

MODERATIO AND CLEMENTIA IN LATE ROMAN REPUBLIC AND EARLY PRINCIPATE

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ABSTRACT: This paper is concerned with the role played by *clementia* (mercy/ clemency) as a particular peacebuilding skill in Late Roman Republic and Early Principate. More specifically, my aim is to investigate some of the historical and philosophical conditions that determinate the change of *moderatio* or temperance into mercy. My claim is that mercy becomes a concept closely related to the new stage of autocratic political power derived from Civil Wars, and therefore essential not only to justify the authority of the *princeps* but also to establish the requirements of the *Pax Romana*. Concentrating primarily on Pseudo-Sallust, Cicero, August, Seneca and Tacitus writings, I wish to demonstrate that *moderatio* and *clementia* are interrelated virtues applied to different historical contexts.

KEYWORDS: Mercy; Temperance; *Pax Romana*; Ancient History; Ancient Philosophy.

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RESUMO: O presente artigo trata do papel desempenhado pela clemência (*clementia*) como uma virtude própria para o estabelecimento da paz no período compreendido entre o final da república e o principado. Mais especificamente, meu objetivo é investigar algumas das condições históricas e filosóficas que determinaram as alterações do conceito de *moderatio* (ou temperança) para o de clemência. Meu argumento é o de que a clemência se torna uma qualidade vinculada à forma autocrática de exercício do poder como efeito secundário das Guerras Civis, o que a torna essencial não apenas para justificar a autoridade do *princeps* como ainda para formular os requisitos da *Pax Romana*. Concentrando-me primariamente nas obras de Pseudo-Salústio, Cícero, Augusto, Sêneca e Tácito, pretendo demonstrar que *moderatio* e *clementia* são virtudes interrelacionadas que se aplicam a contextos históricos diferentes.

PALAVRAS-CHAVE: Clemência; Temperança; *Pax Romana*; História Antiga; Filosofia Antiga.



What we learned from Pierre Clastres and Jean-William Lapierre is that power takes place in a specific social relation: command and obedience. In Ancient Rome, this social relation can occur in both public and private environments and is characterized by coercion. In private life, relations of power are evidenced in the submission of wife to husband, children to father and slaves to master. In public life, such relations emerge between soldier and commander or between magistrates and the Senate. As an example of the former, it is possible to mention the capital punishment suffered by a military tribune of Marius, who had sexually assaulted a soldier (Cic. *Mil.* 4, 9); in the second case, the decision of Julius Caesar to cross the Rubicon after the senatorial refusal for his candidacy to the consulate *in absentia*, something that triggered a civil war with far-reaching effects on the Roman Republic. In public or in private life, power is exercised by individuals and institutions in hierarchical relationships, basically considering who is a citizen or who is not, and what political power an individual or a group can exercise over others.

The problem we face is the absence of the *state* as the abstract institution that holds the monopoly of power. According to Hölkeskamp (2010, p. 27), the Senate had “a complex conglomerate of complementary rights and interconnected responsibilities” that transforms magistrates into “executive instrument of the Senate” (Hölkeskamp, 2010, p. 27). This means that decisions are not taken to comply with legal provisions that underlie the notion of the state, but rather formal positions of civil and military power represented by military commands, the consulate, the tribunate and the priesthood. Civil and military power are interconnected: legitimate military authority would only be invested in magistrates selected by the Senate or elected by the Roman people. In the Early Republic, commanders and magistrates possessed a unique type of authority (Drogula, 2015, p. 57), conferred according to the situation: provincial commands and domestic government were clearly separated and had specific designations: *imperium* and *potestas* respectively. On the one hand, “the *imperium* was the authority of military command – and *only* of military command – and it was invested in Rome’s highest magistrates for exclusive use in the sphere *militiae*” (Drogula, 2015, p. 104). On the other hand, “*potestas* was the legal authority that enabled a man to act as civil magistrate and empowered him to impose and enforce the law through the exercise of jurisdiction over those aspects of law entrusted to the care of his office” (Drogula, 2015, p. 58).

However, considering the absence of a state *apparatus* and its components, specifically the constitutional guarantee of personal and institutional security, power can be seen as an attribute restricted to individuals, who exert it by joining military and civil authority together with personal virtues that build a model of citizen and strengthen the sense of community.

