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Morten Bergsmo and Viviane E. Dittrich (editors)



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Front cover: Sir Thomas More (1478-1535) painted by the German artist Hans Holbein the Younger (1497-1543) in the late 1520s. Sir Thomas More is discussed extensively in this book as a symbol of integrity in justice.

Physically Upright, Morally Sound: Recreating Ancient ‘Integrity’

Emiliano J. Buis*

1.1. Introduction

In recent times, international justice has been the object of harsh criticism. The question concerning the ways to overcome this disapproval is a complex one. In any case, it seems quite clear that, in times of institutional crisis, a good bottom-up starting point is reassessing the role of those individuals who are personally involved in international tribunals. The standard and practice of ‘integrity’ become therefore an essential threshold to improve the proper functioning of courts and organizations; it is of the utmost importance to raise awareness about the high moral character that is (or should be) required when electing or appointing professionals expected to hold public office.¹ And, in this vein, a historical approach to the meaning of ‘integrity’ is essential. We are much better placed to discuss the sensitivities of ethical principles if the ancient values underlying our modern conception are properly understood.

The purpose of this chapter is to understand the logics behind the notion of ‘integrity’ in ancient Greece and Rome – including terminology and

* **Emiliano J. Buis** received his Ph.D. from the University of Buenos Aires, Argentina, and is Professor of Public International Law, International Humanitarian Law, the Origins of International Law in Antiquity and Ancient Greek Language and Literature at the University of Buenos Aires and the Central National University in Azul, Argentina. He is also a Researcher at the National Research Council for Science and Technology (CONICET). He is a former fellow at the Department of Classics, Brown University, the Max-Planck Institut für europäische Rechtsgeschichte, the Harvard University Center for Hellenic Studies, the Alexander S. Onassis Public Benefit Foundation, the Center for Epigraphical and Paleographical Studies (Ohio State University), and the Center for Hellenic Studies at Princeton University. I wish to thank Morten Bergsmo, Viviane Dittrich and all the organizers, speakers and participants at the international expert conference on ‘Integrity in International Justice’ (Peace Palace, The Hague, 1-2 December 2018), for their extremely useful comments and suggestions. I am indebted to all of them. All mistakes and inexactitudes which remain in the text are obviously my own.

¹ Morten Bergsmo, “Revisiting Integrity in International Justice”, FICHL Policy Brief Series No. 93 (2018), Torkel Opsahl Academic EPublisher, Brussels, p. 1 (<http://www.toaep.org/pbs-pdf/93-bergsmo>).

semantical scopes – taking into account its rhetorical elements. In the context of the project conference held in The Hague and this edited volume dealing with integrity in international justice, my aim here is to offer a succinct introduction to the physical and moral, and thus, political, dimensions of integrity in some Greek and Latin texts that can be relevant to appreciating its implications. In that sense, although there does not seem to be in antiquity a single notion that can deliver the complex meaning of integrity, my intention is to explain how ancient sources dealing with physical and ethical values may contribute to a better understanding of the multifaceted relationship between integrity and the administration of justice today.

The first part of my chapter will deal with the pre-classical image of justice and rightness as related to truth, which becomes relevant when exploring the nature of ethical integrity. Ancient texts show a close association between telling lies and corruption, which would be later developed in the politics of integrity laid in classical Greek and Roman testimonies, as examined in the second and third part of the chapter. In my conclusions, I will reveal why I believe that revisiting these pre-Christian sources becomes a useful exercise in the quest for a comprehensive view of integrity as a key concept in modern international law.

1.2. Origins of ‘Integrity’?

In a ground-breaking book published in Paris in 1967, Marcel Detienne focused his attention on what he called the ‘masters of truth’ (*les maîtres de vérité*) in archaic Greece. He stated that figures of authority such as the prophet, the poet, and the king-judge, always spoke the truth because they represented the voice of the gods; an inspired ruler could never act in a wrongful manner. According to this reading, in pre-classical times, these three leading figures – the diviner, the bard, and the king of justice – shared the privilege of dispensing truth purely by virtue of their qualities: they could tell ‘what was’, ‘what is’ and ‘what will be’ because of their possession of a similar type of speech. By means of the religious power of memory, *Mnemosýne*, they had direct access to the divine authority.²

In ancient Greece, the notion of truth (*ἀλήθεια, alétheia*) was directly related to justice (*δίκη, dike*), since it asserted a *parole efficace* which con-

² Marcel Detienne, *Les maîtres de la vérité dans la Grèce archaïque*, Maspero, Paris, 1967, pp. 15–16.

tributed to the creation of the world.³ In the archaic world, the judicial sentences, or *θέμιστες* (*thémistes*), were possessed by the king, who acted as judge and had been granted authority directly through a divine agent.⁴ The judicial word, in this context, constituted an authorized statement about good and evil: the judge, inspired or plunged into *enthousiasmós*, simply dictated a verdict that was enunciated to his mind by a higher power. Sentences, far from constituting a human manifestation, derived from the exclusive will of the gods – they were a means of reproducing Olympic decisions among mortals.⁵

This close contact between judicial activity and religious support led Louis Gernet, one of the most recognized experts in Greek legal anthropology, to postulate a strong bond between legal institutions and ritualism, based on what he denominated pre-law (*pré-droit*). In that context, decisions pronounced by a king-judge – through whom the gods expressed themselves – had the character of obscure revelations or self-imposing oracles.⁶ It was because of the association with the goddess *Thémis* (a divinity usually related to oracular discourse) that the discussion of law (*θέμις*,

³ Jean-Pierre Levet, *Le vrai et le faux dans la pensée grecque archaïque*, Étude de vocabulaire, Les Belles Lettres, Paris, 1976, pp. 1–3, points out that in Greek the notion of truth is expressed through terms presented as negative: the most frequent words – the adjective *ἀληθής* and the noun *ἀλήθεια* (lit. ‘lack of remembrance’) – show that obtaining the truth implied etymologically a concrete activity destined to unveil, to get out of oblivion, to bring something to memory as an act of justice. From that place, then, *ἀλήθεια* conceptually implies an active movement and expresses a step of discovery: the truth does not seem to be given in the abstract for its knowledge or apprehension. From the pre-philosophical thinking of the archaic world onwards, the notion of truth has been associated with discourse, stories, and verbal expression of thought. I have explored the notion of legal truth in ancient Greece elsewhere; see Emiliano J. Buis, “Ficciones y p(ersu)asiones de la verdad: la retórica judicial de la *alétheia* en el derecho griego arcaico y clásico”, in Germán Sucar and Jorge Cerdio Herrán (eds.), *Derecho y verdad II “Genealogía(s)”*, Tirant lo Blanch, Madrid, 2015, pp. 247–320.

⁴ Henry Sumner Maine, *Ancient Law. Its Connection with the Early History of Society and its Relation to Modern Ideas*, John Murray, London, 1861, considered with certain exaggeration that every single aspect of ancient law was dependent, in its first manifestations, on divine authority.

⁵ Karl-Joachim Hölkeskamp, *Schiedsrichter, Gesetzgeber und Gesetzgebung im archaischen Griechenland*, Franz Steiner, Stuttgart, 1999.

⁶ Louis Gernet, “Droit et pré-droit en Grèce ancienne”, in *L’année sociologique*, 1951, no. 3, pp. 21–119.

thémis) was transferred to the field of mantic.⁷ Therefore, in pre-classical times, judgments and oracles had a common origin based on an authority located beyond the world of mortals.⁸ The judge was a divine spokesperson, and the ordeal implied a test whose religious virtue, according to Gernet, immediately decided a controversy by translating, without active intermediaries, the undisputed will of the gods: the symbols of pre-law acquired full significance through the unbeatable force of religion. Knowing the principles of divine justice meant participating in an unquestionable truth, as Hesiod conveys in describing the birth of Nereus and his wisdom (*Theogony*, 234-237):

Νηρέα δ' ἀψευδέα καὶ ἀληθέα γείνατο Πόντος,
πρεσβύτατον παίδων· αὐτὰρ καλέουσι γέροντα,
οὔνεκα νημερτῆς τε καὶ ἤπιος, οὐδὲ θεμιστέων
λήθεται, ἀλλὰ δίκαια καὶ ἤπια δήνεα οἶδεν·

And Sea begat Nereus, the eldest of his children, who is true (*alethéa*) and lies not (*apseudéa*): and men call him the Old Man because he is trusty and gentle and does not forget the laws of righteousness, but thinks just (*dikaia*) and kindly thoughts.⁹

The quotation clearly shows a set of terms through which the adjectives (morphologically negative) that refer to truthfulness and lack of lies (*ἀ-ψευδέα*, *a-apseudéa*; *ἀ-ληθέα*, *a-lethéa*) are connected to the value of memory as a rejection of forgetfulness (οὐδὲ [...] λήθεται, *oudè [...] léthetai*), as a way of imposing the laws of Zeus: θεμιστέων (*themistéon*).

Justice seemed to respond to the purposes of the gods, and therefore 'straight' rulers were required to translate divine inspiration when deciding a case.

Nevertheless, this strict relationship between justice, truth and correctness could be shattered when kings chose to oppose the will of the gods,

⁷ On *thémis* and its relationship to its particular statutes (*thémistes*), see Jean Rudhardt, *Thémis et les Hôrai. Recherches sur les divinités grecques de la justice et de la paix*, Droz, Genève, 1999.

⁸ Arnaldo Biscardi, *Diritto Greco Antico*, Giuffrè, Milano, 1982, pp. 352–354, argues that *thémistes* were public expressions of the ineluctable will of the gods.

⁹ Here and elsewhere, the Greek text of Hesiod and its translation are taken from Hugh G. Evelyn-White, *Hesiod. The Homeric Hymns and Homerica*, Harvard University Press and William Heinemann, Cambridge (MA) and London, 1914.

as presented in epic poetry.¹⁰ In Book XVI of the *Iliad*, for instance, Patroclus fails to comply with Achilles’ request to return to the ships. Instead, he attacks the Trojans, forcing them to escape. The snorts of the horses of the enemies fleeing from Patroclus are compared, with a typically Homeric simile, with the excess of those who sentenced incorrectly and deserved divine punishment (*Iliad* XVI.384-393):

ὥς δ’ ὑπὸ λαίλαπι πᾶσα κελαινὴ βέβριθε χθῶν
ἦματ’ ὀπωρινῶ, ὅτε λαβρότατον χέει ὕδωρ
Ζεὺς, ὅτε δὴ ῥ’ ἄνδρεςσι κοτεσσάμενος χαλεπήνη,
οἱ βίη εἰν ἀγορῇ σκολιάς κρίνωσι θέμιστας,
ἐκ δὲ δίκην ἐλάσσωσι θεῶν ὅπιν οὐκ ἀλέγοντες
τῶν δὲ τε πάντες μὲν ποταμοὶ πλήθουσι ῥέοντες,
πολλὰς δὲ κλιτῶς τότ’ ἀποτμήγουσι χαράδραι,
ἐς δ’ ἄλλα πορφυρέην μεγάλην στενάχουσι ῥέουσαι
ἐξ ὀρέων ἐπικάρ, μινύθει δὲ τε ἔργ’ ἀνθρώπων
ὥς ἵπποι Τρωαὶ μεγάλην στενάχοντο θεούσαι.

As the whole dark earth bows before some tempest on an autumn day, when Zeus rains his hardest to punish men for judging crookedly in their courts, and arriving justice there from without heed to the decrees of heaven – all the rivers run full and the torrents tear many a new channel as they roar headlong from the mountains to the dark sea, and it fares ill with the works of men – even such was the stress and strain of the Trojan horses in their flight.¹¹

¹⁰ On the debates surrounding justice in archaic Greece, see Michael Gagarin, “*Dikē* in Archaic Greek Thought”, in *Classical Philology*, 1974, no. 69, pp. 186–197; Matthew W. Dickie, “*Dike* as a moral term in Homer and Hesiod”, in *Classical Philology*, 1978, no. 73, pp. 91–101; Joanna Janik, “*Dike* and *themis* in the works of Homer”, in *Eos*, 2000, no. 87, pp. 5–31, and more recently Christos Antypas, “*Dike* in a pre-polis society: the evidence from Homeric epic”, in Menelaos Christopoulos and Machi Païzi-Apostolopoulou (eds.), *Crime and Punishment in Homer and Archaic Epic* (Proceedings of the 12th international Symposium on the *Odyssey*, Ithaca, September 3-7, 2013), Center for Odyssean Studies, Ithaca, 2014, pp. 39–46. A study on the vocabulary of justice in archaic Greek literature can be found in Joanna Janik, *Terms of the Semantic Sphere of δίκη and θέμις in the Early Greek Epic* (Studies of the Commission on Classical Philology, vol. 30), PAU, Krakow, 2003.

