THE CONCEPT OF *IMPROBITAS* IN PLAUTUS, LUCILIUS, AND CICERO:

IMPROBI BEHAVIOURS AND THEIR CONSEQUENCES IN ROMAN SOCIETY

by

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Abstract

This study begins by demonstrating that there is a lacuna in our understanding of the Roman concept of *improbitas*. An overview of scholarship devoted to *improbitas* shows not only that there is a dearth of research on the subject, but that the approach to date has been misguided. The noun *improbitas* and its related adjectival and adverbial forms have been translated very freely and inconsistently, almost whimsically, and used as catch-all words that can take on a wide variety of vague meanings.

My study investigates two main questions: what sorts of behaviours earn the label of *improbus*, and what are the consequences of those behaviours, that is, what does it mean to be *improbus* in Roman society? I start with a brief investigation of the plays of Plautus in order to examine *improbitas* in domestic settings. I demonstrate that the *adulescens* character has a limited understanding of *improbitas* in comparison with his father, the *senex* character, while the slave character's view is influenced by that of the *senex*.

The remainder of the study focuses on *improbitas* in public life. The fragments of Lucilius containing *improbus* or its forms are systematically divided into physical actions and speech acts in order to identify what kinds of behaviours are considered *improbi*: these are largely gluttony, greed, and harsh speech. I identify three major aspects of *improbitas*: that an *improbus* person transgresses standards and expectations; that by being associated with an *improbus* person it is possible to become *improbus*; and that the *improbus* person is unwanted and ultimately removed from the community.

Finally, I use Cicero's *In Verrem* to demonstrate how he specifically employs the word in order to persuade the judges to pass a guilty verdict. He indicates that a not-guilty verdict will associate the judges with Verres and cause them to become *improbi* in turn. By

questioning Verres' right to Roman ranks, by provoking the judges to label Verres for themselves, and by inflicting an aural bombardment of the *'prob-'* root, Cicero leaves no doubt that Verres must be labelled *improbus* and as such, he must be exiled from the community.

Preface

This study is the original, unpublished, and independent work of Anastasia Krupkin.

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For Michail and Lana

Chapter 1: *Improbus* as a *Carte Blanche* Word

1.1   The Problem of Translating *Improbus*

Although scholars have long been perplexed as to how to translate the word, very few have attempted to identify the precise meaning of the adjective *improbus*, the noun *improbitas*, or the adverb *improbe*.[1] In 1940, Albert H. Travis noted the difficulty of the word while studying Martial's epigram III.20; he says that "the trouble" regarding *improbi iocos Phaedri* in line 5 "has never really been cleared up" (579):

> *Dic, Musa, quid agat Canius meus Rufus:*
> *utrumne chartis tradit ille victuris*
> *legenda temporum acta Claudianorum?*
> *an quae Neroni falsus adstruit scriptor,*
> *an aemulatur improbi iocos Phaedri?*   (III.20.1-5)

> Tell me, Muse, what is my Canius Rufus doing?
> Does he transmit the deeds of Claudian times
> which must be read about, to the undying pages?
> Does he emulate those things which the deceptive writer ascribes to Nero,
> or the jokes of *improbus* Phaedrus?[2]

I believe he rightly identifies W.C.A Ker's 1930 translation of the phrase, "the jests of naughty Phaedrus,"[3] as inadequate because rather than attempting to actually convey the

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[1] To date, there have been no systematic studies of this topic; in pursuing this I am informed by Robert Kaster's 2005 work as well as the growing scholarly interest in the emotional and political vocabulary of the Greeks and Romans (e.g. Susanna Braund & Glenn Most 2004; David Konstan 1997; 2001; 2006; 2010).

[2] All translations are my own unless otherwise stated.

[3] Quoted in Albert H. Travis (1940).

meaning of *improbus*, the translation is based on "the conclusion that *improbi* here must have a spicy connotation" because it is found in the text of Martial (579-580). Travis thus identifies a problem which plagues a great majority of attempts to translate *improbus, improbitas*, or *improbe* into English. Since a word is chosen to suit the context of the passage as the translator sees it, *improbus*[4] has become a catch-all word that encompasses a wide range of English words including but not limited to everything from "bad" to "shameless," "bold," "outrageous," "dishonest," "improper," "violent," "villainous/villain," "scoundrel," "rascal/rascally," "mischievous," "licentious," "gluttonous," "excessive," "monstrous," "enormous" and "inferior." Travis himself believes that Martial chooses *improbus* to describe Phaedrus simply because it establishes a link to Phaedrus' works - the fabulist uses *improbus* very frequently:

> In Phaedrus…it is the scoundrel who casts his murky shadow over the whole scene. And, although he rejoices in a number of uncomplimentary epithets, his favorite by far is *improbus*. This then is Phaedrus's pet term for that villainy which so largely establishes the tone of his fables…. This echoed word has the power of conjuring up before the mind's eye a panorama of the roguish, rascally, opportunistic way of life pictured by Phaedrus.
>
> (584-586)

In 1993, in making his contribution to the ongoing discussion of whether Vergil's *Georgics* I is optimistic (progressive) or pessimistic, Richard Jenkyns gives particular attention to the phrase *labor improbus* in lines 145-146:

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[4] When I refer to the use of *improbus* in general I always mean the cluster of adjective, noun, adverb, (and later verb) forms with the '***improb-***' root.

> *...labor omnia vicit*
>
> *improbus et duris urgens in rebus egestas.*

> *Improbus* toil and pressing need in hard times conquered all.

Jenkyns admits that he considers *improbus* to be a pejorative adjective, but since he believes in the progressive interpretation of *Georgics* I, translating *improbus* in a negative sense does not help his case. He reasons that:

> …a pejorative word may be used in a favourable sense, and for the very reason that it is pejorative...something is being recommended for the very reason that it is indecent or improper or self-indulgent….what we shall need to consider is whether 'improbus' belongs to the milder range of adjectives which can be pejorative without conveying ultimate disapproval.
>
> (246)

Jenkyns quickly concludes that *improbus* can in fact be used in a favourable sense,[5] which works well to show that the passage has a positive attitude:

> …the progressive interpretation seems irresistible, and the tone of 'labor improbus' therefore needs to be something like 'bloody hard work' or 'hard work, dammit' - the adjective being pejorative but not without some dour pride.
>
> (247)

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[5] This conclusion is based in part on Horace's *Epist.* I.7.63 in which a certain Philippus, a man well-disposed to a certain Vulteius Mena, invites the latter to dinner but his invitation is rejected. Philippus' slave brings back the reply *improbus negat* (the *improbus* man refuses). Jenkyns asserts that "plainly 'improbus' expresses light annoyance (maybe even humorous annoyance), not moral blame" (246). While I agree that the slave's comment does not reprimand Vulteius Mena in a moral sense, I do not readily accept that a non-moral use of *improbus* is by default light-hearted or humorous - a consideration which I shall elaborate on in subsequent chapters. Jenkyns' second piece of evidence comes from another passage in the same book of the *Georgics*, in which he claims that a *cornix improba* is a "rascally crow" and that the lines express "affectionate observation" (line 388; 246). It is worth noting that for A.S. Kline (2002) this same *cornix improba* is a "cruel raven." The problem with Jenkyns' example here is that he interprets *Georgics* I as positive poem and so of course the *cornix improba*, the *improbus anser* (line 119), and *labor improbus* are all interpreted positively – it is a circular argument.

Jenkyns' difficulty with the word is evident in the wide range of translations he offers: "bloody hard work" gives the lines a very different sense from his earlier tentative suggestions that *improbus* could mean "indecent," "improper," or "self-indulgent."[6] It seems that a rather large pool of words is available to draw upon when interpreting this word: *improbus* has become a kind of *carte blanche* for translators, allowing them to turn the dial on the tone and attitude expressed by each instance of the noun, adjective, and adverb, but it does not at all help us understand what the word actually means.[7]

Barring the *Oxford Latin Dictionary* and the *Thesaurus Linguae Latinae*,[8] the only other truly comprehensive attempt at defining *improbus* is made by Joseph Hellegouarc'h in his study of the political (and interpersonal) vocabulary of Republican Rome (1963). The equation he poses seems to say that *bonus* is the opposite of *improbus* when used in a political sense, while *probus* is the opposite of *malus* in the moral sense:

> … dans le domaine politique, le contraire de *bonus* n'est pas le plus souvent *malus*, comme dans le vocabulaire moral, mais *improbus*; aucontraire, *probus*, s'il est un

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[6] Perhaps the strongest indicator of how perplexing this word is is the fact that Jenkyns first says that *improbus* "cannot be translated [as] 'unflinching' or 'unremitting' [toil or labour], but must carry the idea of blame" (245, also n.9). However, at the end of his study he concludes that the "progressive interpretation" of lines 145-147, whereby *improbus* is translated with a positive sense, is not contrary to the idea that there is "need for unremitting hard work" (248).

[7] In an amusing blurb in *The Classical Journal* (1939), Mary Johnston writes that "During this spring, …the *improbus anser* has earned the epithet that Vergil gave him" (542). She explains that flocks of geese fed on wheat fields and left some of these bare, while some other fields were in no worse condition than when pastured by cattle. The description is rather frustrating because it is unclear what she means when she says that the goose deserves to be called *improbus* – would she side with Jenkyns' "rascally goose" or Kline's "wretched" one?

[8] Dictionaries are problematic because instead of a definition, they offer a comprehensive collection of possible meanings of *improbus* as interpreted by scholars – but we have already seen that scholars have had free reign interpreting *improbus*. The *TLL,* however, is especially valuable because it recognizes a division between using *improbus* in a moral and non-moral sense. I shall consider the divisions and interpretations made in the *TLL* more thoroughly later in this study.

qualificatif du *bonus*, est, comme *malus*, un terme plutôt moral. On peut donc poser

l'equation *bonus/improbus = probus/malus.* (528)

…in the political sphere, the opposite of *bonus* [good] is not usually *malus* [bad; wicked], (as it is in moral vocabulary), but rather *improbus*. On the contrary, *probus*, if it is a qualifier of *bonus*, is, like *malus*, a rather moral term. We can therefore propose the equation: *bonus/improbus = probus/malus.*

Hellegouarc'h's study is especially valuable because it is the first to recognize that *improbus* cannot be simply interpreted and translated as a synonym for *malus* – a liberty taken by many scholars who opt for "wicked", "evil", "villainous" or "wretched" in their translations. Furthermore, Hellegouarc'h is the first to suggest what kind of behaviour might constitute *improbitas* or being *improbus*:

L'*improbitas* est la rupture de la *fides*; elle est le défaut de celui qui ne tient pas ses promesses, et correspond au français «malhonnêteté». ….*improbus* qualifie surtout ceux qui agissent contre les lois ou les règles d'ordre imposées par l'État ou une puissance supérieure….*Improbus* est souvent aussi lié à *audax* et désigne ceux qui mettent la *potentia* au-dessus de l'*auctorias*.

(529)

Improbitas is a breaking of the *fides* [trust, reliability, credibility]. It is the fault of one who does not keep his promises, and corresponds to the French "dishonesty." ….*improbus* mainly describes those who act against the laws or rules of order imposed by the State or a superior power….*Improbus* is often linked to *audax* [bold, presumptuous, rash] and designates those who place *potentia* [might, supreme power] above *auctoritas* [guidance, influence].

These suggestions and the problems of translation noted above have led me to investigate two questions which I believe are crucial to our understanding of what *improbus* means: first,

what sort of behaviour causes one to be labelled *improbus*? That is, what kind of physical acts or speech acts constitute *improbitas*? From this, the second questions follows naturally - what does it mean to be an *improbus* person in Roman society? Are *improbi* people condoned, tolerated, or condemned?

1.2 *Improbitas* in Domestic Settings

I began my investigation with the plays of Plautus not only because the author is representative of the early Roman comedy genre but also because I had hoped it would give a glimpse into the use of *improbus* in family life. The constraints of this study's length and the problematic fact that Plautus Romanizes Greek comedy and that society's view on family relationships have forced me to limit my investigation. Nevertheless, I believe the extent of the Romanization in Plautus' plays is significant and so the texts do reveal noteworthy observations about Roman society and values and what is considered to be *improbus* behaviour. In the main body of this study, I will discuss the concept of *improbitas* in Roman public life as evidenced in the satires of Lucilius and Cicero's *In Verrem* orations. In this introduction, I will briefly examine *improbitas* in Roman domestic life by exploring the perspectives of the key character types in Plautus' plays: the *adulescens* (the young man, usually the young lover), the *senex* (the old man, usually the father of the *adulescens*), and the *servus* (the slave, who often helps the *adulescens*).

In *Trinummus*, the young man Lysiteles, distraught at how his friend Lesbonicus has spent all his money on food, drink, and prostitutes, conducts a trial against *Amor* (Passionate Love), whom he blames for Lesbonicus' behaviour. From his speech we can deduce that he thinks *Amor* is *improbus* and that it makes men *improbi* because they take on the

characteristics and bad values of *Amor.* This is most clear when Lysiteles qualifies the

improbi men as *vanidici* (smooth-talking) (276)*,* a synonym for the first epithet Lysiteles

associates with *Amor – blandiloquentulus* (flattering, sweet-talking). Similarly, just as *Amor*

is called an *inops indagator* (a penniless extortionist), so too a man ensnared by *Amor*

becomes an *inops amator* (a penniless lover) (254). In rejecting *improbus Amor* and *improbi*

men, Lysiteles establishes an equivalency wherein *boni* men are considered *probi* and

improbi men are considered to be the opposite. The young man seems to think that *improbi*

men are simply those who do not possess the qualities he lists for *boni* men – *improbi* are

neither credible nor reliable, but only pretend to be for the moment, and this kind of

deception is what earns these men the label of *improbus* in the young man's opinion:

> *boni sibi haec expetunt, rem, fidem, honorem,*
> *gloriam et gratiam: hoc probis pretiumst.*
> *eo mihi magis lubet cum probis potius*
> *quam cum improbis vivere vanidicis.* (273-276)

> Good men seek these things for themselves: substance, reliability, credibility, praise,
> and esteem – these are the reward for *probi* men. For this reason, I much rather prefer
> to live with *probi* men than with *improbi* men who speak hollow words.[9]

The young man's father, Philto, seems to have a different opinion of what makes men

improbi.

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[9] On a similar topic, Lysiteles' father says:

malus bonum malum esse volt, ut sit sui similis;	A bad man wants a good man to be bad, so that he becomes
turbant, miscent mores mali…	like him; bad men disturb (and) confuse our standards…

(285-286)

Lysiteles' equivalency might therefore be completed as *bonus=probus* and *improbus=malus*, which shows that contrary to Hellegouarc'h's supposition that *bonus* is only the opposite of *improbus* when used in a political sense, here *bonus* is the opposite of *improbus* when used in a moral sense.

tu si animum vicisti potius quam animus te, est quod gaudeas.

nimio satiust, ut opust te ita esse, quam ut animo lubet:

qui animum vincunt, quam quos animus, semper probiores cluent.   (310-312)

If you have overcome your passion rather than your passions you, it is a reason for you to be glad. It is far better to be the way you must be than to be the way that is pleasing to your passion. Those who overcome their passions rather than the passions them, are always said to be more honourable [or perhaps, 'more respectable'].

The father's use of the comparative *probiores* indicates that whether a person is *probus* or *improbus* is not as straightforward as it is for the youth. People are not simply honourable or dishonourable, credible or untrustworthy – the father implies that an element of self-control or lack thereof causes one to behave in an *improbus* manner. Lysiteles seems to think that he did not do any of the improper things he lists because he is naturally a good and trustworthy son; the list itself betrays the fact that he was tempted. He does not yet understand that his father guided him away from becoming *improbus* by advocating self-control and moderation (*modestia*).

Lysiteles*: ne penetrarem me usquam ubi esset damni conciliabulum*

neu noctu irem obambulatum neu suom adimerem alteri

neu tibi aegritudinem, pater, parerem, parsi sedulo:

sarta tecta tua praecepta usque habui mea modestia.

Philto: *Quid exprobras? bene quod fecisti tibi fecisti, non mihi;*

mihi quidem aetas actast ferme: tua istuc refert maxime.

is probus est quem paenitet quam probus sit et frugi bonae;

qui ipsus sibi satis placet, nec probus est nec frugi bonae…   (314-321)

Lysiteles: I never went where there was an assembly place of loss [i.e. a brothel], nor did I go wandering around at night, nor have I taken something that belongs to

someone else, nor did I cause you grief, father, because of my diligent restraint: with my self-control I have made good on the rules of your house.