Here I refer to the well-known concept of cardinal virtues which Cicero lists in his *De Officiis* (1.5.15) as “all that is morally right” (*omne quod est honestum*). The *honestum* rises from some of these sources:

it is concerned either (1) with the full perception and intelligent development of the true; or (2) with the conservation of organized society, with rendering to every man his due, and with the faithful

discharge of obligations assumed; or (3) with the greatness and strength of a noble and invincible spirit; or (4) with the orderliness and moderation of everything that is said and done, wherein consist temperance and self-control. (Cic. *Off.* 1.5.15, trans. Miller)

The philosophical basis of the concept of the *honestum*, which Cicero inherits from the Stoics, is that Nature provides reason, sociability, the search for truth, independence, and the discernment of order. By definition (Cic. *Off.* 1.4.14), the *honestum* conceives what is decent, the firmness and order of human actions, removing the unseemly, weakness and disorder. Therefore, the parts of the *honestum* are *perspicientia ueri* (wisdom); *magnitudo animi* (courage); *ordo et modus* (moderation) and *sollertia in societate hominum tuenda* (justice), as understood by Cicero.

One of the most expressive examples of personification of the civic virtues in the history of the Roman republic is Scipio the African, winner of the Battle of Zama and the Third Punic War. Polybius mentions his temperance, nobility of character (σωφροσύνη καὶ καλοκάγαθία, Plb. 31.28.10), especially his courage, “nearly the most essential virtue in all states and especially so in Rome” (Plb. 31.29.1, trans. Shuckburgh). Cicero confirms Scipio’s virtues, mentioning “the brilliance of his mind and talent and judgment” (Cic. *Rep.* 6. 12, *lumen animi, ingenii consiliique*) and, lastly, his “hunger to protect the Republic” (Cic. *Rep.* 6. 13, *alacrior ad tutandam rem publicam*).

The definition of virtue is a matter of properly philosophical discussion. According to Plato (Pl. *Prot.* 329c; *Lach.* 199d; *Men.* 78d; *Gorg.* 507b; *Phaed.* 69c; *Laws* 631c; *Resp.* 4.427e), the virtues of the *polis* are drawn from the concept of justice (δικαιοσύνη) which, being the foundation of community life, is also the reason why they are applied simultaneously to the citizen. The *polis* must have wisdom (σοφία), courage (ἀνδρεία), temperance or moderation (σωφροσύνη) and justice (δικαιοσύνη). Wisdom is a requirement for deliberation, that is, for the rational pursuit of the common good; courage, to protect itself from the enemies and to win battles; moderation or temperance is essential to prevent citizens from more easily subjecting themselves to the vices that facilitate foreign domination, and justice ensures the cohesion of the community as a whole. In the same way, it is up to the public man to use his wisdom in deliberation; of his courage to fight in defense of the city; of his moderation so as not to fall into the traps of vices, and his justice so as not to subvert the order of the community.

In spite of the attribution to Panetius as the source of his treatise *On the Duties* (*De Officiis*), Cicero retakes the qualities of the citizen listed by Plato in order to ground a proper conception of citizen. From Stoicism, Cicero inherits the conception that nature provides reason, sociability, the search for truth, independence and the discernment of order, bases of what is proper to the *honestum*. Thus, the virtues of the Platonic *polis* σοφία, ἀνδρεία, σωφροσύνη and δικαιοσύνη correspond, respectively, to the terms *sapientia/ prudentia, fortitudo, moderatio* and *iustitia* in Latin.

The example of Scipio Africanus should be considered because his acquisition of virtue is presented by Polybius as a process. Scipio is represented by the historian as someone of high spirit from his earliest years, and interested in imitating the examples

of his ancestors. His moderation is a result of the removal of youthful pleasures – love, banquets, musical entertainment, extravagance, debauchery. Then the family mourning and the generosity towards his mother and the sisters of his adoptive father made him distinct by his magnanimity from the other men of his time. His nobility of character derives from his relation with other fellow citizens and his courage is a result not only of hunting, but also of his leadership in the Punic War.

In contrast to the example of Scipio the African, I mention the testament of the emperor Augustus, in which the cardinal virtues of the citizen are altered and recontextualized. In addressing this, my goal is to present a reading of this change based on the current definitions of conflict resolution through Classical Literature.

According to this document, Octavian receives the golden shield of the Senate after the Civil Wars. Under the Senate's recognition of the services of the *princeps* (prince), there lies a notion of totalizing power, because it integrates *imperium* and *potestas* into new versions, the *imperium consulare* and the *tribunicia potestas*. However, though Octavian holds an unrestricted power, he symbolically restitutes it to the Senate and to Roman people. He is honored with the title of Augustus, the doorposts of his house are covered with laurels and a golden shield is placed in the Curia Julia whose inscription testified that the Senate and the Roman people gave him this shield in recognition of his virtue (*virtus*/ἀρετή), mercy (*clementia*/ἐπείκεια), justice (*iustitia*/δικαιοσύνη), and piety (*pietas*/εὐσέβεια).

