

Preface

Allegations of corruption and inquiries into such allegations can be encountered daily in the press and other media, at the local, national and global level. For example, the mayor of Potsdam, where the editors of this volume work, has come under attack in 2024 for having accepted VIP tickets to sporting events hosted by local sports clubs.¹ His defenders counter the criticism by emphasizing the extent of representative functions that a mayor has to perform, frequently with their partner, and interpret the mayor's presence at events as perfectly normal and reasonable. They also stress that it remains unproven that untoward favors had been extended in return for the tickets. The question at stake is therefore clear: has there been an exchange, whereby the transfer of the tickets was reciprocated with another kind of transfer or 'favor'?

Beyond the press and reports in the media, corruption is also an important object of scholarly research. Political and social scientists have thus investigated the most diverse aspects of corruption and its perception, including perceptions and evaluations of white-collar crime: How one notices and evaluates the gravity of corruption and other white-collar crimes correlates with political opinion in such a way that people on the right of the traditional Western political spectrum are significantly more lenient towards such practices.²

At a much larger scale, researchers within the NGO Transparency International rank levels of corruption globally (by state) to establish an index, with the aim of providing data and tools to engage in the prevention of and fight against corruption at a global level.³ Reports of global and local corruption, such as those just referenced, at first glance appear to give plausibility to claims that "corruption is everywhere". But as we have seen in the example of the mayor of Potsdam, in many cases it is difficult to define what would constitute actual, objective, certain proof that corrupt acts have taken place: court proceedings are therefore notoriously difficult, and convictions comparatively rare.

¹ Cf. RBB24, Potsdamer Oberbürgermeister mit Korruptionsvorwürfen konfrontiert, <https://www.rbb24.de/politik/beitrag/2024/06/brandenburg-potsdam-oberbuergermeister-schubert-vorwuerfe-stadtverordnetenversammlung-spd.html> [last access 09.09.2024]. The investigation is ongoing, and it remains to be seen whether or not accepting the invitations was illegal or led to undue favors towards the sports clubs. This brings the instrumentalization of the allegations into sharp focus, however.

² Cf. Asbrock et al. 2023, as well as N.A. 2024.

³ Cf. ARD Tagesschau, Geschwächter Rechtsstaat, wachsende Korruption. Transparency-Bericht, <https://www.tagesschau.de/ausland/transparency-korruptionsindex-102.html> and the Corruption Perceptions Index 2023 by Transparency Internation e. V., <https://www.transparency.org/en/news/cpi-2023-highlights-insights-corruption-injustice> [last access 09.09.2024].

Corruption is, indeed, difficult to define – there are numerous definitions of it, but none covers the entire spectrum of behaviors, crimes, and attitudes that can be related to this concept we use and encounter daily. If the definition is so fundamentally open, corruption can and will mean different things to different people. Allegations of corruption are therefore, and have been throughout history, a powerful strategy against political or economic opponents, as several of the papers collected in this volume will show in detail.

Perhaps it is therefore more accurate to make the claim that *allegations of corruption are everywhere*. This change in wording is actually a change in emphasis and perspective, which helps us to focus on specific properties of corruption: a charge of corruption is easily made and does not need to be proven to do damage in a legal, business or political setting. Conversely, convincingly proving that one is *not* corrupt is all but impossible, since any denial can potentially be followed up with insinuations that more corrupt influence has been wielded to silence the first accusation – and since, as we have seen, a gift can be understood negatively as an exchange for favors.

Allegations of corruption are indeed controversial and confrontational, and alleged perpetrators and accusers will discuss and dispute the claims that the other side is making. Discussions, media reports and court cases try to establish ‘facts’ such as dates, persons involved, the sums (or things) which changed hands, and what the corrupt reciprocal action or transfer was – and in doing so they provide an interpretation, which they (attempt to) objectify in their narratives. They will also both implicitly and explicitly discuss the definition of corruption, and often agree to disagree on a shared definition. This is the result of competing tactical appreciations in specific instances, and it is also a moving target: cultural differences, changing legal systems, stark differences in material development, the scale, complexity and number of parties involved, and the expected behavior of public officials vs businesspeople. These and other factors combine, with the result that no two cases of corruption are identical. Even contemporary definitions of corruption differ widely in scope, from a narrow and quite literal approach to an open, generalized concept (abuse of entrusted power for private gain, for example); they vary across scientific disciplines and according to the needs of the media or legislation/prosecution involved. They vary cross-culturally, and also across time: modern distinctions between public and private spheres do not map to the Greek and Roman experience, which negatively impacts the applicability of definitions of corruption, as Filippo Carlà-Uhink shows in the first chapter of this collection.

