Rechtsgeschichte Legal History

www.lhlt.mpg.de

<http://www.rg-rechtsgeschichte.de/rg29>
Zitiervorschlag: Rechtsgeschichte – Legal History Rg 29 (2021)
<http://dx.doi.org/10.12946/rg29/200-210>

Rg **29** 2021 200 – 210

Anna Iacoboni*

Libertas as an Expression of Roman Identity in Cicero and Sallust

* Université de Poitiers, anna.iacoboni@gmail.com

Abstract

In the late Republican period, *mos maiorum*, *libertas* and *ius* are no longer evoked to pursue the common good of the state, as was the case in the Rome of the *maiores*, but instead in an individualistic sense. Cicero theorizes a form of limited *libertas* of the people that does not call into question but rather further legitimizes the authority of the *optimates*. Cicero exalts the mixed constitution, the result of the political intelligence of the *maiores*, because in it the *optimates* have a predominant role, while the people enjoy relative freedom. The mixed constitution implements the principle of *aequabilitas*, which further legitimizes the power of the ruling class. For this reason, Cicero condemns democracy in which the principle of *aequabilitas* is denied. The parallelism between enjoying rights and freedom by the citizens, legacies of the ancestors, together with the claim of the ancient sovereignty of the Roman people, have an identity value as principles on which the identity of the Roman *res publica* and the Roman citizen is based, regardless of the latter's membership in the political group of the *optimates* and of the *populares*. The appeal to these principles unites the speeches of the spokesmen of the two political forces – although it is evoked according to opposing political views – in Sallust's *De coniuratione Catilinae*, *Bellum Iugurthinum* and *Historiae*. Although the sense of *libertas* is different depending on whether it is implemented by the *optimates* or the *populares*, freedom is enslaved to the particular interests of the political group or the individual citizen. Individualism is the cause of the decline of the *res publica*. Cicero and Sallust place their hopes of moral and political renewal of the *res publica* in a *nobilitas* that cannot be inherited and is based on individual *virtus*.

Keywords: *libertas*, *mos maiorum*, *ius*, *populares*, *optimates*

Anna Iacoboni

Libertas as an Expression of Roman Identity in Cicero and Sallust*

I. The meaning of *libertas* in the late republican period

At the end of the Republic, the appeal to tradition, *libertas* and *ius*, the fruit of the achievements of the *maiores*, has an identity value.¹ *Libertas* and *ius* are associated with the sovereignty of the Roman people. Tradition is evoked with different meaning by *optimates* and *populares*, but with the common aim of legitimizing their political power – both claiming to be worthy heirs of the *maiores*.² At that time, the evocation of these values has an individualistic scope and is reduced to a topic of political propaganda. Tradition is implemented in an instrumental way in order to achieve particular political interests of the moment

and no longer to pursue the common good of *res publica*. The ruling class does not have a common political project, and the dialogue between it and tradition has broken down. Individualism generates the moral and, consequently, the political crisis of the state.

In Cicero and Sallust the positive sense of the individual is contrasted with the denunciation of individualism. On the one hand, both authors appeal to the citizens who represent the nobility based on individual virtue, which takes the place of *nobilitas* based on blood ties. This conception has a sense that could be called anthropocentric. On the other hand, freedom and tradition are demagogically exploited in an individualistic way.³ Sallust states that both *optimates* and *populares* are strug-

* I dedicate this article to my Father.

1 In his *De Republica*, Cicero defines the Rome of the time of the *maiores* as *morata*, definition that indicates that the state is founded on tradition. Cic., Rep., 5,1; 2: «*Nam neque viri, nisi ita morata civitas fuisset, neque mores, nisi hi viri prae fuissent, aut fundare aut tam diu tenere potuissent tantam et tam fusa lateque imperantem rem publicam. Itaque ante nostram memoriam et mos ipse patrius praestantes viros adhibebat, et veterem morem ac maiorum instituta retinebant excellentes viri*». («For neither men alone, unless a State is supplied with customs too, nor customs alone, unless there have also been men to defend them, could ever have been sufficient to found or to preserve so long a commonwealth whose dominion extends so far and wide. Thus, before our own time, the customs of our ancestors produced excellent men, and eminent men preserved our ancient customs and the institutions of their forefathers.» Translated by J. C. Rolfe). *Res publica* was characterized by a remarkable political balance based on the union between strong moral foundations and illustrious men capable of defending the latter. This morality-based political

stability has been replaced by the deep political instability of Rome at the end of the Republic. IACOBONI (2014a, 2014c).

2 According to Moatti's definition of *mos maiorum*, the latter is a particular form of *consuetudo* that concerns the *maiores*. MOATTI (1997) 35, 321. It consists of «particular cases of applications», it is not absolute, it has an oral and consensual character and is the main foundation of the *Ius Quiritium*. RECH (2006) 21; ORESTANO (1967) 136–137. The oral nature and flexibility of the custom make it possible for the ruling class to manipulate it. ARANGIO-RUIZ (1942) 56; ORESTANO (1967) 54–155; SERRAO (1974) 36. With regard to the political sense of the appeal to *mos maiorum*, we allow ourselves to quote IACOBONI (2014a, 2014b, 2014c, 2015). As for the legal sense of *mos maiorum* and about the relationship between *mos*, *aequitas*, *lex* and *consuetudo* as sources of law in Cicero, I refer to IACOBONI (2014a, 2019).

3 MOATTI (1997) 35; WIRSZUBSKI (1957) 14; PIANEZZOLLA (1957) 145. Concerning the propaganda purpose of this invocation, we are referring to MOMIGLIANO (1951). LYASSE (2003)

examines this value at a time other than the one we deal with. Until the 2nd century BCE, the evocation of freedom is present especially in *populares*' claims. From the 1st century onwards, however, this value is also evoked by the *optimates* to legitimize their power. See DOGNINI (1998) 86. The reforms of the Gracchi are also aimed at restoring freedom to the people. SALL., Iug., 42, 2 quoted by Dognini. The *optimates* in turn evoke freedom from the time of the Gracchi. In his *Philippicae*, Cicero appeals to freedom in an *optimas* sense, calling himself *princeps libertatis*. Cic., Phil., 4, 1; 14, 20, quoted by the author. The *auctoritas* and *dignitas* of the Senate are put in parallel with freedom. Dognini quotes Cic., Phil., 3, 8; 3, 36; 11, 21. According to Dognini, Sallust restores freedom with the meaning of plebeian vindication. In this regard, Sallust contrasts *popularis* freedom with *nobilitas* and *potentia paucorum*. SALL., Iug., 87, 2 quoted by the author. Cf. IACOBONI (2014a, 2014b, 2014c).

gling to pursue their own interests, hiding this instrumental political struggle on the pretext of fighting for noble principles, *honesta nomina*, such as the rights of the people and the defense of *auctoritas* of the senate.⁴

At the end of the Republic, the imitation of the ancestors by citizens is based on a materialistic criterion and consists not so much in matching *maiores* in virtue but in overcoming their political and economic prestige. Sallust relates that in the Rome of the past the sight of the *imagines maiorum* ignited a flame in the spirits of illustrious citizens such as Quintus Fabius Maximus and Publius Cornelius Scipio that could not be extinguished except after equaling the virtue of ancestors. Even the *homines novi* are no different from the *nobilitas* that they attack, and they attempt to usurp important political responsibilities.⁵