It is important to note that wisdom (*sapientia*/ *prudentia*/ σοφία) is replaced by virtue (*virtus*/ ἀρετή), which may indicate two possibilities: the first, that the cardinal virtues are considered here in accordance with Stoic principles; the second is that virtue can be understood both as “moral excellence” and as “courage.” Because of this, instead of courage (*fortitudo*/ ἀνδρεία), what appears is piety (*pietas*/εὐσέβεια), virtue that the emperor himself emphasizes in his will both for the construction and restoration of temples and for the demonstration of religious fear as a way to revere the ancestors. Lastly, temperance (*moderatio*/σωφροσύνη) is converted into mercy (*clementia*/ἐπείκεια). This conversion deserves attention, for temperance (as we have seen in the example of Scipio) is a form of self-control; on the other hand, mercy relates to one's attitude toward others.

It seems clear that mercy is a complex concept. Until the Civil War of 49-45 BCE, *clementia* is closely related to *pity* and other feelings such as *anger* and *fear* (e.g., Catull. 64.137–38; Cic. *Sen.* 17), but Cicero praises the mercy of Julius Caesar as a renunciation of *crudelitas*. Example of this statement is Cicero's discourse *Pro Marcello*, in which *clementia* becomes an instrument of political action and legitimization of power, which seeks to calm opponents and conquer more allies by making them grateful rather than by forcing them. The *Pro Marcello* emphasizes, in a hyperbolic way, the mercy of Caesar in opposition to the *ius belli*, according to which the victor could pursue without pardon the enemies (something that Sula did) and regain his good reputation (*dignitas*) with their blood:

But when we hear or read of anything which has been done with clemency, with humanity, with justice, with moderation, and with wisdom, especially in a time of anger, which is very adverse to

prudence, and in the hour of victory, which is naturally insolent and haughty, with what ardour are we then inflamed, (even if the actions are not such as have really been performed, but are only fabulous,) so as often to love those whom we have never seen! (Cic. *Marcell.* 8.3, trans. Yonge)

Cicero elsewhere records that “Caesar himself refrains from being cruel not by character or nature, but because he <supposes> that clemency is popular; if he should lose the favor of the people, he would be cruel” (Cic. *Att.* 10.4.8, trans. Konstan). Therefore, we can admit that mercy, conceived as the opposite of *crudelitas*, is distinguished from temperance by two characteristics: first, mercy presupposes a difference of position between whoever exercises it and who receives it (“winner” vs. “loser”) and, second, mercy characterizes the citizen who concentrates in himself the virtues for a government of the republic centered on justice and the balance of forces.

This is the basis of Cicero’s definition: “clemency is moderation in everything concerning the absolute power” (Cic. *Marcell.* 1.1, *in summa potestate rerum omnium modum*). It is important to note that Cicero pronounces the discourse *Pro Marcello* in the context of the Civil War, a conflict that divided the community and made indispensable to have a statesman who was able to protect all the *ordines civitatis* and regaining political stability. I suppose this is the reason why Cicero uses the word *potestate*, not *imperio*. Julius Caesar could be this statesman mainly because his conduct after the Civil War did not seem to point to the personification of power, but to the restoration of peace and reconciliation among citizens due to his mercy.

However, what can explain the civil superiority of Julius Caesar among the other Romans? We obviously can think of the successive consulates and the military power won by the Gallic conquest and the victories in the Civil War. But, looking at the other side, the senatorial aristocracy became more vulnerable both politically and militarily. In order to escape this image, Cicero argues in defense of Marcellus that if he, Cicero, who had deliberately followed Pompey, had been pardoned by Caesar and became almost his second conscience, for the same reason the accused should be forgiven, since he did not commit a *scelus*, an atrocity, but an *error*, a fault, in getting entangled in the Civil War with Pompey, mistakenly considering that he fought for the benefit of the republic and exercised his duty, *officium*. Therefore, mercy is the characteristic that transforms Julius Caesar into a *primus inter pares*, at the same time moving away from the political spectrum the threat of tyranny (Cic. *Marcell.* 8.3). This is why, according to David Konstan (2005, p. 340), it is not possible to say “that Cicero regarded mercy as the ‘virtue of an autocrat’ or ‘the stuff of absolute monarchy’”.

