxford: At the Clarendon Press, 1926), pp. 108-
113; Léon Homo, Vespasien l'Empereur du Bon Sens (Paris: Albin
Michel, 1949), pp. 292-295; and Starr, pp. 138-140. All of
these argue that the Stoic senatorial opposition wanted to
secure only the dyarchy of the Senate and princeps along with
the acceptance of the elective principle of succession. The
Cynic harassment of the emperor, however, was motivated by a
total negation of the very idea of government. M.P. Charles-
worth, writing in CAH, XI, 9-10, interprets the senatorial
opposition differently. He believes that the sources indicate
that nothing short of a restoration of the Republican consti-
tution was at stake.

89 Suet. Vesp. 15; Dio LXV 12.1 and 13.1. Mucianus at-
tacked those who affected a bohemian manner in order to ap-
ppear sophisticated. The disdain of such for convention and
the imperial regime was especially irritating (Dio LXV 13.1a).
Pliny offers a sympathetic description of Euphrates, a philo-
sopher who was acceptable to the establishment (Ep. I 10).
Rufus from Rome. Even more severe measures were taken against the leaders of the opposition. Helvidius Priscus was banished and then executed; Demetrius the Cynic and Hostillianus the Stoic were deported to islands, a penalty which customarily entailed loss of citizenship, property, and right of inheritance.\textsuperscript{90} Later, when Vespasian's travelling party came upon the exiled Demetrius, he insulted the emperor to his face. In reply Vespasian tersely addressed the Cynic as "canis," but no action was taken.\textsuperscript{91} In 75 A.D. another incident occurred when the Cynics Diogenes and Heras, on separate occasions, had the temerity to illegally enter the city and harangue capacity crowds in the theater against the relationship of Titus and Berenice. Diogenes was only scourged, but Heras, who repeated the former's boldness, was put to death.\textsuperscript{92}

That Vespasian's suppression of philosophers was political rather than anti-intellectual is seen in his enthusiastic patronage of intellectual activity. Rhetoricians at Rome were were granted an annual subsidy and those in the provinces privi-

\textsuperscript{90}Dio LXV 12.2-3 and 13.2-3; Digest XLVIII 19.28.3 and 13; and XLVIII 22.14-15. The belated attempt of Vespasian to recall the execution order against Helvidius was ineffectual (Suet. Vesp. 15).

\textsuperscript{91}Suet. Vesp. 13. This incident is all the more unusual since Demetrius apparently had no right to be in the vicinity of the emperor's entourage. For the Digest XLVIII 22.19 reports that only such persons as were allowed to enter Rome could enter the emperor's presence elsewhere. Certainly the intransigence of men like Helvidius, Demetrius, and Diogenes left Vespasian no alternative to suppression.

\textsuperscript{92}Dio LXV 15.3-5. Apparently the expulsion edict was enforced for a number of years beyond 71 A.D.
leges and immunities. During the brief reign of Titus no apparent tension developed between intellectuals and the regime. But under Domitian fresh conflicts arose. In 82 A.D., after the execution of Flavius Sabinus for conspiracy, the rhetorician-philosopher Dio Chrysostom, was banished from Rome as the emperor attempted to eliminate sources of opposition. Later, the failure of Domitian's military campaigns in the Danube regions, coupled with the rebellion of Lucius Antonius, intensified suspicion and intrigue. To relieve the pressure a new wave of political executions was begun along with a general expulsion of philosophers and astrologers from the city. Senatorial opposition to reprisals only confirmed the emperor's distrust. As conditions became worse, two of the leading members of the Stoic faction in the Senate, Junius Rusticus and Senecio, were executed for eulogizing Thrasea and Helvidius. In the same context, others who used philosophy as a cloak for sedition were convicted. The affair culminated in 93/94 A.D. when Domitian banished all remaining philosophers from both Rome and Italy. After the assassination of the emperor, however, although the Cynics remained hostile, the

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95 Jerome Chronica 89; Dio LXVII 11.2-6; and 12.5. Cf. CAH, XI, 27. Domitian was not against philosophers per se, but only those who threatened his own rule by their overt criticism of the regime. Some philosophers acted as delatores during the purge (Pliny Ep. X 58 and 85).

96 Jerome Chronica 93; Suet. Dom. 10; and Dio LXVII 13.2-3.
Roman Stoics established a *modus vivendi* with the imperial regime which reached its full expression in the reign of the philosopher-emperor, Marcus Aurelius.\(^\text{97}\)

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*Cf.* Gellius XV ii.4-5. Tacitus comments bitterly on Domitian’s suppression of intellectual freedom at Rome (*Agricola* 2).

97The Antonines accepted the principle of an elective succession and showed outward respect for the dignity of the Senate.
CONCLUSION

The cura morum exercised under the Republic continued with shifted emphasis under imperial auspices. The spirit of Cato no longer dominated regulatory efforts. Foreign ways were at least tolerated if not appreciated. It was not practicable to isolate the imperial capital from the surrounding cultural milieu. Therefore Augustus instituted a program with a two-fold objective: to preserve the Roman identity and character of the ruling classes; and to create a bond of unity among the peoples of the Empire through a program of Romanization. His policies were retained with varying effectiveness throughout the successive reigns of the first century.

