

2. Fighting Corruption: Political Thought and Practice in the Late Roman Republic

Valentina Arena, University College London

Introduction

According to ancient Roman authors, the Roman Republic fell because of its moral corruption.ⁱ Corruption, *corruptio* in Latin, indicated in its most general connotation the damage and consequent disruption of shared values and practices, which, amongst other facets, could take the form of crimes, such as *ambitus* (bribery), *peculatus* (theft of public funds) and *res repetundae* (maladministration of provinces). To counteract such a state of affairs, the Romans of the late Republic enacted three main categories of anticorruption measures: first, they attempted to reform the censorship instituted in the fifth century as the supervisory body of public morality (*cura morum*); secondly, they enacted a number of preventive as well as punitive measures;ⁱⁱ and thirdly, they debated and, at times, implemented reforms concerning the senate, the jury courts and the popular assemblies, the proper functioning of which they thought might arrest and reverse the process of corruption and the moral and political decline of their commonwealth.

Modern studies concerned with Roman anticorruption measures have traditionally focused either on a specific set of laws, such as the *leges de ambitu*, or on the moralistic discourse in which they are embedded. Even studies that adopt a holistic approach to this subject are premised on a distinction between the actual measures the Romans put in place to address the problem of corruption and the moral discourse in which they are embedded.ⁱⁱⁱ What these works tend to share is a suspicious attitude towards Roman moralistic discourse on corruption which, they

posit, obfuscates the issue at stake and has acted as a hindrance to the eradication of this phenomenon.^{iv}

Roman analysis of its moral decline was not only the song of the traditional *laudator temporis acti*, but rather, I claim, included, alongside traditional literary *topoi*, also themes of central preoccupation to Classical political thought. According to some ancient authors, the ethical dimension of this discourse was intrinsically bound to the political: the process of corruption, initiated by greed for the availability of previously unknown wealth, could potentially lead to a change in the form of government and the destruction of those Republican values which this institutional arrangement embodied and fostered: *libertas*, *concordia*, *virtus*, *dignitas* and *fides*. My main claim is that by contextualizing the language of corruption and moral decay within the political thought of the late Republic, we can identify one of the engines of the anticorruption measures proposed at the time.

In what follows I shall focus on the first century BC, as in this period it is possible to identify the simultaneous working of all three main sets of Roman anticorruption measures. In the 50s, at a time of true crisis of the censorship, the ex-consul Cicero as well as his personal enemy, the tribune Clodius, conceived measures intended to renew the role of the censors, as the magistrates in charge of overseeing corrupt behaviour. This century also saw an increase in the number of anti-bribery legislation and a hardening of the attendant penalties. Finally, 50 BC was also the year when the so-called *Second Letter to Caesar* was composed, an enigmatic document advising the general on how to eradicate the widespread vices of *avaritia* and *studium pecuniae* and restore the traditional commonwealth.

The Common Good and the Censors

To understand the nature of corruption in late Republican Rome, it may be worthwhile to turn briefly to its connotation in the Roman context as well as its structural composition. By looking at the attestations of the term it seems that in its most general sense corruption indicated a negative state of affairs characterized by a disruption and consequent decline from a previous condition of grace.^v It follows that this term can be used to describe a wide variety of phenomena, which range from the loss of Roman traditional customs to any form of abuse of power for private gains such as bribery, theft of public property, fraud, extortion and maladministration.^{vi} A common trait of these descriptions, which may be considered as a defining element of the Roman Republican conception of corruption, is that the main criteria against which these phenomena are (at times implicitly) assessed is the notion of common good, or in modern parlance, the idea of public interest. Although accompanied by additional criteria, Romans of the late Republic admonished against compromising the shared pursuit of the *utilitas publica* or *communis* in the running of political life.

This notion of public interest is at the centre of Cicero's seminal definition of the *res publica*. In *De re publica*, Cicero argues that a *res publica* is a legitimate form of commonwealth if, and only if, the people are the sovereign power and entrust their sovereignty into the capable hands of the elite.^{vii} At elections, after the introduction of the secret ballot in the second century BC, the people exercised their political right to choose, as they pleased, the person to whom they wished to entrust the administration of the *res publica*. With such an act the citizens conferred onto a magistrate a *beneficium*, a favour, which was based on the premises of the superiority of those who accord it over those who receive it. The binding force of this conferral, in fact, did not reside in a legal requirement of reciprocity, but was rather bound with a moral

obligation that placed the recipient of the *beneficium* in a position of gratitude towards his benefactor.^{viii}

Despite the fact that, according to this understanding of the *res publica*, private advantage should never be at odds with public interest,^{ix} a magistrate, once elected, was fully entitled to interpret the common good in any way he thought most appropriate.^x It was the absence of a well-defined mandate, which did not go beyond the rather generic expectation of the magistrate's acting in the name of the common good, which conceptually lay at the foundation of the notion of corruption and the formulation of anticorruption measures. In the parlance of contemporary sociologists,^{xi} despite the varieties of the contract between the principal (the sovereign people) and the agent (the elected magistrate), a key aspect of political life is that “a public agent does not act on his or her own account, but is delegated to accomplish those tasks that are expressions of the interests of his or her principal.”^{xii} This, in turn, may lead to a corrupt behaviour as the magistrate might be led astray by—in Roman terms—a lack of self-restraint and find himself pursuing his own interests rather than the welfare of the community. Recognizing that “consideration of public interest [should always be] preferable to the convenience of private individuals,”^{xiii} the Romans devised a variety of anticorruption measures, the ultimate aim of which was the eradication or, at least, the attenuation of the conflict between the interests of individual magistrates and those of the sovereign *populus Romanus*, as they might have been perceived in that particular context and circumstance.

In the fifth century, the Romans instituted two censors to be elected every five years for eighteen months and who had amongst their duties responsibility of preserving the customs of the whole community.^{xiv} They could intervene to regulate a broad range of activities, from punishing those who did not marry or the knight who

looked after himself more than he did his public horse. Crucially, the range of behaviours they were meant to control was not recorded in a prescribed list of precepts, but rather subsumed under the more general heading of behavior that endangered the common good. When elected, in fact, the censors were expected to take an oath whereby they swore to act according to “the advantage of the state” and the well-being of the whole community and rejected any personal enmity and favouritism.^{xv} The censors’ judgment did not have the force of law and could be revoked by the next pair of magistrates, so, if it was to hold any value, the censors’ interpretation of the *mos* had to be in line with the shared values of the whole community.^{xvi} In practice, the censors’ *cura morum* provided the Roman elite with a mechanism of self-restraint by publicly excluding those deemed unfit to be in a position of power.

It is this understanding of the office that undergirds the reform proposed by Cicero in the theoretical treatise *De legibus*. According to this new law, modelled after the Greek *nomophulakes*, the censors should act as guardians of the law and of magistrates by monitoring their acts and, if necessary, recalling them to obedience to the laws. Thus, according to Cicero’s law, “magistrates, after completing their terms, are to report and explain their official acts to these same censors, who are to render a preliminary decision in regard to them... It seems preferable for official acts to be explained and defended before the censors, but for officials to remain liable to the law, and to prosecution before a regular court.”^{xvii} Just few years earlier, Clodius had proposed the *lex Clodia de notatione*, according to which in order to punish any form of behaviour they deemed corrupt, the censors had to institute something close to a judiciary procedure, which included the requirement of a formal accusation (or a preliminary sentence) on the part of both censors and the obligation for them to act in

concert with one another.^{xviii} Manifesting a sense of uneasiness towards the potentially enormous powers of these magistrates, Clodius' measure considerably curbed the censors' power by forcing them to sit through the defendant's arguments and the reactions of the public, which attended this new procedure. By the first century, the political culture of the Republic had changed, and with it also the Romans' system of controlling corruption. These changes are also detectable in the implementation of anti-bribery laws to which I shall now turn.