What we may ask is how mercy, which is a moderating virtue, did not prevent the murder of Julius Caesar. One explanation can be found in the current concept of “violence.” According to Galtung (1969, p. 168), violence points out the difference between “what could be” (*potential*) and “what really is” (*actual*), in such a way that it expresses frustration or points out something contradictory. On the one hand, Cicero praises the *potential* mercy of Julius Caesar, while, on the other hand the *actual* deeds and words of Caesar, according to Suetonius, “may be set to the debit account, so that he is judged to have been abused

his rule and been justly assassinated” (Suet. *Iul.* 76, trans. Graves). This is pure violence. In political and military terms, Caesar’s murder is a product of the accumulation of continual consulships, a life dictatorship, a perpetual censorship, the title of *imperator* put before Caesar’s name, the title of Father of the Country, a statue among those of the ancient kings, and a raised seat in the orchestra of the theatre (Suet. *Iul.* 76). In moral terms, Caesar is the victim of his own arrogance (*arrogantia*), and this is the word used by Suetonius (Suet. *Iul.* 77) to justify the murder.

It is possible to see that the murder of Julius Caesar is an example of how the absence of citizen’s cardinal virtues can affect political power. Julius Caesar is portrayed by Suetonius not as an example of temperance, but of arrogance. The accumulation of public functions can be seen as a proof of tyranny, which I will temporarily define here as the public demonstration of personal power against citizens, something considered by the Romans as shameful as the relation between master and slave. This symbolic trap is rejected by Augustus. In several passages of the *Res Gestae* the *princeps* ratifies his commitment to the Senate and to the Roman people. He served the Senate; the people granted him the consulate; Augustus refused triumphs; the Senate and the Roman people unanimously agreed that he should be elected overseer of laws and morals, without a colleague and with the fullest power. Nothing looks like a simple result of his actions. Everything should be ratified by the Senate and by the Roman people, even if this does not mean that power is actually shared. What is the role played by mercy in this context? It is to sort out the contradiction between absolute power and republican institutions.

Unlike what had been mentioned about Julius Caesar, Suetonius writes that Augustus “would not accept any such honor unless his name was coupled with that of Rome” (Suet. *Aug.* 52) which, though metaphorically, presupposes the subordination of the individual to the collective. Therefore, the mercy of Julius Caesar, that in Cicero was *potential*, became *actual* in Augustus according to Suetonius’ narrative:

Of his clemency and moderation there are abundant and signal instances. For, not to enumerate how many and what persons of the adverse party he pardoned, received into favour, and suffered to rise to the highest eminence in the state; he thought it sufficient to punish Junius Novatus and Cassius Patavinus, who were both plebeians, one of them with a fine, and the other with an easy banishment; although the former had published, in the name of young Agrippa, a very scurrilous letter against him, and the other declared openly, at an entertainment where there was a great deal of company, “that he neither wanted inclination nor courage to stab him.” In the trial of Emilius Elianus, of Cordova, when, among other charges exhibited against him, it was particularly insisted upon, that he used to calumniate Caesar, he turned round to the accuser, and said, with an air and tone of passion, “I wish you could make that appear; I shall let, Elianus know that I have a tongue too, and shall speak sharper of him than he ever did of me.” Nor did he, either then or afterwards,

make any farther inquiry into the affair. And when Tiberius, in a letter, complained of the affront with great earnestness, he returned him an answer in the following terms: “Do not, my dear Tiberius, give way to the ardour of youth in this affair; nor be so indignant that any person should speak ill of me. It is enough, for us, if we can prevent any one from really doing us mischief.” (Suet. *Aug.* 51)

From this emerges a new problem in the definition of mercy: whether it is *potential* or *actual*, it is considered the virtue of a citizen in a distinct position from the others. Since I am analyzing mercy as one of the cardinal virtues of the citizen, it is important now to contrast mercy with the definition of *princeps*.

Much has been said about mercy in Seneca’s *De Clementia*, but the focus I intend to give to the text is restricted to the observation that mercy is the virtue that characterizes the good king in opposition to the tyrant. First, Seneca’s *clementia* has little to do with Caesar’s *noua ratio uincendi*, since it not only demonstrates that the *princeps* has an absolute power, but ends up justifying the very existence of the Principate in face of the “enormous mass of mankind – quarrelsome, factious, and passionate as they are” (*immensam multitudinem discordem, seditiosam, impotentem*, Sen. *Cl.* 1.1.1). What makes autocratic power inevitable from this point of view is the inability of the crowd to moderate their behavior. At the same time, the prince’s moral obligation is to be moderate with respect to himself and to his subordinates.