At the center of Augustus' effort to revitalize Roman society were the laws which regulated celibacy, adultery, and conditions of manumission. He sought the maintenance of adequate population levels among the cives Romani, and particularly among the higher orders, by the encouragement of the stability of marriage and the procreation of children. Entrance into the citizen body was restricted to those who had at least some introduction to Roman manners. In order to strengthen the roots of Roman culture he regulated luxury; the wearing of foreign apparel in the city; and revived the state cults. Other deities were tolerated in the vicinity of Rome as long as their adherents were law-abiding and refrained
from seeking converts among the cives Romani. Augustus stringently regulated the right of association at Rome in an attempt to preclude a recurrence of mob-rule in the city's streets. He provided the people lavish entertainments, but was careful that the dignity of the upper classes and public order were not impaired by the theater. Although his great prestige undoubtedly aided achievement in these areas, problems of enforcement continued to occur.

After the death of Augustus, the weaknesses inherent in his program of cura morum caused Tiberius considerable difficulty. Violations of the lex Iulia de meritorandis had produced a corps of delatores and a hopeless backlog of pending cases. In 19 A.D. the worship of Isis and Jaweh at Rome was associated with proselytizing activity among women of high rank under fraudulent conditions. Both sects were expelled from the city. When strife in the theater developed into riot and bloodshed freedom of expression was curtailed at spectacles. When this measure proved ineffective, all actors were expelled from Rome. Although the enforcement of sumptuary laws proved impracticable, Tiberius, in spite of repeated frustration, maintained the spirit of Augustus' reforms with a significant measure of success.

But Caligula, who assumed the role of a magister malorum, largely discarded the cura morum. He took greater interest in overthrowing reform than in preserving it. He allowed full freedom for the formation of collegia and personally encouraged tumult at spectacles. He not only recalled the
pantomimists banned by Tiberius, but became a performer himself. He was so enamoured with the games that he removed the customary restraints which governed them. Although he freed the city of male prostitutes, he opened a palace brothel to the general public in order to increase state revenues.

When Claudius came to power the license that characterized the reign of his predecessor was curbed. The collegia which had been introduced and the popinae which bred illegal association were suppressed. At the same time public peace was restored in the Jewish community when those who had instigated strife were expelled and the right of assembly in synagogues was temporarily denied. The theater too was subjected to regulation. Claudius rebuked those members of the upper classes who in the reign of Caligula had performed on stage and lectured the spectators in public decorum. In 52 A.D., he banished astrologers not only from Rome but from Italy as well in an attempt to quiet unrest in the city. In his zeal to re-establish the cura morum he even revived the office of censor which had lapsed for over sixty years. But, because of his erratic character and inconsistent behavior, Claudius, in large measure, frustrated reform.

Nero began his reign with the promise that it would be patterned on the principles of Augustus. He enacted sumptuary restrictions; forbade the use of expensive purple dyes; and limited the food served in taverns to boiled vegetables. The lavish banquets that patrons served their clients were replaced by a simple distribution of grain or money. Those
charioteers who roamed the streets in gangs preying upon the defenseless populace were restrained. But there was another side to Nero's character. He had a passion for excitement. He aided and abetted riots in the streets and in the theater. The ensuing tumults were so great that he was forced to banish actors from Italy for several years.

Yet his interest in public spectacles was not diminished. He forced men and women of high rank to appear on stage and then gratified the crowds by his own performances. He further disgraced the ruling classes by procuring women from their ranks for public orgies held under his sponsorship. The *reductio ad absurdum* of Nero's conduct were his mock-marriages to Sporus the eunuch, and to the actor, Pythagoras.

Vitellius restored a measure of dignity to the ruling classes by prohibiting their participation on the stage or in *munera*. Vespasian went even further in fostering a return to a more consistent administration of the *cura morum*. He revived the censorship in order to re-establish the moral foundations of the state. His otherwise beneficent reign was disturbed only by his conflict with philosophers who were allied with the senatorial opposition.

Domitian possessed a puritanical zeal for the regulation of public morals. As *censor perpetuus* he vigorously attacked the immorality of both men and women. He revived the *lex Iulia de adulteriis* and enforced strict morality among the Vestals. Pederasty was curbed by his prohibition of castration and enforcement of the obsolescent *lex Scantinia*. He suppressed the immorality of the pantomimes by forbidding the appearance of
actors on the public stage. Next to Augustus and Tiberius, he has the distinction of being the princeps most concerned with the regulation of morals and conduct.¹

¹K.H. Waters, "The Character of Domitian," Phoenix, XVIII (1964), 49-77, provides a cogent re-evaluation of the character of Domitian along lines more favorable than accorded him in the traditional view.
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