It is therefore difficult to agree on a definition that is universally applicable, and corruption may even be an “empty signifier” that is waiting to be filled with meaning constructed both within and by discourse.⁴

Therefore, (allegations of) corruption must always be discussed. Any societal phenomenon that is debated to such an extent – we began with the ubiquity of corruption – will necessarily evolve in the telling. Each court case, media article, discussion among friends or speech in a political campaign adds nuance to a working definition of what corruption is. Any given society or sub-group of a society constructs, in a continuous process of change and adjustment, their notion of corruption in the telling. Corruption is constructed in accusation and defence, it is evaluated by contemporaries, and it changes continuously – in short, and in jargon: corruption is constructed in discourse, today as in every past society.

The contributions to this volume share an idea of discourse that occupies a common ground between Michel Foucault and Jürgen Habermas. Before Foucault, “discourse” meant what was written or said about a specific topic. In Foucault’s understanding of discourse, what is being said and written is just the tip of a much larger iceberg.⁵ In this distillation of Foucault’s understanding, discourse is (1) a system of society (2) of a specific time, which (3) produces knowledge and meaning through (4) practices which form the objects that they speak about. Discourses form part of larger structures (variously “épistémè” or “archive”) and they are effects of power within a given social order. Discourse is considered to be violent and coercive in this respect. Dissenters are removed from society, jailed or treated as insane.⁶

In this (Foucaultian) sense, discourses are linked to concrete times and places, while they pretend to be timeless and universal. Discourses mask the concrete and historical as a-historical – they reify and objectify specific cultural constructs as ‘natural’ and ‘timeless’. They do so to firmly set in place pre-existing criteria for truth (as opposed to the criteria for truths that are actually developed or agreed upon in exchanges). These criteria for truth, in turn, cement societal relations. Therefore, discourse is power or a product of power.⁷

⁴ Cf. Carlà-Uhink / Garcia Morcillo 2024, 3, which references Koechlin 2013; cf. “Corruption as Social Practice: An Interpretive Approach”, a presentation by Lucy Koechlin on June 1st, 2021 upon invitation by the researchers of the “Twisted Transfers” research project. For more information on the project, see below. For a recording of the lecture, see <https://www.uni-potsdam.de/de/hi-altertum/twisted-transfers/podcast> [last access 09.09.2024].

⁵ Cf. Dörschel 2021, 111.

⁶ Dörschel focuses on two works by Foucault: Foucault 1969 for the concept of discourse as the tip of an iceberg (46; 141); for the overarching structures “épistémè” and “archive” (171); for jail or mental asylum as a means to remove dissenters (46); and Foucault 1971 on discourse as coercive or violent (55).

⁷ Cf. Dörschel 2021, 111–112 with Foucault 2016.

Bruce Lincoln, a historian of religion, drew the conclusion that “it seems best to observe that the dominant discourse—including mythic discourse—in any age is the discourse of the dominant class”.⁸ The quotation’s context is a brief aside on *The German Ideology* by Marx and Engels, and this reference to economic history is the one justification for abbreviating Lincoln’s seminal contribution into a one-liner.

Habermas, on the other hand, understands the power and potency of discourse differently: In his reading, discourse leads to a situation of speech (a “Sprechsituat” in German) which is free from external or internal coercion. Habermas himself likened such a situation of speech to the conditions at the research center where he was working – his concept places discourse in a plane that is abstracted from the realities of actual societies. Under these (abstracted, idealized) conditions, discourse is thus not only not a product of power, it is precisely the constellation that is not subject to the powers that be. This definition emphasizes the dynamic properties inherent in discourse and its potential to generate disagreement, which makes discourse “not an institution—it is a counterinstitution, pure and simple”.⁹