¹¹ The Greek text has been taken from A.T. Murray, *Homer. The Iliad*, Cambridge (MA)/London, Harvard University Press/William Heinemann, 1924. The translation corresponds to Samuel Butler, *The Iliad of Homer*, Longmans, Green & Co., London, 1898.

Set in the *agora* – the public square understood as a space for verbal exchange¹² – the image contained in these verses describes those who solve cases against the guidelines established by the gods. These men alluded in the passage are the Homeric kings (βασιλῆες, *basilées*) who were in charge of the task of imparting justice. Achilles himself had mentioned them before (*Iliad* I.237-239), asserting that the sons of the Achaeans behaved as administrators of justice (δικασπόλοι, *dikaspóloi*) and were guardians of the decrees of Zeus (θέμιστας πρὸς Διὸς, *thémistas pròs Diòs*). Since the *agora* was the open area in which men proclaimed their statements (as can be seen in the verb ἀγορεύειν, *agoreúein*, ‘to give a speech’), and this ability to judge may imply telling the truth or lying, those kings who behaved in an excessive manner, who issued unjust sentences, were frowned upon by the angered gods. To pronounce crooked decisions meant, in short, to advocate for a lack of truth and thus represented a disruption of the magical-religious continuity that pervaded the archaic vision of truth-telling as a result of endorsing the will of the gods. Human rulers, through their speech, were therefore able to alter the will of Zeus. They could behave incorrectly, breaking the inherent link between justice and truth, hence endorsing corrupted decisions. When judging according to their own interests or lying to the people, they could walk away from the path of divine justice.

Another passage in the *Iliad* is relevant to complement these reflections. When Achilles’ shield is depicted in Book XVIII, the poem mentions the representation of two cities in the centre, one in peace and the other besieged by enemies. In the first of the two *póleis*, the daily scenes that were crafted by Hephaestus are described in detail: on the one hand, weddings and parties; on the other hand, a judicial process mentioned in the following terms (*Iliad* XVIII.497-508):

λαοὶ δ’ εἰν ἀγορῇ ἔσαν ἀθρόοι· ἔνθα δὲ νεῖκος
ὠρώρει, δύο δ’ ἄνδρες ἐνεΐκεον εἵνεκα ποινηῆς
ἀνδρὸς ἀποφθιμένου· ὃ μὲν εὔχετο πάντ’ ἀποδοῦναι

¹² Already in epic poetry, the *agora* constituted the place in which justice was administered and quarrels among litigants were dealt with: ἦμος δ’ ἐπὶ δόρπον ἀνὴρ ἀγορήθην ἀνέστη / κρίνων νεΐκα πολλὰ δικαζομένων αἰζηῶν, / τῆμος δὴ τὰ γε δοῦρα Χαρυβδίου ἐξεφάνθη (*Odyssey*, XII.439-441). This explains, for example, the opposition between the civilized world of the Greeks and the land of the Cyclops, which lacked an *agora* to hold councils and implement rules from the gods (τοῖσιν δ’ οὔτ’ ἀγοραὶ βουλευφόροι οὔτε θέμιστες, *Odyssey* IX.112). Few verses later, in the same book, Polyphemus himself was presented by similar expressions as a savage, ignorant of judicial processes and norms: ἄγριον, οὔτε δίκας εὖ εἰδότα οὔτε θέμιστας (*Odyssey* IX.215).

δήμῳ πιραύσκων, ὃ δ' ἀναίνετο μηδὲν ἐλέσθαι·
ἄμφω δ' ἰέσθην ἐπὶ ἴστορι πείραρ ἐλέσθαι.
λαοὶ δ' ἀμφοτέροισιν ἐπήπυον ἀμφὶς ἀρωγοί·
κήρυκες δ' ἄρα λαὸν ἐρήτυον· οἱ δὲ γέροντες
εἶατ' ἐπὶ ξεστοῖσι λίθοις ἱερῶ ἐνὶ κύκλῳ,
σκῆπτρα δὲ κηρύκων ἐν χέρσ' ἔχον ἠεροφώνων·
τοῖσιν ἔπειτ' ἦϊσσον, ἀμοιβηδὶς δ' ἐδίκαζον.
κεῖτο δ' ἄρ' ἐν μέσσοισι δύο χρυσοῖο τάλαντα,
τῶ δόμεν ὃς μετὰ τοῖσι δίκην ἰθύντατα εἶποι.

Meanwhile the people were gathered in assembly, for there was a quarrel, and two men were wrangling about the blood-price for a man who had died, the one claiming to the *dēmos* that he had the right to pay off the damages in full, and the other refusing to accept anything. Each was seeking a limit, in the presence of an arbitrator (*hístor*), and the people took sides, each man backing the side that he had taken; but the heralds kept them back, and the elders sat on their seats of stone in a solemn circle, holding the staves which the heralds had put into their hands. Then they rose and each in his turn gave judgment, and there were two measures of gold laid down, to be given to him whose judgment should be deemed the fairest.

In the context of an epic which is seldom concerned with the practice of institutional justice,¹³ this scene depicted corresponds to a murder trial, in which two litigants plead over different modes of reparation. Interestingly enough, the judgment in this case did not rely on a powerful king but rather on a number of elders who voted individually.¹⁴ The interpretations of the judicial episode have been varied.¹⁵ For the purposes of our reading,

¹³ The legal references are in general more related to the values of private justice, based on retribution and redress. See Robert J. Bonner, “Administration of justice in the age of Homer” in *Classical Philology*, 1911, no. 6, pp. 12–36; Eva Cantarella, “Private revenge and public justice: the settlement of disputes in Homer’s *Iliad*”, in *Punishment and Society*, 2001, no. 3, pp. 473–483. The moral aspects of these legal allusions have been studied in two monographs by Arthur W. H. Adkins: *Merit and responsibility: A study in Greek values*, Oxford University Press, Oxford, 1960, and *Moral values and political behaviour in ancient Greece: from Homer to the end of the fifth century*, Chatto & Windus, New York, 1972.

¹⁴ On these two models of justice, see Eva Cantarella, “Modelli giurisdizionali omerici: il giudice unico, la giustizia dei vecchi”, in Gerhard Thür and Eva Cantarella (eds.) *Symposion 1997* (Akten der Gesellschaft für griechische und hellenistische Rechtsgeschichte, vol. 13), Böhlau Verlag, Köln, Weimar and Wien, 2001, pp. 3–19.

¹⁵ The judicial image included in the shield has been the object of different interpretations across the decades. See Hans J. Wolff, “The Origin of Judicial Litigation among the Greeks”, in *Traditio*, 1946, no. 4, pp. 31–87; H. Hommel, “Die Gerichtsszene auf dem Schield des

however, it is simply worth noting the similarities between the description of the passage and the simile described above. Also located in the *agora* (εἰν ἀγορῆ), the image presupposes a group of elders (γέροντες, *gérontes*) who resolve the dispute in a typically sacred environment (ἱερῶ ἐνὶ κύκλῳ, *hierôî eni kýkloi*).¹⁶ In that sense, it is possible to uphold that the decision regarding the legal solution of the matter could be explained within a system marked by the legal authority of the divinities and by a judicial role in which ritual formulae became important to validate law. Nevertheless, an award was granted to that old man who gave the fairest judgment. This is significant, since it shows that, in pre-classical Greece, human judgments could be valued differently. As explained when discussing the crooked verdicts sanctioned by Zeus' wrath in Book XVI, judges here are said to be able either to take fair decisions or to uphold unfair verdicts. The opposition between 'straight' and 'crooked' decisions, between correct and incorrect judgments, seems to suggest that, already in early Greek times, absolute values collided with a more relative approach: human behaviour could either follow the right path of superior orders or respond to personal interests instead.

In *Works and Days*, Hesiod reproduces a similar line of thought.¹⁷ In vv. 37-39, he claims to have invited his brother to settle his controversies

Achilleus. Zur Pflege des Rechts in homerischer Zeit", in Peter Steinmetz (ed.), *Politeia und Res Publica. Beiträge zum Verständnis von Politik, Recht und Staat in der Antike, dem Andenken Rudolf Starks gewidmet*, Franz Steiner, Wiesbaden, 1969, pp. 11–38; Gerhard Thür, "Zum *dikazein* bei Homer", in *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, 1979, no. 87, pp. 426–44; Øivind Andersen, "Some thoughts on the shield of Achilleus", in *Symbolae Osloenses*, 1976, no. 51, pp. 5–18; Raymond Westbrook, "The Trial Scene in the *Iliad*", in *Harvard Studies in Classical Philology*, 1992, no. 94, pp. 53–76; Eva Cantarella, "Dispute Settlement in Homer: Once Again on the Shield of Achilles", in *Droits antiques et société. Mélanges en l'honneur de Panayotis D. Dimakis*, Sakkoulas, Athènes, 2002, pp. 147–164; Henri van Effenterre, "Un mort parle toujours", in Gerhard Thür and Francisco Javier Fernández Nieto (eds.), *Symposion 1999* (Akten der Gesellschaft für griechische und hellenistische Rechtsgeschichte, vol. 14), Böhlau Verlag, Köln, Weimar and Wien, 2003, pp. 21–26; Giuseppe Lentini, "La scena giudiziaria dello Scudo di Achille e l'immaginario della giustizia nella Grecia arcaica", in *Materiali e Discussioni per l'analisi dei testi classici*, 2016, no. 76, pp. 15–31; Sima Avramovic, "Blood money in Homer – Role of *istor* in the trial scene on the shield of Achilles (*Il.* 18.497-508)", in *Zbornik PFZ* 67/5, 2017, pp. 723–756.

¹⁶ On the figure of these old kings, see Pierre Carlier, "Les *basileis* homériques sont-ils des rois?", in *Ktêma*, 1996, no. 21, pp. 5–22.

¹⁷ Michael Gagarin, "The Poetry of Justice: Hesiod and the Origins of Greek Law", in *Ramus*, 1992, no. 21, pp. 61–78. See also Michael Gagarin, "*Dikê* in the *Works and Days*", in *Clas-*

with straight sentences (ιθειήσι δίκης) which, coming from Zeus, were the best (αἶ τ’ ἐκ Διός εἰσιν ἄρισται). Among men there were corrupt judges – considered as “devourers of gifts” (δωροφάγους) – who were willing to make a decision (οἱ τήνδε δίκην ἐθέλουσι δίκασσαι) after being flattered. These outraged Dike when they sentenced in a crooked way (τῆς δὲ Δίκης ῥόθος ἐλκομένης, ἧ κ ἄνδρες ἄγωσι / δωροφάγοι, σκολιῆς δὲ δίκης κρίνωσι θέμιστας, vv. 220-221), whereas good rulers gave fair sentences to foreigners and allowed the city to prosper and the people to flourish (Οἱ δὲ δίκας ξείνοισι καὶ ἐνδήμοισι διδοῦσιν / ιθείας καὶ μὴ τι παρεκβαίνουσι δικαίου, / τοῖσι τέθηλε πόλις, λαοὶ δ ἀνθεῦσιν ἐν αὐτῇ, vv. 225-227). This distortion, as Hesiod seems to confirm, had clear political effects.¹⁸ Contrary to what happened in the past, during the new iron age, evil people would forget about truth and pronounce false oaths in a crooked manner (vv. 190-194):

οὐδέ τις εὐόρκου χάρις ἔσσεται οὔτε δικαίου
οὔτ’ ἀγαθοῦ, μᾶλλον δὲ κακῶν ῥεκτῆρα καὶ ὕβριν
ἄνερες αἰνήσουσι· δίκη δ’ ἐν χερσὶ· καὶ αἰδῶς
οὐκ ἔσται, βλάβει δ’ ὁ κακὸς τὸν ἀρείονα φῶτα
μῦθοισιν σκολιοῖς ἐνέπων, ἐπὶ δ’ ὄρκον ὁμεῖται.

There will be no favour for the man who keeps his oath or for the just or for the good; but rather men will praise the evil-doer and his violent dealing. Strength will be right, and reverence will cease to be; and the wicked will hurt the worthy man, speaking crooked words against him, and will swear an oath upon them.

The corrosive effects of wrongful acts were a symbol of political deterioration. Overcoming the idea that archaic values were endorsed by absolute principles derived from the authority of gods – as suggested by Marcel Detienne – a relativistic opposition rather implied the acknowledgment of moral limits in human behaviour. The corrupt intervention of judges and

sical Philology, 1973, no. 68, pp. 81–94; Robert J. Bonner, “Administration of justice in the age of Hesiod”, in *Classical Philology*, 1912, no. 7, pp. 17–23.