Anti-Bribery Laws

According to Bleicken, in the course of the second century, with the breakdown of political and social consensus, a series of procedures and regulations came to police the same behaviour that used to be sustained by the harmonious sharing of the values of the *mos maiorum* and held in check by the exercise of the *cura morum* by the censors. This process, which Bleicken calls the "jurification of the *mos*," produced a series of legislative acts that progressively transformed the *mos* into law. Although it is informed by an overly static understanding of the notion of the *mos maiorum*, this interpretation nevertheless holds some truth.^{xix} Not only there is a considerable increase from the second century onwards in the number of laws affecting citizens' behaviour, but also a number of permanent tribunals came to be established to try a variety of crimes, after the establishment of a permanent jury court for the crime of maladministration in the provinces by the *lex Calpurnia* in 149.

Sustaining this process of legal centralization, the prevailing principle became that corrupt behaviour was no longer exclusively subjected to the arbitrary interpretation of the community's values by the censors, but rather judged on the basis of the rule of law. In line with this new principle, the Gracchan *lex repetundarum* of

122(?) established that those who had been condemned in a *iudicium publicum* or *quaestio* and thereby expelled from the senate could not act as jury members in trials on provincial extortion. Along similar lines, the *lex Cassia* of 104 established that those who had been condemned in a *quaestio* or had had their *imperium* abrogated by popular decision, would lose their senatorial *dignitas*.^{xx}

The main preventive measures included the magistrates' obligation to provide guarantors and land guarantees, their duty to take an oath at the time of the election and be subjected to an audit at the end of their tenure. There were also legal restrictions on reassuming provincial offices.^{xxi} From the second century onwards, moreover, punitive laws concerning the display and use of luxury, extortion from the provinces and political bribery came to be enacted with increasing frequency.^{xxii} According to the Romans, of all these offences the crime of *ambitus* (electoral bribery) took pride of place. In their opinion, it almost subsumed the other offences as they drew a clear connection between the need for money to run an electoral campaign and other crimes, such as provincial extortion, that would have helped procure the necessary cash to run for office.

Even ignoring the first two laws *de ambitu* of the fourth century, the historical accuracy of which is highly doubtful, from the second century onwards Rome implemented a considerable number of anti-bribery measures.^{xxiii} It was specifically after Sulla's constitutional changes that Roman anti-bribery legislation registered a clear increase in the frequency as well as the harshness of the penalties.^{xxiv} As Linderski has observed, in the post-Sullan period laws against *ambitus* show alterations in three main areas: an overall sharpening of penalties; an introduction of punishments for associates and helpers; and the criminalization of practices

previously allowed, for example, those concerning the use of *nomenclatores*, *sectatores* and *divisores*.^{xxv}

According to the Romans, one of the main factors, if not the main factor, which affected the increase in the frequency of anti-bribery legislation was the introduction of the secret ballot in the comitial voting proceedings in the second half of the second century.^{xxvi} These laws weakened the traditional relation between clients and patrons and liberated Roman citizens from not only the moral and social obligation of supporting their patron in the electoral race, but also, and rather crucially, from the pressure and intimidation to which they were clearly subjected.^{xxvii} As a result of these laws, and by virtue of an increase in available wealth, Roman citizens could sell their votes to the highest bidder and candidates were left with little choice but to funnel all their resources, monetary and otherwise (such as, for example, organizing feasts, banquets, or games), into their electoral campaign. Such practices must have been so widespread that by the late Republic, the Romans, including those of the lowest classes of the census, came to regard bribery almost as a right.^{xxviii}

Following the general (if incomplete) structuring of the Roman justice system after 149 (but certainly no later than 116), the first court for trying cases of electoral corruption was set up in Rome.^{xxix} This introduction, alongside a growing centralization of administrative authority in the Roman state apparatus, led to a growing number of tried cases, which, however, did not correspond to an increase in the number of convictions.^{xxx} This, in turn, might have put in sharper focus the issue of bribery and the inefficacy of the existing legislation, to which the Romans might have responded with further anti-bribery laws, wider in scope and harsher in terms of the penalties involved. However, at the beginning of the first century two important events of different nature took place that had a deep effect on the variation of

anticorruption legislation: the Social War—the war of the Romans against their allies— and Sulla’s constitutional reforms.

At the end of the Social War, the *lex Iulia* in 90 and the *lex Plautia Papiria* in 89 granted Roman citizenship to the vast majority of the Italian allies. As a result, a considerable number of new citizens came to be registered in the census of 86, a work, however, that was fully completed only in 70.^{xxxii} It was then that a huge number of newly enrolled citizens became potential supporters in electoral campaigns, especially as members of the Italian elites. These must have registered on this occasion for the first time, and were not only most likely enrolled in the first two classes of census of the *comitia centuriata*, but they also possessed both the means and an interest in travelling to Rome to cast their vote.^{xxxiii} These newly enfranchised citizens, without predetermined ties of loyalty but with a great interest in becoming part of Roman political life, may have constituted a new resource for electoral candidates ready to resort to any means at their disposal.

However, the increase in the number of voters might have corresponded not only to an increase in the practice of bribery, but also to the introduction of a new, potentially disruptive, force in the already precarious balance of Roman political life. These affluent new citizens, members of the municipal elite, might have harboured political ambitions of their own, and their arrival on the political scene may have worried the traditional Roman elite, who, owning estates but strapped for cash, would have found itself confronted with a potential injection of “new money” into the Roman political arena.^{xxxiii} In this context, the multiplication of anti-bribery laws could be read as an attempt by the traditional elite to curb the political chances of Italian newcomers, in an effort to keep political power in the hands of those who could claim to have held it in their families for centuries.^{xxxiv}

Electoral competition at Rome, on the other hand, had also become harsher: Sulla had increased the number of quaestors, the officers holding the magistracy at the beginning of the *cursus honorum*, to twenty, and the number of praetors, the officers holding the magistracy just before the consulship, to eight, whilst keeping the number of consuls, the highest magistracy in Rome, at two. All these factors—to which the progressive impoverishment of Roman citizens registered in the rustic tribes but now living in Rome should be added—played a part in the expansion in the scope and severity of anti-bribery laws in the first century.^{xxxv} However, the debate surrounding this problem and the implementation of this legislation was embedded in a moralistic discourse, which presented *avaritia*, *ambitio* and more generally the absence of *virtus* as the true cause of bribery, and, conversely, the reconstruction of Roman moral fibre as the ultimate aim of these laws. Rather than dismissing these arguments as a façade behind which hid a most cynical logic of realpolitik, I suggest we try to make sense of it by turning to what could be described as a contemporary handbook of the elite’s behaviour, Cicero’s *De officiis*.

In Book 2 of this work, as he discusses what is beneficial to men in advancing their public career, Cicero lists the various ways of incentivizing an affectionate cooperation with others. Dividing these into positive and negative approaches, Cicero claims that one may raise the standing of a fellow man out of good will (*benevolentia*), because they are genuinely fond of him, or out of personal esteem (*honos*), because they think he is truly worthy (*virtus*) and superior to them, or—and this is important for our argument—because “they may have confidence in him and think that they are thus acting for their own interests” (*cui fidem habent et bene rebus suis consulere arbitrantur*).^{xxxvi} The three negative reasons why one may support a fellow man are fear of his power, hope for his favour— as when, for example,

“princes or demagogues bestow gifts of money”—and when they are “moved by the promise of payment or reward. This last,” he continues, “is, I admit, the meanest and most sordid motive of all, both for those who are swayed by it and for those who venture to resort to it. For things are in a bad way, when that which should be obtained by merit is attempted by money.”^{xxxvii}

Cicero, in this symmetric structure, sets the interaction between fellow men based on intimidation, promise of bribery or outright corruption as contrary to *benevolentia*, *honos*, *virtus* and *fides*. The latter is the essential virtue of a magistrate to whom the people entrust the administration of their property, the commonwealth. In line with the predominant Republican conception, Cicero claims that a magistrate, in fact, “represents the state and that it is his duty to uphold its honour and its dignity, to enforce the law, to dispense to all their constitutional rights, and to remember that all this has been committed to him as a sacred trust (*ea fidei suae commissa*).”^{xxxviii} When discussing the means to achieve true glory, alongside affection and admiration of the people, Cicero considers trustworthiness or confidence (*fides*). He explains that men have *fides* in those:

[W]ho we think have more understanding than ourselves, who, we believe, have better insight into the future, and who, when an emergency arises and a crisis comes, can clear away the difficulties and reach a safe decision according to the exigencies of the occasion.