Philto: What do you find fault with? What you did well you did for yourself, not for me. Indeed, my own life is nearly done: it is your life that your behaviour affects most. The *probus* (reliable/honourable) man is the one who worries about how honourable and worthy he is; the man who feels satisfied with himself is *improbus* [*nec probus*] and unworthy.

If *nec probus* is interpreted as equivalent to *improbus* in the above passage, then the line reveals Philto's thoughts about what makes a man *improbus*. *Probus* is here treated as the opposite of *improbus*; if a *probus* person must always be anxious about whether or not their behaviour is proper, then this person must always exercise restraint and self-control. It follows that an *improbus* person is one who is not concerned with the consequences of their behaviour because they do not exercise self-control or moderation. Thus for Philto, it is not the desire to act improperly or in a way that transgresses standards that makes one *improbus*, but rather the inability to restrain oneself from committing these transgressions.

The slave character's perception of what it is to be *improbus* for a slave appears to be influenced by his master's perspective, that is, the opinion of a *senex* like Philto above. The main reason a slave becomes *improbus* is if he or she proves to be unreliable to their master. However, in the following example, the *servus* shows that 'good' slaves must also exercise self-restraint and worry about whether or not their actions do in fact make them 'good' slaves. In *Menaechmi*, the *servus* Messenio explains:

> *Spectamen bono servo id est, qui rem erilem*
> *procurat, videt, collocat cogitatque,*
> *ut absente ero rem eri diligenter*
> *tutetur, quam si ipse adsit aut rectius.*

tergum quam gulam, crura quam ventrem oportet

potiora esse, cui cor modeste situmst.

recordetur id, qui nihili sunt, quid eis preti

detur ab suis eris, ignavis, improbis viris:

verbera compedes

molae, lassitudo fames frigus durum,

haec pretia sunt ignaviae.

id ego male malum metuo: propterea bonum esse certumst potius quam malum...

(966-977)

This is the proof of a good slave: he takes care of his master's business, sees to it, he puts it in his mind and contemplates it, and when his master's absent he watches over the master's business just as carefully, or even more so than when his master is present. To a slave whose mind is level-headed, his back must be more important than his gullet, his legs more important than his belly. May he be mindful of this fact, that those who are worthless receive this kind of reward from their masters for being lazy and *improbi* men: whippings, chains, work at the mill, exhaustion, hunger, freezing cold – these are the rewards of laziness. I am badly afraid of this bad (reward); therefore it is certainly better to be a good (slave) rather than a bad one.

Much of the speech emphasizes how a 'good' slave is a reliable one: a *bonus servus* completes his tasks even when the master is not there to watch over him, and he completes these tasks not only properly (*diligenter*) but also promptly, as is emphasized by the repetition of *ignavus* (lazy) and the position of this word as a synonym for *improbus*. The importance of self-control is shown in *cor modeste situmst*: a 'good' slave restrains himself from eating and drinking immoderately. The idea that slaves complete their tasks even more carefully in the master's absence and the fact that Messenio admits that he is afraid of being punished shows that slaves worry about whether their actions makes them *boni* or *improbi*

slaves to their masters.[10] This fear is perhaps a harsher version of the anxiety or regret that Philto talks about when he says that a *probus* man must worry (*paenitet*) whether or not his actions make him *probus.* If we interpret Philto's opinion as the general view of the *senex* master, then the slave's perspective on how to avoid being labelled *improbus* seems to be strongly influenced by that of his master.[11]

Now that we have examined the perspectives of the *adulescens*, *senex*, and *servus* on what makes a person *improbus,* let us briefly return to Lysiteles' trial of *Amor* in *Trinummus.* Although the young man's own understanding of why Passionate Love makes people *improbi* is limited, his speech does reveal some reasons why this kind of *Amor* is incompatible with Roman values. What does Amor do to make the men *improbi*? To be ensnared by this *improbus Amor* is to misinterpret or misappropriate the Roman values associated with a good Roman marriage. At first Lysiteles seems to be describing a Roman marriage: he mentions the concept of *familia* (the entire Roman household) and lists the positions of household slaves. However, while *vestiplica* (laundress), *unctor* (perfumer), *auri*

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[10] Messenio demonstrates the same equivalency of *bonus/improbus = probus/malus* used by Lysiteles and Philto in *Trinummus.*

[11] In *Mostellaria,* the *servus* Phaniscus expresses a similar fear and need to exercise self-restraint in order to be thought of as *probus*. There is a grim play on words using the same equivalency as discussed above: when the slaves are *boni* their status is *probus* and their master is good to them in return (as indicated by *probe tectum habebo*); when the slaves prove to be *improbi* then the master is bad in return because he punishes them.

Servi qui, quom culpa carent, tamen malum metuont,	Slaves who, even when they are blameless, still fear
ei solent esse eris utibiles.	punishment, those slaves tend to be useful to their
...	masters. …If I control myself [i.e. 'my hand from
si huic imperabo, probe tectum habebo,	stealing/my stomach from eating'] I will have a proper
malum quom impluit ceteris, ne impluat mi.	roof over my head, and when punishment rains down
nam ut servi volunt esse erum, ita solet	on others, it won't rain on me. For a master acts as his
boni sunt: bonust; improbi sunt, malus fit. (858-873)	slaves wish him to act: When they are good, he is
	good to them, when they are *improbi* (unreliable, lazy)
	he is bad to them [i.e. he punishes them].

custos (keeper of the treasury), *flabelliferae* (fan-bearer), *sandaligerulae* (sandal-bearers), *cantrices* (singers), *cistellarices* (keepers of jewellery boxes), *nuntii* and *renuntii* (messengers and reporters) all seem to be Roman enough terms, the list itself is extravagant for an actual Roman household (250-252). Furthermore, the slaves altogether are called the *raptores panis et peni* (plunderers of bread and provisions) (253). Lysiteles is appropriating the Roman language of marriage for a relationship that is definitely not a Roman marriage since the hypothetical scenario is actually about cohabitation with a prostitute (as indicated by *nox datur* (a night is given, 250)). In his final rejection of *Amor*, Lysiteles says *apage te, Amor, tuas res tibi habeto* (Go away, Amor, take your things back, 267), using the standard divorce formula in Roman marriage. The formula is juxtaposed with the Greek word *apage* (ἄπαγε), emphasizing that this kind of *improbus Amor* is non-Roman, but rather foreign and incongruent with Roman values.

Lysiteles does however recognize what I believe is a crucial aspect of what it means to be *improbus* in Roman society, that the *improbus* person (here the *amator*) becomes unwanted and is ultimately ousted from the community. [12]

> *...fugit forum, fugitat suos cognatos,*
> *fugat ipsus se ab suo contutu,*
> *neque eum sibi amicum volunt dici.* (260-262)

> …he flees the forum, he runs from his own relatives,
> he exiles himself from his own self-reflection,
> and people don't want it said that he's their friend.

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[12] A similar danger, but on a smaller scale where the household (*familia*) represents the community, seems to worry the slaves as well: possible punishments include being left without shelter or worse, being sent away from the household to work in a mill.

This idea is both emphasized and elaborated on by Philto's comments on the types of people he wants his son to associate with.

> *nolo ego cum improbis te viris, gnate mi,*
> *neque in via, neque in foro necullum sermonem exsequi*
> *....*
> *nam hi mores maiorum laudant, eosdem lutitant quos conlaudant.*
> *hisce ego de artibus gratiam facio, ne colas neve imbuas ingenium.*

(282-296)

> My son, I do not want you to have any conversation either in the street or in the forum with *improbi* (transgressive) men….for these men praise the ways of our ancestors then defile those same ones they praise.[13] When it comes to these behaviours, I can do without your either cultivating them or tainting your character with them.

Not only is Lysiteles encouraged not to be seen with *improbi* men in public (*in via* and *in foro*), but Philto also hints that being associated with the *improbi* can cause Lysiteles himself to become *improbus* because he will be 'tainted' or 'stained' by the connection.

In subsequent chapters I shall expand on my observations in Plautus of *improbitas* at the domestic level by conducting a two part investigation, using the fragments of Lucilius and Cicero's *Verrine Orations*. Not only do both men deal with Roman public life (which allows me to expand on Hellegouarc'h's statements on *improbus*), but each one is also representative of a genre: Cicero is the most eminent of Roman orators, while Lucilius is thought of as the 'father' of Roman satire. I shall conduct a systematic study of each instance of *improbus* in the surviving fragments of Lucilius. I will first divide and categorize the

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[13] This emphasis on transgression against ancestral standards of behaviour is what leads me to suggest "transgressive" as a translation for *improbi.*

instances into physical acts and speech acts and then proceed to identify what specific

behaviour is said to earn the label of *improbus*. This part of the study shall mainly answer the

question of what constitutes *improbitas* in Roman public life. I shall then turn to Cicero's *In*

Verrem to examine how the *improbus* label is used to exert political pressure and ostracize an

individual from the community. This second half of the study shall mainly answer the

question of what it means to be an *improbus* person in Roman society.

Chapter 2: *Improbi* Behaviours in Lucilius

When examining Lucilius' satires, it is difficult to offer a big picture of the use of *improbus* because all that survives are fragments, arranged by modern scholars into books and separated into poems to the best of their conjecture. The majority of the fragments survives in Nonius and a smaller portion survives in Gellius, both of whom used Lucilius' verses to illustrate the uses of individual words. Therefore, although I proceed with caution in examining Lucilius' use of *improbus*, I find that I must take advantage of every scrap of information: the particular words that Nonius and Gellius attempt to illustrate by providing a quotation with *improbus* as an example, the references to Lucilius in later works identified by the scholiasts and modern scholars, and even the uncertain arrangement and grouping of fragments into individual poems. Nevertheless, I believe that even with minimal reliance on this information in order to contextualize the fragments, we will be able to identify the kinds of behaviours that earn the label of *improbus* and see what it means to be *improbus* through three major aspects of the word. One aspect is that *improbus* is used to denote a person who has a negative reputation, a person whose somehow inappropriate behaviour is *conspicuous* because it transgresses standards or expectations. Of the twelve occurrences of *improbus*[14] in

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[14] One of these is not really applicable to our discussion since it does not deal with human behaviour but rather with the quality of bookkeeping. Nevertheless, we can see that the computation here is labelled *improbus* because it transgresses the established and expected way of accounting.

Hoc est ratio? Perversa aera summae et subducta inprobe.	Is this accounting? The number for the sum total
(ap. Non. 74,3; Warmington 907)	is corrupt and calculated improperly. (my translation)

That this is a rhetorical question is shown by the fact that the speaker asks and immediately answers their own question, thereby demonstrating that the answer is obvious to both the speaker and the addressee(s). Therefore, this fragment illustrates the first aspect of *improbus*, that an *improbus* action is conspicuous and immediately apparent. If we allow ourselves to stretch the meaning of *ratio*, we may say this fragment shows some admonition of improper human behaviour. *Ratio* is most readily interpreted in the sense of 'calculation' or

the surviving fragments, over half clearly show that people who are considered *improbus* or who act in an *improbus* manner are visible and well known to the public. The fragments include emphasis on notoriety, concerns with one's reputation as *improbus*, as well as verbs of sight, hearing, and speech in the sense of gossip and denunciation. A second aspect is that it is possible to become *improbus* by associating with someone *improbus*; there is an observable concern over this possibility. The third aspect is that such a person is unwanted, and is considered to be a useless or worthless member of the community, better removed from the citizen group. We shall see that careful observation of these aspects challenges the categorization of *improbus* by the *Thesaurus Linguae Latinae*, and often leads to translations that are very different from those of E.H. Warmington, whose revised 1967 edition of *Remains of Old Latin* 3 remains the standard Latin with English facing translation text for the fragments. These translations shall be shown to be not only outdated but also so unspecific as to offer only a vague impression of what the Latin conveys. By considering the three aspects, I shall propose new translations that better reflect the purpose and effect of the use of *improbus* in Lucilius.

The behaviours that get labelled *improbus* can be divided into speech acts and actions. We shall see that *improbi* actions are displays of gluttony, greed for wealth, and failure to have the proper appearance in terms of ancestry, wealth, and associations. Despite

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'computation,' but it can also mean 'reasonableness,' 'order,' 'conduct,' and 'conformity' (*OLD* s.v. *ratio* 7,8,11, &14). With this connotation of appropriate behaviour and conventionality, the fragment could be translated as:

> Is this (proper) conduct? The number for the sum total is corrupt and calculated improperly.

However, the computational meaning of *ratio* is so dominant that I offer this idea of proper conduct only tentatively, and I choose to concentrate on the remaining eleven instances of *improbus* in Lucilius, which clearly address human behaviour.

the limited number of surviving fragments, we are extremely fortunate to have examples of both male and female *improbi* actions, and it is interesting that there appears to be no difference between the actions that are *improbi* for a man and for a woman, although commentators do tend to designate the one clearly female *improbus* action as a sexual transgression. We are equally fortunate to also have one example of a female *improbus* speech act, which allows us to see that *improbi* speech acts may in fact be different for men and women. Men become *improbi* through speech by speaking deceptively or by being too harsh with their word choice, while a woman is considered *improba* when she speaks too obsequiously and is so flattering as to arouse suspicions of ulterior motives. Let us begin by examining the fragments that denote actions.

2.1 *Improbi* Actions

The simplest action which earns the label of *improbus* is to be born too low with respect to one's social sphere. In broader terms this might mean that a person represents the wrong kind of wealth or ancestry. One fragment calls to mind the Greek terminology for a member of the elite, that is, someone who is καλὸς κἀγαθός or 'good-looking and brave.' Nonius uses this fragment to illustrate that *fortis* (normally 'strong' or 'brave') can mean *dives* ('rich'), so that Lucilius' speaker complains:

> *Omnes formonsi, fortes tibi, ego inprobus; esto.*
>
> (ap. Non. 306, 16; Warmington 1077)

To you, all are good-looking, (all are) rich; I am transgressive/ a pariah/an

outcast. So be it.[15]

With the contrast of '*ego*' and '*omnes,*' the speaker makes clear that he is considered to be an 'other' separate from everyone else (*omnes*). Since he is not part of the *omnes*, then it is possible that he is neither good-looking nor rich, and thus, in Greek terms, he is not καλὸς κἀγαθός. The action that earns the speaker the label of *improbus* might be the fact that he engages in an elite social sphere to which he does not belong. Whether it is because he has earned his wealth by contemned means, or because he has an undistinguished ancestry or perhaps even no wealth or ancestry to speak of, he has somehow transgressed the standards of the social sphere and as a result he is an outsider. This justifies the translation of *inprobus* above as 'outcast' or 'pariah,' and shows that being an *improbus* person causes one to be unwanted by a group or a community. In contrast, E.H. Warmington translates:

In your view, all are well off in looks, well off in purse, but I am a villain. Granted.

His choice of 'villain' for *improbus* is too vague because it does not show the connection between *not* being good-looking or rich and being labelled *improbus* for this very difference. Furthermore, 'villain' implies that the speaker has acted in some kind of criminal manner,[16] which is not only an unfounded implication, but it also obfuscates the idea that the speaker's fault is that he simply *does not belong* among the elite because he does not fit the standards

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[15] All translations are my own unless otherwise stated.

[16] *OED* s.v. 'villain' 1: "a man naturally disposed to base or criminal actions, or deeply involved in the commission of disgraceful crimes."

of the elite, those who are considered 'good-looking and rich.'[17]

Failure to fit standards, being labelled *improbus,* and thus becoming an outsider can be seen in another Lucilian fragment as something that causes concern and as something to avoid. This fragment has been identified by scholars as part of a satire written in the form of a dialogue between "a youth and a man of experience":[18]

> *"Quid me fiet?" "Siquidem non vis te inprobis conmittere...*"
>
> (ap. Non 248, 24; Warmington 836)

> "What will happen to me? " "If indeed you do not want to associate yourself with transgressors..."

It is unknown what the young man has done, but it is clear that he is concerned over his reputation. The preserved part of the second man's advice implies an admonishment to the younger man that he will become one of the *improbi* if he does not follow the older man's advice.[19] Thus, we have an implied *improbus* action performed by the youth which will tarnish his reputation and thus put him in a group with others who are labelled *improbi* unless he performs another implied action in accordance with the older man's advice. In other words, the youth has done something that transgresses standards and must now follow the standards set out by the experienced older man in order to avoid being labelled *improbus*.