¹⁸ Daniel Malamis, “Crimes of the Agora: Corruption in Homer and Hesiod”, in Philip Bosman (ed.), *Corruption and Integrity in Ancient Greece and Rome*, Classical Association of South Africa, Pretoria, 2012, pp. 17–29, identifies in this Homeric and Hesiodic passages a reference to political degradation, what he calls “institutional corruption”: “Institutional corruption may then take the form of advice within a deliberative council that should operate in the community’s interest, but advice that actually promotes the interest of the adviser, either because it is personally beneficial or because the council member in question has been bribed” (p. 22).

rulers did not only generate the fury of the Olympians, but also the rejection of those poets who supported communal solidarity and fairness. This axiomatic system set the ground for the endorsement of a politics of integrity, which held physical rectitude and moral righteousness as positive social values both in classical Greek and ancient Rome.

1.3. Recreating Integrity in Classical Athens

Rude, lewd and bad-mannered, Thersites is said to have disturbed the assembly of the Achaean army in Book II of the *Iliad* (II.211-218):

ἄλλοι μὲν ῥ' ἔζοντο, ἐρήτυθεν δὲ καθ' ἔδρας·
Θερσίτης δ' ἔτι μούνος ἀμετροεπῆς ἐκολῶα,
ὃς ἔπεα φρεσὶν ἦσιν ἄκοσμά τε πολλά τε ἦδη
μάψ, ἀτὰρ οὐ κατὰ κόσμον, ἐριζέμεναι βασιλεῦσιν,
ἀλλ' ὄτι οἱ εἴσαιτο γελοῖον Ἀργείοισιν
ἔμμεναι· αἴσχιστος δὲ ἀνὴρ ὑπὸ Ἴλιον ἦλθε·
φορκὸς ἔην, χλωδὸς δ' ἕτερον πόδα· τῷ δὲ οἱ ὦμο
κυρτῷ ἐπὶ στήθος συνοχωκότε· αὐτὰρ ὑπερθε
φοξὸς ἔην κεφαλὴν, ψεδνὴ δ' ἐπενήνοθε λάχνη.

The rest now took their seats and kept to their own several places, but Thersites still went on wagging his unbridled tongue – a man of many words, and those unseemly; a monger of sedition, a railer against all who were in authority, who cared not what he said, so that he might set the Achaeans in a laugh. He was the ugliest man of all those that came before Troy – bandy-legged, lame of one foot, with his two shoulders rounded and hunched over his chest. His head ran up to a point, but there was little hair on the top of it.

Unlike the rest of the Greek warriors, Thersites is described as bow-legged and lame, a grotesque figure of wickedness. His shoulders are caved inward, and his head is covered with few hairs.¹⁹ When he launches an abusive attack against Agamemnon in the assembly (II.225-242), he is called greedy and coward. His physical representation was therefore coupled with moral depravation. Not surprisingly, he is the only one in the passage to lack a patronymic.²⁰

¹⁹ On his poor bodily condition and the possible puns intended in the *Iliad*, see R. Clinton Simms, “The Missing Bones of Thersites: A Note on *Iliad* 2.212-19”, in *American Journal of Philology*, 2005, no. 126, pp. 33–40

²⁰ Andrea Koukklanakis, “Thersites, Odysseus, and the Social Order”, in Miriam Carlisle and Olga Levaniouk (eds.), *Nine Essays on Homer*, Rowman & Littlefield, Lanham, 1999, p. 40.

Some centuries later, Greek sources would rely again on this physical and moral construction of characters as an efficient rhetorical technique. Through the technique of *ethopoia*, for example, forensic speechwriters such as Lysias delineated personalities, opposing their own clients, portrayed as pure and undamaged, to their rivals, constantly presented as ethically corrupted. If speakers endorsed moral qualities, such as altruism and integrity, the disposition of their bodies corresponded to required uprightness, as opposed to crookedness presented in their corrupt and perverse enemies in court.

The symbolic value of body language in communication deserves special attention.²¹ Gestures such as the position of hands, the inclination of the head, and the movement of the eyes are significant ways of expressing intention, and can therefore transmit relevant evidence on attitudes.²² A number of recent contributions have attempted to offer some insights into the role of gestures and their meaning in classical civilizations.²³ However, in spite of the obvious political character of gestures as a means of expressing personal relationships within a society, the relevance of gestures has also been neglected in the study of judicial administration, due again to the

See Norman Postlethwaite, “Tersites in the *Iliad*”, in *Greece and Rome*, 1992, no. 35, pp. 123–136.

²¹ See Pierre Guiraud, *Le langage du corps*, Presses Universitaires de France, Paris, 1980.

²² According to Keith Thomas, “Introduction”, in Jan Bremmer and Herman Roodenburg (eds.), *A Cultural History of Gesture. From Antiquity to the Present Day*, Polity Press, Cambridge, 1991, p. 1, gestures include any kind of bodily movement or posture (including facial expression), which transmits a message to the observer. This definition seems to presuppose the existence of at least two bodies interacting with each other: one of them performing the gesture, and the second one decoding its explicit or implicit significance. On the cultural importance of gesture and its relationship to speech, see Adam Kendon, “Gesture”, in *Annual Review of Anthropology*, 1997, no. 26, pp. 109–128. Gerhard Neumann, *Gesten und Gebärden in der griechischen Kunst*, Walter de Gruyter, Berlin and Boston, 1965, pp. 10–12, uses the expression “rhetorische Geste” to indicate the “geformte und schalgkräftig pointierte Geste”. According to Carolin Hahnemann, “A Gesture in Archilochus 118 (West)?”, in Geoffrey W. Bakewell and James P. Sickinger (eds.), *Gestures. Essays in Ancient History, Literature and Philosophy presented to Alan L. Boegehold on the occasion of his retirement and his 75th birthday*, Oxbow, Oxford, 2003, p. 55, rhetorical gestures include any motion of head and hand that accompany a speech-act. These gestures will be relevant in the context of legal proceedings.

²³ Anthony Corbeill, *Nature Embodied. Gestures in Ancient Rome*, Princeton University Press, Princeton and Oxford, 2004, and Douglas L. Cairns, “Introduction”, in Douglas L. Cairns (ed.) *Body Language in the Greek and Roman Worlds*, Classical Press of Wales, Swansea, 2015, pp. ix–xxii.

biased nature of our sources.²⁴ I argue that, both in Greek and Roman sources, the information that can be obtained from the identification and observation of different gestures and corporal postures can greatly contribute to the ancient perception of integrity in public fora.

Aristotle discussed the symbolic value arising from the difference between straight and crooked bodies. In his *Politics*, the unbent body represents the ideal physical support of the male citizen, whereas crooked or curve figures are deemed useless for civic activities, and become therefore associated to slaves (1254b 27-31):

βούλεται μὲν οὖν ἡ φύσις καὶ τὰ σώματα διαφέροντα ποιεῖν
τὰ τῶν ἐλευθέρων καὶ τῶν δούλων, τὰ μὲν ἰσχυρὰ πρὸς τὴν
ἀναγκαίαν χρῆσιν, τὰ δ' ὀρθὰ καὶ ἄχρηστα πρὸς τὰς τοιαύτας
ἐργασίας, ἀλλὰ χρήσιμα πρὸς πολιτικὸν βίον.

The intention of nature therefore is to make the bodies also of freemen and of slaves different – the latter strong for necessary service, the former erect and unserviceable for such occupations, but serviceable for a life of citizenship.²⁵

Bodies which were erect (ὀρθά, *orthá*) seemed prepared for a life devoted to the *pólis*. Body language helps to understand the relationship between social status and physical disposition, since curved anatomies meant submission as opposed to self-sufficiency and autonomy.²⁶

²⁴ An interesting contribution by Anthony Corbeil, “Gesture in Early Roman Law: Empty Forms or Essential Formalities?”, in Cairns, 2015, pp. 157–171, see above note 23, has discussed the importance of gesture and body contact in early Roman law considering that, far from being symbolic adjuncts, they were truly constitutive elements of some legal processes. Another exception is the recent book by Peter A. O’Connell, *The Rhetoric of Seeing in Attic Forensic Oratory*, The University of Texas Press, Austin, 2017, which, although focused on the importance of sight, refers to the relevance of non-verbal expressions and physical movements in classical Greek forensic oratory.

²⁵ The Greek text corresponds to W.D. Ross (ed.), *Aristotle. Politica*, Clarendon Press, Oxford, 1957. The translation has been taken from H. Rackham (ed.), *Aristotle*, vol. 21, Harvard University Press and William Heinemann, Cambridge (MA) and London, 1944.

²⁶ On the difference between “normal” and “deviant” bodies in antiquity and its relationship to social values, see also Christopher Goody and Martha Lynn Rose, “Mental states, bodily dispositions and table manners: a guide to reading ‘intellectual’ disability from Homer to late antiquity”, in Christian Laes, Christopher Goodey and Martha Lynn Rose (eds.), *Disabilities in Roman Antiquity: Disparate Bodies; a Capite ad Calcem*, Brill, Leiden and Boston, 2013, pp. 17–44. On the deformed and disabled body and its figured “otherness”, see more recently Lisa Trentin, *The Hunchback in Hellenistic and Roman Art*, Bloomsbury, London, 2015.

According to Aristotle’s *On the Parts of Animals*, human beings were the only creatures with straight bodies: μόνον γὰρ ὀρθόν ἐστι τῶν ζῴων ἄνθρωπος (656a 12-13). In his *Timaeus*, Plato had considered already that an “upright” attitude is a consequence of the human attempt to reach the gods (τὸ θεῖον τὴν κεφαλὴν καὶ ῥίζαν ἡμῶν ἀνακρεμαννὺν ὀρθοὶ πᾶν τὸ σῶμα, 90b1), whereas wild animals had curved bodies because they dragged their front limbs and their head down to the earth (ἐκ τούτων οὖν τῶν ἐπιτηδευμάτων τά τ’ ἐμπρόσθια κῶλα καὶ τὰς κεφαλὰς εἰς γῆν ἐλκόμενα ὑπὸ συγγενείας ἤρρισαν, 91e 6-8).

The opposition between straight and curved bodies is not only relevant in biological and political terms, but also with regard to judicial activities. It materially reproduces the difference between rightness and corruption, which archaic sources attributed to judicial decision-making, helping to understand the physical and moral logics behind ancient ‘integrity’. We should bear in mind that, in Aristotle’s *Republic*, office-holders had a duty to govern with a view to the public interest. Political regimes aimed at protecting private interests were considered to be “deviations” (παρεκβάσεις, *parekbáseis*, 1279b 5) instead.²⁷ In Aristotle and elsewhere, the vocabulary of rectitude and crookedness was employed to address the problems arising from political ‘integrity’.

An example from Athenian comedy can shed light on how bodily attitudes represent ethical qualities. In Aristophanes’ *Wasps* – a comedy focused on the administration of justice in popular tribunals – the main character, Philocleon, was depicted as hard and stiff when dreaming of becoming a judge every day, in opposition to the softness of those defendants who would try to convince him of acquitting them through mercy and compassion. In the protagonist’s own words, his corporal attitude of walking straight into the courtroom had to be contrasted to the womanly gestures of the litigants: “As I walk past, one of them places his soft hand in mine” (κάπειτ’ εὐθὺς προσιόντι / ἐμβάλλει μοι τὴν χεῖρ’ ἀπαλὴν, vv. 552-553).²⁸

²⁷ The overlapping of personal economic motives and public interests was frequently seen as a symbol of corrupt behavior. See Barry Strauss, “The Cultural Significance of Bribery and Embezzlement in Athenian Politics: The Evidence of the Period 403–386 B.C.,” in *The Ancient World*, 1985, no. 11, p. 73.

²⁸ The Greek text of the play corresponds to the edition of Zachary P. Biles and S. Douglas Olson (eds.), *Aristophanes. Wasps*, Oxford University Press, Oxford, 2015. Translations are taken from Alan H. Sommerstein (ed.), *The Comedies of Aristophanes*, vol. 4. *Wasps*, Aris & Phillips, Warminster, 1983.