Cicero and Sallust place their hopes for the moral and political renewal of the state in a new *nobilitas*.⁶ Marius represents this new, true, nobility. *Homo novus*, he cannot boast of *imagines maiorum*. However, his *nobilitas* is not inherited by blood bond, passively, but is acquired through the concrete exercise of *virtus* and individual merit. Instead of *imagines maiorum*, Marius can show off the scars he obtained in the war.⁷ The virtue, which to Marius inspires his whole life, becomes his own nature, *ex consuetudine in naturam vortit*.⁸ Marius proudly claims his identity, his own »I«, as opposed to the *alii* that make up the traditional nobility, the *vetus nobilitas*, based on family belonging, nobility that rests on the brave deeds of the ancestors, *maiorum fortia facta*.⁹ He evokes the flame that incited Scipio and Quintus Fabius Maximus to practice virtue, comparing that flame to the light

4 SALL., Cat., 38, 3–4: »Namque, uti paucis verum absolvam, post illa tempora quicumque rem publicam agitare honestis nominibus, alii sicuti populi iura defenderent, pars quo senatus auctoritas maxuma foret, bonum publicum simulantes pro sua quisque potestas certabant.« (»For, to tell the truth in a few words, after that time, whoever disturbed the state under the guise of honorable slogans – some as though defending the rights of the people, others so that the senate's influence might be dominant – under pretense of the public good, each in reality strove for his own influence«). Translated by J. C. ROLFE).

5 SALL., Iug., 45, 30. SALL., Iug., 4, 7–8: »At contra, quis est omnium his moribus quin divitiis et sumptibus, non probitate neque industria cum maioribus suis contendat? Etiam homines novi, qui antea per virtutem soliti erant nobilitatem antevenire, furtim et per latrocinia potius quam bonis artibus ad imperia et honores nititur: proinde quasi praetura et consulatus atque alia omnia huiusmodi per se ipsa clara et magnifica sint, ac non perinde habeantur ut eorum qui ea sustinent virtus est.« (»By contrast, given today's morality, who in the world is there who does not vie with his ancestors in riches and extravagance rather than in uprightness and exertion? Even new men, who in former times always relied upon worth to outdo the nobles, now strive

for power and distinction by relying on intrigue and open fraud rather than noble practices; just as if a praetorship, a consulship, and all else of the kind were distinguished and illustrious in and of itself and were not valued according to the merit of those who uphold the dignity of those offices«). Translated by J. C. ROLFE). With regard to studies focused on Sallust, I refer to LA PENNA (1968); SYME (1939); VALVO (2006); LATTE (1999).

6 In his *Pro Sestio*, Cicero believes that the *nobilitas* is the result of the citizen's *magnitudo animi*. This value cannot be inherited. Overcoming the traditional distinction between citizens in ordines, the author appeals to the best citizens from a moral point of view. Cicero theorizes a broader conception of *nobilitas* and *optimates*.

7 SALL., Iug., 85, 17. Marius claims to have actively built his virtue in war, *militando*. The *nobilitas*, on the other hands, achieve this goal through the *legere* and the *audire*.

8 Ibidem, 9: »Mibi, qui omnem aetatem in optumis artibus egi, bene facere iam ex consuetudine in naturam vortit.« (»As for me, I have spent my entire life in the best practices, and good conduct has become second nature as a result of habit«). Translated by J. C. ROLFE). SALL., Iug., 85, 29–30; 85, 4–5. Marius constantly claims his »I«. SALL., Iug., 85, 4: »Mibi spes omnes in memet

sitae«. (»My hopes are all vested in myself and must be maintained by my own worth and integrity.«) SALL., Iug., 54, 17; 54, 19.

9 SALL., Iug., 85, 4: »Ad hoc, alii si delinquere, vetus nobilitas, maiorum fortia facta, cognatorum adfinium opes, multae clientelae, omnia haec praesidio adsunt; mihi spes omnes in memet sitae, quas necesse est virtute innocentia tutari; nam alia infirma sunt.« (»Furthermore, if others make mistakes, their ancient nobility, the brave deeds of their ancestors, the power of their relatives and in-laws, their many retainers, are all at their disposal, for protection; my hopes are all vested in myself and must be maintained by my own worth and integrity. For other resources are weak«). Translated by J. C. ROLFE). Cf. also SALL., Iug., 85, 17; 23.

of truth that mercilessly highlights even their vices.¹⁰ Sallust thus contrasts a positive conception of the individual with his condemnation of individualism.

Both *populares* and *optimates* evoke freedom to oppose a condition of subjugation.¹¹ However, the latter appeal to this value to maintain their prerogatives, while the *populares* invoke this principle to affirm freedom from absolutism and the enjoyment of freedoms under the rule of law.¹²

The concept of freedom is paralleled by citizens' rights.¹³ The *provocatio*, the introduction of the written and secret vote thanks to the law of the *leges tabellariae* and the establishment of the tribune of the *plebs* are expressions of *libertas*.¹⁴ The freedom the *populares* refer to is that conquered by the ancestors in parallel with the rights of the people. The *optimates* conceive *libertas* as a value that preserves the authority of the senate.¹⁵ For Cicero, therefore, the freedom of the people consists in the ability to satisfy the *boni*.¹⁶ Otherwise, complete *libertas* of the people results in anarchy, *licentia*.¹⁷

Especially since the time of the Gracchi the issue of freedom has been central to the political debate between *optimates* and *populares*. The latter claim to be those that represent the true *libertas* and values of ancestors, thus putting in place a contrast with the *optimates*.¹⁸

II. *Mos maiorum, aequabilitas* and *libertas* in Cicero

The Greek concept of freedom in the state translates into the equality of all citizens before the law.¹⁹ This notion is the *ισονομία*.²⁰ Roman *libertas* has a strong legal scope, as it consists of the civil rights that the laws guarantee.²¹ *Ius, lex* and *imperium* are linked to freedom.²² The *ius* is the set of citizens' rights, the *lex* is made up of duties, and the *imperium* is the sovereignty of the people represented by the authority of the magistrate. Freedom must be moderate so that it does not become *licentia*, anarchy.²³ The conception of *libertas* is closely linked to that of *civitas*. While *libertas* denotes the individual considered individually, the notion of *civitas* concerns the citizen in relation to the community. *Libertas* indicates the legal condition of the free man who is economically independent. The Roman people are by definition free; the Roman citizen enjoys the constitutional rights of freedom.²⁴ *Libertas* is compatible with the principles of *Romana disciplina, instituta patrum* and *mos maiorum*.²⁵ On the one hand, the freedom of the *plebs* is related to the *fides* that binds the plebeians to the ruling class. On the other hand, the authority of the patricians is the guarantor of the freedom of the plebeians, just as the latter defend their freedom while not questioning the

10 Ibidem, 23. ARENA (2012) 5–6.

11 ARENA (2012) 6.

12 The *populares* defend the interests of the people, while the *optimates* protect those of the Senate. The *optimates* are the aristocrats, even those who are not part of the *nobilitas*. See HELLEGOUARC'H (1972) 502; GELZER (1912) 102; STRASBURGER (1939) 773–798; SYME (1939) 18; VAN OOTEGHEM (1963) 406; MEIER (1966) 550–615; NICOLET (1976) 176. The distinction between these two political forces is affirmed at the time of the reform of Tiberius Gracchus, in 133 BC. Cic., Rep., 1, 31. PERELLI (1982) 6. In the *Pro Sestio*, Cicero extends the concept of *optimates* even to *libertini*. Cic., Sest., 96–98. See MANDEL (1984) 294; ROBB (2010) 61–62; SYME (1939); MEIER (1966) 116–150.