As an instrument of political action, mercy is convenient, necessary, and honorable to the prince, and corresponds to three other virtues: *temperantia*, *lenitas*, and *moderatio* (Braren & Mendonça, 1999, p. 18). It is not opposed to severity, since it is a virtue of the ruler in the exercise of justice; however, it is not compassion either (because it distracts the attention that must be given to crime, not to the criminal), nor is it cruelty. It is the virtue of a prince because it generates political stability and establishes the good customs of the citizens. It is not without reason that Seneca compares the relationship between prince and subordinates with the relation of the bee to the hive or of the soul in relation to the body. Submission to the prince, whose power only can be exercised because of his wisdom, avoids the dangers of the popular uprising and establishes values that foster the cohesion in the community. Autocratic power, linked to virtues that justify the government of one, becomes essential. Wisdom is one of those virtues; the other is mercy.

The conditions for mercy to be considered the virtue of the prince *par excellence* seem to have been a commonplace in the political thought of the beginnings of the Principate. I have in mind the example of the *Epistulae ad Caesarem*, now considered by most researchers as an exercise in rhetoric, elaborated in a time not that far from Seneca’s *De Clementia*. First, mercy represents the moderation of the prince in times of peace:

Finally, wise men wage war only for the sake of peace and endure toil in the hope of quiet; unless you bring about a lasting peace, what mattered victory or defeat? Therefore, I conjure you by the gods, take the commonwealth in hand and surmount all difficulties, as you always do. For either you can cure our ills, or else all must give up the

attempt. No one, however, urges you to cruel punishments or harsh sentences, by which our country is rather ravaged than corrected, but rather to keep depraved practices and evil passions far from our youth. True mercy will consist in taking care that citizens may not deserve to be banished from their country, in keeping them from folly and deceptive pleasures, in establishing peace and harmony; not in being indulgent to crime and tolerant of offences, and in allowing them a temporary gratification at the expense of inevitable evil in the near future. (*Ep. Caes.* 2.6.2, trans. Rolfe)

Second, mercy presupposes the moral superiority of the prince in relation to subordinates:

Since you must deal as victor with both war and peace, in order that you may end the one in the spirit of a good citizen, and make the other as just and as lasting as possible, first consider what your own conduct should be, since the settlement of the state is your task. For my own part, I believe that a cruel rule is always more bitter than lasting, and that no one is fearful to the many but fear from the many recoils upon his own head; that such a life is engaged in an eternal and dangerous warfare, in which there is no safety in front, in the rear, or on the flanks, but always peril or fear. On the contrary, those who have tempered their rule with kindness and mercy have found everything happy and prosperous; even their enemies are more friendly than their countrymen to others. (*Ep. Caes.* 2.3.1, trans. Rolfe)

Therefore, mercy is a virtue of the prince because it ratifies the peace, constituting a disciplinary virtue of the ruler over the subordinate. From this idea derives the basic definition of Seneca: mercy is “the restraining of the mind from vengeance when it is in its power to avenge itself”, or “gentleness shown by a powerful man in fixing the punishment of a weaker one” (*Sen. Clem.* 2. 3 *temperantia animi in potestate ulciscendi vel lenitas superioris adversus inferiorem in constituendis poenis*, trans. Stewart).

Lastly, the argument that justifies the mercy as necessary for the maintenance of peace and to secure solidly the power of the prince like an ornament that dignifies him is that the mercy opposes good king and tyrant.

Polybius had differentiated, within autocratic power, *monarchy* as a virtuous species of constitution to *tyranny* as a vicious kind of government, according to a criterion of legitimacy of power. This same legitimacy will come to Cicero as a factor of differentiation between forms of government, inasmuch as tyrants will be those who exercise illegitimate power – being therefore *audax* and *impurus* (violent and unjust). However, Seneca identifies in Latin the terms *tyrannus* and *rex* as synonyms, both designating the autocratic form of government. We have a deadlock here.