Such a representation of legal relationships on the dramatic stage can illustrate the direct correspondence between straight bodies and a claim for honest conduct.²⁹ It is well known that reciprocal positions and distance between bodies are indicative of the intentions of those who interact.³⁰ In a proxemic analysis, what Philocleon acknowledged is that his body got in contact with the bodies of the defendants, but this touching experience was not described as an interaction between equals, as it could be expected in physical contact between citizens. Whereas he stood up, the defendants bent in front of him and begged after fawning and crawling: “they bow down and supplicate me” (ικετεύουσίν θ’ ὑποκύπτοντες, v. 559). The participle ὑποκύπτοντες (*hypokýptontes*, v. 555), ‘bowing down’, shows the distance between the superiority of the juror and the humility of the beggars.³¹

A physiognomic interpretation of this antithesis pays attention to the corporal representation of jurors and offenders at court.³² The opposition between a body that stands, keeps firm and looks down, on the one hand, and a soft body that twists and curves, on the other, reproduces the legal inequality that Aristophanes is fond of criticizing in judicial interactions. Far away from *isonomía*, an equality of looks, in Philocleon’s perception his straight attitude of superiority was clearly different from the crooked bodies of the pleaders. While he was “like a Zeus”, flashing verdicts as a lightning from above, the accused bent and shook in fear (vv. 619-627):

ἄρ’ οὐ μεγάλην ἀρχὴν ἄρχω καὶ τοῦ Διὸς οὐδὲν ἐλάττω, ὅστις
ἀκούω ταῦθ’ ἄπερ ὁ Ζεὺς;
ἦν γοῦν ἡμεῖς θορυβήσωμεν,

²⁹ Mariel Vázquez, “‘Cuerpos curvados’ en *Asambleístas* de Aristófanes: la postura corporal y sus implicancias biológico-políticas”, in Alicia Atienza, Emiliano J. Buis and Elsa Rodríguez Cidre (eds.), *Anatomías poéticas. Pliegues y despliegues del cuerpo en el mundo griego antiguo* (Colección Saberes), Editorial de la Facultad de Filosofía y Letras de la UBA, Buenos Aires, 2020, pp. 205–232, has recently worked on the political implications of the female image of crooked bodies in Aristophanes’ *Ecclesiazusae*.

³⁰ Guiraud, 1980, see above note 21, considers that the interpretation of this connection of bodies is part of proxemics, since it is related to the physical communication between people in a specific spatial environment.

³¹ Biles and Olson, 2015, p. 259, see above note 28. On this verb, see Diphilus fr. 42, 23-24 and Herodotus 1.130.1, 6.25.2 and 109.3.

³² Jon Hesk, “The Rhetoric of Anti-rhetoric in Athenian oratory”, in Simon Goldhill and Robin Osborne (eds.), *Performance Culture and Athenian Democracy*, Cambridge University Press, Cambridge, 1999, pp. 220–226, has coined the expression ‘physiognomic interpretation’ in order to describe the ways in which orators matched some physical traits to specific character types in their speeches.

πᾶς τίς φησιν τῶν παριόντων·
“οἷον βροντᾶ τὸ δικαστήριον,
ὃ Ζεῦ βασιλεῦ.” κἂν ἀστράψω,
ποππύζουσιν κἀγκεχόδασίν μ’
οἱ πλουτοῦντες καὶ πάνυ σεμνοί.

Do I not wield great power, in no way inferior to that of Zeus – seeing that the same things are said of Zeus and of me? For example, if we get noisy, every passer-by says: “What a thunder’s coming from the court! Lord Zeus!” and if I make lightning, the rich and the very grand all cluck and defecate in their clouds from fear of me.

However, Philocleon’s son Bdelycleon would soon try to prove his father wrong. When explaining to him that he was in fact a δοῦλος (*doûlos*, ‘slave’), and not a king, Bdelycleon criticized the relationship between jurors and demagogues and compared it to the treatment of masters and slaves (vv. 515-517):

καταγελώμενος μὲν οὖν
οὐκ ἐπαίεις ὑπ’ ἀνδρῶν, οὓς σὺ μόνον οὐ προσκυνεῖς,
ἀλλὰ δουλεύων λέληθας.

More than that, you don’t understand that you’re being made a fool of by men whom you all but worship. You’re a slave, and you’re not aware of it.

The verb used here to indicate the superiority of politicians, προσκυνεῖς (*proskyneîs*), referred to *proskýnesis*, a form of veneration involving abasement by prostration and hand gestures which was frequent in prayers to the gods. It was a gesture which, when applied to human beings who bent their knees in front of other individuals, resulted in an inadequate submission which would not be considered appropriate among decent citizens. Curving the body in front of another *polítes* would imply affecting one’s own τιμή (*timé*, ‘honour’).

The antithesis between upright and twisted positions of the body served as an efficient way of denouncing the inequality of litigants and jurors. This breakup repudiated what should be considered an ideal democratic balance of those who were involved in civic activities. The ways in which bodies were presented provide us with interesting information on the relationship between accusers and defendants and between litigants and jurors. A study of their corporal language allows us to discover their perceptions of the other and their subjective modes of dealing with adversaries.

Taking advantage of the importance of visual representation in the comic scene, the physicality of the movements of the actors on stage, and their body-to-body contact, reveal a lot about the material dynamics of judicial procedure in classical Athens and about the complex nature of integrity, as opposed to ruin and corruption.

In forensic oratory, a frequent rhetorical technique consisted of denoting the construction (or simulation) of character in discourse, delineating personality on the basis of reputation and the importance of public image. In Athenian forensic discourse, accusing the enemy of being a traitor, a turncoat and a liar, meant placing him out of the limits of socially accepted behaviour. Showing the defendants as untrustworthy, impious, and greedy, was a way of presenting them “in the worst light possible”.³³ In that sense, the self-construction of the speaker as upholding the common values of the *pólis* depended on the presentation of positive virtues that could relate to our modern concept of integrity.

Whereas the speaker was always portrayed as undamaged by decay, embodying a standard of high moral character, his rival was portrayed as ruined, characterized by a damaged reputation and a lack of ethical values. This was the case of Aeschines’ depiction of Timarchus, who was presented not just as morally dissolute – that is, as a male prostitute – but as physically dissipated too (1.26):

ἐκεῖνοι μὲν γε ἡσχύνοντο ἔξωτὴν χεῖρα ἔχοντες λέγειν, οὐτοσι δὲ οὐ πάλαι, ἀλλὰ πρόην ποτὲ ρίψας θοιμάτιον γυμνὸς ἐπαγκρατίαζεν ἐν τῇ ἐκκλησίᾳ, οὕτω κακῶς καὶ αἰσχρῶς διακείμενος τὸ σῶμα ὑπὸ μέθης καὶ βδελυρίας, ὥστε τοὺς γε εὖ φρονοῦντας ἐγκαλύψασθαι, αἰσχυνθέντας ὑπὲρ τῆς πόλεως, εἰ τοιοῦτοις συμβούλοις χρώμεθα.

They [the citizens] were too modest to speak with the arm outside the cloak, but this man not long ago, yes, only the other day, in an assembly of the people threw off his cloak and leaped about like a gymnast, half naked, his body so reduced and befouled through drunkenness and lewdness that right-

³³ Claire Taylor, “Corruption and Anticorruption in Democratic Athens”, in Ronald Kroeze, André Vitória and Guy Geltner (eds.), *Anti-corruption in History: From Antiquity to the Modern Era*, Oxford University Press, Oxford, 2017, pp. 21–33, at p. 29.

minded men, at least, covered their eyes, being ashamed for the city, that we should let such men as he be our advisers.³⁴

Showing the rightness and closeness of a standing body, as opposed to those bodies which are seen naked or dancing, meant praising the moral quality of a person who appeared to take decisions or actions with the purpose of defending the values of the city against self-interest.³⁵

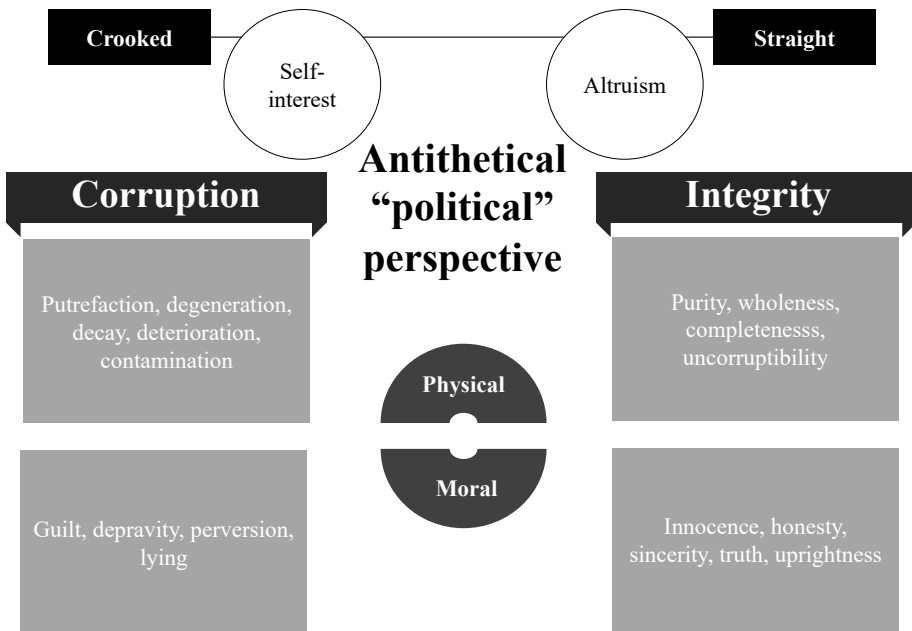
At the crossroad between bodily posture and moral reliability, the words in ancient Greek terms indicating aspects which could be related to our concept of integrity included χρηστότης (*khrestótes*), “uprightness, honesty”; σωφροσύνη (*sophrosýne*), “self-mastery”; ἀφελεία (*apheleía*), “simplicity”, and especially ἀκεραιότης (*akeraiótes*), “intactness, purity”. In a (typically Greek) system of lexical oppositions, terms related to corruption embraced nouns such as μοχθηρία (*mokhtería*), “depravity”; δωροδοκία (*dorodokía*): “corruption”; and verbs such as διαφθείρειν (*diaphtheírein*), “to utterly destroy”, and λωβᾶσθαι (*lobásthai*), “to harm/seduce”.³⁶

In short, this antithetical political perspective, based on the distance between corruption and uprightness, was rhetorically built upon both physical and moral considerations (see Graph 1 below). Whereas purity and wholeness were validated as positive notions, putrefaction and degeneration identified decadent and unscrupulous men. In moral terms, this was perceived as the antagonism between guilt and innocence, depravity and honesty, lies and truth.

³⁴ The Greek text and its translation are taken from Charles Darwin Adams (ed.), *Aeschines*, Harvard University Press and William Heinemann, Cambridge (MA) and London, 1919.

³⁵ Philip Bosman, “Corruption and Integrity: A Survey of the Ancient Terms”, in Bosman, 2012, p. 2, see above note 18.

³⁶ Bosman, 2012, pp. 5–6 and 10–14, see above note 18. On the legal and political implications of these terms, see Mark Philp, “Defining Political Corruption”, in *Political Studies*, 1997, no. 45, pp. 436–62, at p. 442; F. David Harvey, “*Dona Ferentes*: Some Aspects of Bribery in Greek Politics”, in *History of Political Thought*, 1985, no. 6, pp. 76–117, at p. 105, and Lisa Hill, “Conceptions of Political Corruption in Antiquity”, in *History of Political Thought*, 2013, no. 34, at pp. 567–568.



Graph 1: The antithetical ‘political’ perspective of ‘integrity’ in antiquity.

Defective individuals and degenerated political regimes went together.³⁷ This is the reason why the appeal to democratic values was so important in political and forensic oratory – it aimed to create a closer connection between the speaker and the δῆμος (*dēmos*, ‘the people’). The orator Aeschines, for instance, described the perfect virtues of the democratic citizen in a passage of his speech *Against Ctesiphon*. By contrast to an oligarch, the admirable *polites* ought to be a man of good judgment, who would be able to serve the Athenian people wholeheartedly, without any personal bias or interest (3.169-170):

οἶμαι τοίνυν ἅπαντας ἂν ὑμᾶς ὁμολογήσαι τάδε δεῖν ὑπάρξαι
 τῷ δημοτικῷ, πρῶτον μὲν ἐλεύθερον εἶναι καὶ πρὸς πατρός
 καὶ πρὸς μητρός, ἵνα μὴ διὰ τὴν περὶ τὸ γένος ἀτυχίαν
 δυσμενῆς ἦ τοῖς νόμοις, οἱ σῴζουσι τὴν δημοκρατίαν,
 δεύτερον δ’ ἀπὸ τῶν προγόνων εὐεργεσίαν τινὰ αὐτῷ πρὸς
 τὸν δῆμον ὑπάρχειν, ἢ τό γ’ ἀναγκαιότατον μηδεμίαν ἔχθραν,
 ἵνα μὴ βοηθῶν τοῖς τῶν προγόνων ἀτυχήμασι κακῶς ἐπιχειρῇ

³⁷ William J. Prior, *Virtue and Knowledge: An Introduction to Ancient Greek Ethics*, Routledge, New York and London, 2016 [1991], pp. 261–275.