13 Cic., Ver., 2, 1, 25. ARENA (2012) 28.

14 The *provocatio ad populum* protects against death sentences without trial and against flagellation, after the *lex*

Porcia. The *lex Valeria* of 300 BCE and the *lex Porcia* of the 2nd century BCE guarantee the right to appeal to the people in the case of severe punishments, death sentences and severe penalties. The *lex Sempronia* of 123 BCE interdicts to condemn the citizens to death without the authorization of the people gathered in court or assembly. ARENA (2012) 50 quotes Cic., Cat., 4, 10; Sest., 61; SALL., Iug. 31, 16–17.

15 Cic., Leg. 3, 25; Cic., Rep. 2, 55.

16 Ibidem, 38: «*Vos quidem, ut video, legem antiquastis sine tabella. sed ego, etsi satis dixit pro se in illis libris Scipio, tamen ita libertatem istam largior populo, ut et auctoritate valeant et utantur boni*». («Well, I see that you have rejected my law without the use of the ballot! But let me explain – though Scipio has given a sufficient defence of these ideas in my former work – that I am granting this freedom to the people in such a way as to ensure that

the aristocracy shall have great influence and the opportunity to use it.» Translated by CLINTON W. KEYES). Cf. WIRSZUBSKI (1957) 557.

17 Cic., Rep., 1, 68; 3, 23.

18 BRUNT (1979) 282–330.

19 WIRSZUBSKI (1957) 13.

20 POHLENZ (1956) 36. Regarding the *ισονομία*, I refer to Hdt. 3, 80; 5, 37; Th. 4, 78; Pl., R. 563.b.

21 HELLEGOUARC'H (1972) 543.

22 WIRSZUBSKI (1957) 26.

23 DOGNINI (1998) 85; WIRSZUBSKI (1957) 17–18.

24 BRUNT (1979) 18; WIRSZUBSKI (1957) 11.

25 WIRSZUBSKI (1957) 18. The author quotes Liv. 5, 6, 17.

power of the senate in the legal and political field.²⁶ In this sense, the concept of *libertas* concerns the Roman people, not just the *plebs*, while that of *auctoritas* relates to the senators. *Auctoritas* adds to *libertas* as the prerogative of senators.²⁷ For *optimates*, freedom means the maintenance of their power.²⁸ *Regnum* and *dominatio* are opposed to *libertas* and indicate a condition of subjection.²⁹ The freedom of the people is established in the republican political system; the *regnum*, conceived strictly, therefore denotes the absolute monarchy. If the *regnum* indicates a political regime opposed to the republican constitution, the abolition of the monarchy and the transition to the republic are expressions of freedom, of which the republican institutions are guarantors.³⁰ The concepts of *dominatio* or *regnum* have not only this meaning, but also indicate excessive power held by a single citizen or a group of people. Opposition to the arbitrary power of the magistrate also means fight-

ing against the *regnum*.³¹ The *populares* denounce the *dominatio paucorum* of the *optimates*, while the *nobiles* lash out against the rule of unjust.

The notion of *aequum ius* does not mean that all citizens enjoy equal political rights, but that they are equal before the law.³² The concepts of *aequum ius*, *aequa libertas* and *aequae leges* indicate a mandatory law for both patricians and plebeians.³³ *Aequa libertas* denotes, in addition to equality with respect to the law, the equality of fundamental political rights. However, it does not exclude differences between citizens.³⁴ The *eleutheria* of Athens in the fifth and fourth centuries BCE essentially meant democracy and was based on *isonomia* and *isegoria*, that is, on the principles of equality of political rights.³⁵

The Greek concepts of *eleutheria*, *isonomia* and *parrhesia* were considered in Rome as expressions of *licentia* and not of *libertas*. The *populares* claim the *aequa libertas*, which consists of the right to

26 The plebeians are subjected to the *auctoritas* of the *patres* from the legal point of view. See HEINZE (1925) 364; KLOESSEL (1935) 8; HELLEGOUARC'H (1972) 543.

27 HELLEGOUARC'H (1972) 544. The *libertas* evoked by the *populares* contrast the *concordia* to which the *optimates* are appealed, especially from the 1st century BC.

28 SYME (1939) 157.

29 DE MARTINO (1973) 141.

30 RITTER (1997) 613 quotes Rhet. Her., 4, 66; SALL., Cat. 7, 2–3; CIC., Flacc. 25; LIV. 1, 17, 3. WIRSZUBSKI (1957) 13; BRUNT (1979) 291; DERMENCE (1957) 158–159.

31 Ibidem, 612.

32 CIC., Top., 9, quoted by ARENA (2012) 71. The notion of freedom can be put in parallel with the condition of the citizens *sui iuris* whose rights are guaranteed by law. The rights of *provocatio*, suffrage and the legal prerogatives of the tribune of the *plebs* protect citizens by preventing their subjugation. The Roman rights that are an expression of freedom are immunity against arbitrary coercion of magistrates and against the punishments imposed by them, as well as a certain political participation. See BRUNT (1979) 297. The right of *provocatio ad populum*, which consists of the right to a regular trial, the prohibition of inflicting corporal pun-

ishment on citizens thanks to the laws Porciae and Semproniae and the *auxilium tribunicium*, are mentioned by Cicero as foundations of freedom. See DERMENCE (1957) 159; WIRSZUBSKI (1957) 44. The *ius auxilii* exercised by the tribune of the *plebs* is also an essential element of freedom that protects citizens from those who hold *imperium*. The *auxilium* he exercised consists of the *intercessio* against a *pars maiore potestas*. WIRSZUBSKI (1957) 44. The *ius auxilii* exercised by the tribune of the *plebs*, established thanks to the demands of the people, then protects all citizens. Members of the ruling class also evoke the *ius auxilii*. PANI (2011) 58. Cicero also associates *auxilium* with *libertas* and *iura* in CIC., Verr., 2, 5, 173 quoted by the author. Freedom is related to *auxilium* and *provocatio*. The latter is a form of *auxilium*. The author quotes CIC., Dom. 33; Orat. 2, 191. The tribunes of the *plebs* are called *vindices omnis iuris* because they protect the freedom of citizens. CIC., Leg., 3, 9; 3, 15; SALL., Hist. frg., 3, 34, 25; LIV. 2, 23, 2; 2, 28, 7, quoted by ARENA (2012) 53. They are *custodes et defensores civitatis*. The tribunate of the *plebs* is the *telum* set up by the *maiores* to defend freedom. HELLEGOUARC'H (1972) 546 quotes SALL., Hist. frg., 3, 48: «*Vis tribunicia telum a maioribus libertati paratum*». CIC., Leg. agr., 2,

16: «*Sic confirmo, Quirites, hac lege agraria pulchra atque populari dari vobis nihil, condonari certis hominibus omnia, ostentari populo Romano agros, eripi etiam libertatem, privatorum pecunias augeri, publicas exhauriri, denique, quod est indignissimum, per tribunum plebis, quem maiores praesidem libertatis custodemque esse voluerunt, reges in civitate constitui*». («Thus I maintain, O Romans, that this admirable and popular agrarian law gives you nothing, but makes a present of everything to certain individuals; it holds lands before the eyes of the Roman people and robs them even of liberty; it increases the wealth of private persons and exhausts the fortunes of the State; lastly, the most disgraceful thing of all, a tribune of the people, a magistrate whom our ancestors intended to be the protector and guardian of liberty, is to set up kings in the republic.» Translated by J. H. FREESE).