However, Cicero carries on arguing, *fides* is “reposed in men who are just and true—that is, good men—on the definite assumption that their characters admit of no suspicion of dishonesty or wrong-doing.” *Fides*, accompanied by *iustitia*, is the

essential quality on the basis of which people are prepared to entrust the management of *res publica* to individuals, who, they believe, will act in accordance with the common good: “and so we believe that it is perfectly safe to entrust our lives, our fortunes and our children to their care.”^{xxxix}

Within the late Republican ethical and political discourse, here exemplified by Cicero’s *De officiis*, the practice of bribery is framed within the conceptual structure of the magistrate’s violation of the *fides* that Roman citizens have entrusted to him. It follows that from the point of view of political values the aim of these late Republican anti-bribery laws could be genuinely interpreted by contemporaries as the restoration of this value on the basis of which an unwritten contract between the magistrate and the citizens was stipulated. It was this relation to *fides* that the *leges tabellariae*, the aftermath of the Social War, the reforms of Sulla and all the other factors mentioned above had helped to dismantle.

Although they had many affinities, this notion of *fides* was not identical to the notion of this value as the foundation of the relation between patron and client.^{xi} The latter was not based on the assumption that patron and client were bound together in such a way as to form a community, and thereby did not include the expectation that the patron should act for their mutual benefit. As Dionysius of Halicarnassus attests, patron and client were bound by a number of moral, albeit not legal, mutual obligations, which included material and political support in case of the patron’s electoral candidacy.^{xii} Yet the *fides* at the foundation of the magistrate’s political mandate was essentially the moral and political value of trust, and, although it might have included the exchange of money, this was firmly anchored in the context of *liberalitas*.^{xiii}

As Yakobson has observed, it is significant that the ties of personal dependence are not mentioned in the list of the reasons why an individual may support another in his public career. However, when the practice of *liberalitas* took the form of *largitio*, bribery severed the ties of *fides* that lay at the foundation of the relation between the citizen and his elected magistrate. When placed in this context, the oddity of a proposal promulgated in the year 61 appears under a different light. According to this law, proposed by the tribune Lurco, “any person promising money in a tribe shall not be punishable provided he does not pay it; but if he does, he shall be liable for HS 3,000 to every tribe for life.”^{xliii} The issue raised by the law was not only concerned with unfulfilled promises, but also—and very importantly—with the continuity of the action. To give money to voters of a tribe once was to be regarded as an act of corruption, but to give money in perpetuity was acceptable: paying only once was an act of bribery against the ties of trust between the electorate and the candidate, while paying consistently, on the other hand, could be construed as part of this relation.

Political Reforms as Anticorruption Measures

The third set of anticorruption measures devised in late Republican Rome consisted in the institutional and socio-economic reforms proposed by the author of the *Second Letter to Caesar*. In this text, set in the year 50, the author, at times identified as Sallust,^{xliiv} provides Caesar with advice on how to restore the *res publica* from the corrupt state into which Pompey had dragged it and which measures should be implemented to stabilize and strengthen it.^{xliv} The major evil currently affecting the commonwealth, the author claims, is *studium pecuniae*, the strong desire for riches,

because of which neither the *res publica* (the commonwealth) nor the *res privata* (private interest) could actually function:

By far the greatest blessing which you can confer upon your country and fellow citizens, upon yourself and your children, in short, upon all mankind, will be either to do away with the pursuit of wealth or to reduce it so far as circumstances permit. Otherwise neither public nor private affairs can be regulated at home or abroad (2.7.3).

If Caesar does not succeed in eradicating the idea of a connection between honour and the actual possession of money, the vice of *avaritia* will definitely prevail over good morals, *boni mores* (2.8.5). To address this issue, the author proposes a set of reforms that aim at reestablishing a mixed and balanced constitution not too dissimilar in its wider structure from the binary institutional setting in *De legibus*, based on the senate and the people. According to Pseudo Sallust, in the ideal institutional arrangements of old the *nobiles* (who the author at times describes as *patres*), acting according to *virtus* and gaining riches, respect and renown, held a higher position in society.^{xlvi} By virtue of this higher economic as well as ethical status, the author continues, they enjoyed a larger share of political power, as “a man who has in his own state a higher and more conspicuous position than his fellows...takes a greater interest in the welfare of his country.”^{xlvii} The people (often inconsistently referred to as the *plebs* or *humillimi*) were content to work in the field and serve in the army, following the instructions of those of a higher socio-economic rank.^{xlviii} They rest assured that their liberty and their interests were administered by those who were in power—who, being virtuous, could guarantee the supremacy of the rule of law. In the workings of the

commonwealth, they obeyed the governing elite “as the body does to the soul” and, carrying out its decrees, happily obliged to it.^{xlix} As a result, in those days “the commonwealth was united; all citizens had regard for its welfare; leagues were formed only against the enemy; each man exerted body and mind for his country, not for his own power.”¹

In the author’s opinion, however, this ideal state of affairs was deeply undermined by a hiatus that had crept in slowly between the pursuit of the public good and that of personal interest. This dichotomy, he claims, had its roots in two main factors: first, the progressive impoverishment of the people and, second, the domination of a few *nobiles* over the rest of the elite. When the people had been driven away from their field and had become idle, impoverished and without a fixed abode, “they began to covet the riches of other men and to regard their liberty and their country as object of traffic.” This state of corruption (*mali mores*), which bought them to sell their own vote to the highest bidder, found its origin in the people’s inability to share the same goal, since they had strayed into various practices and modes of life (2.5.6).

To reverse this process and eradicate *cupido divitiarum*, the author argues that “neither training, nor good practices, nor any mental power could be enough” (2.7.4). The only way to defeat corruption, he claims, is “to deprive money of its influence” (*auctoritatem pecuniae demito*) (2.7.10), that is, to convince the people that riches in themselves are not an element of distinction. He proposes to achieve this aim by implementing a number of reforms that concern the people and the institutional body of the *comitia* and the jury courts: first, he proposes that new citizens, admitted to the Roman citizen body, be sent to the colonies and mixed with the local population. Not only would this reform strengthen Roman military power, he claims, it would also

guarantee that the people, “now engaged in useful occupation, will cease to work public mischief (*malum publicum*)” (2.5.8). In other words, this reform would turn the people to the pursuit of *bonum publicum*, the public good, and thereby lead to the reversal of this state of progressive corruption.^{li}

The second reform he proposes in order to “deprive money of its importance” concerns the composition of the jury courts, which should no longer include only the wealthiest members of the three *ordines* (the senators, the *equites* and the *tribunii aerarii*), but rather be composed of citizens of the first class of the census chosen by lot.^{lii} This reform, preserving the liberty of the commonwealth, should act as one of the safeguards against the power of riches (2.83). The other, the author continues, concerns the election of the magistrate. Purporting to reintroduce an old Gracchan law, he states that in the *comitia centuriata* the first *centuria* to cast its vote, the so-called *centuria praerogativa*, should be chosen by lot amongst the *centuriae* of the five classes of the census, as opposed to those of *iuniores* of the first class.^{liii}

This reform, which some scholars claim was never enacted or, if passed, was abrogated in 121,^{liv} was of great importance since the Romans themselves noticed that the result of the *centuria praerogativa* exerted a great influence on the final result. Indeed, Cicero claimed that the *centuria praerogativa* functioned as an omen since its choice seemed to signal the final decision of the *comitia*.^{lv} This reform, according to Pseudo Sallust, should fulfil the function of placing on the same level the idea of *dignitas* and the value of *pecunia*, the separation of which, no longer bound together in the timocratic structure of the *comitia centuriata*, will let *virtus* emerge as the defining factor of the citizens’ behaviour.^{lvi} The true aim of this reform, the author argues, is the eradication of *avaritia* by depriving money of its lustre (2.8.4).