ποιεῖν τὴν πόλιν. τρίτον σώφρονα καὶ μέτριον χρῆ πεφυκέναι αὐτὸν πρὸς τὴν καθ’ ἡμέραν δίαιταν, ὅπως μὴ διὰ τὴν ἀσέλγειαν τῆς δαπάνης δωροδοκῆ κατὰ τοῦ δήμου. τέταρτον εὐγνώμονα καὶ δυνατὸν εἰπεῖν· καλὸν γὰρ τὴν μὲν διάνοιαν προαιρεῖσθαι τὰ βέλτιστα, τὴν δὲ παιδεῖαν τὴν τοῦ ῥήτορος καὶ τὸν λόγον πείθειν τοὺς ἀκούοντας· εἰ δὲ μή, τὴν γ’ εὐγνωμοσύνην ἀεὶ προτακτέον τοῦ λόγου. πέμπτον ἀνδρεῖον εἶναι τὴν ψυχὴν, ἵνα μὴ παρὰ τὰ δεινὰ καὶ τοὺς κινδύνους ἐγκαταλίπη τὸν δῆμον.

I think you would all acknowledge that the following qualities ought to be found in the “friend of the people”: in the first place, he should be free-born, on both his father's and his mother's side, lest because of misfortune of birth he be disloyal to the laws that preserve the democracy. In the second place, he should have as a legacy from his ancestors some service which they have done to the democracy, or at the very least there must be no inherited enmity against it, lest in the attempt to avenge the misfortunes of his family he undertake to injure the city. Thirdly, he ought to be temperate and self-restrained in his daily life, lest to support his wanton extravagance he take bribes against the people. Fourthly, he ought to be a man of good judgment and an able speaker; for it is well that his discernment choose the wisest course, and his training in rhetoric and his eloquence persuade the hearers; but if he cannot have both, good judgment is always to be preferred to eloquence of speech. Fifthly, he ought to be a man of brave heart, that in danger and peril he may not desert the people.³⁸

A noble character constituted a proof of patriotism; it was a symbol of self-conscious dedication to the political community.³⁹ Thus, when responding to Aeschines’ criticism, Demosthenes centred his speech *On the Crown* around the description of his own private and public integrity: as expected, he claimed to have lived up to the highest standards of self-sacrifice and courage. In front of his fellow Athenians, he explained that he

³⁸ The Greek text and the English translation correspond to the edition prepared by Charles Darwin Adams, *Aeschines*, Harvard University Press and William Heinemann, Cambridge (MA) and London, 1919.

³⁹ Ryan K. Balot, “The Virtue Politics of Democratic Athens”, in Stephen Salkever (ed.) *The Cambridge Companion to Ancient Greek Political Thought*, Cambridge University Press, Cambridge, 2009, at pp. 284–285.

had always acted with zeal, loyalty, eagerness, generosity, and well-informed rationality, in order to pursue the city's welfare (18.62-71).

Together with the Assembly, the judicial arena was a crucial setting in classical Athens, where citizens could display their virtuous characters and show their normatively appropriate feelings in front of others. This was the case of Socrates' famous prosecution under the charges of impiety (ἄσεβεια, *asébeia*) and corruption of the youth, maybe the best-known example of the need for a philosopher to inform of his ethical integrity. According to Plato's *Apology*, Socrates claimed to have acted in a proper way, respecting both law and religion: μηδὲν ἄδικον μηδ' ἀνόσιον ἐργάζεσθαι ("I should do nothing wrong or contrary to the sacred") (*Apology* 33c-d). Interestingly, in Socrates' words there was an insistence in the maintenance of unity and harmony within the soul, a correspondence between word and action which, again, implied that integrity could not only be achieved by a mental disposition, but also involved tangible behaviour.⁴⁰ In the case of Socrates, it has been stated that his integrity derived mainly from negativity, since he departed from ignorance (instead of knowledge), and he knew what injustice was (rather than what virtuous excellence was).⁴¹ His integrity only turned out to be positive when caring for others.⁴² In this sense, moral integrity was seen as an individual virtue related to a social environment because of the effects it could produce on the rest of the citizens. Socrates' integrity also entailed the civic courage of opposing the Athenians when the *dēmos* decided to infringe the law.⁴³

Similar to comedy and forensic oratory, Athenian tragedy made frequent allusions to this set of opposing core values as well. In ancient Greece, in spite of the close nexus between corporal deportment and ethical

⁴⁰ Bosman, 2012, pp. 9-10, see above note 18.

⁴¹ George Kateb, *Patriotism and Other Mistakes*, Yale University Press, New Haven, 2006, p. 216.

⁴² Kateb, 2006, p. 241, see above note 41: "The whole image of Socrates as a model of intellectual and moral integrity, as a supreme hero of self-denial and self-sacrifice, as a master of negativity, needs one, if only one, positivity, and that must be a positive commitment to others. He cared for them more than he cared for himself. He lived and died for them. He made them his superiors by deeming them worthy of his self-sacrifice. But he did not think that they were his equals, and this is precisely why he had to care for them and in the way that he did".

⁴³ Claude Mossé, *Le procès de Socrate. Un philosophe victime de la démocratie?*, André Versaille, Bruxelles, 2012, p. 69 argues that "Socrate demeurerait fidèle à lui-même et à ses convictions, et n'hésitait pas à braver ceux dont les ordres lui paraissent injustes et contraires aux lois".

manners, tragedy presented examples in which the proximity of physical beauty and moral carriage was compromised. In these exceptional cases, a specific reference was made to the lack of balance between body and personality, as it happened in Euripides’ *Orestes* when a messenger on stage described a good citizen, although bad-looking, as “manly uncorrupted” (ἀκέραιος, *akéraiios*) and well-behaved, far from censure or blame (vv. 919-923):

μορφῇ μὲν οὐκ εὐωπός, ἀνδρεῖος δ’ ἀνήρ,
ὀλιγάκις ἄστου κάγορᾶς χραίνων κύκλον,
αὐτουργός – οἵπερ καὶ μόνοι σφύζουσι γῆν –
ξυνετὸς δέ, χωρεῖν ὁμόσε τοῖς λόγοις θέλων,
ἀκέραιος, ἀνεπίπληκτον ἡσκηκῶς βίον·

He was not physically good-looking but a manly man (*andreios*), one who rarely impinges on the town or the market circle; a working farmer (it is these alone that ensure the land’s survival), but intelligent, willing to come to grips with the argument, uncorrupted (*akéraiios*), self-disciplined to a life above reproach (*anepíplekton eskekòs bíon*).⁴⁴

In the strict field of jurisdiction, for instance, straightness and correction also played a relevant role according to tragedy. In Aeschylus’ *Eumenides*, for instance, the goddess Athena created the prestigious criminal tribunal of the Areopagus for the Athenians, an unbiased court described as “untouched by greed” (vv. 681-705):

κλύοιτ’ ἄν ἤδη θεσμόν, Ἀττικὸς λεώς,
πρώτας δίκας κρίνοντες αἵματος χυτοῦ.
ἔσται δὲ καὶ τὸ λοιπὸν Αἰγέως στρατῶ
αἰεὶ δικαστῶν τοῦτο βουλευτήριον.
πάγον δ’ Ἄρειον τόνδ’, Ἀμαζόνων ἔδραν
σκηνάς θ’, ὅτ’ ἦλθον Θησέως κατὰ φθόνον
στρατηλατοῦσαι, καὶ πόλιν νεόπτολιν
τήνδ’ ὑψίπυργον ἀντεπύργωσαν τότε,
Ἄρει δ’ ἔθουον, ἔνθεν ἔστ’ ἐπάνυμος
πέτρα, πάγος τ’ Ἄρειος· ἐν δὲ τῷ σέβας
ἀστῶν φόβος τε ξυγγενῆς τὸ μὴ ἀδικεῖν
σχῆσει τό τ’ ἦμαρ καὶ κατ’ εὐφρόνην ὁμῶς,
αὐτῶν πολιτῶν μὴ πικραίνόντων νόμους

⁴⁴ The Greek text is taken from Gilbert Murray, *Euripidis Fabulae*, vol. 3, Clarendon Press, Oxford, 1913. The translation is taken from Martin L. West, *Euripides. Orestes*, Aris & Phillips, Warminster, 1987.

κακαῖς ἐπιρροαῖσι· βορβόρω δ' ὕδωρ
λαμπρὸν μαιίνων οὔποθ' εὐρήσεις ποτόν.
τὸ μήτ' ἀναρχον μήτε δεσποτούμενον
ἀστοῖς περιστέλλουσι βουλευώ σέβειν,
καὶ μὴ τὸ δεινὸν πᾶν πόλεως ἔξω βαλεῖν.
τίς γὰρ δεδοικῶς μηδὲν ἔνδικος βροτῶν;
τοιόνδε τοι ταρβοῦντες ἔνδικως σέβας
ἔρυμά τε χώρας καὶ πόλεως σωτήριον
ἔχοιτ' ἄν, οἷον οὔτις ἀνθρώπων ἔχει,
οὔτ' ἐν Σκύθησιν οὔτε Πέλοπος ἐν τόποις.
κερδῶν ἄθικτον τοῦτο βουλευτήριον,
αἰδοῖον, ὀξύθυμον, εὐδόντων ὑπερ
ἐγγρηγορὸς φρούρημα γῆς καθίσταμαι.

Hear now my ordinance, people of Attica, as you judge the first trial for bloodshed. In the future, even as now, this court of judges will always exist for the people of Aegeus. And this Hill of Ares, the seat and camp of the Amazons, when they came with an army in resentment against Theseus, and in those days built up this new citadel with lofty towers to rival his, and sacrificed to Ares, from which this rock takes its name, the Hill of Ares: on this hill, the reverence of the citizens, and fear, its kinsman, will hold them back from doing wrong by day and night alike, so long as they themselves do not pollute the laws with evil streams; if you stain clear water with filth, you will never find a drink. Neither anarchy nor tyranny – this I counsel my citizens to support and respect, and not to drive fear wholly out of the city. For who among mortals, if he fears nothing, is righteous? Stand in just awe of such majesty, and you will have a defence for your land and salvation of your city, such as no man has, either among the Scythians or in Pelops' realm. I establish this tribunal, untouched by greed (*kerdōn áthikton* [...] *bouleutézion*), worthy of reverence, quick to anger, awake on behalf of those who sleep, a guardian of the land.⁴⁵

This founding myth of the Areopagus, which was presented as a creation of Athena during the trial of Orestes for the crime of his mother, exhibited the image of the tribunal as a place for veracity and honour. Its judicial integrity pointed to moral uprightness and material inviolability,

⁴⁵ The Greek text and its translation are taken from Herbert Weir Smyth (ed.), *Aeschylus, vol. 2, Eumenides*, Harvard University Press, Cambridge (MA), 1926.

which seemed to complement the ethical rectitude of those who administered justice. In the so-called “dikastic oath”, which was pronounced by Athenian citizens before acting as jurors (δικασταί, *dikastai*), relying on favour or enmity was explicitly excluded when taking decisions, and it was provided that both parties had to be listened on an equal footing during the proceedings to guarantee a fair trial. A vote in accordance with “the most equitable opinion” (γνώμη δικαιοσύνη, *gnóme dikaiótate*) was also required.⁴⁶

The importance of upholding ethical standards was not only present in the judicial business of classical Greek cities. This is not surprising. Medical integrity constituted an example, since the practice of medicine, which also heavily influenced political thought,⁴⁷ was also subject to clear patterns of rectitude and soundness, as suggested by the famous Hippocratic oath. Under this oath, new doctors were expected to recite the pledge to promise to abstain from whatever was deleterious and mischievous, to re-

⁴⁶ We do not have any ancient source transmitting the text of the oath. Nevertheless, following possible reconstructions, it may well have included these provisions according to Alan H. Sommerstein, “The Judicial Sphere”, in Alan H. Sommerstein and Andrew J. Bayliss, *Oath and State in Ancient Greece*, Walter de Gruyter, Berlin and Boston, 2013, p. 79: “I will vote according to the laws and decrees of the Athenian people and of the Council of Five Hundred; and on matters about which there are no laws, I will vote according to the justest opinion. And I will give an equal hearing both to the accuser and to the defendant, and I will cast my vote upon the actual matter which is the subject of the charge. And I will not accept any gift on account of my service as a juror, neither I nor any other man or woman with my knowledge, by any means or device whatsoever. And I am not less than thirty years old. I swear this by Apollo Patroios, Demeter, and Zeus the King; if I transgress any of these provisions, then may I be utterly destroyed, myself and my house, but if I keep my oath may I have many blessings”. The most famous reconstruction is owed to Max Fränkel, “Der attische Heliasteneid”, in *Hermes*, 1878, no. 13, pp. 452–466, and has been extensively studied by David C. Mirhady, “The Dikast’s Oath and the Question of Fact”, in Alan H. Sommerstein and Judith Fletcher (eds.), *Horkos. The Oath in Greek Society*, Liverpool University Press, Liverpool, 2008, pp. 49–51. On the nature of the dikastic oath under the light of Aristotle’s *Politics*, see the recent contribution by Anders Dahl Sørensen, “Hippodamus of Miletus and the Character of the Athenian Dikastic Oath (Arist. *Pol.* 2.8)”, in *Greek, Roman, and Byzantine Studies*, 2018, no. 58, pp. 324–348.