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[17] If we assume that the usage of colloquial Latin in Plautus' and Lucilius' time overlapped, then Michael Fontaine's comment may offer support to this interpretation of *improbus;* in his *Funny Words in Plautine Comedy,* he mentions that "in Plautus' day *probus* 'good' was colloquially equivalent to Greek καλός…"(144).

[18] Warmington p.269.

[19] This recalls the viewpoint of the *senex* Philto in the discussion on Plautus above (page 13). Furthermore, if we interpret *siquidem* (if indeed) as an invitation for the young man to <u>prove</u> that he does not want to be *improbusi*, then this fragment is also in line with Philto's view that *probi* people are those who worry about the consequences of their actions and act so as to prove that they are in fact *probi* (page 8 above).

This example is the only one to survive in Lucilius which indicates not only that the *improbi*

people are known and grouped as a 'type' to avoid, but also that *improbi* people can make

others *improbi* by association.[20] For comparison, Warmington translates:

"'What will become of me?' 'Well, if you do not want to entrust yourself to rascals'"

Again, the choice of 'rascals' is not only old-fashioned but it is too vague to convey the sort

of behaviour the youth does not want to be associated with. 'Rascals' undermines the

severity of the situation and makes it sound like the youth simply did something childish and

irresponsible with minor consequences.[21]

The following fragment also leaves room for interpretation as to what is the specific

improbus behaviour being alluded to:

non tango quod avarus homo est,

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[20] Of examples in Roman Republican literature, Cicero's *In Catilinam* and Sallust's *Bellum Catilinae* best show how the reputation of young men is ruined by association with Catiline, whom Cicero urges to be exiled from Rome along with all his 'unwanted' companions (In chapter 3, we shall see that Cicero makes a similar exhortation with regard to Verres):

Quodsi se eiecerit secumque suos eduxerit et eodem ceteros undique collectos naufragos adgregarit, extinguetur atque delebitur non modo haec tam adulta rei publicae pestis, verum etiam stirps ac semen malorum omnium. (Cicero, *In Catilinam* 1.30)	But if he exiles himself and takes with him all his friends and at the same time gathers all the other ruined men whom he acquired from everywhere, then not only will this full-grown plague of the Republic be extinguished and eradicated, but also the root and seed of all evils.
... postremo omnes, quos flagitium, egestas, conscius animus exagitabat, ii Catilinae proxumi familiaresque erant. Quod si quis etiam a culpa vacuus in amicitiam eius inciderat, cotidiano usu atque illecebris facile par similisque ceteris efficiebatur. Sed maxume adulescentium familiaritates adpetebat: eorum animi molles etiam et fluxi dolis haud difficulter capiebantur. (Sallust, *Bellum Catilinae* 14)	…finally, all who were tormented by disgrace, poverty, or a guilty conscience, were the associates and intimate friends of Catiline. And if any one as yet free from fault was ensnared in his friendship, he was easily rendered, by daily association and enticement, similar and equal to the rest. But Catiline especially sought the friendship of the youth (since) their minds, still malleable and changeable, were easily ensnared by his deceits.

[21] *OED* s.v. 'rascal': "A mischievous or cheeky person…a playful or affectionate term of reproof."

quodque improbus mitto.

(ap. Iul. Rufinianus, ap. *R.L.,* 62, 16 H; Warmington 1174)

I do not touch upon the fact that he is a greedy man,
and I omit that he is transgressive/improper.

The most likely interpretation is that *avarus* and *improbus* function as synonyms to describe this man. In this case, the *improbus* action here is being greedy, that is, hoarding things that should be shared or taking more than one's proper share with regard to need or merit. It is also possible that *avarus* and *improbus* are not meant to be synonyms but rather related ideas. This man is likely thought of as being greedy for wealth, but perhaps he also oversteps by being too covetous of the rewards of position or rank, that is, he is overambitious. Perhaps the man is gluttonous for food in addition to being greedy for money. Another possibility is that *avarus* and *improbus* are neither synonyms nor related ideas. It could be that the man's greed drives him to make rash decisions without proper consideration, or perhaps he lies to benefit his greed and the *improbus* action here may be a speech action rather than a physical action after all. The point of this speculation is that although we cannot know exactly what the *improbus* action is, it is clear that the man transgresses some sort of standards or codes of conduct. By translating *improbus* as 'transgressive' or perhaps even 'improper,' we may convey the meaning of the fragment accurately without overinterpretation and distortion. In comparison, Warmington translates:

That he is stingy, — I won't touch upon that;
and that he is a villain, — I pass it over.

The choice of 'villain' manages to be too vague and an overinterpretation at the same time. 'Villian' does not convey that the problem is a transgression of codes of conduct, possibly

with regard to the acquirement of wealth, rank, or even food, but it does imply criminal action on the part of the *improbus* man. Certainly it is possible that the *avarus* man is a criminal, but it is not necessary to think so nor is this the point of the fragment. The real value of this fragment is that it shows the man in question as someone unwanted and unworthy of even talking about – the speaker makes a point of not discussing the man's qualities, thereby emphasizing those very qualities that the speaker claims to pass over. Thus, we see once again that to be *improbus* means to be unwanted and an outsider.

In the next fragment, a series of adjectives in apposition allow us to be more confident of the sort of action that earns the label of *improbus*. Nonius uses the following fragment to illustrate that '*confidentia'* can mean rashness or hastiness (*temeritas*) and audacity or boldness (*audacia*):

> *improbus confidens nequam malus ut videatur.*[22]
>
> (ap. Non. 262, 5; Warmington 418a)

(so) that he seems an/a audacious/transgressive, bold, worthless, bad (man).

Since *improbus* is in apposition with *confidens* it must function as a synonym of *confidens* and so the *improbus* behaviour here is a bold or audacious action taken without precedent, or a rash action taken without proper consideration. It is also possible that this fragment refers to a speech act, in which case the *improbus* speech act has something to do with a rash tongue that speaks too freely or perhaps too harshly. Again, the point of the fragment is that this man does something that is unexpected and contrary to standards. We may preserve the

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[22] The *TLL* lists this under the moral sense of *improbus* as generally (*generatim*) that which is bad (*malus),* worthless *(nequam)*, and wicked or criminal (*scelestus*) (p.689, 46). The entry seems to be a simplification of the fact that *improbus* is in apposition to two of the words in this listing – *malus* and *nequam*.

meaning of the Latin if we translate *improbus* as 'transgressive' or even 'audacious' because it is a synonym for 'bold,' that is, for *confidens*, and it has the connotation of a transgressive action, an action taken contrary to expectations. For comparison, Warmington translates:

that he appears a bold bad villain audacious and a worthless waster.

This translation leaves the reader puzzled because Warmington either translates *confidens* twice in accordance with Nonius' explanation that it can mean *temeritas* and *audacia*, or, what is more likely, is that he once again translates *improbus* as 'villain' but this time qualifies this 'villain' as particularly 'audacious.' The problem with the choice of 'villain' is the same as seen in other examples – it does not help explain what sort of behaviour is being labelled *improbus*, and there is nothing in the fragment that justifies the implication of criminal action.

Nevertheless, considering that *improbus* is also in apposition to *nequam* and *malus*, 'transgressive' may still provide the most accurate translation of the Latin without the risk of overinterpretation. Since these adjectives must function as synonyms to the native reader of Latin, *improbus* must somehow equate to *nequam* (worthless) and *malus* (bad). Previous examples from Lucilius have shown us that *improbi* people are not only unwanted but also thought of as a group to avoid because they can make others *improbi* by association. I believe *nequam* and *malus* function as synonyms for *improbus* because they explicitly state the aspects of what it means to be *improbus*: such a person is unwanted and is an outsider to the community or social group, hence they are considered 'worthless' to that group.

Furthermore, such a person has the potential of making others *improbi*, so that he is considered 'bad' for the community as a whole.[23]

The following fragment indicates that gluttony is a behaviour that earns the label of *improbus* and in turn, an infamous reputation:

> *Illo quid fiat Lamia et Bitto oxyodontes quod veniunt,*
> *illae gumiae evetulae improbae ineptae?*
>
> > (ap. Non. 118, 2; Warmington 1028-9)

What may happen because the sharp-toothed Lamia and Bitto are coming there, those (famous) gluttons, the transgressive (*improbae)*, impertinent, little old women?[24]

That the problem with Lamia and Bitto is their gluttony is clear from the double emphasis of the *oxyodontes* (sharp-toothed) and *gumiae* (gluttons). The second line of the fragment lists *gumiae* in apposition to *improbae*, *evetulae,* and *ineptae*, thereby indicating that these words function as synonyms. Since *improbae* must reflect the meaning of 'gluttony,' that is, eating more than the appropriate amount of food, the word could mean 'gorging', 'voracious', or even 'greedy,' but the basic sense of the line is that Lamia and Bitto transgress the expectations and standards of normal eating, so to avoid unnecessary embellishment of the meaning, it is safest to translate *improbae* as 'transgressive.' This basic translation also works well to preserve the fact that *ineptae* is a synonym of both *gumiae* and *improbae*, since

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[23] The third aspect of being *improbus*, that is, being well-known and *conspicuous,* is also observable in this fragment in the word *videatur*. Although we have translated this as "(so) that he seems," it is also possible to translate it as "so that he is seen as," thereby emphasizing the infamy of an *improbus* person.

[24] Warmington translates "What may come of it that the sharp-toothed Lamia and Bitto are turning up there, those wretched little gluttonous villainous stupid old hags?" Again, he choose 'villainous' which incorrectly implies that Lamia and Bitto have done something criminal which is not described by this fragment.

ineptae when used of people means "having no sense of what is fitting."[25] The apposition

with *evetulae* is interesting because in the later satirists we can see that *vetula* is a derisive

term, used of a woman who is somehow deceptive and possibly motivated by greed.[26]

Therefore, the apposition of *evetulae* may indicate that Lamia and Bitto are somehow

deceptive about the amount of food they eat, but more importantly it emphasizes Lamia and

Bitto's general greed, and not just their greed with regard to food. Thus, the fragment shows

that the foremost act earning the label of *improbus* here is gluttony, while general greediness,

which certainly encompasses gluttony, can also be considered *improbus* behaviour. The

epithet *oxyodontes* indicates that Lamia and Bitto are famous for their gluttony, and thus

justifies the translation of *illae* as "the famous ones" or even "the infamous." This shows one

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[25] *OLD* s.v. *ineptus* 1.

[26] Although both of these authors are significantly later than Lucilius (their works date to somewhere between the late 1st and second 2nd century CE), examples from both Juvenal and Martial show the derisive use of *vetula* and the contexts of greed and deception:

scilicet expectas ut tradat mater honestos *atque alios mores quam quos habet? utile porro* *filiolam turpi vetulae producere turpem.*	Surely you don't expect the mother to pass on honest habits, habits other than those she has? It's profitable for a shameful little old woman to produce a shameful little daughter.

(Juvenal 6.239-241)

Omnes aut vetulas habes amicas *aut turpis vetulisque foediores.* *Has ducis comites trahisque tecum* *per convivia porticus theatra.* *Sic formosa, Fabulla, sic puella es.*	All the female friends you have are either little old women or they are ugly, and more repulsive than little old women. You lead these, as your companions, and drag them about with you through dinner parties, colonnades, theatres. In this way, Fabulla, you are beautiful, in this way you are young.

(Martial, *Epigrammata* 8.79)

The context of greed (for attention, for more money) is perhaps clearer if we look at another epigram about Fabulla:

Bella es, novimus, et puella, verum est, *et dives, quis enim potest negare?* *Sed cum te nimium, Fabulla, laudas,* *nec dives neque bella nec puella es.*	You are beautiful, we know, and young, that is true, and rich for who can deny it? But while you praise yourself too much, Fabulla, you are neither rich, nor beautiful, nor young.

(Martial, *Epigrammata* 1.64)

aspect of what it means to be labelled *improbus,* that is, to become well-known and conspicuous in a negative way.

The surprise in the second line is that because the adjectives *gumiae, improbae* and *ineptae* agree with *evetulae*, all these words, and by extension Lamia and Bitto, are in the feminine gender. There are two possibilities here: either *evetulae improbae* is applied as an insult to two men, which causes the adjectives to be listed in the feminine case to agree with *evetulae*, or Lamia and Bitto are in fact both women. Both Lamia and Bitto can be the surnames of men: Lamia is a name in the *gens* Aelia,[27] while at least one known Pomponius Bitto shows that Bitto can refer to a man.[28] At the same time, the Latin *lamia* (not a proper noun) which means 'witch,'[29] comes from the Greek name for the creature Λάμια, a female monster that devours human flesh. It is easy to see how the idea of devouring in the Greek proper noun is appropriate for the context of gluttony in this fragment, so it may be that Lucilius' Lamia is the transliterated form of Λάμια. Bitto can also be a woman's name transliterated from the Greek Βιττώ.[30] Other instances of Βιττώ in the *TLG* indicate that it is

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[27] Juvenal speaks of the whole Lamian *gens* in general (4.154; 6.385), while Cicero refers to a particular Lucius Lamia (*Pro Sestio* 12.29; *Ad Fam.*12.29.3; *Ad Att.*11.7.2).

[28] *TLL* s.v. Bitto 2.

[29] *OLD* s.v. *lamia*[I] 1; *L&S* s.v. *lamia* I. Elsewhere, Lucilius explicitly uses *Lamias* as a proper noun to mean something like 'witches':

Terriculas Lamias, Fauni quas Pompiliique   The scarecrow witches, which the Fauns and Numa
instituere Numae, tremit has hic omnia ponit.   Pompiliuses established, at these he trembles and
Ut pueri infantes credunt signa omnia aena   considers them of the highest importance. As baby
vivere et esse homines, sic isti somnia ficta   boys believe that all bronze statues are alive and are
vera putant, credunt signis cor inesse in aenis,   humans, thus those people think that the deceptions of
pergula pictorum, veri nil, omnia ficta.   a dream are real, they believe that there is a heart
    inside of the bronze statues, (but) these things are a
(Lucil. Ap. Lactantius, *Div. Instit.,* I, 22, 13;   gallery of painters, nothing real, all make-believe.
Warmington 524-9)

             (My translation, adapted from Warmington)

[30] *TLL* s.v. Bitto 1. The *TLL* cites this very fragment of Lucilius to show that Bitto is the name of a woman.

often the name of a woman who transgresses expectations, so like Lamia, this female name is also appropriate in Lucilius' fragment, since gluttony is a kind of transgression:

Αἱ Σάμιαι Βιττὼ καὶ Νάννιον εἰς Ἀφροδίτης
φοιτᾶν τοῖς αὐτῆς οὐκ ἐθέλουσι νόμοις,
εἰς δ' ἕτερ' αὐτομολοῦσιν, ἃ μὴ καλά. Δεσπότι Κύπρι,
μίσει τὰς κοίτης τῆς παρὰ σοὶ φυγάδας.

<div align="right">(Asclepiades, Anthologia Graeca 5.207)</div>

The Samians Bitto and Nannion do not want to go to the house of Cypris in accordance with her customs, but instead they desert to other things which are not proper. O Mistress Cypris, hate those who flee from your bed.

Κερκίδα τὴν φιλαοιδὸν Ἀθηναίη θέτο Βιττὼ
ἄνθεμα, λιμηρῆς ἄρμενον ἐργασίης,
εἶπε δέ· "Χαῖρε, θεά, καὶ τήνδ' ἔχε· χήρη ἐγὼ γὰρ
τέσσαρας εἰς ἐτέων ἐρχομένη δεκάδας
ἀρνεῦμαι τὰ σὰ δῶρα, τὰ δ' ἔμπαλι Κύπριδος ἔργων
ἅπτομαι· ὥρης γὰρ κρεῖσσον ὁρῶ τὸ θέλειν.