Habermas distinguishes between participants in a discourse and later researchers who re-construct it – and places the researchers in a better position to recognize and understand (*ex post*) the actual aim and intention of the discourse, while the participants may have had a general idea at best.¹⁰

The contributors to this volume explicitly or implicitly discuss (allegations of) corruption as a product of specific time(s) and place(s), which are embedded within discourse. We as scholars aim to clarify what that discourse was and interpret how our specific case study/example in turn contributed to discourse. Across centuries, continents, languages and media, we seek the power relations that are encoded in discourse in general, and specifically corruption discourse. This is particularly challenging in reference to the ancient Greek and Roman world, given the small number of sources at our disposal, which make the possibility of a systematic historical discourse analysis at least patchy; and yet, within this theoretical framework, the challenge can be taken on.

This volume is a product of the research project “Twisted Transfers”: Discursive Constructions of Corruption in Ancient Greece and Rome”, funded by the UK-based Arts and Humanities Research Council and the German Research Foundation DFG (2020–2024). The project was based on the UK side at the University of Roehampton,

⁸ Lincoln 2014, 49.

⁹ Cf. Günther 2018, 536; the quotation is from Habermas 1971, 201. The English translation is unattributed.

¹⁰ As with Foucault, this brief overview of Habermas’ notion of discourse is drawn from Dörschel 2021, 111–113, who references the following works: Habermas 1981 for the situation of speech (70); Habermas 1985 for the re-construction of discourses (42). For context cf. Niesen 2018; Niederberger 2018, Günther 2018.

and since 2022 at Durham University, and on the German side at the Universität Potsdam, and was led by Filippo Carlà-Uhink and Marta García Morcillo.¹¹

One of the project's aims was to bring current research on (ancient) corruption into the public sphere. For this purpose, from April to July 2022, a series of public lectures was held in Potsdam. The lectures were streamed to a world-wide audience, and the majority remain available online.¹² This volume collects several papers presented in the context of the lecture series, as well as a number of invited contributions to enlarge the thematic and chronological spectrum dealt with.

The present volume is also the first book in the newly established series on “Corruption in Antiquity”, which will continue with several more volumes that are direct results of the project “Twisted Transfers”. Monographs, as well as more collective volumes, are currently in preparation.

Since this volume is the result of British-European cooperation and third-party funding that was specifically British-German, it seems fitting to include in this preface the suggestion that “to corrupt” may be “one of those irregular verbs” in the vein of the British political satire “Yes Minister”: “I give gifts, you make a good deal, and they are corrupt to the bone”.¹³

* * *

Setting out from a shared theoretical and methodological foundation – the discursive nature and constructedness of corruption (in general, and thus also in Greek and Roman antiquity), outlined above and in more detail in the contribution by Filippo Carlà-Uhink – the thirteen papers collected here represent diverse explorations of the landscape(s) of corruption in the Greek and Roman world. The papers are grouped into three sections, according to their focus. The chapters in each section follow a roughly chronological order.

The first section, “The Discourse(s) of and on Corruption”, focuses on Roman republican and imperial times and foregrounds methodological evaluations, i.e. instead of

¹¹ Cf. <https://www.uni-potsdam.de/de/hi-altertum/twisted-transfers> and <https://www.durham.ac.uk/departments/academic/classics-ancient-history/research/projects/twisted-transfers> [last access 09.09.2024].

¹² See <https://www.uni-potsdam.de/de/hi-altertum/twisted-transfers/lecture-series-2022> [last access 09.09.2024].

¹³ Cf. Lynn / Jay 1990, 233: “Bernard: It's one of those irregular verbs, isn't it: I have an independent mind; you are an eccentric; he is round the twist”; 283: “Bernard: That's another of those irregular verbs, isn't it? I give confidential press briefings; you leak; he's being charged under section 2A of the Official Secrets Act”. On corruption also cf. the previous Lynn / Jay 1984, 414: “Hacker: Are you saying that winking at corruption is government policy? / Sir Humphrey: No, no, Minister! It could never be government policy. That is unthinkable! Only government practice”.

asking whether or not corruption took place, the question is rather how did speaking about corruption work – what (discursive) rules did it follow, and to what end did conversations about corruption and allegations of corruption take place?