⁴⁷ See Giuseppe Cambiano, “Pathologie et analogie politique”, in François Lasserre and Philippe Mudry (eds.), *Formes de pensée dans la Collection Hippocratique* (Actes du IV^e Colloque international hippocratique, Lausanne, 21–26 septembre 1981), Droz, Genève, 1983, pp. 441–458. On the overlapping between medicine and politics, see also Roger Brock, “Sickness in the body politic: medical imagery in the Greek polis”, in Valerie M. Hope and Eireann Marshall (eds.), *Death and Disease in the Ancient City*, Routledge, London and New York, 2000, pp. 24–34.

frain from giving deadly medicine to anyone if asked, and to abstain from every voluntary act of mischief and corruption.⁴⁸

In sum, integrity was part of what a city would endorse as general patterns of social behaviour in different professions and activities. This correctness also included intellectual pursuit, which was an activity related to political performance as well. For example, moral considerations would be attributed to virtuous historians many centuries later by Lucian, with a similar vocabulary placing emphasis on integrity and rightness (*How to write History*, 41):

τοιούτος οὖν μοι ὁ συγγραφεὺς ἔστω, ἄφοβος, ἀδέκαστος, ἐλεύθερος, παρρησίας καὶ ἀληθείας φίλος [...] οὐ μίσει οὐδὲ φιλία τι νέμων οὐδὲ φειδόμενος ἢ ἐλεῶν ἢ αἰσχυνόμενος ἢ δυσωπούμενος, ἴσος δικαστῆς, εὖνους ἅπασιν ἄχρι τοῦ μὴ θατέρῳ ἀπονεῖμαι πλεῖον τοῦ δέοντος, ξένος ἐν τοῖς βιβλίοις καὶ ἄπολις, αὐτόνομος, ἀβασίλευτος, οὐ τί τῷδε ἢ τῷδε δόξει λογιζόμενος, ἀλλὰ τί πέπρακται λέγων.

This, then, is the sort of man the historian should be: fearless, incorruptible (*adékastos*), free (*eleútheros*), a friend of free expression and the truth (*parrhesías kai aletheías philos*), [...] giving nothing to hatred or to friendship, sparing no one, showing neither pity nor shame nor obsequiousness, an impartial judge (*isos dikastés*), well disposed to all men up to the point of not giving one side more than its due, in his books a stranger and a man without a country, independent, subject to no sovereign, not reckoning what this or that man will think, but stating the facts.⁴⁹

1.4. Recreating Integrity in Republican Rome

Concerning Republican Rome, the sources available to us seem to follow a similar path – physical uprightness and moral honesty were closely linked.

⁴⁸ The Greek text can be found in W.H.S. Jones (ed.), *Hippocrates Collected Works*, vol. I, Cambridge (MA), Harvard University Press, 1868. On its importance for the history of medical thought, see Robert M. Veatch, *Hippocratic, Religious, and Secular Medical Ethics: The Points of Conflict*, Georgetown University Press, Washington, DC, 2012. On the ‘legal’ character of this oath and the obligations which arise from its text, see Lisa R. Hasday, “The Hippocratic Oath as Literary Text: A Dialogue Between Law and Medicine”, in *Yale Journal of Health Policy, Law, and Ethics*, 2002, no. 2, pp. 299–324.

⁴⁹ The Greek text is taken from Karl Jacobitz (ed.), *Luciani Samosatensis Opera*, vol. II, B.G. Teubner, Leipzig, 1913. The translation corresponds to K. Kilburn, *Lucian*, vol. VI, Harvard University Press, Cambridge (MA), 1959.

The ethical and political centre was the *vir*, the adult male citizen. In the social hierarchy of *status*, the role of Roman men was heavily dependent on the nature of their body: a Roman citizen was seen in sexual terms as an agent of penetration, whereas in the political and legal dimensions he was expected to enforce domestic authority as a *pater familias*. Since defending the body from external assault was the cornerstone of masculinity, the idealized image of Roman men involved a sexual protocol based on the clear establishment of physical boundaries, which turned their bodies into impenetrable constructions.⁵⁰ Manhood therefore meant, at the same time, immunity from physical invasion, and civic autonomy. Once again, at the crossroad between physicality and ethics, integrity was definitely a significant feature of these two complementary dimensions.

Following the Greek tradition, external and internal connotations also conflated in the Latin vocabulary involving integrity and corruption. Thus, the word *corruptio* meant “dishonest conduct, seduction, harm, bribery” and the related verb *corrumpere* similarly translatable as “to utterly destroy, ruin, spoil, damage, adulterate”. Integrity, on the other side, was expressed through nouns such as *temperantia*, “self-control”; *innocentia*, “blamelessness” and *integritas*, “intactness, completeness, wholeness”, which originated our correspondent words.⁵¹ Significantly, *integritas* came from *intangere* (“not to touch”) and therefore remained close to the Greek ἀκεραιότης (*akeraiótes*), which, according to Bosman, also derived from *akeránnymi* (“not to mix”).

Unlike our modern perception, in which integrity seems to relate to innocence and honesty – and more recently became associated with interiority, autonomy, and reflection – in Republican Rome the idea of *integritas* involved strong physical traits.⁵² This can be noted when examining the relevant passages, where the concept is placed next to adjectives indicating purity and intangibility. Expressions such as *integer intactusque*, which is ubiquitous in Livy,⁵³ *integer et incorruptus*,⁵⁴ *integer et inlibatus*,⁵⁵ or *integer et inviolatus*⁵⁶ easily demonstrate the nature of this semantic scope.

⁵⁰ Jonathan Walters, “Invading the Roman Body: Manliness and Impenetrability in Roman Thought”, in Judith P. Hallett and Marilyn B. Skinner (eds.), *Roman Sexualities*, Princeton University Press, Princeton, 1997, pp. 29–46.

⁵¹ Bosman, 2012, pp. 3–5, see above note 18.

⁵² Robert A. Kaster, *Emotion, Restraint and Community in Ancient Rome*, Oxford University Press, Oxford, 2005, pp. 135–137.

⁵³ Livy 5. 38. 7, 10.14. 20, 10. 27. 9, 10. 36. 3, *inter alia multa*.

In fact, the adjective *integer* was mostly used with physical entities in order to refer to those characteristics which made it entirely what they were: this implied that something which was described as *integer* remained unaltered since it had not suffered from any addition (which might eventually spoil its purity) or subtraction (which would undermine its wholeness).⁵⁷ The idea behind this material sense of integrity is clearly seen in the way the Romans referred to the movement of rivers in which waters were deemed to be neither contaminated nor compromised. In Tacitus' *Histories*, for instance, the river Jordan "is not received by the open ocean but flows *integer* through one lake, then another, and is captured by a third" (*nec Iordanes pelago accipitur, sed unum atque alterum lacum integer perfluit, tertio retinetur*, 5.6).⁵⁸ When defined as *integer*, a river was conceived as both pure and complete, in accordance with its original essence.

The transferal of the material implications of *integritas* to the moral realm keeps this idea of purity and completeness. Not surprisingly, Cicero explicitly mentioned the close relationship between physical qualities and spiritual virtues. Bodies and minds could become impure and crooked when altered. Corruption was in fact a sort of disease affecting both the body and the soul, but the mind could be as beautiful as the body if characterized by equality, constancy of opinions and judgments, firmness and stability, as suggested in *Tusculan Disputations* 4.28-31:

morbum appellant totius corporis corruptionem, aegrotationem morbum cum imbecillitate, vitium, cum partes corporis inter se dissident, ex quo pravitas membrorum, distortio, deformitas (...) Atque ut in malis attingit animi naturam corporis similitudo, sic in bonis. sunt enim in corpore praecipua, pulchritudo, vires, valetudo, firmitas,

⁵⁴ Cicero, *For Marcus Fonteius* 3, *De Natura Deorum* 2. 71, etc.

⁵⁵ Seneca, *Dialogue* 2. 6. 7; Pliny, *Panegyricus* 25. 1.

⁵⁶ Cicero, *Against Verres* 2. 4. 130, *Livy* 6. 3. 10.

⁵⁷ Bosman, 2012, pp. 4–5, see above note 18.

⁵⁸ Similarly, Pomponius Mela – the first Roman geographer – explained that the Rhône “maintains its course, passing unaltered (*integer*) through the middle of the lake and emerging with its volume undiminished” (*tenet impetum, seque per medium integer agens quantus venit egreditur*, 2.79). Speaking of the Tigris, Seneca stated that its course was restored with its full size (*integrae magnitudinis redditur*, *Ad Lucilium Epistulae Morales* 104. 15). Also, in his *Dialogues*, the spring Arethusa was said to remain unchanged (*integrum*) beneath many seas, saved from mingling with water of lesser quality (*inlapsum terris flumen integrum subter tot maria et a confusione peioris undae servatum*, 6.17.3).

*velocitas, sunt item in animo (...) sic in animo opinionum iudiciorumque aequabilitas et constantia cum firmitate quadam et stabilitate virtutem subsequens aut virtutis vim ipsam continens pulchritudo vocatur.*⁵⁹

They call that a disease where the whole body is corrupted; they call that sickness where a disease is attended with a weakness, and that a defect where the parts of the body are not well compacted together; from whence it follows that the members are misshapen, crooked, and deformed (...) As there is some analogy between the nature of the body and mind in evil, so is there in good; for the distinctions of the body are beauty, strength, health, firmness, quickness of motion: the same may be said of the mind. (...) The beauty of the mind consists in an equality and constancy of opinions and judgments, joined to a certain firmness and stability, pursuing virtue, or containing within itself the very essence of virtue.⁶⁰

Straight or firm bodies were described as “whole”, in the sense that their parts were not separated but rather formed a single unity. As already indicated for the Greek texts, deformations and crookedness became here indicative of physical corruption (which was presented in turn as a disease, *morbus*). The link between bodily weakness and mental deterioration showed the extent to which the physical elements could underline intellectual virtues.

The political implications of this image of corporal and spiritual vices cannot be underestimated, especially since the Roman community was perceived as a body politic which needed to stay as healthy, pure and intact (and therefore exempt from corruption) as its citizens. In his treatise *De officiis* – which has been accurately described as “a contemporary handbook of the elite’s behaviour”⁶¹ – Cicero described that, when performing civic activities, the duties of public officials should encompass appropriate behaviour and uprightness. In particular, this entailed the rejection of individual benefits for the sake of collective interests (1.85):

⁵⁹ The Latin text is taken from the edition prepared by Max Pohlenz (ed.), *M. Tullius Cicero. Tusculanae Disputationes*, Teubner, Leipzig, 1918.

⁶⁰ The translation belongs to C.D. Yonge (ed.), *Cicero’s Tusculan Disputations*, Harper & Brothers, New York, 1877.

⁶¹ Valentina Arena, “Fighting Corruption. Political Thought and Practice in the Late Roman Republic”, in Kroeze, Vitória and Geltner, 2017, pp. 35–47, at p. 40, see above note 33.

Omnino qui rei publicae praefuturi sunt, duo Platonis praecepta teneant, unum, ut utilitatem civium sic tueantur, ut, quaecumque agunt, ad eam referant obliti commodorum suorum, alterum, ut totum corpus rei publicae curent, ne, dum partem aliquam tuentur, reliquas deserant. Ut enim tutela, sic procuratio rei publicae ad eorum utilitatem, qui commissi sunt, non ad eorum, quibus commissa est, gerenda est. Qui autem parti civium consulunt, partem neglegunt, rem perniciosissimam in civitatem inducunt, seditionem atque discordiam.