<div align="right">(Antipater of Sidon, Anthologia Graeca, 6.47)</div>

Bitto dedicated to Athena her musical loom-comb, the cursed thing, a thing suited to hungry work, saying, "Greetings, goddess, and keep this. For I, a widow going into

my fortieth year, disown your gifts and instead take part in the works of Cypris. For I see that desire is stronger than age."[31]

While we cannot know for certain whether Lucilius' Lamia and Bitto are male or female, the very fact that either reading is possible indicates that there is no difference between the act of gluttony that is *improbus* for men and the gluttony that is *improbus* for women. In broader terms, since gluttony is clearly a kind of greed, we may say that greediness is considered an *improbus* behaviour for both genders.[32]

We are fortunate that one of the surviving fragments leaves no room for doubt about the gender of the person doing the *improbus* action.

Phryne nobilis illa ubi amatorem inprobius quem

(ap. Non. 351, 20; Warmington 290)

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[31] There is another version of this epigram by an anonymous author. Here the transgression of standards is perhaps not as clear because we do not have the context of Bitto's age, but there is still the sense that she acts contrary to other labourers and weavers when she forsakes the loom-comb:

Κερκίδα τὴν φιλοεργὸν Ἀθηναίη θέτο Βιττὼ   Bitto dedicated to Athena her industrious loom-comb,
  ἄνθεμα, λιμηρῆς ἄρμενον ἐργασίης,   the cursed thing, a thing suited to hungry work, since
πάντας ἀποστύξασα γυνὴ τότε τοὺς ἐν ἐρίθοις at that time the woman hated all toils among workers
  μόχθους καὶ στυγερὰς φροντίδας ἱστοπόνων. and the miserable cares of the weavers. And she said
εἶπε δ' Ἀθηναίη· "Τῶν Κύπριδος ἅψομαι ἔργων, to Athena: "I will take up the works of Cypris, voting
τὴν Πάριδος κατὰ σοῦ ψῆφον ἐνεγκαμένη." against you like Paris."

(Unknown, *Anthologia Graeca*, 6.48)

[32] The *TLL* lists this fragment under the moral sense ("*sensu morali*"), with the notion of greed, desire, and severity or barbarity, and a sense near to 'immoderately' and 'insatiably' ("*praevalet notion rapacitatis, aviditatis, crudelitatis...fere i. Immoderatus, insatiabilis*"). While the sense of greed and immoderation seem correct here, I do not think the fragment condemns the gluttony as immoral, but shows it to be something notable for its transgression of expectations. The *TLL* makes no note of the apposition of *improbae* and *ineptae* (p.691, 79).

Nonius chose this example to illustrate that *nobilis*, which can mean "noble" (in terms of birth) or "excellent," can be used like *notus* to mean 'well-known' or 'famous.'[33] *Nobilis* stands in apposition to *illa*, so that if we read *illa* with the sense of "the famous one" we see that *nobilis* has the same meaning. What allows *illa* to be understood as "the famous one" rather than simply "that one" is the reference to Phryne's transgressive, somehow shocking, and evidently memorable behaviour towards some lover as expressed in the adverb *inprobius*. We do not actually need the missing verb because the adverb already indicates that Phryne behaved in a way contrary to standards or expectations, which is enough for Nonius to illustrate that she became well-known for acting in an *improbus* manner. The whole fragment could be translated as follows in order to better convey Nonius' purpose for using it as an example:

When the famous, well-known Phryne shockingly... some lover.

E.H. Warmington translates the fragment as:

"When that notorious Phryne villainously...some lover."

His choice of 'notorious' is perhaps strong enough to convey the double emphasis on fame in '*nobilis illa*,' but 'villainously' for *inprobius*, which seems chosen to match the bad sense of 'notorious,' skews the meaning of the fragment to imply that Phryne did something criminal.[34] Perhaps she did, but this is not necessarily true because we cannot know what Lucilius is referring to. The other fragments grouped into this same satire tell of lovers

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[33] The *OLD* lists the primary definition of *nobilis* as "generally known; familiar," while "renowned, famous, celebrated" is the second definition. In contrast, *Lewis and Short* lists 'well-known' and 'famous' as the primary meanings of *nobilis*, while 'noble' and 'excellent' are secondary and tertiary respectively.

[34] *OED* s.v. 'villainous' 1b: "vilely criminal."

somehow being taken advantage of by women for their money, but only one shows a

husband calling what seems to be his wife's infidelity a crime.[35] Therefore, while *inprobius*

does imply some sort of mistreatment of the lover in this case, the importance of the adverb,

as shown by Nonius' use of it as an example, is that it conveys the sense of behaviour that is

well-known and memorable, not simply (or even necessarily) criminal.[36]

Although it is a much later example, Juvenal 9.63-67 is a useful comparison because

it explicitly shows *improbus* being used to say that a lover is asking for too many gifts:

> *"improbus es cum poscis" ait. sed pensio clamat*
> *"posce," sed appellat puer unicus ut Polyphemi*
> *lata acies...*
> *alter emendus erit, namque hic non sufficit, ambo*
> *pascendi.*

> "you are outrageous when you make demands" he says. But my Rent shouts
> "Demand!," my slave boy solicits me, my only one, as (solitary) as the wide eye of

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[35] *Hanc ubi vult male habere, ulcisci pro scelere eius testam sumit homo Samiam sibi ; "anu noceo," inquit, praeceidit caulem testisque una amputat ambo.*

<p style="text-align:center">(ap. Non. 398, 31; Warmington 303-305)</p>

When he wants her to feel bad, to be avenged for her crime, the man takes a shard of Samian pottery to himself; He says, "I hurt the old woman," and severs the stalk and cuts off both testicles at the same time.

Warmington translates *scelere* in this fragment as "wickedness."

[36] The *TLL* lists this fragment under *improbe* in a moral sense as a synonym for unfairly (*inique*), unjustly (*iniuste*), impiously (*impie*), and abominably (*nefarie*), with the further notion of covetously or greedily (*avare*) (p.694, 10). Again, I do not believe the fragment suggests any condemnation of Phryne's behaviour as immoral, but rather implies that her actions were somehow transgressive of norms or expectations. It is interesting that the *TLL* omits '*nobilis illa*' in an ellipsis, which removes the idea of being publicly known for an *improbus* action and simplifies the fragment so that it just tells of bad or criminal behaviour. To specify that *inprobius* is being used with the notion of greed seems fair considering ancient stereotypes of courtesans aiming to get as many gifts as possible from their lovers and the fact that Phryne is a common name for courtesans. However, this specification is unnecessary. Phryne may very well have transgressed the norms of behaviour towards lovers by being too greedy, but the importance of *inprobius* lies in the implication that these actions made her well-known to the public. Perhaps this entry would be better listed under the non-moral sense as a synonym for exceedingly (*immense*) and immoderately (*immoderate*) (p.694, 10).

> Polyphemus…(and) another will have to be bought, since this one is not enough, (and) both must be fed.

This offers further proof that it is better to think of Phryne in Lucilius as simply transgressing standards or expectations, and not as committing some sort of crime. The absence of a verb causes commentators to wrongly assume the implication of sexually illicit or immoral behaviour: Warmington describes this fragment as about "A notorious whore," Rev. Lewis Evans (1852) says the fragment "refer[s] to an unhallowed passion" (p.309), and Michael von Albrecht (1997) thinks the fragment deals with "Erotic themes" (p. 260 n.2).[37] However, there is no reason why we cannot think of Phryne as acting in a similar manner to the men in the previous fragments. If this fragment denotes a physical action, it could simply be saying that Phryne is somehow defrauding her lover or ripping him off (the missing verb could be *ludo*), and *inprobius* could stand for 'greedily.' Perhaps she has taken on another lover and the fragment tells of the unexpected or even improper exclusion of this lover. If this fragment denotes a speech action, then Phryne, like the lover in Juvenal, could be making demands 'improperly' or 'audaciously.'[38] She could be speaking too harshly by accusing or insulting her lover or even simply lying to him. The point is that there are many possible ways that Phryne could be acting *inprobius*-ly, and contrary to some previous interpretations that wish to see sexual material in this fragment, there is no real reason to interpret her action as a sexual transgression or as an action that is significantly different than the specifically male *improbi* actions discussed above.

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[37] The *TLL* suggests *tractaverat* for the missing verb, which has strong connotations of physical mistreatment (*OLD* s.v. *tracto* 1&2) but can also apply to verbal mistreatment such as manipulation (*OLD* s.v. *tracto* 4&5).

[38] This is possible if the satire continued with a double accusative or an accusative and infinitive construction.

2.2   *Improbi* Speech Acts

Unlike some of the fragments discussed above, which allow for some uncertainty as to whether or not the *improbus* behaviour is in fact an action and not a speech act, the remaining fragments are particularly useful to show the sort of speech acts that can be labelled *improbus*. Four out of the five remaining fragments show that *improbi* speech acts are those where the person is speaking too harshly and thus perhaps too openly, or, the person is speaking deceptively. These four examples are the *improbi* speech acts of men, whereas the fifth and final fragment shows how a female *improbus* speech act may in fact be somewhat different than the male because it focuses on flattery and obsequiousness. Let us begin with the *improbi* speech acts of men.

The following fragment is especially interesting because Lucilius not only shows that others consider him *improbus* for the things he says in his satires, but by labelling himself *improbus* in his own writing, he cleverly gives the word a double edge so that it is a positive label from his point of view, and a negative label from the point of view of his victims.

> *Amicos hodie cum inprobo illo audivimus*
> *Lucilio advocasse.*   (ap. Non. 74, 8; Warmington 929-30)

> We heard that he has invited friends over today along with that (famous) *improbus* Lucilius.

As we have seen in other fragments, the *improbus* person here is also separated as an outsider (he is singled out from the *amici*) and is apparently an unwanted guest at the dinner party. Let us first examine how the situation described actually allows Lucilius to write positively about

himself. If we assume that the other fragments grouped into this satire are indeed correctly identified, it seems that Lucilius is somehow shut out from the dinner party but succeeds in getting past the doorman by tricking him in the way Odysseus tricked Polyphemus :

> "*Quis tu homo es?" "Nemo sum homo"*
>
> (ap. Charisius ap. *G.L.*, I, 96, 15 K; Warmington 934).

"What man are you?" "I am Noman"

Later, a small war breaks out between those within the house and those shut out (it is unclear which side Lucilius is on) reminiscent of Bdelycleon and Philocleon in Aristophanes' *Wasps*.[39] It is possible then that this satire showed Lucilius as similar to Philocleon or Bdelycleon or even Odysseus - famous characters who are known to be bold, tricksy and at times innovative or unpredictable. If the implication is that Lucilius is just as well known for his innovative satires as Odysseus for his wiles (Lucilius is, after all, considered to be the first Roman satirist), we might be justified in translating the passage as something along the lines of:

> We heard that he has invited friends over today along with that (famous) bold/audacious/unpredictable Lucilius.

However, the use of *improbus* allows Lucilius to give this line a double edge: he flatters himself with the label because it leads to a comparison with the likes of Odysseus, but he also shows what his audience means when they call him *improbus* - that as a satirist Lucilius exceeds the limits of what is appropriate to say and thus speaks too harshly, and perhaps too

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[39] Indeed the whole scene in the satire may have been taken from *Wasps* since Aristophanes himself parodies Homer (l.184): Bdelycleon: "τίς εἶ ποτ' ὦνθρωπ' ἐτεόν;" Philocleon: "Οὖτις νὴ Δία." (B: "What man are you truly?" P: "By Zeus, indeed Noman"). It is also possible that Lucilius had access to a Latin translation of *Wasps*.

openly, about other people. Once again we may look backwards from Juvenal to show that

improbus can be used of a satirist who goes too far in what he says about people:

> *Rubrius, offensae ueteris reus atque tacendae,*
> *et tamen inprobior saturam scribente cinaedo.*

(4.105-106)

> Rubrius, accused of an old crime that should not be mentioned, and nevertheless more
> audacious than a catamite who writes satire.

The comparative implies that Rubrius is *inprobior* than the (*improbus*) satirist, who, while

himself a *cinaedus*, dares to write satire - a genre that often attacks *cinaedi!* The satirist here

goes so far in what he says that he becomes a hypocrite and attacks himself (while implying

that Rubrius exceeds even this level of transgression).[40]

I believe the translation(s) proposed above convey this clever double duty of

improbus far more accurately than Warmington's old fashioned choice of 'rascal':

> We have heard that he has invited some friends including that rascal Lucilius.

As we have seen previously, the choice of 'rascal' for *improbus* appears to be common when

translators want a word that implies trouble-making without a strong connotation of evil-

doing. However, 'rascal' does not work well because it is too mild to convey the sense that

what Lucilius says is so harsh that it has the potential to ostracize him from the group of

people who would be the subjects of his satires.[41]

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[40] Braund 1996: 258 n.106.

[41] The *TLL* lists this under the moral sense of *improbus* as a synonym for shameless (*impudicus*), daring or bold (*audax*), and mad, severe, or barbarous (*saevus*), with the notion of the novel or uncustomary (*insolentia*) (p.691, 11). This seems to encompass the possible reasons for Lucilius being called *improbus* reasonably well

The following fragment shows that deceptive speech also earns the label of *improbus*. In this example, a seller dupes his customers by making his wares seem better than they really are:

> *quidni? et scruta quidem ut vendat scrutarius laudat*
> *praefractam strigilem soleam improbus dimidiatam*

> (ap. Gell. 3.14.8-9; Warmington 1170-1)

> Why not? Indeed, even the dealer in second-hand goods praises scraps in order to sell them – a broken scraper, a halved sandal – the deceitful man!

In comparison, Warmington translates:

> "Why not? Besides, the lumber-man cries up his old lumber that he may sell it – a scraper broken off short, a halved sandal, the rascal!"

Once again, the choice of 'rascal' implies that the *scrutarius* is just some silly peddler who does no real harm by conning people into buying his sub-par goods. However, the use of *scruta* and *scrutarius* are significant for the translation of *improbus* because they reveal that the *improbus* person in this case, that is, the deceptive vendor, is quite literally considered to be 'trash' and therefore unwanted in the community. While *scrutarius* here could have the specialized meaning of 'a dealer in second-hand goods,'[42] the fact that it follows and echoes *scruta*, which simply means 'broken stuff,' 'trash,' or 'junk,'[43] indicates that Lucilius uses

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but again it does not spell out that the *improbus* behaviour here is the act of speaking of too harshly and thus inappropriately.

[42] *L&S* s.v. *improbus* II.A. lists only this fragment of Lucilius as an example for *scrutarius* as a second-hand dealer, indicating that this is the only instance where *scrutarius* could have a secondary meaning in addition to the general definition "of or belonging to trash" (*L&S* I). *OLD* s.v. *scrutarius* defines it as a second-hand dealer or a "junk-merchant."

[43] *OLD* s.v. *scruta*; *L&S* s.v. *scruta* I.

the play on words to make the reader interpret *scrutarius* as something like 'trash-man' rather than just some sort of dealer. Clearly, as a *scrutarius*, the man has a reputation for deceit which makes others speak negatively of him. In order to preserve the Latin emphasis on 'trash' we may translate:

> Why not? Indeed, even the trashmonger praises trash in order to sell it – a broken scraper, a halved sandal – the deceitful/worthless man!

Since the emphasis is so strong on the fact that this man is 'trash' because he tries to upsell 'trash' and thus should not be trusted, we could even extend the idea of worthlessness in the 'trash' words describing the man by translating *improbus* as 'worthless.' We have seen in a previous fragment how *improbus* can be set in apposition to *nequam* (worthless) in order to indicate that the *improbus* person is unwanted in the community, that he is considered 'bad' for the people and thus not a worthy member of the community. Although this translation does not make it as explicit that the *improbus* action here is deceptive speech, shifting the translation of *improbus* from 'deceitful' to 'worthless' better renders the echo of *scruta* in *scrutarius* and the ultimate agreement of *scrutarius* with *improbus*. The translator's final choice should depend on whether he or she wants to emphasize the deceit of the *improbus* person or the fact that this person is not considered to be a full and worthy member of the community.[44]

Curiously, the following two examples show a combination of deceptive and harsh speech that earns the label of *improbus*, but the emphasis in both cases, that is, which speech

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[44] The *TLL* lists this instance of *improbus* as a synonym for unjust (*iniustus*), unfair (*iniquus*), and deceitful (*fraudulentus*). This makes sense if we only focus on the fact that the peddler is cheating his customers, but it fails to capture the equivalence of *improbus* with someone who is considered a nugatory member of society.

act bears the greater responsibility for the label, seems to lie on the harsh words rather than the deceit. The first satire in question appears to be about Lucius Aurelius Cotta, whom Warmington describes as "unfriendly to Scipio [Aemilianus], and ruined by debts."[45] We must assume it is him Lucilius calls *improbus* when he says:

si tricosus bovinatorque ore improbus duro

(ap. Gell. 11.7.9; Warmington 444)

if this trickster and insolent/uncivil/harsh-mouthed transgressive evader (of debts)...