As far as the *nobiles* are concerned, the moral corruption of a small but influential group, now abandoned to “sloth and indolence, dullness and torpor” (2.8.7), may lead, the author fears, to complete decay. The strongest communities, he notices, flourished and enjoyed great power, when sound *consilium* governed them. However, “whenever favoritism, fear and pleasure have undermined such counsels (*gratia, timor, voluptas ea corrumpere*), shortly thereafter the strength of those nations waned; then their power was wrested from them, and finally slavery was imposed.” (2.10.3).

In the incorrupt Republic of old, he claims, members of the elite, who thanks to their *virtus* had gained ample riches and a high rank in society, would immediately fly to defend the *res publica*, if they saw that it was in danger. The reason is because they recognize that their private interest, their *gloria, libertas* and *res familiaris*, coincided with the interest of the *res publica* as a whole. In those days they won against fierce enemies because they perceived that they were fighting to defend what they had won by valour. This was a united community where all citizens had regard for the welfare of the *res publica* and exerted their body and talent for their native land, not their own personal power. However, this state of affairs is no longer in place as *socordia* and *ignavia* have taken over the mind of certain *nobiles*, now organised in a faction (2.10.8–9). The rest of the senators is now at the mercy of the *libido* of this group, and determines “what is in the public interest and its opposite according to the direction dictated by the animosity or influence of those who exercise absolute control” (2.11.1).

To address this situation, the author proposes two main institutional reforms concerning the senate, the aims of which are to strengthen the *res publica* and reduce the power of this group. First, the author proposes the introduction of the secret vote

during senate proceedings. In his opinion, this would allow the senators to be free from fear and regard their own judgment more highly than the power of someone else (2.11.2–3). Secondly, the senate will be increased in number (deliberately not specified) to “provide greater protection and opportunity for larger usefulness” (2.11.5). According to the author, currently the senators scarcely deliberate about the public interest, not only because they are preoccupied with their private affairs, but also, and most prominently, because they have to follow the arrogant demands of this corrupt group. “The nobles, together with a few men of senatorial rank whom they treat as an appendage of their clique, do, according to their pleasure (*lubido*), whatever they feel like approving, censuring or decreeing” (2.11.7). However, were the number of the senators to rise and the voting done by ballot, those corrupt men would be forced to obey the reformed senators, who would then be able truly to act in the name of the public interest.

In proposing his reforms concerning the senate, the author of this open letter, therefore, seems to take a different stance from that taken in regard to the people. Whilst the anticorruption reforms put forward to reinvigorate the people directly tackle the issue of riches, universally identified in Roman discourse as the cause of corruption, those proposals concerning the senate aim, in the first place, at liberating the senators from the domination of a corrupt faction, as this would allow this institution to act according to its wise *consilium* and thereby in the pursuit of the common good.

Ultimately, the proposed reforms aim at reestablishing an old (and perhaps idealized) mixed constitutional arrangement, where the people, renewed in their moral fibre, and the elite, freed from the domination of the corrupt few, were united in the pursuance of their common interest and together collaborated in the preservation of

their *libertas*, *dignitas* and *virtus*. In line with the interpretation of Roman decline in Cicero's *De re publica*, which, alongside Polybius and Plato, was one of the sources of the *Second Letter to Caesar*, the anticorruption measures of the Pseudo Sallust text aim at redressing the balance of the constitution so as to guarantee the pursuit of the common good.^{lvii}

In this intellectual tradition Cicero recognized that transitioning from a good to a bad form of government may find its cause in the transformation of the character of those who rule, and ascribed the decay of the best form of *res publica* to the decline of the good morals and the virtuous men of old, understood as the members of the ruling elite.^{lviii} His predecessor Polybius, by contrast, not only attributed the process of corruption to the moral deterioration of the ruler(s) who had surrendered to the attraction of luxury provided by their privileged position and thereby caused a constitutional change; but also, in conformity with his general rules of human behaviour, identified in the people, as greedy recipients of bribery, one of the engines accelerating the growth of corruption of the Roman mixed and balanced commonwealth. This, he predicts, will degenerate into an ochlocracy:

Stirred to fury and swayed by passion in all their counsels, they will no longer consent to obey or even to be the equals of the ruling caste, but will demand the lion's share for themselves. When this happens, the state will change its name to the finest sounding of all, freedom and democracy, but will change its nature to the worst thing of all, mob rule (6.57.5–7).^{lix}

Put in the context of its intellectual tradition, it is possible to identify the innovation of Pseudo Sallust: this consists in identifying the origins of Roman

corruption in the socio-economic developments of the Republic. In his opinion, due to the progressive state of impoverishment, people had abandoned *virtus* and sold their vote to the highest bidder. This factor, accompanied by a more traditional reading of the corruption of the elite, is responsible in his opinion for the prevalence of private interests as opposed to the common good and is at the foundation of the anticorruption measures he proposes.

Conclusion

It is only when these anticorruption measures are set within the context of their ethical and political discourse that it is possible to address some of the issues often erroneously attributed to Roman corrupt behaviour. It is in fact inaccurate to say, as is often repeated, that the Romans were unfamiliar with that distinction between a public and private sphere which is usually considered a distinguishing trait of modernity. It will be enough to observe in this connection the clear distinction enshrined in Roman law between *utilitas publica*, public interest, and *utilitas privatorum*, the interest of private persons. To a certain extent, it is possible to read the history of anticorruption in Republican Rome as a continuous effort to strike a balance between these two notions. “Consideration of public interest is preferable to the convenience of private individuals,” Paul stated in the third century AD. And Diocletian echoed: “public welfare is to be preferred to private agreements,”^{lx} both encapsulating in juridical formulas the principle informing the late Republican *lex Ursonensis*, which forbade a magistrate from receiving any gift or recompense at the expense of the commonwealth (*de loco publico*) and by virtue of his public office (*pro loco publico*).^{lxi}

Attesting to a progressive development of a definition of corrupt behaviour, these laws show a clear understanding of what is often described as an eighteenth-century invention, that is, the idea of corruption as misuse of the powers of a public magistracy for private gains. However, as I hope to have shown, these studies do point in the right direction: although the Romans made a distinction between the public and private spheres, it was based neither on the principle of protection of the rights of the individual nor on the idea of the state as a distinct entity from its constitutive members. It follows that, in terms of principles, anticorruption measures were meant to re-establish the notion that trust was at the foundation of the commonwealth: that *fides*, by virtue of which all Roman citizens entrusted the administration and management of their property (the *res publica*) to elected magistrates, who were then expected to act in the people's interest and on their behalf.

By placing the discussion of anticorruption measures within the context of its ethical and political discourse, it is also possible to re-focus the issue of the definition of corruption in Rome. Romans certainly lacked a legal classification of the charges of corruption: what at times might have appeared and could genuinely qualify as a gift, could be perceived under different circumstances as an outright act of corruption. As Riggsby has shown in his excellent work on crime in Rome,^{lxii} defining deviancy ultimately depended on social circumstances and was construed by rhetoric. This lack of a clear definition can be related, in my opinion, to the absence of a precisely worded mandate given by the people to the magistrates at the time of their election: as already pointed out, the unwritten expectation was that the magistrates will behave in the interest of the common good and of its owners, in other words in the interest of the *res publica* and its people. However, the modalities and the criteria of the

enactment of this expectation were open to interpretation and could be conceptualized in different ways—and so could transgression of or deviation from them.