33 The drafting of the Twelve Tables is put in place following the people's demand for the *aequatio iuris* or the *aequatio libertatis*. LIV. 3, 31, 7.

34 IACOBONI (2014a, 2014c).

35 ἑλευθερία, Pi. P. 1. 61. Hdt. 1. 62. 95. A. Ch. 809. Pl. Lg. 698a. Id. R. 329 c. ἰσηγορία. Hdt. 5.78. X. Cyr. 1. 3. 10. D. 21. 124.

access to the judiciary. In this regard, the establishment of the tribunate of the *plebs* is a central achievement acquired by the *plebs* as part of the demand for equality of political rights.

The *plebs*, while free, must recognize the *auctoritas* of the patricians.³⁶ *Res publica* therefore does not mean the government of the people, but the participation of the people in the life of the state. Freedom is made up of the set of principles that make the state a republic.³⁷ The ability to rule is included in the constitutional rights of freedom, but to exercise it, it is necessary to have dignity and *auctoritas*. *Libertas* is the lower limit of citizens' political rights that provide for different degrees of *dignitas*.³⁸ If *libertas* concerns all the citizens but it indicates in particular the legal condition of the *plebs*, *dignitas* denotes above all the legal condition of the senatorial order.³⁹

Libertas does not exclude but rather provides for the granting of greater political prerogatives to members of the ruling class. According to Cicero's political conception, the *optimates* must have the greatest political prerogatives, while only a formal and limited *libertas* can be granted to the *plebs*. If total freedom were granted to the *plebs*, the power of the *optimates* would be called into question and anarchy would follow. Cicero's conception of *aequabilitas* provides for the award of political

office proportional to the merit of citizens.⁴⁰ The author thus opposes a democratic vision that erases the distinctions »naturally« existing among citizens. The *aequabilitas* is exalted in the mixed constitution. Thanks to it, responsibilities are attributed to the *optimates*. On the other hand, the *aequabilitas* is denied in democracy, because in it the differences between the citizens are erased. The mixed constitution exalted by Cicero is based on the coexistence of monarchical, aristocratic and democratic elements, *aequatum et temperatum ex tribus rerum publicarum modis*, »moderate and balanced form of government, which is a combination of the three good simple forms«. ⁴¹ This makes this form of constitution, defined as *libera res publica* by Cicero, perfectly balanced and politically stable, *ex summis et infimis et mediis interiectis ordinibus*, »brought about by a fair and reasonable blending together of the upper, middle, and lower classes«. ⁴² The mixed constitution is drawn up by the *maiores* and is exemplary for its political stability. It achieves a perfect union of the foundations of the main systems of government; it is *iuncta moderateque permixta*, a political regime immune from the risk of decadence of simple constitutions, governed by *ratio*.⁴³ Cicero affirms an anthropocentric view, stating that the Roman constitution is not founded by a single citizen, but by many wise

36 WIRSZUBSKI (1957) 27; FINLEY (1993) 204–205. Cf. also IACOBONI (2014b).

37 HELLEGOUARC'H (1972) 548; CRIFÒ (1990) 346. *Libertas* imposes itself in the *res publica*, because the people express their will. The *regnum* is opposed to it and consists of the power of a single citizen. The republican constitution is *libera civitas*, according to Cicero. The author quotes Cic., Dom. 33; Mil. 7, 13; Phil. 1, 4, 2, 116; 3, 29; 5, 12; Off. 2, 24; 3, 36.

38 HEINZE (1925) 354–355; CRIFÒ (1981) 198.

39 HELLEGOUARC'H (1972) 550.

40 In his *De Inventione* (Cic., Inv., 1, 2; 1, 112), Cicero contrasts a society based on law, and therefore evolved, with a union based on the strength. Equal law for all marks the transition from an almost animal condition, to society understood as a community governed by the regulatory function of law. In the *Rhetorica ad Herennium*, the equal right for all citizens is paralleled with respect for tradition and

is assimilated to justice. IACOBONI (2014a, 2014c, 2019).

41 Cic., Rep., 1, 69. Translated by CLINTON W. KEYES. PERELLI (1990) 76; NARDUCCI (1999) 73–77; LA PENNA (1975); FERRARY (1982) 723–804; MAZZARINO (1966) 184–185; CARRASCO GARCÍA (2005). Cicero compares the *concordia* present in the mixed constitution to musical harmony. Cic., Rep., 2, 69. *Concordia* is related to justice and guarantees political stability. Cic., Rep., 2, 69 quoted by PAGNOTTA (2007). The Roman constitution is not simply mixta, like those of Lacedaemon or Carthage, but is *temperata*, because in it there is a perfect balance of the main systems of government. Cic., Rep., 2, 42.

42 Cic., Rep., 2, 69. Translated by CLINTON W. KEYES.

43 Cic., Rep., 1, 69: »Hoc in hac iuncta moderateque permixta constitutione rei publicae non ferme sine magnis principum vitis evenit«. (»This does not

usually happen in the case of the mixed and evenly balanced constitution, except through great faults in the governing class.« Translated by CLINTON W. KEYES).

citizens who have made Rome a model of political stability over the centuries. Thanks to the *ratio*, the rulers can oppose political decadence.⁴⁴

The state is firmly governed by the ruling class. The *mos maiorum* and the *instituta maiorum* are the foundations of the *res publica*. The people may have limited political participation for a few issues, *res quasdam*.⁴⁵ The mixed constitution provides for the dominance of the *optimates* and that guarantees relative freedom to the people. Fairness is achieved in the mixed constitution, because political responsibilities are conferred in it on the basis of the value of the individual citizen. For this reason, the mixed constitution, inherited from the ancestors, is an exemplary political system for

its stability. On the contrary, in democracy, distinctions between citizens based on *gradus dignitatis* are removed. Cicero's praise of the mixed constitution translates into the exaltation of the regime of the *optimates*.⁴⁶

The provision of limited political participation does not affect the dominance of the best citizens, but rather strengthens it further. By giving the people the illusion of playing a decisive role in political life, the risk of the people implementing political destabilization is averted. This creates a perfect political compromise between granting limited freedom to the people and the authority of the ruling class. This political project is inherited from the ancestors.⁴⁷

44 GRIMAL (1986) 261; NARDUCCI (2009) 341. Cicero differs from Polybius' conception of the mixed constitution. The author believes that citizens can counter the process of decadence of political regimes through the *ratio*. Cic., Rep., 1, 68. Cicero is influenced by the conception expressed by Aristotle in the fifth book of his *Politics*. LINTOTT (1997) 81–82. The *princeps*, a leading citizen of the ruling class, is the one who is able to defend the political balance of the mixed constitution. See NARDUCCI (1999) 80; LEPORE (1954) 266; BERTI (1997) 279; PAGNOTTA (2007) 107. The notion of a regime *moderatum et permixtum* is taken up by Plato and expresses the concept of just measure, assimilated by Plato to One and Good. PLAT., Pol. 283 E–284 C. Aristotle prefers the middle-class political system to the monarchical, aristocratic and democratic power union, which is realized in Solon's constitution. ARIST., Pol. 2, 12, 1273 b-35, 1274 a 3 quoted by BERTI (1997) 282; LINTOTT (1997) 71. Aristotle, unlike Plato, does not conceive the concept of just measure in a mathematical sense, as it is a principle that can vary. The Aristotelian conception of mixed constitution is probably taken from Thucydides. THUC. 8, 97, 1 and 2 quoted by BERTI (1997) 282–295; LINTOTT (1997) 70; IACOBONI (2014a).