Before discussing the word choice for our newly proposed translation, we may first remark that Warmington's translation would leave today's reader completely puzzled as to the meaning of the fragment because of the vagueness of terms such as 'shuffling' for *bovinator* and yet again, 'villain' for *improbus*:

If this tricky fellow, this brazen-faced shuffling villain…

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[45] Warmington p.139 note *c*.

In order to offer a translation that is more faithful to the Latin, let us focus on what the fragment tells us: we not only find that Cotta is deceitful because he is described as *tricosus*[46] and as someone who evades his debts (probably by lying),[47] but we also find that the phrase *ore…duro* frames *improbus*, thereby indicating that therein is the major reason for labelling this man *improbus*, that is, for his harsh tongue. The other fragments in this satire justify the translation of *improbus* as 'transgressive' because they emphasize that this person behaves contrary to standards, most likely with regard to his speech, but also possibly with regard to his appetite (he might also be a glutton). If we assume that the *crassi huius* in the following fragment is the same Lucius Aurelius Cotta, then Lucilius is telling us that he transgresses standards by being either fat or uncivilized[48] (or both), depending on the exact meaning of *crassus*:

> *Lucius Cotta senex, crassi pater huius, Paceni,*
> *magnus fuit trico nummarius, solvere nulli*
> *lentus;* (ap. Non. 22,29; Warminton 440-2)

> The old man Lucius Cotta, (my dear) Pacenius, the father of this fat guy,
> was a great trickster with regard to money, willing to pay no one;[49]

or

> The old man Lucius Cotta, (my dear) Pacenius, the father of this uncivilized man...

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[46] *OLD* s.v. *tricosus*: "given to trickery; shifty"; *L&S* s.v. *tricosus*: full of wiles or tricks.

[47] Gellius explains that Lucilius used *bovinator* to mean *tergiversator*: one who delays, evades, or defaults on debts (11.7.9, quoted in Warmington).

[48] Corbeill (2007) explains that it was common notion in antiquity "that physical exterior mirrors moral interior" (207).

[49] Warmington points out that the first line of the fragment can also be translated as "Cotta, father of Crassus..." or "Cotta, father of this fat Pacenius..." (p.139 note *d*).

The latter interpretation of *crassus* as 'uncivilized' seems more likely because we have already heard that the younger Cotta is insolent with his speech. This fragment, if we trust that it belongs to this same satire, may offer further proof that the behaviour which most merits the label of *improbus* in the first fragment is Lucius Aurelius Cotta's harsh tongue.[50]

Similarly, the following fragment describes Asellus as *improbus* both for speaking too harshly, that is, going so far as to call the time after Scipio Aemilianus' censorship 'bad and unlucky,' and for falsely attributing any responsibility for the 'bad time' to Aemilianus:[51]

> *Scipiadae magno improbus obiciebat Asellus*
> *lustrum illo censore malum infelixque fuisse.*
>
> > (ap. Gell. 4.17; Warmington 424-5)

The insolent Asellus accused the great descendant of Scipio that in the time of his censorship, that period (of time between two censorships) was bad and unlucky.[52]

The background to this charge is preserved in Cicero's *de Oratore*. During his censorship, Scipio Aemilianus had reduced Asellus' status from an *eques* to an *aerarius*, thereby taking away his ability to vote or hold office. Clearly, Asellus had a negative reputation which, in

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[50] For the possible meanings of *crassus* see *OLD s.v. crassus* 2 "fat"; 7 "rude"; 8 "insensitive" or "stupid."

[51] Apparently there was an outbreak of disease following the censorship (*Asellus* (3), in *A Dictionary of Greek and Roman Biography and Mythology*, William Smith Ed. London: John Murray, 1873).

[52] It is no surprise that Warmington translates *improbus* as 'villain' once more, which is again simply too vague to explain what is the behaviour that causes Asellus to be labelled *improbus* : "The villain Asellus laid to the charge of the great son o' Scipio's house, that when he was censor it was a bad and unlucky period."

Scipio's view, made him an unwanted member of the community.[53] However, Aemilianus'
colleague in the censorship, Mummius, restored Asellus' status and citizenship rights. Later,
as tribune, Asellus made his accusation, using *lustrum* to mean that Scipio's term as a censor
was generally a bad and unlucky period, and alluding to how Scipio, in an effort to curb
luxury in Rome, altered the prayer at the end of the *lustrum* from one that traditionally asked
for "the extension of the commonwealth" to one that asked for "preservation of its actual
possessions."[54] However, since *lustrum* can also have a religious sense, it is likely that
Lucilius used it to make a play on words and thus undermine Asellus' accusation. To reflect
this difference we may translate:

> The insolent Asellus accused the great descendant of Scipio that in the time of his
> censorship the purification rite was bad and unlucky.

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[53] The *TLL* lists this fragment of Lucilius with uncertainty ("*fort. add.*") under the non-moral sense of *improbus*, as a synonym for worthless (*vilis*), despicable (*contemptus*), improper (*pravus*), and with a note that it pertains to reputation (*de fama*). The tentativeness of the listing seems unnecessary in this case. The notion of reputation is clearly correct because the fragment itself is part of an anecdote about Asellus, which shows that whatever he did to earn Scipio's enmity, the removal of citizen rights, and the label of *improbus* had made him well-known and memorable. The background information supplied by the *de Oratore* also justifies the synonyms in the *TLL*. Asellus did not fit into Scipio's vision of a Rome which preserved ancestral values, unaffected by luxury and immorality. Therefore, Asellus was an unwanted member of the citizen body, and it is easy to see how he might have been thought of as improper (*pravus*), despicable (*contemptus*), and worthless (*vilis*) to the community. One more piece of background information in the *de Oratore* makes this Lucilian fragment especially interesting because it further demonstrates that Asellus was unwanted, which as we have seen, is a major aspect of being an *improbus* person. The implication in Scipio's retort is that failure to make the demotion permanent was inauspicious for the people. Indeed, although the following sentence in the *de Oratore* is a possible interpolation, it should not be dismissed because even if it expresses a post-Ciceronian opinion, it still makes it explicit that the community was thought of as requiring a further purification because such a man retained his citizen rights:

Tacita suspicio est, ut religione civitatem obstrinxisse videatur Mummius, quod Asellum ignominia levarit.

(*de Orat.* 2.268)

There was an implied notion that Mummius seemed to have obligated the city with a purification rite, because he removed Asellus from disgrace.

[54] Val. Max. 4.1.10; quoted from *Scipio* (21), in *A Dictionary of Greek and Roman Biography and Mythology*.

This play on words in Lucilius would reflect Aemilianus's clever retort as preserved in the *de Oratore*. He replied that the *lustrum*, the purification rite after the census, was indeed bad and unlucky because it was performed by the person who restored Asellus to *eques* status, Mummius:

> *ut Asello Africanus obicienti lustrum illud infelix, "noli" inquit "mirari, is enim, qui te ex aerariis exemit, lustrum condidit et taurum immolavit."*
>
> *(de Orat. 2.268)*

> as Africanus said to Asellus when he accused him of that unlucky time period/purification rite, "Do not wonder, for he who removed you from the rank of *aerarius* performed the purification and sacrificed the bull."

Thus, the *de Oratore* sheds some light on the Lucilian fragment and shows that Asellus is labelled *improbus* for two speech acts: the deceitful implication that Aemilianus was responsible for the 'bad time' when it was Mummius, Asellus' corrupt associate, who performed the sacrifice, and moreover the insolence of going so far as to accuse Aemilianus of being responsible for any misfortune because he changed the prayer at the end of the *lustrum* so that it was more in line with the sensibilities promoted by Cato the Elder.[55]

The final fragment in our discussion is perhaps the most interesting not only because it might show that a female[56] *improbus* speech act may actually be different than the male

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[55] Scipio Aemilianus and Lucius Mummius were often in disagreement during their censorship of 142 BCE. The Catonian Scipio considered Mummius to be too lenient and excessively rich (he gained the wealth through conquest of Corinth). Apparently, Scipio once said that "he should have discharged his functions well, had he been paired with a different colleague or with none at all" (quoted from *Mummius* (3), in *A Dictionary of Greek and Roman Biography and Mythology*; see also entry on *Scipio* (21)). Catonian = the sensibilities of Cato the Elder, who was strictly opposed to luxury and had "a reputation for pure morality…He was looked upon as [a]…representative of the ideal… Roman" (*A Dictionary of Greek and Roman Biography and Mythology* s.v. *"Cato the Censor"*).

[56] Warmington points out that although this is the more unlikely reading, it *is* possible to read the Latin as though it is describing a man. In this case, one would read *haec* as neuter plural and understand *dicit* in the

improbi speech acts, but also because it survives in Nonius alongside his astounding

explanation that at least in this case, *improbus* is equivalent to *saevus*. Nonius' full quotation

of Lucilius survives as:[57]

> *'Improbum,' saevum…*:
> *Improbior multo quam de quo diximus ante;*
> *quanto blandior haec, tanto vehementius mordet.*

<div align="right">(ap. Non. 327, 7; Warmington 1072-3)</div>

If we accept Nonius' suggestion that *improbus* means *saevus*, we may translate:

> '*Improbum*,' cruel/savage/harsh...:
>
> She is much more cruel/savage/harsh than he about whom we spoke before; the more
> flattering this woman is, the more vigorously she bites.

However, we have not found that it was possible to translate *improbus* as akin to *saevus* in

any of our previous fragments; the closest choice was that of 'uncivil' in *tricosus*

bovinatorque ore improbus duro where we chose 'uncivil' to mean a harsh tongue.

Furthermore, this fragment does not seem to be describing a harsh tongue or speech that goes

too far, at least not in the same way as the descriptions of a man's harsh speech. This woman

is said to be *blanda* ('flattering' or even 'smooth tongued,' and 'persuasive.')[58]

 In our admittedly small sample of surviving fragments, we have seen that male

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second line (p.349 n. *a*). Obviously if this is the case, then the discussion below about the difference between male and female *improbi* speech acts does not apply, and we would have to expand and refine our understanding of male *improbi* speech acts.

[57] The *TLL* actually questions Nonius' definition and lists the entry as of dubious interpretation and as a synonym for that which is shameless (*impudicus*), daring or bold (*audax*), and severe or barbarous (*saevus*) (p.691, 7).

[58] *OLD* s.v. *blandus* 1,3 & 6; *L&S* s.v. *blandus* I & II.B.

speech earning the label of *improbus* is negative speech – it is either too harsh, disrespectful, or it is deceitful. Here too we may argue that flattery can be deceptive, and so perhaps the woman is *improba* because her compliments are lies, and so the more she flatters the more she undermines her victim's reputation, (which could be the meaning behind *vehementius mordet* (the more vigorously she bites)), but this is not necessarily the case since nothing else in the fragment indicates that she is lying.[59] Since *mordeo* not only means literally 'to bite' but can also mean figuratively 'to criticize,' it may just be that this woman is just as free with her flattery as she is with her criticisms, in which case it may indeed be that she is *improba* for a harsh tongue, but the difference here is that the harsh words are unexpected because they come mixed with the pleasant words. Another possibility is that she flatters sincerely but opportunely and she expects to get something out of it (gifts perhaps). In this case, *mordet* may refer to her appetites for wealth and so the female in question is *improba* because her speech has ulterior motives. Again, we may argue that ulterior motives imply some sort of deception or hidden intentions, but this is not the same as the deceit seen in the male *improbi* speech acts. Nevertheless, the reason she gets labelled *improbus* seems to be that the object of her flattery does not expect the consequences of these compliments. The ultimate problem with the female speech act here is that she is so obsequious as to arouse suspicions of ulterior motives or repercussions. To reconcile these possibilities with what Nonius tells us of the equivalence *improbus* with *saevus* in this fragment, the best translation may indeed be 'cruel' because it works as a translation of *saevus* and also captures the unexpected outcome and

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[59] *OLD* s.v. *blandus* 2 suggests "insiduous" along with "alluring" and "seductive," but only definition 3 explicitly refers to deception: "flattering deceptively; insincere."

mistreatment implied by *mordeo*.[60]

2.3   Conclusions on *Improbi* Behaviours as Manifested in Lucilius

We may thus categorize the instances of *improbus* that survive in Lucilius as those

denoting actions (in the physical sense) and those denoting speech acts. When we drill down

further into this categorization we find that the sort of actions that get labelled *improbi* are

being greedy in terms of wealth or possibly in terms of ambition (being over-ambitious),

being gluttonous for food, and quite simply being of the wrong birth, rank, or even

appearance with regard to one's (aspired) social sphere. There appears to be no perceptible

difference between the actions that are considered *improbi* for a man and those that are

improbi for a woman. We observe this to be especially true because the subjects of one of our

fragments, Lamia and Bitto, could be either male or female without any effect on the type of

behaviour that earns them the label of *improbi*, in that case, gluttony. Furthermore, although

scholars have traditionally implied that the female Phryne does something *improbius-ly*

naughty to her lover, we find that there is no reason to think of her action as a sexual

transgression instead of a simple act of greed or perhaps even a sort of speech act instead of a

physical action. Among our examples of definitive speech acts, we find that the kinds of

speech acts that earn the label of *improbus* are deceptive speech, and speech that is too harsh

or goes too far in terms of what is appropriate to say. Two of the four fragments that contain

definitive speech acts show a combination of deceptive and harsh speech. Curiously, the

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[60] Warmington's choice of words loses the meaning of both *improbus* and *saevus*. He first translates Nonius'
explanation "*'Improbum,' saevum…*" as "'*Improbum,*' cruel..." but then he renders the Lucilian fragment as
"She is much wickeder than he about whom we spoke before; the more she fawns, the harder does she bite."
The first choice of 'cruel' for *saevum* is fair because it does imply mistreatment, but his selection of 'wicked'
for *improbus* is far too vague a synonym for the word 'cruel.'

harsh speech appears to be the bigger problem in both cases and the one more worthy of being called *improbus.* Finally, our one fragment that may describe a female *improbus* speech act is surprising and challenging because it survives along with the ancient grammarian's note that *improbus* is equivalent to *saevus*, at least for that fragment. The speech act in itself is different from those of the men because it does not necessarily describe deceptive or harsh speech. Even if we do ultimately interpret it as deceptive or harsh, there is still a difference because the female speech is largely positive: she offers flattery but is not necessarily lying outright like the *scrutarius*, and if she gives harsh criticisms, then they are mixed with compliments. The main problem with the female speech seems to be that it is somehow too obsequious and thus arouses suspicions about ulterior motives or repercussions. The ancient grammarian's suggestion of *saevus* for *improbus* remains puzzling, especially since this equivalency does not readily occur in any of the other fragments, but it does help us understand that the female in our last fragment could be thought of as 'cruel' (*saevus*) because the consequences of her flattery are somehow unpleasant and unexpected. In all our fragments, the people somehow transgress expectations or standards to earn the label of *improbus.* As a result they gain a negative reputation, they are considered better to avoid because of the possibility of becoming *improbus* by association with them, and so they ultimately become unwanted by their group or community.

Chapter 3: What it Means to be *Improbus*: Cicero's *In Verrem*

When reviewing the corpus of Cicero's oratory, it soon becomes apparent that *In Verrem* is the go-to work for uses of *improbitas*, *improbus*, *improbe,* and the verb *improbo*. *In Verrem* contains a whopping 158 instances of *improbus* in one of the above forms, which is nearly equal to the number of instances of *improbus* and related forms in all of Cicero's other oratory combined, that is, 159.[61] As we have seen in the chapter on Lucilius, *improbus* is useful for denoting a person who is a transgressor of standards, with whom it is undesirable to become associated, and a person who is found unfit to be a member of the community.[62] I shall argue that Cicero uses *improbus* to such a great extent in the *Verrine Orations* for those same three aspects we identified in the chapter on Lucilius and to a limited extent in the section on Plautus (1.2). *Improbus* allows him not only to show that Verres is a transgressor of laws, customs, and traditions, but also to warn the Senatorial Order of the risk

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[61] One might wonder about the number of occurrences in some of Cicero's most famous forensic oratory: the *Philippics* contain the most instances after the *Verrines*, but across all fifteen *Philippics* there are only nineteen occurrences, and there are only five in the speeches against Catiline. For reference, *Pro Sestio* would tie for second place with nineteen instances, and *Pro Sulla* takes third with sixteen.