Ultimately, however, I hope to have shown that what, at first sight, might appear to be a moralistic discourse of little or no importance in the historical investigation of Republican anticorruption measures,^{lxiii} provides in fact, under closer scrutiny, an important framework for understanding those measures. Beyond the historical specificity of each measure, it is possible to see that their ultimate aim was to re-establish a potentially idealized form of government which enacted and enforced the Republican values of *libertas*, *concordia*, *virtus* and *fides*. These notions are not simply juxtapositions adopted to justify a preferred course of action, but rather one of the guiding criteria for the selection of these reforms. Regardless of the intentions of the individual proponents, only those measures that could plausibly be described as upholding these values could hope to enter the public political arena and be put into practice and perhaps even achieve some degree of efficacy. By disregarding the rhetoric of morality in which they are embedded, we lose sight of one of the reasons behind their proposal and enactment.

Notes to Chapter 2

For the sake of convenience and uniformity full references are given, wherever appropriate, to the Loeb Classical Library.

ⁱ Sall. *Cat.*, 3–5, 7–13, 5.11. 28.4 and *Jug.* 4.1–9, 8.2, 35.10, 41–2 = Sallust, *The War with Catiline. The War with Jugurtha*, ed. John T. Ramsey, trans. J. C. Rolfe, Loeb Classical Library 116 (Cambridge, MA: Harvard University Press, 2013); Pol., 6.57.5–9 = Polybius, *The Histories, Vol. I–VI*, trans. W. R. Paton, rev. F. W. Walbank

and Christian Habicht, fragments ed. and trans. S. Douglas Olson, Loeb Classical Library 128, 137–38 and 159–61 (Cambridge, MA: Harvard University Press, 2010–12). Luc., 1.160–83 = Lucan, *The Civil War (Pharsalia)*, trans J. D. Duff, Loeb Classical Library 220 (Cambridge, MA: Harvard University Press, 1928); Flor., 1.47 = Florus, *Epitome of Roman History*, trans. E. S. Forster, Loeb Classical Library 231 (Cambridge, MA: Harvard University Press, 1929). See A. W. Lintott, “Lucan and the History of the Civil War.” *The Classical Quarterly* 21 (1971): 488–505; Lintott, “Imperial Expansion and Moral Decline in the Roman Republic,” *Historia* 21 (1972): 626–38.

ⁱⁱ See, for example, Bruce Buchan and Lisa Hill, *An Intellectual History of Political Corruption* (Basingstoke: Palgrave Macmillan, 2014). On the Roman Republican context, see Cristina Rosillo López, *La corruption à la fin de la république romaine (Ile-Ier s. av. J.-C.): aspects politiques et financiers*, *Historia Einzelschriften* 200 (Wiesbaden: Franz Steiner Verlag, 2010).

ⁱⁱⁱ Luciano Perelli, *La corruzione a Roma* (Turin: BUR 1994).; Rosillo López, *La corruption à la fin de la république romaine*.

^{iv} A notable exception to this trend is Catharine Edwards, *The Politics of Immorality* (Cambridge: Cambridge University Press, 1993).

^v *Thesaurus linguae Latinae* (Leipzig: G. B. Teubner, 1900-), 4:1065–67.

^{vi} On *mores* see Augustine, Saint, Bishop of Hippo, *Enchiridion ad Laurentium*, 14.4, *Corpus Christianorum, Series Latina* 46 (*Opera Aurelii Augustini*, XIII, 2) (Turnhout: Brepols, 1969); on *pecunia* see Tac., *Ann.*, 2.55 = Tacitus, *Annals, Voll. I-III*, trans. Clifford H. Moore and John Jackson, Loeb Classical Library 249 (Cambridge, MA: Harvard University Press, 1931–37).

^{vii} See Malcolm Schofield, “Cicero’s definition of *res publica*,” in *Saving the City. Philosopher-Kings and other Classical Paradigms* (London and New York: Routledge, 1999), 178–229. For a full discussion of the notion of popular sovereignty in Cicero see Valentina Arena, “Popular sovereignty in the late Roman republic: Cicero and the will of the people,” in *Popular Sovereignty in Historical Perspective*, ed. Richard Bourke and Quentin Skinner (Cambridge: Cambridge University Press, 2016), 73–95.

^{viii} *Comm. Pet.*, 26 = Cicero, *Letters to Quintus and Brutus. Letter Fragments. Letter to Octavian. Invectives. Handbook of Electioneering*, ed. and trans. D. R. Shackleton Bailey, Loeb Classical Library 462 (Cambridge, MA: Harvard University Press, 2002), and *Cic. Inv.*, 2.168 = Cicero, *On Invention. The Best Kind of Orator. Topics*, trans. H. M. Hubbell, Loeb Classical Library 386 (Cambridge, MA: Harvard University Press, 1949); *Caes. b.c.*, 1.22.3 = Caesar, *Civil War*, ed. and trans. Cynthia Damon, Loeb Classical Library 39 (Cambridge, MA: Harvard University Press, 2016); *Sen. Benef.*, 2.18.5 = Seneca, *Moral Essays, Volume III: De Beneficiis*, trans. John W. Basore, Loeb Classical Library 310 (Cambridge, MA: Harvard University Press, 1935). See also *Plaut. Persa*, 762 = Plautus, *The Merchant. The Braggart Soldier. The Ghost. The Persian*, ed. and trans. Wolfgang de Melo, Loeb Classical Library 163 (Cambridge, MA: Harvard University Press, 2011); *Caes. b.c.*, 1.23.3; *Sen. Benef.*, 5.20.6.

^{ix} *Cic. off.*, 3.5.24 and 3.51–3 = Cicero, *On Duties*, trans. Walter Miller, Loeb Classical Library 30 (Cambridge, MA: Harvard University Press, 1913).

^x On potential conflicts on the magistrate’s interpretation of the common good, see *Cic. dom.*, 10.27 = Cicero, *Pro Archia. Post Reditum in Senatu. Post Reditum ad Quirites. De Domo Sua. De Haruspicum Responsis. Pro Plancio*, trans. N. H. Watts,

Loeb Classical Library 158 (Cambridge, MA: Harvard University Press, 1923); Cic. *prov. cons.*, 1.1, 8.18 = Cicero, *Pro Caelio. De Provinciis Consularibus. Pro Balbo*, trans. R. Gardner, Loeb Classical Library 447 (Cambridge, MA: Harvard University Press, 1958); Cic. *post red. Quir.*, 9.23 = Cicero, *Pro Archia...Post Reditum ad Quirites*, trans. Watts.

^{xi} This interpretative scheme seems widely adopted in sociological studies, see for example, Johann Graf Lambsdorff, *The Institutional Economics of Corruption and Reform: Theory, Evidence and Policy* (Cambridge: Cambridge University Press, 2007). For a review of the issue see Donatella della Porta and Alberto Vannucci, “Political Corruption,” in *Wiley-Blackwell Companion to Political Sociology*, ed. Edwin Amenta, Kate Nash, and Alan Scott (New York: Wiley & Sons, 2012), 130–44.

^{xii} Della Porta and Vannucci, “Political Corruption,” 132.

^{xiii} Paul, *Sententiae*, 19.2, in *Iurisprudentia Anteiustiniana*, ed. E. Seckel and B. Kübler after Ph. E. Huschke, 2 vols. (Leipzig: Teubner, 1911–27).

^{xiv} On the censors see Jaakko Suolahti, *The Roman Censors: A Study on Social Structure* (Helsinki: Suomalainen Tiedeakatemia, 1963); A. E. Astin, “The Censorship of the Roman Republic: Frequency and Regularity,” *Historia* 31 (1982): 174–87; Astin, “Regimen Morum,” *The Journal of Roman Studies* 78 (1988): 14–34; and most recently G. Clemente, “I censori e il senato. I mores e la legge,” *Athenaeum* 104 (2016): 446–500.