45 Cic., Rep., 2, 56: «*Tenuit igitur hoc in statu senatus rem publicam temporibus illis, ut in populo libero pauca per populum, pleraque senatus auctoritate et instituta ac more gererentur*». («Well then, at the period of which I have

been speaking, the government was so administered by the senate that, though the people were free, few political acts were performed by them, practically everything being done by the authority of the senate and in accordance with its established customs.» Translated by CLINTON W. KEYES). See HELLEGOUARC'H (1972) 549.

46 Cic., Rep., 1, 53: «*Nam aequabilitas quidem iuris, quam amplexantur liberi populi, neque servari potest (ipsi enim populi, quamvis soluti ecfrenatique sint, praecipue multis multa tribuunt, et est in ipsis magnus dilectus hominum et dignitatum), eaque, quae appellatur aequabilitas, iniquissima est. Cum enim par habetur bonos summis et infimis, qui sint in omni populo necesse est, ipsa aequitas iniquissima est; quod in iis civitatibus, quae ab optimis reguntur, accidere non potest*». («For that equality of legal rights of which free peoples are so fond cannot be maintained [for the people themselves, though free and unrestrained, give very many special powers to many individuals, and create great distinctions among men and the honours granted to them], and what is called equality is really most inequitable. For when equal honour is given to the highest and the lowest – for men of both types must exist in every nation – then this very 'fairness' is most unfair; but this cannot happen in States ruled by their best citizens.» IACOBONI (2014c).

47 Cic., Leg., 3, 38: «*Vos quidem, ut video, legem antiquastis sine tabella. sed ego, etsi satis dixit pro se in illis libris Scipio,*

tamen ita libertatem istam largior populo, ut auctoritate et valeant et utantur boni». («Well, I see that you have rejected my law without the use of the ballot! But let me explain – though Scipio has given a sufficient defence of these ideas in my former work – that I am granting this freedom to the people in such a way as to ensure that the aristocracy shall have great influence and the opportunity to use it.» Translated by CLINTON W. KEYES) – Ibidem, 3, 39: «*Quam ob rem nostra lege nostra libertatis species datur, auctoritas bonorum retinentur, contentiois causa tollitur*». («Hence our law grants the appearance of liberty, preserves the influence of the aristocracy, and removes the causes of dispute between the classes.» Translated by CLINTON W. KEYES). Cicero believes that only a fictitious freedom, *species libertatis*, can be granted to the people. In Cicero's *De Legibus* the granting of secret voting to the people is considered a necessary evil for the *optimates*. However, they restrict the exercise of the people's freedom by controlling the votes of the people. Cicero theorizes the concept defined by Lepore as «prudent gradualism». The latter prevents the risk of an individual citizen implementing political subversions in the state. This political project achieves an orderly freedom. LEPORE (1954); SALERNO (1999) 25. Concerning *leges tabellariae* I quote NICOLET (1976) 361–362; WIRSZUBSKI (1957) 35–37.

Even the tribunate of *plebs* is defined by Cicero as a *temperamentum* elaborated by the political intelligence of the *maiores*, which gives the illusion of political equality to the *plebs* by extinguishing all impulse for rioting, and realizes a perfect political balance, the *salus rei publicae*.⁴⁸

III. *Libertas* in Sallust

In the late republican period, individualism consists of the crisis of the founding values of Roman identity. We can evoke speeches of *populares* and *optimates* spokesmen in Sallust's *De coniuratione Catilinae*, the *Bellum Iugurthinum* and in the *Historiae*. Memmius' speech, in the *Bellum Iugurthinum*, and Macer's speech, in the *Historiae*, which represent the *popularis* conception of freedom. *Libertas*, the legacy of the *maiores*, is opposed to the enslavement of the *plebs* to the ruling class. Catilina's speech in the *De coniuratione Catilinae* focuses on a generational contrast. He places the physical strength and youth of his followers in opposition to the old age and moral corruption of the oligarchy. The invocation of *libertas* – *vindicare in libertatem* – joins the appeal to *amicitia*, a political notion, and consists of the call for a unified policy. Philippus and Cotta represent the *optimas* vision of freedom. The *ius* of the *plebs* is put in parallel with its freedom in both Memmius' and Macer's speeches. Freedom is conceived as a fundamental principle in the rights of the *plebs*.⁴⁹

In the *Historiae*, Lepidus attacks Sulla, even though he has been a supporter. He accuses the

people of being incapable of claiming their rights and freedoms. Sulla's followers, instead of being free to enjoy their rights, are subjected to Sulla and commit unjust acts. In doing so, they have trampled on the honor of the ancestors, of whom they are not worthy. The enjoyment of the rights and freedom of the Roman citizen are put in parallel. Sulla and his supporters violated the principle of sovereignty and freedom of the Roman people that dates back to the time of the ancestors. Lepidus makes a political provocation, asking how Roman people can claim to defend against peoples who are enemies in foreign policy, when they are not able to defend the constitutional principles of *res publica* such as freedom. In his speech, Lepidus thus asks his audience a question that aims to shake his conscience: »*Nam quid a Pyrrho, Hannibale Philipppoque et Antiocho defensum est aliud quam libertas et suae cuique sedes, neu cui nisi legibus pareremus?*«⁵⁰

Freedom is mentioned as a fundamental element of the Roman *res publica*. Enjoying the political rights of the people is linked to freedom.

Lepidus asks the people not to grant what is left of their identity, *spolia*. Macer also refers to the *spolia* of the *plebs* in his speech. Roman citizens are a negative *exemplum* for descendants. The Roman people, natural rulers, have been deprived of the *ius* and of the *imperium* and have nothing but *servilia alimenta relicua*.⁵¹ Sulla claims to establish peace and harmony while the people are subservient, in *otium cum servitio*.⁵² The *res publica* is destroyed at the price of the citizens' blood, and the rights of the people are torn by Sulla.⁵³ Lepidus, despite

48 Ibidem, 24: »*Sed tu sapientiam maiorum in illo vide: concessa plebei a patribus ista potestate arma ceciderunt, restincta seditio est; inventum est temperamentum, quo tenuiores cum principibus aequari se putarent, in quo uno fuit civitatis salus*«. (»But consider the wisdom of our ancestors in this matter. When the Senate had granted this power to the plebeians, conflict ceased, rebellion was at an end, and a measure of compromise was discovered which made the more humble believe that they were accorded equality with the nobility; and such a compromise was the only salvation of the State.« Translated by CLINTON W. KEYES).

49 LANA (1991) 115; VALVO (2006) 83; LA PENNA (1968) 282. SALL., Hist. frg., 48, 1; 48, 6; 48, 12; 48, 15. SALL., Hist. frg., 48, 2; 48, 4; 48, 14; 48, 22 quoted by PANI (2006) 193–194.

50 SALL., Hist. frg., 1, 4: »For what was kept safe from Pyrrhus, Hannibal, from Philip and Antiochus if not liberty and each man's abode and our privilege of being subject to nothing except the laws?«.

51 Ibidem, 11–12: »*Populus Romanus, paulo ante gentium moderator, exutus imperio, gloria, iure, agitandi inops despectusque, ne servilia quidem alimenta relicua habet*«. (»The Roman people, a short while ago the controller of the nations, has been strip-

ped of power, glory and rights; without the means to live and an object of contempt, it does not have left even the rations of slaves.« Translated by JOHN T. RAMSEY).