[62] When he examines the charges in detail in the *actio secunda*, even though he does not necessarily label every single charge *improbus*, Cicero tends to make general statements in the beginning or the end of a group of charges in which he calls the actions *improbi* or affirms they are examples of *improbitas.*

that they too can become the unwanted 'other' and lose their place in the community[63] by association with the *improbus* person.[64]

I shall show that in the *actio prima* Cicero uses *improbus* in order to persuade the judges to make a choice: do they stand with the Roman people who have already condemned Verres or do they stand with Verres, ready to acquit him of all charges? Only by convicting Verres can the Senatorial Order prove that he has no control over them and that there are no associates of Verres among its members.[65] With a guilty verdict, the Senatorial Order itself avoids the label of *improbus.* I shall show that in the *actio secunda* Cicero invites the judges

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[63] At the time of the trial, a bill was already promulgated to remove the Senatorial Order from their position of control over the Extortion Courts. The people were angry that the juries were corrupt and easily bribed. Cicero's emphasis on the risk of losing this control is somewhat misleading since the chance for the Senators to retain their position did not really depend on Verres' trial. Despite Verres' self-exile, the Senatorial Order did in fact end up losing their control of the Extortion Courts, probably before the *Verrine Orations* were even published (see section 3.1 for more on the problem of publication). Nevertheless, Cicero does make a strong connection between Verres' acquittal and the Senatorial Order's loss of position. Vasaly notes that Cicero presented the trial "as a heaven-sent opportunity for the senatorial jurors…to recover the good opinion and favor of the Roman people" (89).

[64] These aspects of *improbus* work well with the *topoi* of invective identified by scholars. Seager (2007) believes that three types of attacks are observable in invective: the claim that the defendant's behaviour is (1) unprecedented and (2) unique, and (3) that a comparison (synkrisis) is made with another person (often representative of better conduct in a similar situation). The first two modes of attack work to "isolate one's opponent while proclaiming one's own solidarity with the community at large" (25). Since *improbus* denotes a person who transgresses standards and traditions, and someone who needs to be removed from the community, it can easily be deployed in the first two types of attacks. Similarly, Corbeill argues that the prosecutor "employs language to exclude the potential lawbreaker from the community of the elite….Invective supplies proof – by identifying a person as unfit for the community the [prosecutor] of necessity wins over the jury" (198-199). A word of caveat: scholars are undecided whether *In Verrem* can accurately be called an invective; the extent to which the speech is classified as such depends largely on how the scholar defines invective: while scholars such as Seager freely draw upon the *Verrines* for examples of invective *topoi*, Powell argues that the primary purpose of invective should be personal attack and so believes that Cicero's emphasis on the jury's reputation does not in fact make the speech invective (2, 9, 14). Vasaly suggests that the work "constitutes a new genre, hovering somewhere between epideictic…and forensic oratory" (91).

[65] Many scholars have recognized that in the *Verrine Orations*, it is not so much Verres that is on trial, but rather the Senatorial Order itself: "He urges…that if this court does not convict this governor, the people will be forced to conclude that no court composed of senators will ever convict any governor, however guilty…" (Greenwood (1959) xiii); "[Verres'] guilt was notorious, so that the chief question now to be determined was that of the integrity of the jury. Cicero accordingly makes this the main point of the present oration: it is the court, he insists, that is on trial rather than Verres" (Greenough & Kittredge (1901) 289). This study shall expand on this argument by showing how the concept of *improbitas* is used to urge the judges.

to label Verres for themselves and reminds them that it is their privilege to condemn him as an *improbus* person to be removed from the community. I argue that the *Verrines* culminate in II.3, where aural bombardment of the root **'prob-'** leaves no doubt that the judges must condemn Verres as *improbus* and thus exile him from Rome.

3.1   Problems of Interpretation in the *Actio Secunda*

Before I begin an investigation of the use of *improbus* in the *Verrines*, I must first address the problematic nature of the text. Cicero knew that he had limited time,[66] so he planned to give a series of short speeches of prosecution, each one followed by witness testimony. He was able to deliver the *actio prima* and present several days' worth of witnesses before Verres decided to flee Rome. Thus the *actio secunda*, the bulk of the *Verrines*, was never delivered in court. After the trial, Cicero published the *In Caecilium*,[67] the *actio prima* and the *actio secunda*, the last of which preserves the illusion that the trial was not cut short and that Verres was still present at Rome. Since they never heard the speeches, it is clearly problematic to argue about the effect that the *actio secunda* had on the judges. One possible solution, (and perhaps 'the easy way out'), is to assume that the

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[66] The normal procedure was to open with a long speech of prosecution, which was immediately countered by a long speech from the defence. Witnesses were called after all the speeches in the *actio prima* were concluded (Greenwood xvi-xvii). Verres expected to make use of the normal procedure in order to prolong the trial until the appointment of a fresh and favourable court in the new year - 69 BCE (*In Verrem* I.26; 32-34). Verres' hope was not unfounded: his defender, Hortensius, was elected consul for 69 BCE, alongside Q. Metellus, who was also a supporter of Verres. Metellus' brother was also elected praetor and was in a position to preside over the trial if it was delayed until 69 BCE (Vasaly 88).

[67] A preliminary speech delivered four months before the actual trial of Verres. In it Cicero argues for why he should be the one to prosecute Verres instead of Caecilius, who was nominated as prosecutor by Verres' supporters (Greenwood xv).

published *actio secunda* accurately reflects what Cicero was planning to say to the judges.[68]

Vasaly (2002) argues that publishing the *actio secunda* in this form would have helped

promote Cicero's public image[69] because it would have showed his ablity to deal with very

large amounts of evidence to construct a "thematically and factually" coherent speech:

"Cicero was able to create a *monumentum* of the enormous effort that had gone into the

prosecution of Verres" (91). If the speeches do not entirely reflect what Cicero was planning

to say to the judges, another possible solution is to assume that he altered the text in light of

Verres' self-exile. As we have seen, *improbus* denotes a person that needs to be removed

from the community, so altering the *actio secunda* to include more instances of *improbus* and

its related forms may have allowed Cicero to promote the result of his first speech: that

Verres removed *himself* from the community. Indeed, in the *In Caecilium*, Cicero notes that

it is Verres' *improbitas* which will help promote Cicero's speech:

> *iam nunc mente et cogitatione prospicio quae tum studia hominum, qui concursus*
> *futuri sint, quantam exspectationem magnitudo iudici sit adlatura, quantam*
> *auditorum multitudinem infamia C. Verris concitatura, quantam denique audientiam*
> *orationi meae improbitas illius factura sit.*   (42)

> Even now in my mind and imagination I see how excited the people are, what crowds
> there will be – the importance of the trial shall bring such anticipation! What a throng

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[68] Thus believe Vasaly (2002) and Powell (2007). Scholars continue to debate over why Cicero chose to publish the *actio secunda* as though it was actually delivered. Craig (2002) sums up the scholarship on how accurately Cicero's published speeches reflect his delivered speeches and the motives for publication (515-517): the main debate is between the 'pedagogical' motive whereby the speeches "provide exemplars of how the orator might persuade specific audiences within specific contexts," and the 'self-fashioning' motive whereby the publications are circulated for self-promotion.

[69] Cicero was aedile-elect at the time and, as Corbeill puts it, "a righteous young prosecutor" (198).

of listeners shall be roused up by Verres' bad reputation! and finally, because of his transgressiveness, how much attention my speech shall garner!

3.2 *Improbitas* as a Warning to the Senatorial Order

Cicero's purpose in the *actio prima* is to establish a polarization in which the Roman people, with him as their champion, stand on one side against Verres and his helpers on the other:

> *Reus in iudicium adductus est C.Verres, homo vita atque factis omnium iam opinione damnatus, pecuniae magnitudine sua spe ac praedicatione, absolutus. Huic ego causae, iudices, cum summa voluntate et expectatione populi Romani actor accessi…*
>
> (I.2)

> The defendant Gaius Verres appears, to stand his trial before you: a man already condemned, in everyone's opinion, by his life and deeds; already acquitted according to his own confident assertions, by his vast fortune. In this case, gentlemen, I appear as prosecutor, backed by the strong approval and keen interest of the nation…[70]

The use of *improbus* in the following passage shows how Cicero creates an Us vs. The Others[71] polarization between the good Roman citizens and the *improbi*: Verres and his associates are the unwanted 'other' whom Cicero sets himself against as the defender of Roman values. He first separates them from the Roman people by calling them *pauci*,[72] 'the

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[70] The above translation is that of L.H.G Greenwood, used with modification.

[71] The choice of 'us vs. the others' instead of the more classic 'us vs. them' expression facilitates our discussion because it allows us to refer to a person 'unwanted' by the Roman people as 'the other' throughout this chapter.

[72] This use of *pauci* here is reminiscent of Sallust's use of the word to mean a 'political clique' or a 'cabal': *Paucorum arbitrio belli domique agitabatur….bellicas imperatores cum paucis diripiebant* – At home and at war affairs were handled by the decision of a few…the generals divided the war spoils with their faction (*Jug*.41.7); Cicero may be using the word in a similar way: many of the charges in the *Verrines* emphasize the

few,' and then further disclaims their identity as Romans by referring to them as a *genus hominum,* 'a sort' or even 'a species of people.' At the end of the passage, Cicero sets them in opposition to the community, implying a dichotomy of 'good and bad' when he says that the Roman people wish to take action regarding the State and the *improbi*:

> *Quoniam totus ordo paucorum improbitate et audacia premitur et urgetur infamia iudiciorum, profiteor huic generi hominum me inimicum accusatorem, odiosum, adsiduum, acerbum adversarium. Hoc mihi sumo, hoc mihi deposco, quod agam in magistratu, quod agam ex eo loco ex quo me populus Romanus ex Kal. Ianuariis secum agere de re publica ac de hominibus improbis voluit.*
>
> (I.36)

> Since our whole order is being threatened by the transgression and audacity of a few, and is pressured by the bad repute of our law courts, I declare myself to be a hostile accuser, a combative, persistent, and rigorous opponent of this sort of people. This I choose for myself, this I demand for myself, which I shall do as my duty in public office, which I shall do from that position, from which, from the first day of January, the Roman people wish me to deliberate with them concerning the community and transgressors.

Cicero threatens that the inclination of the judges, and thus of the Senatorial Order, is being scrutinized by the Roman people, so if the judges appear favourable to Verres, the people will strip the Senatorial Order of its control of the Extortion Courts:

> *Hic si quid erit offensum, omnes homines non iam ex eodem ordine alios magis idoneos (quod fieri non potest), sed alium omnino ordinem ad res iudicandas quaerendum arbitrabuntur. Quapropter, primum ab dis immortalibus, quod sperare*

---

fact that Verres and his *improbi* supporters worked together to manipulate the law courts to gain wealth and power.

mihi videor, hoc idem, iudices, opto, ut in hoc iudicio *nemo improbus praeter eum qui iampridem inventus est reperiatur: deinde si plures improbi fuerint, hoc vobis, hoc populo Romano, iudices, confirmo, vitam (mehercule) mihi prius, quam vim perseverantiamque ad illorum improbitatem persequendam defuturam.*

(I. 49-50)

If there shall be any failure here, everyone shall judge that we must obtain justice not by seeking other more suitable men from the same order (because this cannot be done), but that we must seek an entirely different order. For this reason, in the first place, judges, I wish for this same thing from the immortal gods which I seem to hope for myself, that no one in this law court may be found to be a transgressor, except him who has long since been ascertained: then, if there shall be more transgressors, I affirm this to you, judges, to the Roman people, by Hercules, that I would sooner lose my life than the strength and the perseverance for the imperative prosecution of their transgression.

At the beginning of the speech it was Verres who was condemned in the public's opinion (*omnium iam opinione damnatus* (I.2)), but now the implication is that the people's opinion will also turn against the Senatorial Order (*omnes homines arbitrabuntur*). The Order is at risk of becoming the unwanted 'other,' of being replaced by a completely different Order, namely, the Equestrian Order. If the threat here is still too implicit, Cicero makes it absolutely explicit when he says that he hopes no one else is found to be *improbus*; in other words, he hopes that no judge will be favourable to Verres, because they will become associated with him through their support and thus they will also be considered *improbus* and unwanted.[73]

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[73] See note 59. The judges know that they are already on thin ice: becoming the 'unwanted' other is a very real risk because of the promulgation of the bill to remove the Senatorial Order from control over the Extortion Courts.

3.3   Names and Labels: What to Call Verres

In the *actio secunda*, Cicero not only details the transgressions against laws, standards, and customs for which Verres has earned the label of *improbus,* but he also brings up the idea of appropriate labels by questioning Verres' right to the Roman ranks of quaestor, *legatus,* and praetor. Cicero insists that Verres hardly deserves the label of any rank, and much less the label of a Roman citizen or even a human being:[74]

> *Sed quid ego hospiti iura in hac immani belua commemoro?....Cum homine enim*
> *crudeli nobis res est an cum fera atque immani belua?*   (II.5.109)

> But why do I mention the laws of hospitality with regard to this monstrous beast?
> ….For does our case pertain to a cruel human being or to a wild and monstrous
> beast?[75]

Instead of quaestor, it is more accurate to think of Verres as some sort of unnatural force of evil:

> *Itane vero? Tu, cum quaestor ad exercitum missus sis, custos non solum pecuniae sed*
> *etiam consulis, particeps omnium rerum consiliorumque fueris, habitus sis in liberum*
> *loco,sicut mos maiorum ferebat, repente relinquas, deseras, ad adversarios transeas?*
> *O scelus, o portentum in ultimas terras exportandum!*   (II.1.40)

> Can this be true? You, when you were sent as quaestor to the army, as the guardian of
> not only the money but of the consul - you shared in all his business and

---

[74] According to Corbeill, equating your opponent to a wild animal is another *topos* of invective: "…being human implies responsibilities toward society and state. To be called a beast is to show that such responsibilities have been abandoned….If the orator can succeed in identifying his opponent with such behaviour, the then opponent does not belong in the community" (205).

[75] Similarly, Cicero puns on Verres' name since *verres* means a boar or a hog (II.2.121). Corbeill also identifies mockery of a person's name as a *topos* of invective (205).

considerations, you were treated like his son as was customary in the way of our ancestors - suddenly you left, you deserted, and you went over to his enemies! O you criminal,[76] O you portent (of evil) that must be banished to the furthest corners of the earth!

Similarly, rather than *legatus*, Verres would have been more accurately labelled a despot:[77]

> *cum te in oppidis et civitatibus amicorum non legatum populi Romani, sed tyrannum*
> *libidinosum crudelemque praebueris, cum apud exteras nationes imperi nominisque*
> *nostri famam tuis probris flagitiisque violaris*   (II.1.82)

…since in the towns and cities of our friends you have represented yourself not as *legatus* of the Roman people, but as a lustful and cruel tyrant. Since you have violated the reputation of our name and power among the foreign nations with your shameful acts and outrages…[78]

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[76] *Scelus* is the noun and translates literally to "crime."

[77] Another passage which indicates that Verres is better thought of as some sort of destructive force rather than a *legatus* or even a human being comes in II.1.44:

…eius modi fuit, non ut legatus populi Romani, sed ut quaedam calamitas pervadere videretur. (II.1.44)	…[Verres] was such, that he did not seem to be a governor representing the Roman people, but rather some sort of spreading affliction.

[78] *OLD* s.v. *iste* 5. Cicero calls Verres praetor with disdain throughout the orations, often qualifying the rank with the adjective *iste* and implying that Verres never truly deserved this label. The second example also demonstrates another *topos* of invective: questioning an opponent's masculinity and implying a "reversal of expected natural roles" (Corbeill 209):

iste praetor designatus … pervenerit ad hanc improbitatem (II.1.105)	That man, although he was elected praetor…came to this transgression…
[tutores] statuunt id sibi esse optimum factu…petere auxilium a Chelidone, quae isto praetore non modo in iure civili privatorumque omnium controversiis populo Romano praefuit, verum etiam in his sartis tectisque dominata est. (II.1.136)	[The guardians (in charge of a youth)] decided that this was the best thing to do,…to seek help from Chelidon, who, while this guy was a so-called praetor, she, on behalf of the Roman people, was not only in charge of the civil law and the contentions of private citizens, but also reigned over the these maintenance contracts.