^{xv} Zon., 7.19 = Joannes Zonaras, *Epitome historiarum, cum Caroli Ducangii suisque annotationibus*, ed. Ludwig Dindorf, 6 vols. (Leipzig: Teubner, 1868–75). Cf. Cic. *Cluent.*, 121 = Cicero, *Pro Lege Manilia. Pro Caecina. Pro Cluentio. Pro Rabirio*

Perduellionis Reo, trans. H. Grose Hodge, Loeb Classical Library 198 (Cambridge, MA: Harvard University Press, 1927).

^{xvi} Plaut. *Trinum.*, 1028–1045 = Plautus, *Stichus. Trinummus. Truculentus. Tale of a Travelling Bag. Fragments*, ed. and trans. Wolfgang de Melo, Loeb Classical Library 328 (Cambridge, MA: Harvard University Press, 2013); Cic. *Rhet. ad Her.*, 3.3.4 = Cicero, *Rhetorica ad Herennium*, trans. Harry Caplan, Loeb Classical Library 403 (Cambridge, MA: Harvard University Press, 1954); Cic. *prov. cons.*, 46 = Cicero, *Pro Caelio...De Provinciis Consularibus*, trans. Gardner; Cic. *Inv.*, 2.162 = Cicero, *On Invention*, trans. Hubbell; Serv. *ad Aen.*, 7.601 = *Servii Grammatici qui fervntvr in Vergilii carmina commentarii*, ed. G. Thilo and H. Hagen, 3 vols. (Leipzig: B. G. Teubner, 1923–27); Ulpian, *Regulae*, 1.4, in *Iurisprudentia Anteiustiniana*, ed. Seckel and Kübler. For discussion on the *mos* see Maurizio Bettini, “Mos, Mores, and Mos Mairoum: The Invention of Morality in Roman Culture,” in *The Ears of Hermes: Communication, Images, and Identity in the Classical World*, ed. Maurizio Bettini (Columbus, OH: Ohio State University Press, 2011), 87–130; and Valentina Arena, “Informal norms, Values, and Social Control in the Roman Participatory Context,” in *A Companion to Greek Democracy and the Roman Republic*, ed. Dean Hammer (Chichester: John Wiley and Sons, 2015), 217–38.

^{xvii} Cic. *leg.*, 46–7 = Cicero, *On the Republic. On the Laws*, trans. Clinton W. Keyes, Loeb Classical Library 213 (Cambridge, MA: Harvard University Press, 1928).

^{xviii} On Clodius’ law see Asc. *Pis.*, 8 = Asconius, *Orationum Ciceronis quinque enarratio. Commentaries on speeches of Cicero*, trans. R. G. Lewis, rev. Jill Harries (Oxford: Oxford University Press, 2006); cf. *Sch. Bob.*, 132 St = *Scholia in Ciceronis Orationes Bobiensia*, ed. P. Hildebrandt, *Bibliotheca Scriptorum Graecorum et Romanorum Teubneriana* (Stuttgart: B. G. Teubner, 1971) and Dio Cass., 38.13 =

Dio Cassius, *Roman History*, *Voll. I-IX*, trans. Earnest Cary and Herbert B. Foster, Loeb Classical Library 32, 37, 53, 66, 82–83 and 175–177 (Cambridge, MA: Harvard University Press, 1914–27). See also Jeffrey Tatum, “The Lex Clodia de censoria notione,” *Classical Philology* 85 (1990): 34–43.; Tatum, *The Patrician Tribune: Publius Clodius Pulcher* (Chapel Hill, NC, and London: University of North Carolina Press, 1999), 133–35. For this interpretation of the law see Clemente, “I censori e il senato.”

^{xi} Jochen Bleicken, *Lex publica: Gesetz und Recht in der römischen Republik* (Berlin and New York: De Gruyter, 1975), 387–93; and Arena, “Informal Norms, Values, and Social Control.”

^{xx} On the Gracchan law see M. H. Crawford, ed., *Roman Statutes* (London: Institute of Classical Studies, 1996), I, 67, 87 and 100. On the *lex Cassia*: Asc., 78C = Asconius, *Orationum Ciceronis quinque enarratio*, ed. Lewis.

^{xxi} On these preventive measures see Rosillo López, *La corruption*, 107–14.

^{xxii} On the connection between *ambitus*, *repetundarum* and sumptuary legislation see Lorenzo Fascione, *Crimen e quaestio ambitus nell’età repubblicana* (Milan: A. Giuffrè, 1984); and Rafael Chenoll Alfaro, *Soborno y elecciones en la Republica Romana* (Málaga: Universidad de Málaga, 1984). On sumptuary laws see more recently Emanuela Zanda, *Fighting Hydra-Like Luxury. Sumptuary Regulation in the Roman Republic* (Bristol: Bristol Classical Press, 2011); on *repetundis* A. W. Lintott, “The leges de repetundis and associate measures under the Republic,” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Romanistische Abteilung* 98 (1981): 162–212. On *ambitus*, see below.

^{xxiii} For a full list of se measures see J. Linderski, “Buying vote: Electoral Corruption in the Late Republic,” *Ancient World* 11 (1985): 87–94, reprinted in *Roman*

Questions. Selected Papers (Stuttgart: Franz Steiner Verlag, 1995), 107–14. On the first *lex de ambitu* (dated to 432): Liv., 4.25.13–4 = Livy, *History of Rome*. Vols. I–XIV, trans. B. O. Foster, Frank Gardner Moore, Evan T. Sage, Alfred C. Schlesinger, index by Russel M. Geer, Loeb Classical Library, 114, 133, 172, 191, 233, 295, 301, 313, 332, 355, 367, 381, 396, 404 (Cambridge, MA: Harvard University Press, 1919–59); Isid. Or., 19.24.6 = *The etymologies of Isidore of Seville*, translated with introduction and notes by S. A. Barney, W. J. Lewis, J. A. Beach, O. Berghof (Cambridge: Cambridge University Press, 2006); on the second, the *lex Poetelia* of 358, Liv., 7.5.12, and cf. 9.6.22 = Livy, *History of Rome*, trans. Foster et al.

^{xxiv} Contra Erich S. Gruen, *The Last Generation of the Roman Republic* (Berkeley, CA: University of California Press, 1974), 121–61.

^{xxv} Linderski, “Buying the Vote,” 92.

^{xxvi} Cic. *Brut.*, 106 = Cicero, *Brutus. Orator*, trans. G. L. Hendrickson and H. M. Hubbell, Loeb Classical Library 342 (Cambridge, MA: Harvard University Press, 1939).

^{xxvii} Dion. Hal., 2.10 ff. = Dionysius of Halicarnassus, *Roman Antiquities*, Vols. I–VII, trans. Earnest Cary, Loeb Classical Library 319, 347, 357, 364, 372, 378 and 388 (Cambridge, MA: Harvard University Press, 1937–50) on the mutual obligations of clients and patrons. On the issue of *clientela* and Roman elections, see the excellent contributions by P. A. Brunt, “Clientela,” in *The Fall of the Roman Republic and Related Essays* (Oxford: Clarendon Press, 1988), 382–442; and Alexander Yakobson, *Elections and Electioneering in Rome. A Study in the Political System of the Late Republic* (Stuttgart: Franz Steiner Verlag, 1999), with also insightful views on the role of anti-bribery laws. See also Valentina Arena, *Libertas and the Practice of*

Politics in the Late Roman Republic (Cambridge: Cambridge University Press, 2012), 56–61.

^{xxviii} Yakobson, *Elections and Electioneering in Rome*, 141. Cf. Cic. *Cluent.*, 75 = Cicero, *Pro Lege Manilia...Pro Cluentio*, trans. Grose Hodge. See A. W. Lintott, “Electoral bribery in the Roman Republic,” *The Journal of Roman Studies* 80 (1990): 1–16, for a similar view. In chapters 3 and 4 of his 1999 book Yakobson also shows that citizens of the lower classes of census were most likely involved in the voting of the *comitia centuriata*.