The theoretical and methodological foundations which Filippo Carlà-Uhink formulates in his chapter (“Twisted Transfers as Corruption. A Model and Its Application to the Study of Cicero’s Trial Speeches”) are referenced throughout this volume. He shows how the model of Alain Testart, who distinguishes between three types of transfers, can be applied to gain a firm(er) analytical grip on instances of historical corruption known to us only through layers of narratives from incomplete and one-sided sources. Using this model, Carlà-Uhink uses the three categories of transfers – gifts, exchanges and *t3t*, i.e. “transfers of the third type” – as analytical tools. These types of transfers differ in terms of the presence or absence of compulsion and its direction between the parties involved. The analytical added value stems from mapping each type of transfer onto forms of narrative. How were relations and transfers framed by the parties involved, and how were they appreciated by contemporary observers? Are there contradictions between competing interpretations of specific transfers? Taking the form of short case studies, the framework is applied to examples from Cicero’s trial speeches, in particular the *Verrines* and *pro Cuentio*. A discursive approach to corruption using narrativization strategies also encompasses the moral component inherent in corruption, i.e. its degenerative potential.

Staying in the late Roman republic, Cristina Rosillo-López reconstructs the patterns and strategies of conversation between the parties involved in corrupt practices (“The Corrupted Speak. Insights into Conversations on Bribery in Late Republican Rome”), analyzing examples of electoral and judicial bribery. To facilitate corrupt payments, two types of middlemen were essential: *sequestres* and *divisores*, who were responsible for keeping the deposited money and distributing it among the members of a tribe, respectively. Meetings took place in private residences, and the matter at hand was discussed in a circumspect manner to preserve plausible deniability: in the *pro Cuentio*, Cicero invents a dialogue between Bulbus and Staienus. The manner in which they allegedly spoke more than 2000 years ago closely mirrors modern day wiretaps in the modes of speaking, the use of vocabulary, and the entire conspiratorial setup.

In her paper (“Civil War and the Corruption of *liberalitas* in Tacitus’s Histories”), Shusma Malik explores the moral implications of corruption within the writings of Tacitus. In the principate as set up by Augustus, the *princeps* was ultimately responsible for peace, the smooth administration of the empire and its moral health, since he personally connected political, legal and moral power. Tacitus makes significantly greater use of *corrumpere* and its derivatives than Suetonius, consistently mixing the transactional and moral meanings of corruption (or *corrumpere*) in the process. Malik shows that for Tacitus, imperial acquisition and distribution of money, the act of *liberalitas principis* itself, is inherently corrupt and corrupting; it thus

applies to Vespasian just as much as to Nero or the protagonists of the civil war of 69 CE.

Irene Leonardis (“Irreversible Corruption. Amputation Metaphors and the End of the Roman Republic”) looks at metaphors of amputation that were current in a climate where “violence [...] had butchered the Roman body politic”, a phrase she borrowed from Brian Walters.¹⁴ She focuses on the notions of decay and rot inherent in the Latin etymology of corruption, which are regarded as degenerative, highly contagious and negatively impacting upon society. Since the *res publica* as a body politic could readily be compared to a human body, crises in the Roman Republic were repeatedly addressed in terms of bodily and medical metaphors. The best-known case is Menenius Agrippa’s fable of the belly, which, according to tradition as narrated by Livy, was told at the first plebeian secession. It strongly advocates the unity and interdependence of the limbs and the belly, i.e. plebeians and patricians. At a later moment, arguments could be made for parts of the body politic to be cut off – the amputation of a gangrenous limb as the metaphorical cure in a health-illness-cure narrative – yet, this implied a fundamental crisis of the concept of a *res publica* common to all citizens. Cicero used the verb *amputo* to refer to tyranny; later, Valerius Maximus would use the same verb when he narrated the beheading of Cicero, clearly paralleling the end of not just the man but also the republic.

The second section, “Corruption in Social Practice and Daily Life”, focuses on experiences and allegations of corruption at another level than (Roman) politics. The contributions look at institutions, bureaucracy, harbours and trade, and inheritances, while reflecting on the limits of our knowledge given the extant sources.