Cicero not only denies Verres these Roman titles but he also makes Verres out to be

unRoman. Verres is thus a transgressor against all that is Roman; he is an outsider and an

enemy to the Roman people.

> *Non enim furem sed ereptorem, non adulterum sed expugnatorem pudicitiae, non*
> *sacrilegum sed hostem sacrorum religionumque, non sicarium sed crudelissimum*
> *carnificem civium sociorumque in vestrum iudicium adduximus…*
>
> (II.1.9)

> For it is not just a thief but a plunderer whom we bring before you to judge, not just
> an adulterer but an assailant on Roman virtue, not just a profaner but the enemy of the
> sacred and the holy, not just a murderer but the cruellest executioner of our citizens
> and allies…

Cicero suggests many names by which to call Verres, but there is an implication that one

label is especially suitable:

> *Venio nunc ad istius, quem ad modum ipse appellat, studium, ut amici eius, morbum*
> *et insaniam, ut Siculi, latrocinium; ego quo nomine appellem nescio; rem vobis*
> *proponam, vos eam suo non nominis pondere penditote. Genus ipsum prius*
> *cognoscite, iudices; deinde fortasse non magno opere quaeretis quo id nomine*
> *appellandum putetis.*
>
> (II.4.1)

> I come now to that which he himself calls his zeal, which his friends call madness and
> sickness, and which the Sicilians call piracy. I do not know how I should label it; I
> shall present the facts to you and you shall judge it not by its name but by its severity.

Non te pudet, Verres, eius mulieris arbitratu gessisse
praeturam quam L. Domitius ab se nominari vix sibi
honestum esse arbitrabatur?　　　　　(II.1.140)

Are you not ashamed, Verres, that your praetorship
was governed by a woman whom Domitius feels it is
hardly suitable for him to even name**?**

First, judges, learn the sort of thing it is, and then perhaps with no great effort you shall find[79] the name by which you think his conduct must be called.

In the discussion of II.3 below, I shall show that Cicero leaves no doubt that the appropriate label he has in mind is that of *improbus*.

3.4 Verres' *Improbitas*: Manipulation of the Law Courts

We should first ask what are the behaviours and actions which earn Verres the label of *improbus.* While describing Verres' crimes, Cicero details many instances of greed, lust, and improper speech acts which transgress against the laws and rights of the Roman citizens and their allies. However, examining each of these is not fruitful because in doing so one would miss what the main act of *improbitas* is. The *improbi* behaviours detailed here can be broken down into specific instances of greed, lying, forgery, and violations of Roman law all aimed at gaining personal wealth, but it is not Cicero's purpose to catalogue these as individual cases of *improbitas*; rather each instance shows that Verres' *improbitas* comes down to the fact that he manipulates the laws and courts to his benefit, thereby undermining their very 'Romanness' by transgressing Roman customs and standards. I believe that this manipulation is the main *improbus* behaviour and that Cicero reiterates it with every charge in order to warn the judges not to let Verres manipulate the court of his own trial into acquitting him:[80]

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[79] *Quaero* translates literally to "seek."

[80] In order for this interpretation to stand we must allow one of the two possible solutions outlined above in section 3.1 for the fact that this speech only mimics the trial and the presense of the jury, since Verres fled Rome before the *actio secunda* could be delivered.

Is mihi etiam queritur quod a nobis IX solis diebus prima actio sui iudici transacta

sit, cum apud ipsum tribus horis Q. Opimius, senator populi Romani, bona, fortunas,

ornamenta omnia amiserit?... iam vero in bonis Q. Opimi vendendis quas iste

praedas, quam aperte, quam improbe fecerit, longum est dicere… Iam qui ex

calamitate senatoris populi Romani, cum praetor iudicio eius praefuisset, spolia

domum suam referre…contaus sit, is ullam ab sese calamitatem poterit deprecari?

(II.1.156-157)

Does he still complain that the first hearing of his trial was conducted by me in only

nine days, when Quintus Opimius, a senator of the Roman people, lost all his

property, wealth, and treasures in three hours while Verres presided? …Indeed, when

selling Opimius' property, how blatantly, how shockingly he made those goods his

spoils would make a long story…Now shall he who tried to carry home the spoils

from the misfortune of a senator of Rome, at whose trial he presided as praetor, shall

he be able to plead away any misfortune from himself?

The above example not only reminds the judges that Cicero has already thwarted one of

Verres' attempts to manipulate this trial,[81] but it also shows that although the underlying

improbus behaviour is almost certainly greediness, going over this at length is unnecessary

because Cicero's main point is that Verres manoeuvered the law courts. He appeals to the

idea that no one is safe from Verres' machinations – not only could the judges become future

victims if Verres is acquitted, but they also risk gaining a reputation as a worthless puppet

court controlled by Verres:

Dubium nemini est quin omnes omnium pecuniae positae sint in eorum potestate qui

iudicia dant, et eorum qui iudicant, quin nemo vestrum possit aedis suas, nemo

fundum, nemo bona patria obtinere, si, cum haec a quopiam vestrum petita sint,

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[81] See n.66 above.

praetor improbus, cui nemo intercedere possit, det quem velit iudicem, iudex nequam et levis quod praetor iusserit iudicet.

(II.2.30)

No one doubts that the entire wealth of us all depends on the authority of those who appoint the courts and those who pass judgement – so that not one of you could preserve their houses, their land, their inheritance, if, when at some point these goods of yours are disputed, a transgressive praetor, whom no one can oppose, appoints whom he wants as judge, and that worthless and frivolous judge gives the verdict that the praetor ordered.

If the Senatorial Order proves themselves to be an incompetent court, they risk being associated with Verres, thought of as sanctioning his crimes, and most importantly, they risk being labelled *improbus* and being ousted from their position in control of the Extortion Courts.

The following example recalls the threats to the judges in the *actio prima* (I.36). The judges should be concerned with their reputation (*fama*, compare *infamia* above): if the Senators are found to be the wrong 'sort of people' (*genus hominum*), the Roman people will find the right 'sort' to replace the whole Order (*de toto ordine* cf. *totus ordo* above) so that the administration of justice can be properly carried out (*aliam rationem iudicorum requirat* cf. *alium ordinem ad res iudicandas quaerendum*):

Vos quod ad vestram famam existimationem salutemque communem pertinet, iudices, prospicite atque consulite…Non enim potest sperare populus Romanus esse alios in senatu qui recte possint iudicare, vos si non potueritis: necesse est, cum de toto ordine desperarit, aliud genus hominum atque aliam rationem iudiciorum requirat. Hoc si vobis ideo levius videtur quod putatis onus esse grave et incommodum iudicare, intellegere debetis primum interesse utrum id onus vosmet ipsi reieceritis, an, quod probare populo Romano fidem vestram et religionem non potueritis, eo

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vobis iudicandi potestas erepta sit;…Verum vobis dicam id quod intellexi, iudices.

Homines scitote esse quosdam quos tantum odium nostri ordinis teneat ut hoc palam

iam dictitent, se istum, quem sciant esse hominem improbissimum, hoc uno nomine

absolvi velle ut ab senatu iudicia per ignominiam turpitudinemque auferantur.

(II.1.22-23)

You, Judges, exercise foresight and consider that which concerns your reputation, your position, and your general safety. …For the Roman people cannot hope that there are others in the Senate who can distribute justice properly, if you cannot. Since the people might renounce the whole Order, they must seek another sort of men and another administration of justice. Therefore, if this seems to you rather trivial because you think to distribute justice is a heavy and inconvenient burden, you must first understand that there is a difference between that burden which you yourselves throw off, and being stripped of your judicial power because you cannot prove to the Roman people your loyalty and sense of duty. …But, Judges, I shall tell you this matter which I have come to understand: know well that there are some men who are possessed by so great a hatred of our Order, that they have often and openly been saying this, that they wish for that man, whom they know to be the most grievous transgressor, to be acquitted because of this one label,[82] so that the judicial rights are stripped from the senate with disgrace and shame.[83]

In this example and the next, I believe Cicero chose *probare* in order to echo *improbus* and remind the judges that they must prove, by condemning Verres, that they are indeed not

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[82] The justification for the translation of *nomine* as label here can be found below.

[83] Cicero's use of *probare* and *improbissimus* are an especially clever reiteration of the warning. He could have used, as he does on many occasions, words such as *confirmare*, *affirmare*, *demonstrare*, or *ostendere* for the sense of 'to prove' or 'assure.' Indeed, shortly before the passage in question Cicero uses *ostendere* in precisely this way:

Meum fuit [officium] cum causa accedere ad accusandum:… ostendere ac persuadere hominem nocentem adductum esse…	My duty has been to have good reason for undertaking the prosecution: …to prove and to make it believed, that the man thus brought to trial is guilty…
(II.1.21)	(Translated by Greenwood; Bracketed Latin is my addition.)

improbus.[84] The idea that the Senatorial Order's fate depends on the conviction of an *improbus* man is again implied by the use of *nomine* with *improbissimus*. In this case, translators generally interpret *nomine* as meaning 'reason,' 'excuse,' 'pretence,' or 'sake.'[85] However, if we interpret it in its basic definition of 'name,'[86] we are justified in translating it as 'label.' This interpretation subtly changes the emphasis in the sentence so that instead of just any wrongful acquittal resulting in the loss of control over the courts, the men in question now want the acquittal of an *improbissimus* man because helping such a man proves that the Order should be removed from power and be labelled *improbus* in turn.[87] A similar idea is expressed in the following example, which also shows how closely tied the judges' *nomen* is with the decision to acquit or convict Verres – it is the *nomen* that leaves his crimes unpunished and thus associates the judges with Verres.

> *Nomen vestrum populique Romani odio atque acerbitati scitote nationibus exteris, iudices, futurum, si istius haec tanta iniuria impunita discesserit. Sic omnes arbitrabuntur…non istius solius hoc esse facinus, sed eorum etiam qui adprobarint.*
>
> <div align="right">(II.4.68)</div>

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[84] I do not wish to say that *probare* tells the judges to be *probus* because I do not want to imply that *probus* is the exact opposite of *improbus*. *Probus* generally denotes someone who is good, honest, honourable, and proper, and while it can encompass an opposite concept, (for example: to be proper as opposed to being improper), it is not strong enough to convey an antonymic aspect for any of the three aspects of *improbus* that I have identified (conspicuousness, becoming *improbus* by association, and the desire to remove the *improbus* person from the community). I shall elaborate on how *probus* and its related forms are used to emphasize *improbus* and its forms below in the discussion of *In Verrem* II.3.

[85] *OLD* s.v. *nomen* 14; *L&S* s.v. *nomen* II.B; Greenwood translates: "simply for the sake of having the Senate deprived…of its judicial powers." Yonge's translation: "…to be acquitted for this one reason,—that then the honour or the judgment-seat may be taken from the senate with ignominy and disgrace."

[86] *OLD* s.v. *nomen* 4bc; *L&S* s.v. *nomen* II.A.

[87] In fact, Cicero says the Order will be deprived *per ignominiam,* a word which literally means to 'lose one's good name'(*OLD* s.v. *ignominia* 2) and indicates the application of another, less favourable, name or label.

Know this, judges: your name and the name of the Roman people will be hateful and bitter to the foreign peoples, if your name leaves these great wrongs of Verres' unpunished. Everyone will think… that this is not his crime alone but also the crime of those who sanctioned it.[88]

3.5   Are there *Improbi* Sympathizers among the Judges?

Throughout the orations Cicero cautions against the presence of *improbi* sympathizers among the judges. He engages in brief imaginary debates with them and discounts their potential arguments in defense of Verres. The effect is that the judges are reminded that the real problem in the court is not Verres himself but the possibility that some of the judges may choose to support Verres and thus bring down the reputation of the entire Senatorial Order.

> *reperies, credo, aliquem qui, cum haec quae palam gesta sunt videat, quaerat quid tu occulte egeris, aut qui dubitet utrum malit meis testibus an tuis defensoribus credere.*
>
> (II.2.81)

…you will find someone, I believe, who, (even) when he has seen these things which were done in the open, questions what you did secretly, or who doubts whether he should prefer to believe my witnesses or your defenders.

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[88] II.2.77 shows how the Roman people will remove the entirety of the Senatorial Order from their position of control over the Extortion Courts because of their association with Verres:

Hoc populos Romanus recusat, hoc ferre non potest; clamat permittitque vobis ut, si istis hominibus delectemini, si ex eo genere splendorem ordini atque ornamentum curiae constituere velitis, habeatis sane istum vobiscum senatorem, etiam de vobis iudicem, si vultis, habeatis: de se homines...hunc hominem tam crudelem, tam sceleratum, tam nefarium nolunt iudicare.	This is what the Roman people refuses, this is what they cannot stand; they cry out and permit this to you - if you are charmed by those men, if you wish to establish the dignity of your order and the distinction of the court with a man of that sort, you may very well have him as a fellow senator, and even keep him, if you want, as a judge over yourselves – but these men do not want such a cruel, such a criminal, such an unholy man to pass judgement on them.

That this passage is sarcastic is proven by the reiterated fact that Verres' greedy conduct was well known and his guilt is thus unquestionable:

> *…Sthenius est…nunc propter suam calamitatem atque istius insignem iniuriam, omnibus notus.* (II.2.83)

Sthenius is now known to us all because of his misfortune and the extraordinary injustice of Verres.

> *…cupiditate illa sua nota atque apud omnes pervagata…* (II.2.85)

That covetousness of Verres' was famous and commonly known to everyone…

In the following passage Cicero reminds the judges of the sort of qualities they are supposed to embody while at the same time he denies them the compliments of being serious (*severos*), assiduous (*diligentes*), and honourable (*religiosos*):

> *Verum ut istos ego iudices tam severos, tam diligentis, tam religiosos non habeam, ecquis est ex iniuriarum magnitudine, improbitate decretorum, iudiciorum iniquitate qui hoc non iam dudum statuerit et iudicarit? Etiam sane sit aliquis dissolutior in iudicando, legum, officii, rei publicae, sociorum atque amicorum neglegentior: quid? is possitne de istius improbitate dubitare?*
>
> (II.3.143)

(Let us say) it is true that I do not have those judges there who are so serious, so assiduous, and so honourable: is there anyone (among you) who has not long since decided and passed judgement based on the grossness of his wrongs, the transgression of his decrees, the injustice of his judgements? Let us even say that someone here is rather careless in passing judgement, rather neglectful of the laws, of his duty, of the Roman state, of its friends and allies – what? Is it possible for this man to doubt the transgression of Verres?

This "hypothetical" scenario in which some of his judges are not the best of men is quickly made ridiculous by the heavy use of rhetorical devices. There are two tricolons (*tam severos, tam diligentis, tam religiosos* and *ex iniuriarum magnitudine, improbitate decretorum, iudiciorum iniquitate*), an understatement in the use of the two comparatives (surely someone who neglects the law, their duty, and the entire Roman nation as well as its friends and allies is not only "rather neglectful" – they ought to be described by a superlative!), and finally a rhetorical question. Thus Cicero strongly insinuates that there are indeed sympathizers of Verres among the judges but he disputes any reasons they may have for acquitting him and gives them the benefit of the doubt so that they may still change their verdict to one of condemnation.[89]

3.6   The Privilege of Condemning Verres as *Improbus*

In addition to the threat that the judges may be labelled *improbus* and the urging to suppress and root out those among them who are working against the Senatorial Order, Cicero also emphasizes that the Roman people have given the judges this opportunity to condemn Verres as a privilege - a way to show that they are not under his control.

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[89] The following passage also demonstrates how the whole Senatorial Order is affected by decisions and actions of a few – the Order must make sure that there is no one among who can ruin their reputation:

Qua de re, iudices, magnopere vobis providendum est: pertinet hoc ad summam rem publicam et ad existimationem ordinis nostri salutemque sociorum. Si enim innocentes existimari volumus, non solum nos, sed etiam nostros comites praestare debemus. (II.2.28)	This is a matter, judges, about which you must be exceedingly cautious: this is of utmost concern to the Roman state and to the reputation of our order and the wellbeing of our allies. For if we wish to be considered innocent, not only we, but even our companions must demonstrate (this innocence).