^{xxix} For the issue of the date see Plut. *Mar.*, 5 = Plutarch, *Lives, Volume V: Agesilaus and Pompey. Pelopidas and Marcellus*, trans. Bernadotte Perrin, Loeb Classical Library 87 (Cambridge, MA: Harvard University Press, 1917).

^{xxx} See Michael C. Alexander, “How Many Roman Senators Were Ever Prosecuted?: The Evidence from the Late Republic,” *Phoenix* 47 (1993): 238–55, for a statistical analysis. See also Andrew M. Riggsby, *Crime and community in Ciceronian Rome* (Austin, TX: University of Texas Press, 1999), who emphasises the issue of administrative centralisation.

^{xxxi} Christopher J. Dart, *The Social War, 91 to 88 BCE: A History of the Italian Insurgency against the Roman Republic* (London and New York: Routledge, 2014).

^{xxxii} T. P. Wiseman, “The census in the first century BC,” *The Journal of Roman Studies* 59 (1969): 59–75 at 65–66 and 70. On the working of the census more generally, see now Luuk de Ligt, *Peasants, Citizens and Soldiers: Studies in the Demographic History of Roman Italy 225 BC-AD 100* (Cambridge: Cambridge University Press, 2012).

^{xxxiii} For a recent revision of the nature of the wealth of elites in Rome, see Annalisa Marzano, *Roman Villas in Central Italy: a Social and Economic History* (Leiden: Brill, 2007).

^{xxxiv} For a different reading of these laws, see David Daube, *Roman Law. Linguistic, Social and Philosophical Aspects* (Edinburgh: Edinburgh University Press, 1969), 117–28: anti-bribery legislation aimed at protecting those who did not wish to comply with social rules and expectations.

^{xxxv} On the displacement of impoverished citizens, see Alessandro Launaro, *Peasants and Slaves. The Rural Population of Roman Italy (200 BC to AD 100)* (Cambridge: Cambridge University Press, 2011).

^{xxxvi} Cic. *off.*, 2.21 = Cicero, *On Duties*, trans. Miller. On a similar list at 2.22, see Andrew R. Dyck, *A Commentary on Cicero, De officiis* (Ann Arbor, MI: The University of Michigan, 1996), 387–90.

^{xxxvii} Cic. *off.*, 1.21–2 = Cicero, *On Duties*, trans. Miller; on different forms of liberality, see Cic. *off.*, 2.52–8.

^{xxxviii} Cic. *off.*, 1.124. Cf. Cic. *Mur.*, 6 = Cicero, *In Catilinam 1-4. Pro Murena. Pro Sulla. Pro Flacco*, trans. C. Macdonald, Loeb Classical Library 324 (Cambridge, MA: Harvard University Press, 1976); Tac. *Agr.*, 9.3 = Tacitus, *Agricola. Germania. Dialogue on Oratory*, trans. M. Hutton and W. Peterson, rev. R. M. Ogilvie, E. H. Warmington and Michael Winterbottom, Loeb Classical Library 35 (Cambridge, MA: Harvard University Press, 1914). On *fides* as an essential attribute of a magistrate, see Gérard Freyburger, *Fides: étude sémantique et religieuse depuis les origines jusqu'à l'époque augustéenne* (Paris: Les Belles Lettres, 1986), 209–12.

^{xxxix} Cic. *off.*, 2.33–4 = Cicero, *On Duties*, trans. Miller. On *iustitia*, see E. M. Atkins, ““Domina et Regina Virtutum”: Justice and Societas in “De Officiis,”” *Phronesis* 35

(1990): 258–89. Cf. Cic. *off.*, 1.89, on magistrates imparting punishment by virtue of *aequitas* and not *iracundia*.

^{xl} Ter. *Eun.*, 885 and 1039 = Terence, *The Woman of Andros. The Self-Tormentor. The Eunuch*, ed. and trans. John Barsby, Loeb Classical Library 22 (Cambridge, MA: Harvard University Press, 2001); Gell., 5.13.2; 20.1.39–40 = Gellius, *Attic Nights, Voll. I-III*, trans. J. C. Rolfe, Loeb Classical Library 195, 200 and 212 (Cambridge, MA: Harvard University Press, 1927).

^{xli} Brunt, “Clientela”, and Yakobson, *Elections and Electioneering in Rome*, show how elections were not predetermined by this kind of relations.

^{xlii} Cic. *off.*, 1.42–60 = Cicero, *On Duties*, trans. Miller. On the distinction between *liberalitas*, and *largitio*: Dyck, *A Commentary on Cicero, De officiis*, 156. Cf. Cic. *Mur.*, 70–3 = Cicero, *In Catilinam...Pro Murena*, trans. Macdonald; Cic. *Planc.*, 44–8 = Cicero, *Pro Archia...Pro Plancio*, trans. Watts; Cic. *Att.*, 16.13 = Cicero, *Letters to Atticus, Voll. I-IV*, 16.13, ed. and trans. D. R. Shackleton Bailey, Loeb Classical Library 7, 8, 97 and 491 (Cambridge, MA: Harvard University Press, 1999); Cic. *off.*, 2.52–64 = Cicero, *On Duties*, trans. Miller; and *Comm. Pet.*, 5.15–9, 8.30, 11.33–4, 44 = Cicero, *Letters to Quintus and Brutus...*, ed. Shackleton Bailey; *Res Gest.*, 8.5 = Velleius Paterculus, *Compendium of Roman History. Res Gestae Divi Augusti*, trans. Frederick W. Shipley, Loeb Classical Library 152 (Cambridge, MA: Harvard University Press, 1924).

^{xliii} Cic. *Att.*, 1.16.13 [SB 16] = Cicero, *Letters to Atticus*, ed. Shackleton Bailey. Lintott, “Electoral Bribery in the Roman Republic,” Fascione, *Crimen e quaestio ambitus*, and Jean-Louis Ferrary, “La législation ‘de ambitu’, de Sulla à Auguste,” in *Iuris vincula: studi in onore di Mario Talamanca* (Naples: Jovene, 2001), 159–98,

read *tribubus* rather than *tribulibus*, which makes the citizens of one tribe, rather than all tribes, the recipient of the due payment.

^{xliv} Although the dispute around the authorship of these *Epistulae* is still on-going, scholarly consensus currently gravitates towards the rejection of Sallust as their author. For a new dissenting voice see Iris Samotta, *Das Vorbild der Vergangenheit. Geschichtsbild und Reformvorschläge bei Cicero und Sallust* (Stuttgart: Franz Steiner, 2009). For a review of the issue, see Federico Santangelo, Federico Santangelo, “Authoritative Forgeries: Late Republican History Re-told in Pseudo-Sallust,” *Histos* 6 (2012): 27–51. For the present discussion, the issue is of marginal relevance as the document is here considered for its value as an attestation of Roman anticorruption discourse, which holds true regardless of the issue of authorship.

^{xliv} Ps.-Sall. *Ep.*, 2.3.1, 4.5 = Sallust, *Fragments of the Histories. Letters to Caesar*, ed. and trans. John T. Ramsey, Loeb Classical Library 522 (Cambridge, MA: Harvard University Press, 2015).

^{xlvi} Ps.-Sall. *Ep.*, 2.5.3. On the imprecision of the language adopted by the author see Hugh Last, “On the Sallustian Suasoriae,” *The Classical Quarterly* 17 (1923): 87–100.

^{xlvi} Ps.-Sall. *Ep.*, 2.4.5.

^{xlvi} Ps.-Sall. *Ep.*, 2.5.3.

^{xlvi} Ps.-Sall. *Ep.*, 2.10.6.

¹ Ps.-Sall. *Ep.*, 2.10.8. On the Pseudo Sallust’s political thought, see now Samotta, *Das Vorbild der Vergangenheit*. Specifically on its reform of the *comitia centuriata*, see Valentina Arena, “Roman Reflections on Voting Practices,” in *Cultures of Voting in Pre-Modern Europe*, ed. Serena Ferente, Miles Pattenden, Lovro Kunčević (forthcoming).