Those who propose to take charge of the affairs of government should not fail to remember two of Plato's rules: first, to keep the good of the people so clearly in view that regardless of their own interests they will make their every action conform to that; second, to care for the welfare of the whole body politic and not in serving the interests of some one party to betray the rest. For the administration of the government, like the office of a trustee, must be conducted for the benefit of those entrusted to one's care, not of those to whom it is entrusted. Now, those who care for the interests of a part of the citizens and neglect another part, introduce into the civil service a dangerous element – dissension and party strife.⁶²

As far as vocabulary is concerned, the expected political conduct of public officers remained close to the descriptions provided by Cicero in his forensic speeches, when praising his clients to the courts. Taking into account the importance of endorsing shared values in Roman tribunals in order to ensure a favourable verdict, Cicero focused on a particular set of recurrent key moral characteristics which shaped the ethical assessment of a person.⁶³ When describing Balbus' military service, for example (*For Cornelius Balbus* 6), he noted his "industry, determination, fighting spirit, and valour worthy of a general" (*labor, assiduitas, dimicatio, virtus digna*

⁶² Both the Latin text and the English translation have been taken from Walter Miller (ed.), *M. Tullius Cicero. De Officiis*, Harvard University Press, Cambridge (MA) and London, 1913. Later in the text, Cicero affirmed again that exploiting the state for selfish profit was not only immoral, but also criminal and infamous (*habere enim quaestui rem publicam non modo turpe est, sed sceleratum etiam et nefarium*, 2.77). Cicero laid the foundations for the moral obligations that need to be met in modern times by those holding a public office; see Steve Sheppard, *I Do Solemnly Swear: The Moral Obligations of Legal Officials*, Cambridge University Press, Cambridge, 2009, p. 49.

⁶³ Claudia I. Arno, *How Romans Became "Roman": Creating Identity in an Expanding World*, Ph.D. Dissertation, University of Michigan, Ann Arbor, 2012, pp. 25–27.

summo imperatore), referring later to his *pudor*, *integritas*, *religio*, and *diligentia* and his well-known *castitas*, *sanctitas* and *moderatio*. In political terms, integrity comprised a wide range of private and public virtues related to the essential qualities of “wholeness” and “purity”. As with rivers, these positive values were described as essential in the characterization of an individual, who possessed them in spite of the many changing circumstances surrounding his life.⁶⁴

Civic virtues were extremely useful to distinguish good and bad citizens. In *Against Verres*, Cicero stated that – unlike his rival – he cherished *fides*, *pudor*, *pudicitia*, *religio* and *ius aequum* (2.3.6). He then described Verres’ corrupt way of acting by accusing his listeners of not being able to appreciate values which were inherent to Roman citizens, such as virtue, trustworthiness (*integritas*), hard work, frugality, and modesty (2.3.7-8):

*illa quae leviora videntur esse non cuiusvis animum possunt movere, quod ad tuam ipsius amicitiam ceterorumque hominum magnorum atque nobilium faciliorem aditum istius habet nequitia et audacia quam cuiusquam nostrum virtus et integritas? odistis hominum novorum industriam, despicitis eorum frugalitatem, pudorem contemnitis, ingenium vero et virtutem depressam extinctamque cupitis: Verrem amatis! Ita credo; si non virtute, non industria, non innocentia, non pudore, non pudicitia, at sermone, at litteris, at humanitate eius delectamini. Nihil eorum est, contraque sunt omnia cum summo dedecore ac turpitudine tum singulari stultitia atque inhumanitate oblita.*⁶⁵

What? cannot even those matters, which seem more trifling, move any one’s mind, – that the worthlessness and audacity of that man should have a more easy access to your own friendship and to that of other great and noble men, than the virtue and integrity of any one of us? You hate the industry of new men; you despise their economy; you scorn their modesty; you wish their talents and virtues to be depressed and extinguished. You are fond of Verres: I suppose so. If you are not gratified with his virtue, and his innocence, and his industry, and his modesty, and his chastity, at least you are transported at his conversation, his accomplishments, and his high breed-

⁶⁴ Kaster, 2005, pp. 137, 142, see above note 52.

⁶⁵ The Latin text is taken from William Peterson (ed.), *M. Tulli Ciceronis Orationes*, Clarendon Press, Oxford, 1917.

ing. He has no such gifts; but, on the contrary, all his qualities are stained with the most extreme disgrace and infamy, with most extraordinary stupidity and boorishness.⁶⁶

Other relevant passages in the *Verrine Orations* complemented this axiological model by providing us with a larger picture of ‘integrity’: on some occasions we see that several references were made to identify the public display of virtues by jury members and even by women. As far as the first group is concerned, unlike other magistrates, both Quintus Manlius and Quintus Cornificius were presented by Cicero under a positive light that pointed directly to their ethically “upright” comportment (1.1.30):

Q. Manlium et Q. Cornificium, duos severissimos atque integerrimos iudices, quod tribuni plebis tum erunt, iudices non habebimus; P. Sulpicius, iudex tristis et integer, magistratum ineat oportet Nonis Decembribus.

We shall not have Quintus Manlius and Quintus Cornificius, two most severe and upright judges, for judges, because they will then be tribunes of the people. Publius Sulpicius, a solemn and upright judge, must enter on his magistracy on the fifth of December.

With regards to women, when presenting Philodamus’ unmarried daughter, she was described by Cicero as “a woman of extraordinary beauty, who was judged to be exceedingly modest and virtuous” (*mulierem eximia pulchritudine; sed eam summa integritate pudicitiaque existimari*, 2.1.64). In this case, *integritas* corresponded to a female value, since it was connected to *pudicitia* with the purpose of showing her virginal purity and respectability.⁶⁷

These examples show that *integritas*, as an abstract notion which could adapt to different contexts, mainly conveyed the idea of physical and moral “wholeness”, implying not only strictness in public performances but also chastity and honesty.⁶⁸ It encompassed then a large set of personal dis-

⁶⁶ With slight modifications, the translation belongs to C.D. Yonge (ed.), *The Orations of Marcus Tullius Cicero*, George Bell & Sons, London, 1903.

⁶⁷ In Cicero – and elsewhere in Roman oratory – it was a common strategy to present the morality of individuals in relation to their families. Nobility and excellence (*virtus, dignitas*) were intertwined to shape one’s reputation, as examined by Susan Treggiari, “Ancestral Virtues and Vices: Cicero on Nature, Nurture, and Presentation”, in Emma Gee (ed.), *Myth, History and Culture in Republican Rome: Studies in Honour of T.P. Wiseman*, University of Exeter Press, Exeter, 2003, pp. 139–164.

⁶⁸ Kaster, 2005, p. 138, see above note 52.

positions, which had made their way into the public sphere when a conscientious behaviour had to be shown in front of others, but in reality responded to an individual nature which was generally seen as all-embracing and unadulterated.⁶⁹ Also in a highly political context, a passage of Sallust’s *Conspiracy of Catiline*, where Caesar and Cato are compared and judged, complements our reading of the private and public dimensions of *integritas* by alluding to self-containment and firmness (54.2-6):

Caesar beneficiis ac munificentia magnus habebatur, integritate vitae Cato. Ille mansuetudine et misericordia clarus factus, huic severitas dignitatem addiderat. Caesar dando sublevando ignoscendo, Cato nihil largiundo gloriam adeptus est. In altero miseris perfugium erat, in altero malis pernicies. Illius facilitas, huius constantia laudabatur. Postremo Caesar in animum induxerat laborare, vigilare; negotiis amicorum intentus sua neglegere, nihil denegare quod dono dignum esset; sibi magnum imperium, exercitum, bellum novom exoptabat, ubi virtus enitescere posset. At Catoni studium modestiae, decoris, sed maxime severitatis erat; non divitiis cum divite neque factione cum factioso, sed cum strenuo virtute, cum modesto pudore, cum innocente abstinentia certabat; esse quam videri bonus malebat: ita, quo minus petebat gloriam, eo magis illum [ad]sequebatur.⁷⁰

Caesar grew eminent by generosity and munificence; Cato by the integrity of his life. Caesar was esteemed for his humanity and benevolence; austereness had given dignity to Cato. Caesar acquired renown by giving, relieving, and pardoning; Cato by bestowing nothing. In Caesar, there was a refuge for the unfortunate; in Cato, destruction for the bad. In Caesar, his easiness of temper was admired; in Cato, his firmness. Caesar, in fine, had applied himself to a life of energy and activity; intent upon the interest of his friends, he was neglectful of his own; he refused nothing to others that was worthy of acceptance, while for himself he desired great power, the command of an army, and a new war in which his talents might be displayed. But Cato’s ambition was that of temperance, discre-

⁶⁹ According to Kaster, 2005, p. 140, see above note 52, “taken together, these personal and social behaviors and dispositions are constitutive of *integritas*: being ethically *integer* just means that you possess these dispositions and display these behaviors”.

⁷⁰ The Latin text has been taken from Axel W. Ahlberg (ed.), *C. Sallusti Crispi. Catilina, Iugurtha, Orationes et epistulae excerptae de historiis*, Teubner, Leipzig, 1919.

tion, and, above all, of austerity; he did not contend in splendour with the rich, or in faction with the seditious, but with the brave in fortitude, with the modest in simplicity, with the temperate in abstinence; he was more desirous to be, than to appear, virtuous; and thus, the less he courted popularity, the more it pursued him.⁷¹

The opposition between the two characters is built on the basis of contradictory virtues. Whereas Caesar was considered great as a consequence of his benevolence and generosity, Cato's personality was defined by the *integritas* of his life. The former was famous for his gentle and compassionate character, while the latter derived standing from his sternness. Affability, on the one side; resolution, on the other one. It seems evident that the attributes ascribed to Caesar were mainly external, insofar as they were directed towards others. On the contrary, Cato's traits were basically internal: they referred to self-centeredness, personal harshness and austerity. His honesty was revealed by means of strictness and gravity (*severitas*). His virtues undermined Caesar's merits because they referred to absolute ethics. It follows that perhaps the core of integrity, for the Roman mind, concerned a set of normative principles that were born in the inner self.⁷²

Cicero's speech *For Lucius Murena* also mentioned Cato's *gravitas*. When responding to the prosecution, he launched his arguments for the defense by firstly endorsing Cato's conscientiousness, identifying him as "a man of the utmost seriousness and integrity" (*gravissimo atque integerrimo viro, Mur. 3*).⁷³ As it happened with the description of Cato's ethics in *For Sestius* 60, his *virtus* was related here to *gravitas* ("earnestness") and *integritas* ("probity").

Sallust provided us elsewhere in his text with antithetical characters. By heavily criticizing the corrosive political environment of his time – as

⁷¹ The translation is taken from John Selby Watson (ed.), *Sallust. Conspiracy of Catiline*, Harper & Brothers, New York and London, 1899.

⁷² Even the expression of the antithesis is relevant when the Catonian subordination of self to ethics is presented. This subordination is paralleled with a chiasmus, which allows *integritas vitae* to be placed in a privileged position. See William W. Batstone, "The Antithesis of Virtue: Sallust's 'Synkrisis' and the Crisis of the Late Republic", in *Classical Antiquity*, 1989, no. 7, pp. 1–29. On this passage, see also Myles Anthony McDonnell, *Roman Manliness. Virtus and the Roman Republic*, Cambridge University Press, Cambridge, 2006, p. 341.

⁷³ Malcolm Schofield, "Republican Virtues", in Ryan K. Balot (ed.), *A Companion to Greek and Roman Political Thought*, Blackwell, London, 2009, pp. 199–213, at p. 204.

opposed to the greatness of the ancestors – Sallust described Lucius Catiline’s moral degradation at the beginning of his speech. Apart from his personal inclinations, Catiline’s violent spirit responded to the circumstances which prompted his lack of integrity: “The corrupt morals of the state, too, which extravagance and selfishness, pernicious and contending vices, rendered thoroughly depraved, furnished him with additional incentives to action” (*incitabant praeterea corrupti civitatis mores, quos pessuma ac divorsa inter se mala, luxuria atque avaritia, vexabant, Cat. 5*).