The introductory question that Christopher Degelmann asks in his paper (“Creating Evidence for Corruption. Plausibility Strategies in Athenian Democracy”), namely “How can we prove something that was happening in secret?” has a short answer, yet broad implications: we cannot prove it, and neither could politicians and speakers in Athenian assemblies. However, in a political and judicial system that relied heavily on orality, allegations about secret, suspect deals did not need to be proven. Given the frequency with which the argument occurs, to imply something that “everybody knows” was apparently an effective strategy. Most extant Athenian speeches feature arguments of the “everybody knows” type, including accusations of corrupt practices. Since evidence in the modern sense of the word was unknown, plausibility was often what mattered, and strategically starting rumours – or picking up on those that were already circulating – was an effective means of influencing current oral discourse(s).

The sources that Patrick Sänger utilizes for his contribution (“Corruption in Greco-Roman Egypt. An Overview Based on the Papyri”) – papyri – are in a sense

¹⁴ Cf. Walters 2020, 53. The reference is to a chapter heading, see below, 102.

the very opposite of the spoken word, namely official correspondence or citizen letters to officials, along with their related documents. Egyptian administration, in particular tax administration, is treated over a *longue durée*, specifically from the Ptolemaic dynasty until Roman imperial times. From the extant papyri, a trend can be deduced: more mention is made of corruption in Ptolemaic Egypt from the 2nd century BCE onwards than before; Roman provincial administration preserved noticeably fewer instances, until changed circumstances in late antiquity somewhat blurred the picture. Other types of sources, such as sermons and the *vitae* of holy men, demand a different approach.

Liminal situations and liminal places have their own rules. Emilia Mataix Ferrández focuses on one specific type of liminal place, i.e. seaports during Roman imperial times (“Ideas of Corruption in Roman Imperial Ports”) and looks for institutionalized means of establishing trust between buyers and sellers. An analysis of the legal framework and epigraphic evidence (both *in situ* and far from its origin) shows that in trading, the risk of (twisted) transfers of the third type (Testart) – namely of one party defrauding or tricking the other – was exceedingly high, and needed to be mitigated by establishing impersonal trust relations between trading partners, i.e. mechanisms of mutual assurance regarding the quantity and quality of the traded goods, which can be understood as anti-corruption policies. Standardized measures, including checks by agents of the empire and tasting samples, were used as a means of checking the quality of the goods. Mataix Ferrández argues for a bottom-up approach to research in Roman economics and trade, i.e. considering the mitigating measures against the threat/risk of corruption and twisted transfers, as well as at the reasoning behind such measures.

The transfer of wealth from one generation to the next one upon death was also fraught with risks and complications. Marta García Morcillo compares the legally regulated (and taxed) method of giving an inheritance, the will, with other methods of non-normative posthumous transfers (“Suspect Inheritances. The Dark Business of Death in Ancient Rome”). Deathbed bequests – *donationes mortis causa* in Roman legal language – and *fideicomissa* offered flexibility, both to the person giving and receiving the inheritance. However, this very same transaction was frequently regarded by next-of-kin as a twisted transfer, which cheated them out of an inheritance that was rightfully theirs. So-called *captatores testamenti* were attacked as immoral and unscrupulous. Such figures were discursively constructed and criticized for anti-social behavior by prose writers and poets alike. In an instructive parallel, García Morcillo shows that contemporary criticism of “gold diggers”, which intensified during the Covid 19 pandemic, follows these Roman lines of argumentation very closely.

Maik Patzelt follows this thread, namely the frequently conflictive nature of testaments and inheritances, to a later date in antiquity (“Salvian and the Corrupted Church of Southern Gaul. How Avarice Endangers Episcopal Authority According to the *Ad ecclesiam*”). Salvian of Marseille wrote in the 5th century CE, and explicitly

addressed avarice at length within his works. Patzelt improves on traditional readings, which foreground Salvian's vocabulary (*avaritia* and *cupiditas* respectively), dealing with the intra-textual persona of a social critic which Salvian establishes for himself by understanding testaments as transfers. This enables a clear differentiation between the types of donors and recipients of testamentary exchanges of wealth. Leaving one's worldly possessions to the church was both explicitly advised and clearly regulated. There was one proper recipient of bequests, i.e. one representative of 'the church', namely the bishop. Salvian strongly advocates episcopal authority and leadership against the urge for an independent position, which he detects in too many clerics, positioning himself in an ongoing dialogue at the time, one that is also detectable in Greek patristic writers.