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- ^{li} On the notion of *bonum publicum* and *utilitas communis*, see Roberto Scevola, *Utilitas Publica* (Padua: Cedam, 2012), 363–77.
- ^{lii} It seems a move against the *Lex Aurelia* of 70 BC, which prescribed that the wealthiest members of the three *ordines* had to be enrolled with absolute preference and was only slightly modified by the *lex Pompeia de iudiciis* of 55. On the *lex Aurelia*, see Cic. *Phil.*, 1.20 = Cicero, *Philippics 1-6*, ed. and trans. D. R. Shackleton Bailey, rev. John T. Ramsey and Gesine Manuwald, Loeb Classical Library 189 (Cambridge, MA: Harvard University Press, 2010); Asc., 67C = Asconius, *Orationum Ciceronis quinque enarratio*, ed. Lewis; *Sch. Bob.*, 91C = *Scholia in Ciceronis Orationes Bobiensia*, ed. Hildebrandt; Liv. *Per.*, 97 = Livy, *History of Rome*, trans. Foster et al.; Plut. *Pomp.*, 22.3 = Plutarch, *Lives, Volume V*, trans. Perrin. On the *lex Pompeia*, see Cic. *Pis.*, 94 = Cicero, *Pro Milone. In Pisonem. Pro Scauro. Pro Fonteio. Pro Rabirio Postumo. Pro Marcello. Pro Ligario. Pro Rege Deiotaro*, trans. N. H. Watts, Loeb Classical Library 252 (Cambridge, MA: Harvard University Press, 1931); Cic. *Phil.*, 1.8.20 = Cicero, *Philippics 1-6*, ed. Shackleton Bailey; Asc., 16C = Asconius, *Orationum Ciceronis quinque enarratio*, ed. Lewis. Cf. Cic. *De orat.*, 1.226 = Cicero, *On the Orator: Books 1–2*, trans. E. W. Sutton, H. Rackham, Loeb Classical Library 348 (Cambridge, MA: Harvard University Press, 1942). For a review of these laws, see Ana Maria Suárez Piñeiro, “Las ‘leges iudicariae’ ante la crisis de la República Romana (133-44 a. C.),” *Latomus* 59 (2000): 253–275.
- ^{liii} Liv., 24.7.12 = Livy, *History of Rome*, trans. Foster et al.; Cic. *Phil.*, 2.82 = Cicero, *Philippics 1-6*, ed. Shackleton Bailey. For a treatment of this reform, see Arena, “Roman Reflections on Voting Practices.”
- ^{liv} On the abrogation of the law and its history throughout the Republic, the most complete treatment is still Claude Nicolet, “« Confusio suffragiorum. » A propos

d'une réforme électorale de Caius Gracchus," *Mélanges d'archéologie et d'histoire. Antiquité* 71 (1959): 145–210.

^{lv} Lily Ross Taylor, *Roman Voting Assemblies from the Hannibalic War to the Dictatorship of Caesar* (Ann Arbor, MI: University of Michigan Press, 1966), 91. On the *centuria praerogativa* and its role in securing success, see Cic. *Plan.*, 49 = Cicero, *Pro Archia...Pro Plancio*, trans. Watts. For its consideration as *omen comitorum* see Cic. *Div.*, 1.103, 2.83 = Cicero, *On Old Age. On Friendship. On Divination*, trans. W. A. Falconer, Loeb Classical Library 154 (Cambridge, MA: Harvard University Press, 1923); cf. Cic. *Mur.*, 38 = Cicero, *In Catilinam...Pro Murena*, trans. Macdonald; on its importance see Cic. *Q. fr.*, 2.14.4 = Cicero, *Letters to Quintus and Brutus...*, ed. Shackleton Bailey; and Plut. *Cat. Min.*, 42 = Plutarch, *Lives, Volume VIII: Sertorius and Eumenes. Phocion and Cato the Younger*, trans. Bernadotte Perrin, Loeb Classical Library 100 (Cambridge, MA: Harvard University Press, 1919). Its result was so important that it was at times contested: Liv., 24.9, 26.22, 27.6 = Livy, *History of Rome*, ed. Foster et al., with discussion in A. H. Lushkov, *Magistracy and the Historiography of the Roman Republic. Politics in Prose* (Cambridge: Cambridge University Press, 2015), 115–8. It is not entirely clear in what way C. Gracchus' reform relates to the one perhaps proposed by Sulpicius Rufus in 63 BC: Cic. *Mur.*, 47 = Cicero, *In Catilinam...Pro Murena*, trans. Macdonald, on which more recently Dyck, *A Commentary on Cicero, De officiis*.

^{lvi} Cf. Cic. *Att.*, 4.15.7 = Cicero, *Letters to Atticus*, ed. Shackleton Bailey. On the value of *dignitas*, see Jean Hellegouarc'h, *Le vocabulaire latin des relations et des partis politiques sous la République* (Paris: Les Belles Lettres, 1963), 388–415; and Viktor Pöschl, *Der Begriff der Würde im antiken Rom und später* (Heidelberg: Carl Winter, 1989).

^{lvii} On the sources of the Pseudo Sallust, see M. Chonet, *Les lettres de Salluste à César* (Paris: Les Belles Lettres, 1950), 59 ff.; and Paolo Cugusi, ed., *C. Sallusti Crispi. Epistulae ad Caesarem. Introduzione, testo critico e commento*, Annali delle Facoltà di Lettere, Filosofia e Magistero della Università di Cagliari 31 (Cagliari: Università di Cagliari, 1968), 33–40.

^{lviii} Cic. *rep.*, 5.1 = Cicero, *On the Republic*, trans. Keyes: after citing Ennius, Cicero comments that “ancestral morality provided outstanding men, and great men preserved the morality of old and the institutions of our ancestors. But our own time, having inherited the commonwealth like a wonderful picture that had faded over time, not only has failed to renew its original colours, but has not even taken the trouble to preserve at least its shape and outline.”

^{lix} Pol., 18.35.1–2 (with interesting parallels in Liv., 36.6.7 = Livy, *History of Rome*, ed. Foster et al.; Plut. *Cat. mai.*, 19.3 = Plutarch, *Lives, Volume II: Themistocles and Camillus. Aristides and Cato Major. Cimon and Lucullus*, trans. Bernadotte Perrin, Loeb Classical Library 47 (Cambridge, MA: Harvard University Press, 1914), 31.25.3 = Polybius, *The Histories, Vol. I–VI*, trans. Paton. Cf. Pol., 6.56.1–4. Arthur M. Eckstein, *Moral Vision in the Histories of Polybius* (Berkeley, CA: University of California Press, 1995), 70–82 and 194–36; and Frank W. Walbank, “The Idea of Decline in Polybius,” in *Niedergang: Studien zu einem geschichtlichen Thema*, ed. S. Koselleck and P. Widmer (Stuttgart: Franz Steiner Verlag, 1980), 41–58, reprinted in F. W. Walbank, *Polybius, Rome and the Hellenistic World* (Cambridge: Cambridge University Press, 2002), 191–211. See also Mary F. Williams, “Polybius on wealth, bribery, and the downfall of constitutions,” *The Ancient History Bulletin* 14 (2001): 131–48.

^{lx} Paul, *Sententiae*, in *Iurisprudentia Anteiustiniana*, ed. Seckel and Kübler;

Diocletian, C. 12.62.3 in *Codex Iustinianus*, in *Corpus Iuris Civilis*, vol. 2, ed. Paul Krueger, 10th ed. (Berlin: apud Weidmannos, 1929).

^{lxi} Crawford, *Roman Statutes*, 93.

^{lxii} Riggsby, *Crime and community*.

^{lxiii} See, for example, Perelli, *La corruzione a Roma*; and Linderski, "Buying the Vote."