52 Ibidem, 24.

53 Ibidem, 25. Even Macer, in his speech, refers to the blood of citizens, who expresses their identities and dignity. SALL., Hist. frg., 5, 17.

having *summum imperium*, claiming his *maiores*, defends the interests of the people. He prefers the *periculosa libertas* to the *quietum servitium*.⁵⁴

Cotta's speech in the *Historiae* focuses on the *optimas* sense of *libertas*.⁵⁵ Cotta, a corrupt member of the nobility, denies being responsible for the political situation of the time, attributing it to external factors. He declares that he is worthy of his ancestors and recalls the *gloria maiorum* at the beginning and end of his speech. Cotta urges the people to recover from difficulties and to defend the state for the glory of their ancestors.⁵⁶ The *gloria maiorum* is therefore evoked by Cotta in an opportunistic and individualistic way to legitimize himself.

Macer's speech to the *plebs* focuses on the contrast between the *libertas* of the people, which derives from the political achievements obtained by the *maiores*, and the condition of subjugation of the *plebs*.⁵⁷ In both Macer's and Memmius' speeches, the appeal to *libertas* coincides with the memory of the sovereignty of the people. Macer puts freedom in parallel with the enjoyment of full rights, recalling the legal-political achievements of the *maiores*, such as the establishment of the trib-

une of the *plebs*, the annulment of the need for ratification of the vote by the patricians and the access to patrician magistrates. Roman people must justify themselves to the ancestors for the loss of rights and freedom, principles opposed to the *servitium* that the *plebs* are in. On the contrary, the *otium* is mentioned by Macer as a notion with a positive meaning and contrasted with the concept of *servitium*.⁵⁸ Macer, like Memmius, proposes himself as a guide for the *plebs* in the struggle for freedom, preferable to the passive condition in which the *plebs* live. The frumentary law is considered a *pretium servi*, which indicates that freedom can be bought for a small sum, equal to the rations of a prisoner.⁵⁹ What remains of the *plebs*, its *spolia*, is in the hands of the nobility. The people have been deprived of their rights, conquered by their *maiores*. All that remains for the people is the right to vote. Macer compares the *plebs* to sheep, shapeless masses, denouncing the absence of political conscience and cohesion.⁶⁰ The political unity of the ruling class is placed by Macer in opposition to the inaction of the *plebs*.

Macer calls for the restoration of the power of tribunate of *plebs*, *telum* established by the ances-

54 Ibidem, 26: »*Mihi, quamquam per hoc summum imperium satis quaesitum erat nomini maiorum dignitatis atque etiam praesidi, tamen non fuit consilium privatas opes facere, potiorque visa est periculosa libertas quieto servitio*«. (»For my own part, although through this supreme power enough had been gained as measured by the glorious name of my ancestors, my status and even my protection, nevertheless it was not my plan to amass personal wealth, and it seemed to me that freedom accompanied by danger is preferable to servile tranquility.« Translated by JOHN T. RAMSEY).

55 Cotta is elected consul in 75 BCE, in a complex context due to the political uprisings that follow the consulate of Lepidus and the war of Spain against Sertorius. The people's revolt against the consuls is also due to the famine and rising wheat prices. PERL (1967) 75; MALITZ (1972).

56 SALL., Hist. frg., 2, 13: »*Per vos, Quirites, et gloriam maiorum, tolerate adversa et consulite rei publicae*«. (»I implore you in your own name, Citizens, and by the glory of your ancestors: endure adversity, and take

counsel for the nation.« Translated by JOHN T. RAMSEY).

57 Macer is tribune of *plebs* in 73 BCE and praetor in 68. After Cotta's death in 73, the consuls M. Terentius Varro Lucullus and C. Cassius Longinus, established free grain distributions of five ways each for 40,000 citizens. Such a measure is considered by the Romans insufficient, a way to enslave the people. Regarding the concept of *dominatio* put in place by the ruling class, SALL., Hist. frg., 5, 6; 11; 23; 28. *Servitium*: SALL., Hist. frg., 5, 13.

58 SALL., Hist. frg., 3, 13. LATTE (1999) 205.

59 Ibidem, 19.

60 Ibidem, 3, 6: »*Itaque omnes concessere iam in paucorum dominationem, qui per militare nomen, aerarium, exercitus, regna, provincias occupavere et arcem habent ex spoliis vestris; cum interim, more pecorum, vos, multitudo, singulis habendos fruendosque praebetis, exuti omnibus quae maiores reliquere, nisi quia vobismet ipsi per suffragia, ut praesides olim, nunc dominos destinatis*«. (»Therefore, all have now submitted to the mastery of a few men, who, under the pretext of a military

situation, have seized control of the treasury, armies, kingdoms and provinces. These men possess a stronghold formed from your spoils, while in the meantime you, after the fashion of cattle, offer yourselves, a great throng, to be controlled and exploited by mere individuals, after having been stripped of all that your forefathers left you, except for the fact that by your ballots you now play a direct role in designating masters for yourselves, just as formerly you did protectors.« Translated by JOHN T. RAMSEY).

tors to protect the rights of the *plebs* and its freedom.⁶¹ The people believe that they are free, but they are oppressed and condemned to political inaction and to subjugation.⁶² Macer hopes that the *plebs* will defend their freedom and rights, a legacy of the *maiores*, by expressing the same political unity and determination as the ruling elite. He does not push the people to revolt, but rather not to sell off their dignity and their identity, represented by their blood, to the nobility.⁶³

Memmius' speech in *Bellum Iugurthinum* is anti-nobility. Memmius, like Macer, denounces the passive attitude of the *plebs*. Memmius' defense of freedom is implemented by exercising his individual freedom and is a principle passed to him by his father.⁶⁴ The nobility holds all the power and has handed over the laws of the *plebs* and its *maiestas* to the enemy. Memmius recalls that the plebeians are *in imperio nati*, and therefore should not accept such a condition of slavery.⁶⁵ The Roman people are considered to be «naturally» the ruler of the people and this makes slavery contrary to the status of the Roman citizen. Like Macer, to the political unity of the nobles – defined *amicitia* between the *boni* and *factio* between the *mali* citizens – from which power derives, Memmius opposes the inaction of the *plebs*. This contrast is also present in Catilina's speech. Memmius states that the *ius* and the ancient *maiestas* must be defended with double determination by the people because these values, in parallel with freedom, were actively conquered by the *maiores* through their struggles and have

been their moral legacy.⁶⁶ In this sense, the freedom and the rights of the people are expressions of the *mos maiorum*.

If the *plebs* cared about freedom as the nobility firmly retains its power, the best citizens would have important roles.⁶⁷ *Amicitia* or *pax* cannot exist between nobles and *plebs*, because they have *diversae mentes*, an expression that indicates a profound diversity of nature, not just a political contrast. For this reason, it is not possible to find a compromise with the nobility.⁶⁸ In both Macer's and Memmius' speeches, the evocation of the political rights of the *plebs* and its freedom, the legacy of the ancestors, are closely related to the claim of the sovereignty and identity of the Roman people.