The third section, "The Politics and Diplomacy of Corruption", broadens the field of view and includes international relations, insofar as this is a meaningful category for antiquity.

Looking at the figure of Gaius Fabricius Luscinus, Yehuda Gershon traces an instance of Roman exemplarity discourse as received and re-shaped by three later Greek writers, who represent the surviving primary sources ("Corruption and Anti-corruption. Refusing 'Gifts' during the Pyrrhic War"). Fabricius' diplomatic encounters with Pyrrhus establish a motivic foundation of anti-corruption and incorruption, against and upon which notions of 'corruption' are then established. Gershon emphasizes the contexts and traditions – historiographical, literary and diplomatic, as well as individually in terms of the relevant authors Plutarch, Appian and Dionysius of Halicarnassus – against an isolated analysis of the nature of the 'gift-bribe' in itself.

Silvia Lacorte studies the life and long career of a *princeps senatus* across the turn of the second to the 1st century BCE, using a discursive understanding of corruption as her analytical lens ("Beyond crime. Corruption and Its Discursive Use through the Case of M. Aemilius Scaurus"). Scaurus' exemplary political and moral superiority are practically universally accepted in ancient sources, Sallustius being the sole dissenting voice. He was the champion of the conservative aristocracy, who survived several politically motivated instances of prosecution and counter-prosecution without conviction. Especially poignant were the charges for *ambitus* in connection to the election campaign of 116 BCE which led to his first consulate, as well as for *crimen repetundarum* in 92 or early 91 BCE. Lacorte advocates that we de-heroize Scaurus, instead regarding him as a typical representative of the Roman republican political class, who were universally given to utilizing corruption charges to strategically attack a rival's dignity, or to defend themselves and their allies as morally upright and not corrupt.

There were a number of ways in which non-citizens could acquire Roman citizenship, which was a prized status. There were also, as Andrea Raggi shows, a number of ways in which such processes could be fraudulently manipulated ("Usurpation of [and Corruption Involving] the Right of Roman Citizenship in the

Roman Republic”). Livy preserves notices of attempts by Latin citizens to be included in the process of *adscriptio* that established Roman colonies, in which cases the Roman magistrates likely overstepped their remit, potentially in exchange for payment. For the early 2nd century BCE, Livy also reports a fraudulent use of the *ius migrandi* to obtain Roman citizenship without fulfilling the requirement to leave behind male offspring in one’s city of origin, against which the Latin cities sent delegations to prevent depopulation. Several cases of altered *tabulae* in local or even central archives are mentioned in Cicero’s works, in particular for the years surrounding the Social War; in such cases, Roman magistrates must have been complicit in the falsification, either for financial gain or in order to increase their number of clients. Finally, citizens of the Greek cities allied to Rome could claim Roman citizenship by the regulations of the *leges de civitate* from 90 and 89 BCE – potentially fraudulently if they were not already citizens at the time those laws were promulgated, and instead had their names entered at some later date. The poet Archias – defended by Cicero – is the most prominent case to have come under attack.

The last contribution takes a lengthy jump forwards in time, focusing on the 6th century CE. Different metrics to measure the importance of Roman imperial payments to foreign powers are one line of inquiry in Christian Rollinger’s paper (“Balkan Promises. Sixth-century Diplomacy and the ‘Corruption’ of the Justinianic State”). While the value certainly mattered, a distinction between categories such as diplomatic gifts, subsidies and regular, yearly payments was also crucial. The Roman state and the imperial court acted in different ways towards Sāsānian Persia or steppe nomads such as the Avars. When the latter received gifts or subsidies, these were carefully constructed as voluntary on the Roman part. The Persians, on the other hand, demanded and secured regular Roman payments, which were a means of manifesting their superiority and Roman subjection – the intense struggle over the interpretation of such payments is evident, even from the one-sided, Roman sources. Rollinger then unravels the discourse surrounding the person and body of the emperor and its effect on the body politic of the empire, as well as the resulting differences in military and political options available to an elderly, frail Justinian – who paid these tributes – and the more ‘virile’ policy of Justin II.

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