Like in classical Athenian oratory, here Sallust’s prose confirmed that corrupted characters echoed the political ruin of the community. However, the text itself leaves room for change since an example involving the author himself suggests that, in very specific circumstances, a negative social background could be overcome by the personal qualities of a subject. By endorsing the possibility of moral recovery, Sallust presented a *mea culpa* when describing his own youth, marked by shamelessness, bribery, rapacity, and ambition. To explain his moral evolution, he compared his early depravation with the modesty, chastity and honesty he developed later in life when becoming a historian for the Roman people. It becomes an interesting account of the birth of his own intellectual integrity (3.3-5):

Sed ego adulescentulus initio, sicuti plerique, studio ad rem publicam latus sum ibique mihi multa adversa fuere. Nam pro pudore, pro abstinentia, pro virtute audacia, largitio, avaritia vigeant. Quae tametsi animus aspernabatur insolens malorum artium, tamen inter tanta vitia imbecilla aetas ambitione corrupta tenebatur.

When I myself was a young man, my inclinations at first led me, like many others, into public life, and there I encountered many obstacles; for, instead of modesty, chastity and honesty, shamelessness, bribery and rapacity held sway. And, although my soul, a stranger to evil ways, recoiled from such faults, yet amid so many vices my youthful weakness was corrupted and held captive by ambition.⁷⁴

If political action required moral standards of suitable behaviour, it is not surprising that the same Republican virtues had to be displayed by those in charge of explaining facts and analyzing the past: “On the contrary, I resolved to return to a cherished purpose from which ill-starred ambition

⁷⁴ The English translation is taken from J.T. Ramsey (ed.), *Sallust's Bellum Catilinae*, Oxford University Press, Oxford, 1984.

had diverted me, and write a history of the Roman people” (*sed, a quo incepto studioque me ambitio mala detinuerat, eodem regressus statui res gestas populi Romani carptim*, 4.2).

In Sallust’s wording, therefore, *pudor*, *abstinentia* and *virtus* should not be overcome by *audacia*, *largitio* and *avaritia*. A good citizen needed to uphold the pure values of *virtus*, *pietas*, *iustitia*, *modestia* and *integritas*, thus rejecting being contaminated or altered by *corruptio* and *ambitio*.⁷⁵ A final comment should be made on this effort to circumvent the pollution of venality.

The idea of corruption pervaded ancient Rome since early times,⁷⁶ so the moral qualities of Roman men were expected to protect the public interests from the selfish desires of worthless politicians. So far, little difference can be seen when comparing this experience with the ethical condemnation of corruption that we portrayed for classical Athens. However, unlike the Athenian practice, in ancient Roman law, one of the best-recorded crimes of political corruption was *ambitus*, which consisted mainly of a candidate’s effort to influence the result of an election through bribes or other subtler methods of soft power. Since “going around” in order to appeal to the people could easily lead to unethical excesses, the moral risks involved in *ambitus* soon led to the emergence of legislation aimed at criminalizing electoral bribery.⁷⁷ Once again, the need to endorse the high standard and practice of integrity fostered an institutional reaction to fight bribery. The moral idea behind these legal-political measures was to curb

⁷⁵ These Republican virtues can be explored in contemporary Roman theater as well. Not unlike its Athenian precedent, drama engaged with a variety of these expected qualities; see Gesine Manuwald, *Roman Republican Theater*, Cambridge University Press, Cambridge, pp. 294–295.

⁷⁶ Carlo Alberto Brioschi, *Corruption: A Short Story*, Brookings Institution, Washington, DC, 2017, pp. 39–50.

⁷⁷ The so-called *Lex Baebia* was the first law against *ambitus*, instituted by M. Baebius Tamphilus during his consulship in 181 BCE. On the reactions to *ambitus* and electoral corruption in Republican Rome, see for instance Georges Chaigne, *L’ambitus et les mœurs électORALES des Romains*, E. Larose, Paris, 1911; Élisabeth Deniaux, “De l’*ambitio* à l’*ambitus* : les lieux de la propagande et de la corruption électorale à la fin de la République”, in *L’Urbs, espace urbain et histoire (I^{er} siècle av. J.-C. – III^e siècle ap. J.-C.)* (Actes du colloque de Rome, 8-12 mai 1985), École française de Rome, Rome, 1987, pp. 279–304; Tammo Wallinga, “*Ambitus* in the Roman Republic”, in *Revue Internationale des Droits de l’Antiquité* 41, 1994, pp. 411–442; Peter Nadig, *Ardet Ambitus. Untersuchungen zum Phänomen der Wahlbestechungen in der römischen Republik*, Peter Lang, Frankfurt am Main and New York, 1997, and Brahm H. Kleinman, *Ambitus in the Late Roman Republic (80-50 B.C.)*, MA Thesis, Department of History and Classical Studies, McGill University, Montreal, 2012.

corruption and improve government by strengthening the basis of the Republic under the traditional values of *libertas*, *concordia*, *virtus* and *fides*.⁷⁸

As conveyed by the examples of Cicero or Sallust, the fall of Republican Rome has been frequently ascribed by Latin authors to ethical failure.⁷⁹ The image of a corrupted political system, immersed in vice, was facilitated by the fact that the whole community was regarded as a single body politic,⁸⁰ and therefore the physical and moral deterioration of a person – which has been addressed in the sources – could be easily applied to the society as a whole.⁸¹ In sum, the interpretation of political decline being the result of the moral neglect of traditional principles shows the importance attached by the Romans to integrity and its associated values, considered to be high-level standards that enabled a community to live together under common criteria of unity, mutual respect and concord.

1.5. Ancient Integrity Today: A Reappraisal of Classical Values in Times of Moral Crisis?

Some final remarks can be drawn from the ancient sources, which have been discussed along this chapter. Firstly, it should be noticed that, through the repetition of a similar vocabulary, the ancient Greek and Roman texts make reference to the (necessary) opposition between corruption and integrity in order to identify contradictory opinions regarding vice and virtue in society. When referring to virtues that can be related to our modern sense of integrity, the terms used in Greek and Latin indicate an overlapping of concrete and abstract senses (straight/crooked; altered/unaltered; deteriorated/pure) that deal both with a physical and a moral dimension at the same time. Integrity thus is firmly constructed over a metaphorical use of body imagery which tends to appeal to the merits of purity and untouchability.

⁷⁸ Arena, 2017, pp. 35–47, at p. 47, see above note 61.

⁷⁹ On Cicero’s texts, see Thomas N. Mitchell, “Cicero on the moral crisis of the late Republic”, in *Hermathena*, 1984, no. 136, pp. 21–41.

⁸⁰ Barbara Levick, “Morals, Politics, and the Fall of the Roman Republic”, in *Greece and Rome*, 1982, no. 29, pp. 53–62.

⁸¹ Ramsay MacMullen, *Corruption and the Decline of Rome*, Yale University Press, New Haven, 1990, has argued that a key factor in Rome’s fall was the steady loss of focus and control over government as its aims were thwarted for private gain by high-ranking bureaucrats and military leaders.

Since uprightness and rectitude were considered appropriate values for citizenship, the original features of ‘integrity’ were soon enlarged to adopt a strong political background. This new civic setting explains its use as a regular motif in assembly performances, dramatic representations, and judicial activities. In different literary genres – such as oratory, tragedy, comedy or philosophical treatises – Athenian and Roman sources frequently resorted to a rhetorical construction of ‘integrity’ which relied on the pre-existing positive consideration of moral soundness, truthfulness and honesty, and the need to attribute the opposing standards of spiritual decay to those ‘others’ who did not share the private and public values endorsed by the community.

It may be true that the original bodily dimension of integrity, which was present in classical Greece and Rome, has been lost today, but the civic use of physical metaphors to describe rectitude or corruption remains in our time. Since the earliest sources, there has been a clear idea in antiquity about the need to eradicate corruption and to challenge litigants, judges or politicians who did not behave according to the principles of justice, righteousness and decency. Authors such as Hesiod, Aristotle or Cicero – to take only some samples – understood the distinction between the private good and the public interest, and were very well aware of the duty to comply with the dictates of high morality when acting publicly.⁸²

A final question remains to be addressed: why should we come back to classical sources when dealing with integrity today? First of all, we have to acknowledge that our modern idea of ‘integrity’ in the Western world depends heavily on its Christian background. The meaning of *integritas* in early Christianity and medieval times still relied on its ancient roots but, contrary to the examples from classical Greece or Republican Rome, soon expanded for religious concerns to cover a mental state of divine grace,

⁸² Hill, 2013, p. 587, see above note 36. Further reading on ancient corruption should include Wolfgang Schuller (ed.), in *Korruption im Altertum*, R. Oldenbourg Verlag, München/ Wien, 1982; Carine K. Doganis, *Aux origines de la corruption : démocratie et délation en Grèce ancienne*, Presses Universitaires de France, Paris, 2007; Arlene W. Saxonhouse, “Corruption and Justice: The View from Ancient Athens”, in William C. Heffernan and John Kleinig (eds.), *Private and Public Corruption*, Rowman & Littlefield, Lanham, 2004, pp. 25–51; and Cristina Rosillo López, *La corruption à la fin de la république romaine (II^e-I^{er} s. av. J.-C.): aspects politiques et financiers*, Franz Steiner, Stuttgart, 2010.

original or restored.⁸³ In this moral theology based on the Bible – which is the main source allowing to teach and train in righteousness – virtuous and wrong behaviour have been examined through the lens of the compliance with cardinal and theological virtues, and specifically with the commandments.⁸⁴

As presented here, the complex politics of ancient ‘integrity’ can contribute to overcoming the cultural bias of Christianity and giving a different (more global and less inclined) viewpoint on moral responsibility and elevated standards of ethical behaviour when examining the administration of international justice.⁸⁵

A second argument involves classical debt. In an interesting book recently published, Johanna Hanink argues that contemporary discussions on the Greek crisis have included interesting references to the debt we owe to antiquity, imagined as a symbolic return to the fantasy of a past characterized by exceptional achievements which are very different from our current state of despair.⁸⁶ In a hectic twenty-first century, where values seem eroded and morality is said to have been replaced by self-interest and venality, antiquity can still offer a well-founded set of criteria that can serve to identify an alternative discourse to the moral shortfall of contemporary societies.

When the first universal permanent international criminal court was created, the designated location for discussions and negotiation was eternal Rome. Perhaps the international community decided to reappraise the legacy of ancient values and follow their traces. Under the close scrutiny of Zeus or Jupiter, history can provide contemporary judges or politicians

⁸³ On the notion of *integritas* in Ambrose, Augustine and Thomas, see Margaret E. Mohrmann, “Integrity; *Integritas, Innocentia, Simplicitas*”, in *Journal of the Society of Christian Ethics*, 2004, vol. 24, no. 2, pp. 25–32.

⁸⁴ D. Stephen Long, *Christian Ethics: A Very Short Introduction*, Oxford University Press, Oxford, 2010. On the main concepts involved in Christian moral theology, see James F. Childress and John Macquarrie (eds.), *The Westminster Dictionary of Christian Ethics*, Westminster Press, Philadelphia, 1986.

⁸⁵ Bergsmo, 2018, p. 4, see above note 1.

⁸⁶ Johanna Hanink, *The Classical Debt. Greek Antiquity in an Era of Austerity*, Belknap Press, Cambridge (MA) and London, 2017. Similarly, Dean Hammer, *Roman Political Thought and the Modern Theoretical Imagination*, University of Oklahoma Press, Norman, 2008, p. 14, deals with ancient Rome and considers that the idealist conception of a Western tradition “saw the world as organized by eternal essences, linked the past with the present, envisioned a progressive conception of historical development, and provided a moral foundation to contemporary conceptions of the state”.

with the uppermost standards of moral behaviour. If we feel proud to stand on the shoulders of giants, then we have no option but to live up to their higher ethical aspirations.⁸⁷

⁸⁷ See Morten Bergsmo, Wolfgang Kaleck, Sam Muller and William H. Wiley, “A Prosecutor Falls, Time for the Court to Rise”, FICHL Policy Brief Series No. 86 (2017), Brussels, 2017 (<http://www.toaep.org/pbs-pdf/86-four-directors/>), pp. 1, 4.

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Integrity in International Justice

Morten Bergsmo and Viviane E. Dittrich (editors)

This is the first book to comprehensively analyse integrity in international justice. Thirty-three chapters discuss in-depth the meaning of integrity, awareness and culture of integrity, the roles of international organizations and states as well as international courts in enhancing integrity, integrity as seen through the lens of cases, and the relationship between the principles of independence and integrity. The book considers integrity as a legally binding standard in international courts, while including perspectives from other disciplines such as philosophy, history, psychology and religion. It argues that respect for integrity among high officials and staff members is a prerequisite for international courts and other international organizations to fulfil their mandates.

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