In Philippus' speech, the evocation of *libertas* legitimizes the power of the senate. Philippus mentions the tribunician power as a destabilizing political factor. He urges the illustrious citizens, the *boni*, to courageously defend the state, their «natural» mission that was carried out with pride in the past.⁶⁹ Philippus evokes freedom in parallel with the law in reference to Lepidus' subversive policy and condemns the *socordia* of the senators that makes them unable to forcefully defend the ideals of harmony and freedom.⁷⁰ He refers to the excellent sense of *libertas*, considering the plan to restore the power of the tribunes of the *plebs* as a source of *discordia*. On the contrary, from a senatorial point of view, *libertas* and *concordia* consist in the maintenance of the power of the senate.⁷¹ Freedom in the *optimas* sense therefore translates

61 Ibidem, 12: «Itaque cetera ex licentia aut odio aut avaritia in tempus arserunt; permansit una res modo, quae utrimque quaesita est et erepta in posterum, vis tribunicia, telum a maioribus libertati paratum». («Therefore, other disturbances have flared up for a time out of lack of restraint or hatred or avarice; only one issue has persisted, which has been the object of contention on both sides and has been snatched from you for hereafter: the tribunician power, a weapon established by your ancestors for the defense of liberty.»). SALL., hist. frg., 3, 1: «Si, Quirites, parum existumaretis quid inter ius a maioribus relictum vobis et hoc a Sulla paratum servitium interesset, multis mihi disserendum fuit, docendique quas ob iniurias et quotiens a patribus armata plebes secessisset utique vindices paravisset omnis iuris sui

tribunos plebis». («If you were underestimating, Citizens, what a difference there is between the rights left you by your forefathers and this slavery imposed by Sulla, I would have to speak at length, and you would have to be taught the injuries on account of which, and how often, the plebeians took up arms and seceded from the patricians; and also how they established the tribunes of the commons as the protectors of all their rights.» Translated by JOHN T. RAMSEY). See LATTE (1999) 231.

62 Ibidem, 27: «Ita pugnatur et vincitur paucis; plebes, quodcumque accidit, pro victis est et in dies magis erit, si quidem maiore cura dominationem illi retinuerint quam vos repetiveritis libertatem». («Thus fighting and conquest are for the benefit of a few; whatever happens, the commons are treated as

vanquished. And this will be more so every day, if indeed those men put more care into retaining their mastery than you do into regaining your freedom.» Translated by JOHN T. RAMSEY).

63 The blood of citizens is also mentioned by Lepidus. SALL., Hist. frg., 1, 25.

64 SALL., Iug., 31, 4. Ibidem, 6.

65 Ibidem, 12; 20.

66 SALL., Iug., 31, 17. He recalls the two secessions on Mount Sacred, in 494 BCE, and on the Aventine, in 449 BCE, put in place by the *plebs*.

67 Ibidem, 16.

68 Ibidem, 17.

69 SALL., Hist. frg., 3, 10–20.

70 Ibidem, 11.

71 Ibidem, 14.

into the protection of the *auctoritas* of the ruling class, thus having a conservative reach.

The intent of this analysis is to emphasize that, at the end of Roman Republic, the appeal to the ancient values that were the result of the political achievements of the *maiores* such as *libertas* has an identity component and responds to the desire of the citizens of the late-Republican period to restore the exemplary political balance of the Rome of the ancestors – a balance constituted by the union of illustrious citizens, worthy descendants of the *maiores*, capable of defending the moral foundations of the state, and a *res publica* firmly rooted in the latter.⁷² Evoking these values has an identity meaning for both the *optimates* and the *populares*, although the sense of these notions is totally opposite. Cicero and Sallust appeal to ancient values, wishing to revive the Rome of *maiores*.

However, they are aware that these principles have lost the collective meaning they possessed at the time of the ancestors, and are exploited in an individualistic way by the citizens of their time. On the other hand, the ruling class does not live up to the model of ancestors, and above all lacks a unitary political project. The evocation of freedom and law in the late Republican age is based on incorrect premises, because it is implemented in an individualistic and demagogic sense and is no longer aimed at realizing the collective good of *res publica*. If individualism prevents the moral and political restoration of the *res publica* of the *maiores*, the citizens who embody the *nobilitas* of *virtus* and pursue the good of the state are the only ones who can restore the values of the ancestors.

Bibliography

- ARANGIO-RUIZ, VITTORIO (1942), *Storia del diritto romano*, 3rd ed., Napoli
- ARENA, VALENTINA (2012), *Libertas* and the Practice of Politics in the Late Roman Republic, Cambridge
- BERTI, ENRICO (1997), Sulla costituzione mista in Platone, Aristotele e Cicerone, in: GÜNTHER, HANS-CHRISTIAN, ANTONIOS RENGAKOS (eds.), *Beiträge zur antiken Philosophie. Festschrift Wolfgang Kullmann*, Stuttgart, 279–285
- BRUNT, PETER A. (1979), *Conflits sociaux en République romaine*. Translated by MICHELINE LEGRAS-WECHSLER, Paris
- CARRASCO GARCÍA, CONSULO (2005), *Res publica* come costituzione mista e decemvirato: Polibio e Cicerone, in: HUMBERT, MICHEL (ed.), *Le dodici Tavole, dai decemviri agli umanisti*, Pavia, 125–145
- CICERO, MARCUS TULLIUS (1928), *On the Republic. On the Laws*. Translated by CLINTON W. KEYES, Cambridge
- CICERO, MARCUS TULLIUS (1930), *Pro Quinctio, Pro Roscio Amerino. Pro Roscio Comoedo. On the Agrarian Law*. Translated by J. H. FREESE, Cambridge
- CRIFÒ, GIULIANO (1981), *Remarques sur les problèmes de l'égalité et de la liberté à Rome*, in: *Ktema* 6, 193–206
- CRIFÒ, GIULIANO (1990), *Normazione e libertà. Il rapporto tra legislazione altorepubblicana ed identità civica*, in: EDER, WALTER (ed.), *Staat und Staatlichkeit in der frühen römischen Republik*, Stuttgart, 344–367
- DE MARTINO, FRANCESCO (1973), *Storia della costituzione romana*, 2nd ed., Napoli
- DERMIENCE, ALICE (1957), *La notion de libertas dans les œuvres de Cicéron*, in: *Les Études Classiques* 25, 157–167
- DOGNINI, CRISTIANO (1998), *Cicerone, Cesare e Sallustio: tre diversi modelli di libertas nella tarda repubblica*, in: *Invigilata Lucernis* 20,1, 85–101
- FERRARY, JEAN-LOUIS (1982), *Le idee politiche a Roma nell'età repubblicana* in: FIRPO, LUIGI (ed.), *Storia delle idee politiche, economiche e sociali. L'antichità classica*, 3 voll., Torino
- FINLEY, MOSES IMMANUEL (1993), *La politica nel mondo antico*, Roma
- GELZER, MATHIAS (1912), *Die Nobilität der römischen Republik*, Leipzig
- GRIMAL, PIERRE (1986), *Cicéron*, Paris
- HEINZE, RICHARD (1925), *Auctoritas*, in: *Hermes* 60, 348–366
- HELLEGOUARC'H, JOSEPH (1972), *Le vocabulaire latin des relations et des partis politiques sous la République*, Paris
- HERODOTUS HISTORICUS (1906), ed. C. HUDE, Oxford
- IACOBONI, ANNA (2014a), *Il significato politico del mos maiorum in Cicerone*, in: *Etica e Politica, Ethics & Politics* 16,2, Edizioni dell'Università di Trieste, 284–306, <https://www.openstarts.units.it/bitstream/10077/10710/1/IACOBONI.pdf>
- IACOBONI, ANNA (2014b), *Le sens de la libertas au sein du mos maiorum chez Cicéron*, in: *Camenuae* 11, Université Paris IV Sorbonne, 1–16, <https://lettres.sorbonne-universite.fr/sites/default/files/media/2020-06/05iacobonibatdef.pdf>
- IACOBONI, ANNA (2014c), *Mos maiorum, aequitas et aequabilitas: principes à la base du pouvoir des optimates*, in: DEPROOST, PAUL-AGUSTIN (ed.), *Extravagances. Écarts et normes dans les textes grecs et latins. Actes du colloque de Louvain-la-Neuve (16–17 mai 2013)*, Paris, 309–333