Hoc populus Romanus non manu vindicasset, nisi te huic tempori atque huic iudicio

reservasset?   (II.1.114)

Would not the Roman people have punished you with their own hand, had they not

preserved you for this moment and for this trial?

In another passage, which charges Verres with stealing a Roman boy's inheritance, Cicero

uses the word "*commendare*" to show that the judges are being entrusted to pass the correct

verdict. The tricolon of *legibus…aequitati magistratuum…iudiciis vestris* indicates that the

judges are considered to be the most important part of the trio:

> *…quem pater moriens cum tutoribus et propinquis, tum legibus, tum aequitati*
>
> *magistratuum, tum iudiciis vestris commendatum putavit.*   (II.1.151)
>
> …whom his dying father thought that he entrusted just as much to his guardians and
>
> his neighbours as he did to the laws, the fairness of the magistrates, and to your own
>
> judgement.

Condemning Verres is also represented as a united and universal decision. By judging him to

be guilty, the judges show that they stand with the Roman people and together they are

eliminating the unwanted *improbus* person from the community. The following passage

shows that the Roman people, Cicero, and the judges are united by their outrage over Verres'

transgressions (even Hortensius is included as one of those sympathizers who may perhaps

see the error of his allegiance). The triple repetition of *communis* (shared) drives home the

point that the anticipated verdict must reflect the universal decision of the community:

> *Neque erant illae lacrimae populares magis quam nostrae, quam tuae, Q. Hortensi,*
>
> *quam horum qui sententiam laturi sunt, ideo quod communis est causa, commune*
>
> *periculum; communi praesidio talis improbitas tamquam aliquod incendium*
>
> *restinguendum est.*

Nor were the people's tears greater than ours, than yours, Hortensius, than the tears of those who are about to give their verdict; for this reason, because the cause concerns us all, the danger threatens us all, such transgression, just like some burning fire, must be extinguished by the help of us all.[90]

3.7 Aural Bombardment of the *'prob-'* Root

Throughout the Verrines we have seen that Cicero often defines Verres' behaviour as *improbus* but that he also invites the judges to come up with this label themselves. We have also seen that sometimes instead of saying explicitly that a behaviour is *improbus*, Cicero uses a form of the *'prob-'* root with a positive meaning in a sarcastic manner (such as *probus, probare*), thereby emphasizing that the behaviour in question is in fact negative, *improbus* behaviour. This is not to say that the positive *'prob-'* words act as opposites to *improbus*. Instead, the *'prob-'* root is used as an aural reminder of *improbus*, constantly bringing this word to mind even if Cicero has not recently mentioned it.[91] I believe the culmination of this technique and of the Verrine Orations as a whole occurs in *In Verrem* II.3. There are over eighty instances of the root in this section, (over a hundred if we include *'prob-'* words such as *probrum* which are not directly related to *improbus* or *probus*). The number of instances of *improbus* and its forms exceeds the number of occurrences in every other section of the Verrines. I shall argue that this is done to create the effect of aural bombardment – the *'prob-*

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[90] Translation adapted from Greenwood.

[91] Uría discusses a similar use of this technique in Cicero's various and widespread attacks on Sextus Cloelius: "nouns in –*tor* (*praegustator, scriptor*) referring to Cloelius…may be intended to evoke *fellator*….the sound of the words, together with the context, may evoke either *fututor* or *irrumator* in the minds of listeners" (55). Uría explains that this technique is related to the "rhetorical figure of *paronomasia* or *adnominatio*" that is, using words that sound similar but are different in meaning or repeating a word in a different form (polyptoton) (54).

' root occurs so often that it is impossible for the audience to walk away from this speech without the word *improbus* on their minds.

This speech deals with the embezzlement of the corn tithes, which Cicero explicitly states is a behaviour which everyone should label *improbus*:

> *num quis poterit in tanto lucro tantaque iniquitate dubitare quin propter*
> *improbitatem tuam tam magnos quaestus feceris, propter magnitudinem quaestus*
> *improbus esse volueris?*
>
> (II.3.111)

> Can anyone doubt, in the face of such great profit and such great injustice, that it was
> on account of your transgression that you made such large profits, and that on account
> of the magnitude of the profits you wished to be a transgressor?

The following examples detail various acts of embezzlement, but what is especially of note is the number of time that the **'prob-'** root is employed. In this short passage the audience hears the root four times:

> *...quod omnis frumenti copia decumarum nomine penes istum esset redacta, solitum*
> *esse istum pecuniam cogere a civitatibus, frumentum **improbare**....Non mihi iam*
> *furtum, sed monstrum ac prodigium videbatur civitatum frumentum **improbare**, suum*
> ***probare**; cum suum **probasset**, pretium ei frumento constituere;...*
>
> (II.171)

> Having had the whole of the corn brought where he could deal with it, ostensibly for
> tithe purposes, he used to force the money from the cities and then reject their
> corn....This seemed to be not only robbery, but some kind of unnatural monstrosity to
> reject the corn of the cities and to approve his own; and when he had approved his
> own, he would set a price for his corn…

The effect is obviously completely lost in an English translation because it is not the meaning of the word but the sound which conveys the effect. The next passage bombards the audience with another seven occurrences:

> *Improbas frumentum Siculorum. … tu cum civitatum Siciliae vulgo omne frumentum improbas…Improbas Halaesinum… ut neque tibi neque populo Romano posset probari… Quid acciderat ut ex eodem horreo decumanum probaretur, emptum improbaretur? Dubiumne est quin ista omnis improbatio cogendae pecuniae causa nata sit?*
>
> (II.3.172)

> You reject the Sicilians' corn. …and when you reject the corn of Sicily everywhere …You reject the corn of Halaesa…so that (the corn) cannot be approved either by you or by the Roman people...What has happened so that the tithe corn is approved and the bought corn is rejected when they are both from the same granary? Is there any doubt that this whole "rejection" originated for the sake of extracting money?

Finally, the last section of the passage adds another five instances, so that between II.3.171 and 173 we hear it sixteen times!

> *Esto, improbas Halaesinum, habes ab alio populo quod probes: eme illud quod placet, missos fac eos quorum frumentum improbasti. ....Quae est ergo ista ratio aut quae potius amentia, frumentum improbare id quod ex eo loco sit ex quo senatus et populus Romanus emi voluerit, et ex eo acervo ex quo partem tu idem decumarum nomine probaris;*
>
> (II.3.173)

> So be it, you reject the corn of Halaesa – you have corn from some other people which you do approve. ….So what sort of scheme or reasoning or rather, what sort of madness is this? To reject that corn which is from that place from which the Senate

and the Roman people wished to buy it, and it is from that pile from which you approve that same portion under the name of tithe corn…

Again, it is not the actual sense of the above examples which help us understand how Cicero uses *improbus* in the *Verrines*, but rather the aural bombardment of the **'prob-'** root in the Latin. Towards the end of *In Verrem* II.3 Cicero brings the use of aural bombardment together with the ideas that *improbus* is used to express in the other sections. Most prominent is the idea that an *improbus* person can make another person *improbus* by association, here it is implied that the law courts are made *improbi* when Cicero says that *improbi* people shall be acquitted based on examples set by others who commit or perhaps simply allow such behaviours. That the *improbi* behaviours are a problem for the whole community is proven by the rhetorical questions which encompass not only each individual and their moral compass, but the civil offices and the allies of Rome. When he wonders why the judges have not yet taken action, Cicero emphasizes that it is the judges' special privilege to condemn Verres. Finally, the recurring idea that an *improbus* person must be removed from the community is reiterated when Cicero states that by removing the *improbus* person it is possible to stem the spread of *improbitas* by association.[92]

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[92] Again, we can see Cicero advocating a similar idea in *In Catilinam*. For another noteable example from *In Catilinam* see n.20.

Hunc vero si secuti erunt sui comites, si ex urbe exierint desperatorum hominum flagitiosi greges, o nos beatos, o rem publicam fortunatam, o praeclaram laudem consulatus mei!...Quibus ego confido impendere fatum aliquod, et poenam iam diu improbitati, nequitiae, sceleri,libidini debitam aut instare iam plane aut certe adpropinquare. (Cicero, *In Catilinam* 2.10-11)	But if his companions follow him, if the shameful herds of desperate men leave the city, O happy we shall be, fortunate shall be the Republic, glorious will be the praise of my consulship!... I am confident that some fate is hanging over these men and that the punishment long since due to their transgression, worthlessness, criminality, and lust, is either visibly at hand or at least rapidly approaching.

*… rei publicae salus deerit, si **improborum** exemplis **improbi** iudicio ac periculo liberabuntur. Placent vobis hominum mores? placet ita geri magistratus ut geruntur? placet socios sic tractari, quod restat, ut per haec tempora tractatos videtis? Cur haec a me opera consumitur? quid sedetis? cur non in media oratione mea consurgitis atque disceditis? Vultis autem istorum audacias ac libidines aliqua ex parte resecare? Desinite dubitare utrum sit utilius propter multos **improbos** uni parcere, an unius **improbi** supplicio multorum **improbitatem** coercere.*

<div align="right">(II.3.207-208)</div>

…the Roman state shall lack well-being, if the transgressors are liberated from judgement and danger by the examples of other transgressors. Are you satisfied with the morals of men? Satisfied that the magistracies are governed thus as they are now governed? Are you satisfied with how our allies are treated, that they should continue to be treated as you see they have been treated during these times? Why am I exerting these efforts? Why are you sitting? Why do you not rise together in the middle of my speech and leave? Do you wish, moreover, to restrain by some measure the boldness and licentiousness of those men? Cease to doubt whether it is more useful to spare many transgressors for the sake of one, or to constrain the transgression of many by the punishment of a single transgressor.

3.8   How Cicero uses the Concept of *Improbitas* to Influence the Judges

We have investigated the concept of *improbitas* in the *Verrines* under the assumption that the text of the *actio secunda,* although never delivered in court, can still reflect the purpose and effect of using the word *improbus* and its related forms. Throughout *In Verrem*, Cicero presents the fact that Verres is guilty of his many crimes as already known. The point of the trial is to convince the jury to actually send Verres into exile. Cicero needs to show that Verres is an outsider, that he does not belong in the Roman community, and that he needs to be removed. Verres' many transgressions aganst Roman laws, customs, and

traditions easily identify him as an *improbus* person. His *improbi* behaviours fall largely into the categories of greed and lying but Verres' main and encompassing *improbitas* is his manipulation of the law courts for his own benefit. Cicero urges the Senatorial Order to prove that this *improbitas* has no influence in the present trial, that the judges are not tainted by Verres' *improbus* behaviour and have not themselves become *improbus* by association. Thus it is the judges that are on trial in the eyes of the Roman people: if Verres is judged innocent, the people will know that the Senatorial Order consists of *improbi* sympathizers that must be removed from their position of power over the Extortion Courts. Cicero argues that Verres' behaviour makes him unRoman, that he cannot be rightly called by a Roman rank, that as an outsider and egregious transgressor of all Roman values he can only be called by one name. What name is that? The aural torrent of the ***'prob-'*** root, used especially to describe Verres' extensive embezzlement of the corn tithes, leaves absolutely no doubts: Verres *must* be labelled *improbus* and therefore he *must* be removed from the community by the Senatorial Order's condemnation.

Chapter 4: Conclusion

This study was initiated with three goals in mind. First, to demonstrate that our understanding of the concept of *improbitas* has been severely limited because of scholarly tendency to treat *improbus* and its related forms as a *carte blanche* word that fits any interpretation. Next, to identify the sorts of behaviours that constitute *improbitas*, and finally, to investigate what it means for an individual to be labelled *improbus* in Roman society.

The introductory chapter establishes that the concept of *improbitas* has thus far received minimal attention from scholars. A brief survey of discussions by Travis, Jenkyns, and Hellegouarc'h on this subject proves that *improbus* is a perplexing word that does not easily lend itself to translation in English. This section also shows that instead of narrowing down the meaning of *improbus* in each instance they encountered, past scholars have chosen a definition that was convenient for their interpretation of the text. As a result, the range of English words that *improbus* could acceptably take on grew to a pool so large that *improbus* could conceivably take on any (negative) meaning: translators manipulated the definition to suit the tone and attitude of the text as they saw it.

The section on *improbus* in Plautus attempts to identify the sort of behaviours that are considered *improbi* by ordinary Romans, that is, those who use *improbus* in everyday household interactions rather than in political contexts. This investigation is limited not only by space but also by the fact that Plautus Romanizes Greek plays and thus forces the modern reader to be uncertain as to what instances of *improbitas* represent Roman values. Nevertheless, an analysis of passages with a perceptibly Roman flavour reveal the *adulescens*, *senex*, and *servus* character type's opinions on the sort of behaviour that constitutes *improbitas*. Each character type defines *improbus* within an equivalency where

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probus and *bonus* are synonyms and opposites to *improbus* and *malus*, which are also treated as synonyms. The *adulescens'* understanding of *improbitas* is shown to be limited. Although the young man understands that an *improbus* person risks being ousted from the community, he does not understand that *improbi* actions are prevented by self-restraint; instead he thinks that the *boni* simply do not commit *improbi* actions by virtue of their goodness. On the other hand, the *senex*, the father of the young man, guides his son to exercise self-control; the old man believes that the *boni* continually prove themselves to be *probi* by evaluating their behaviour and moderating their actions. The *senex* expresses concern over who his son is seen with, indicating that to associate with *improbi* can ultimately make a person *improbus*. For a *servus*, to be an *improbus* slave means to be an unreliable slave. Their viewpoint appears to be influenced by that of the masters (the *senes*) because they too worry about continually proving themselves as *probi* slaves.

The second chapter conducts a systematic analysis of *improbi* behaviours in the fragments of Lucilius. It establishes what I have termed the three main aspects of *improbus*: that an *improbus* person is one that transgresses against standards or expectations, that it is possible to become *improbus* through association with *improbi* people because their influence is defamatory, and that an *improbus* person is unwanted and ultimately ousted from the community. Each instance of *improbus* is categorized as a physical act (i.e. an action) or as a speech act. The fragments reveal that with regard to physical actions, it is possible to become *improbus* by reaching outside of one's social sphere with respect to birth or wealth, by being greedy for food (being gluttonous) or money, or by simply acting too rashly or unexpectedly. *Improbi* speech acts are identified as speaking too harshly and thus too openly, as well as speaking deceptively. Examples of both male and female *improbi* behaviours show

that there is no perceptible difference in what constitutes an *improbus* physical action for a man or woman. However, an example of a female *improbus* speech act shows that unlike the men, who speak too harshly or deceptively, the woman is *improba* because her speech is too positive – it flatters and thus arouses suspicion of unforeseen consequences. The chapter sheds light on why existing standard translation of the fragments are inadequate at conveying what constitutes *improbitas* and suggests new, more specific, translations.

The final chapter examines what it means to be an *improbus* person in Roman society by analysing how Cicero uses the label of *improbitas* to remove Verres from the community. Cicero does not enumerate every detail of every crime – not only does he need to speed up the trial but he can also rely on witness testimony to present details; instead, he quickly reminds the judges that Verres is *improbus* because of his transgressions against Roman customs, laws, and traditions. He tries to persuade the judges, made up of the Senatorial Order, into passing a guilty verdict by using the second and third aspects of *improbitas:* Cicero threatens the judges' own standing by insinuating that a 'not guilty' verdict will associate the judges with Verres and make them *improbus* in the eyes of the public. As *improbi*, the Senatorial Order will become the unwanted 'other' and the public will remove them from their position of power over the Extortion Courts. Verres is made out to be an enemy in their midst, an *improbus* man because he tries to manipulate the law courts in his favour, and a dangerous man because if his manipulation succeeds, he shall make the judges *improbi*. Cicero urges that the correct course of action is to send Verres into exile, to remove him from the position of a Roman citizen: he questions the validity of Verres' Roman rank and makes him out to be unRoman. Cicero constantly invites the judges to decide for themselves how they should label him and in turn, what they should do with him. The falsely

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coy questions and the aural bombardment of the **'prob-'** root leave no doubt that that Cicero wants the judges to call Verres *improbus* and to treat him as an *improbus* person by removing him from the community.

Although by no means conclusive or comprehensive, this brief study demonstrates that *improbus* is not in fact, a catch-all word, but indeed a term that carries some very specific connotations about one's conduct, credibility, and ultimately one's place in Roman society.

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