72 Cic., Rep., 5, 1 e 2.

- IACOBONI, ANNA (2015), La crise de la *res publica romana* et la reformulation du *mos maiorum* chez Cicéron, in: *Camenulae* 13, Université Paris IV Sorbonne, 1–22, <https://lettres.sorbonne-universite.fr/sites/default/files/media/2020-06/iacobonibat.pdf>
- IACOBONI, ANNA (2019), The legal value of *mos maiorum* in Cicero, in: POMIANIWSKI, PIOTR (ed.), *Studia Iuridica* 80, Miscellanea, Wydawnictwa Uniwersytetu Warszawskiego, 135–154
- KLOESEL, HANS (1935), *Libertas*, Diss. Breslau
- LA PENNA, ANTONIO (1968), *Sallustio e la rivoluzione romana*, Milano
- LA PENNA, ANTONIO (1975), Cicerone tra Sparta e Atene, in: MICHEL, ALAIN, RAOUL VERDIÈRE (eds.), *Ciceroniana. Hommages à K. Kumaniecki*, Leiden, 129–139
- LANA, ITALO (1991), Studi sulla libertà nell'antica Roma. Corso di Letteratura Latina, Torino
- LATTE, KURT (1999), Die Rede des Volkstribunen C. Licinius Macer in den Historien des Sallust (III-48), in: *Maia* 51,2, 205–241
- LEPORE, ETTORRE (1954), Il *princeps* ciceroniano e gli ideali politici della tarda Repubblica, Napoli
- LINTOTT, ANDREW (1997), The Theory of the Mixed Constitution at Rome, in: BARNES, JONATHAN, MIRIAM GRIFFIN (eds.), *Philosophia Togata*, vol. II: Plato and Aristotle at Rome, Oxford, 70–85
- LIVIUS, TITUS (1974), *Ab urbe condita*. Edited by ROBERT M. OGILVIE, Oxford
- LYASSE, EMMANUEL (2003), La notion de *libertas* dans le discours politique romain, d'Auguste à Trajan, in: *Ktema* 28, 63–69
- MALITZ, JÜRGEN (1972), C. Aurelius Cotta Cos. 75 und seine Rede in Sallusts Historien, in: *Hermes. Zeitschrift für klassische Philologie* 100, 359–386
- MANDEL, JOSEPH (1984), The Nature of the Struggle Between the Rival Camps in the last days of the Roman Republic, in: *Rivista Storica dell'Antichità* 14, 275–311
- MAZZARINO, SANTO (1966), *Il pensiero storico classico*, vol. 2, Bari
- MEIER, CHRISTIAN (1966), *Res publica amissa*. Eine Studie zu Verfassung und Geschichte der Späten Römischen Republik, Stuttgart
- MOATTI, CLAUDE (1997), *La raison de Rome: naissance de l'esprit critique à la fin de la République (II^e–I^{er} siècle avant Jésus-Christ)*, Paris
- MOMIGLIANO, ARNALDO (1951), rec. a Ch. Wirszubski, *Libertas*, in: *Journal of Roman Studies*, 41, reprint in: WIRSZUBSKI (1957), appendix to Italian translation, 257–271
- NARDUCCI, EMANUELE (1999), Il pensiero politico romano tra repubblica e impero, in: DOLCINI, CARLO (ed.), *Il pensiero politico*. Idee, teorie, dottrine, 4 voll., Torino, vol. I: Età antica e medioevo, 71–98
- NARDUCCI, EMANUELE (2009), *Cicerone, la parola e la politica*, Roma
- NICOLET, CLAUDE (1976), *Le métier de citoyen dans la Rome républicaine*, Paris
- ORESTANO, RICCARDO (1967), *I fatti di normazione nell'esperienza romana arcaica*, Torino
- PAGNOTTA, FAUSTO (2007), Cicerone e l'ideale dell'*aequabilitas*: l'eredità di un antico concetto filosofico, Cesena
- PANI, MARIO (2006), *Libertas* e diritto delle genti: una lettura del discorso di Licinio Macro nelle *Historiae* di Sallustio, in: SILVESTRINI, MARINA, TULLIO SPAGNUOLO VIGORITA, GIULIO VOLPE (eds.), *Studi in onore di Francesco Grelle*, Bari, 193–199
- PANI, MARIO (2011), Individuo e Stato: gli *auxilia* istituzionali del cittadino romano, in: *Quaderni di storia* 74, 53–59
- PERELLI, LUCIANO (1982), *Il movimento popolare nell'ultimo secolo della repubblica*, Torino
- PERELLI, LUCIANO (1990), Il pensiero politico di Cicerone: tra filosofia greca e ideologia aristocratica romana, Firenze
- PERL, GERHARD (1965), Die Rede Cottas in Sallusts Historien, in: *Philologus* 109, 75–82
- PIANEZZOLLA, EMILIO (1997), *Libertas et speciosa nomina*, in: *Bollettino di studi latini* 27, 142–154
- PLATO PHILOSOPHUS (1907), *Leges*. Edited by JOHN BURNET, Oxford
- POHLENZ, MAX (1956), *La liberté grecque. Nature et évolution d'un idéal de vie*. Translated by J. P. GOFFINET, Paris
- RECH, HANS (2006), *Mos maiorum*: la tradizione a Roma, Roma
- RITTER, HANS-WERNER (1997), Zu libertas und den Tabellargesetzen in der republikanischen Münzprägung, in: PETER KNEISL, VOLKER LOSEMANN (eds.), *Imperium Romanum. Studien zu Geschichte und Rezeption. Festschrift für Karl Christ zum 75. Geburtstag*, Stuttgart, 608–614
- ROBB, MARGARET (2010), *Beyond Populares and Optimates. Political Language in the Late Republic*, Stuttgart
- SALERNO, FRANCESCO (1999), *Tacita libertas*. L'introduzione del voto segreto nella Roma repubblicana, Napoli
- SALLUST (2013), *The war with Catiline*. Edited by JOHN T. RAMSEY, translated by J. C. ROLFE, Cambridge
- SALLUST (2013), *The war with Jugurtha*. Edited by JOHN T. RAMSEY, translated by J. C. ROLFE, Cambridge
- SALLUST (2015), *Fragments of the Histories. Letters to Caesar*. Edited and translated by JOHN T. RAMSEY, Cambridge
- SERRAO, FELICIANO (1974), *Classi, partiti e leggi nella Roma repubblicana*, Pisa
- STRASBURGER, HERMANN (1939), *Optimates*, in: *Real-Encyclopädie der klassischen Altertumswissenschaft*, vol. 18,1, 773–798
- SYME, RONALD (1939), *The Roman Revolution*, Oxford
- THUCYDIDES HISTORICUS (1942). Edited by H. STUART JONES and J. E. POWELL, Oxford
- VALVO, ALFREDO (2006), *Corruptissimi homines* nelle *Historiae* di Sallustio, in: *Rivista storica dell'Antichità* 36, 77–86
- VAN OOTEGHEM, JAN (1963), *Optimates, populares*, in: *Les Études classiques* 31, 400–406
- WIRSZUBSKI, CHAIM (1957), *Libertas*. Il concetto politico di libertà a Roma tra Repubblica e Impero, Bari
- XENOFON HISTORICUS (1990), *Cyropaedia*. Edited by E. C. MARCHANT, Oxford