Condemning Brutus for the murder of Julius Caesar, Seneca (*Sen. Ben.* 2. 20. 2) gives four reasons for Brutus to believe that, by assassinating Caesar, he was acting rightly and for the benefit of the community: the first is that Rome was rescued from the kingship (*aut regis*

nomen extimuerit); the second, that the recovered *libertas* would favor the action of the citizens (*aut ibi speravit libertatem futuram, ubi tam magnum praemium erat et imperandi et serviendi*); the third, that the death of Julius Caesar would mean a return to the old Republican customs (*aut existimavit civitatem in priorem formam posse reuocari amissis prisinis moribus futuramque ibi aequalitatem civilis*), and the fourth, that the laws were valuable even though the people fought over not whether to accept a monarchical power but, rather, over who would exercise it (*et staturas suo loco leges, ubi uiderat tot milia hominum pugnantia, non an seruirent sed utri*). However, Seneca inserts between the first two clauses of the paragraph that encompasses the motivations of Brutus a parenthesis that solves the deadlock: *aut regis nomen extimuerit, cum optimus ciuitatis status sub rege iusto sit* (“He must either have feared the name of ‘King,’ although a City thrives best under a good king”, adapted from Stewart).

To specify with the adjective *iustus* the word *rex* means to recognize an attribute that makes the king not only the essential part of the virtuous form of autocratic constitution, but above all, to identify a conduct in the king that makes him different from the tyrant. The bonds between mercy and justice are narrowed here: it must take into account the merits or demerits of a particular person or situation in which total power can – or should – punish. So when Seneca asks “What, then, do not kings also put men to death?” (*Quid ergo? Non reges quoque occidere solent?* Sen. *Clem.* 1.12.1), the answer, “They do, but only when that measure is recommended by the public advantage: tyrants enjoy cruelty. A tyrant differs from a king in deeds, not in title” (*Sed quotiens id fieri publica utilitas persuadet; tyrannis saevitia cordi est. Tyrannus autem a rege factis distat, non nomine*), takes into consideration the mercy in a situation where the power of a superior could lead him to cruelty (*saevitia*). Cruelty, as we know, is the opposite of mercy and characterizes the tyrant as opposed to the *rex iustus*: “tyrants take delight in cruelty, whereas kings are only cruel for good reasons and because they cannot help it” (*quod tyranni in uoluptatem saeuunt, reges non nisi ex causa ac necessitate*; Sen. *Clem.* 1.11.4). In fact, let me reverse the reasoning and we will have that mercy, opposed to cruelty, qualifies the *rex iustus*:

In the meanwhile, as I was saying, clemency is what makes the great distinction between kings and tyrants. Though each of them may be equally fenced around by armed soldiers, nevertheless the one uses his troops to safeguard the peace of his kingdom, the other uses them to quell great hatred by great terror: and yet he does not look with any confidence upon those to whose hands he entrusts himself. He is driven in opposite directions by conflicting passions: for since he is hated because he is feared, he wishes to be feared because he is hated: and he acts up to the spirit of that odious verse, which has cast so many headlong from their thrones – “Why, let them hate me, if they fear me too!” – not knowing how frantic men become when their hatred becomes excessive: for a moderate amount of fear restrains men, but a constant and keen apprehension of the worst tortures rouses up even the most grovelling spirits to deeds of reckless courage, and causes them to hesitate at nothing. (Sen. *Clem.* 1.12.4, trans. Basore)

And the *rex iustus*, by definition, is:

who, whenever he considers what he has done, and what he is about to do, and calls to mind all the crimes and torturings with which his conscience is burdened, must often fear death, and yet must often wish for it, for he must be even more hateful to himself than he is to his subjects. On the other hand, he who takes an interest in the entire state, who watches over every department of it with more or less care, who attends to all the business of the state as well as if it were his own, who is naturally inclined to mild measures, and shows, even when it is to his advantage to punish, how unwilling he is to make use of harsh remedies; who has no angry or savage feelings, but wields his authority calmly and beneficially, being anxious that even his subordinate officers shall be popular with his countrymen, who thinks his happiness complete if he can make the nation share his prosperity, who is courteous in language, whose presence is easy of access, who looks obligingly upon his subjects, who is disposed to grant all their reasonable wishes, and does not treat their unreasonable wishes with harshness – such a prince is loved, protected, and worshipped by his whole empire. (Sen. *Clem.* 1.13.4, trans. Basore)

Taking into consideration these characteristics of the *rex iustus*, it is justified why the references to the “prince” and the “king” put the two expressions as antonyms to the term “tyrant”, *tyrannus*, indicating *rex* and *princeps* the virtuous form of autocratic constitution; these words are precisely associated in Sen. *Clem.* 1.21.1¹ and, more evidently, in Sen. *Clem.* 1.4.3.²

In conclusion, mercy is considered a civic virtue complementary to temperance (*moderatio*), but presupposes hierarchical relation and is correlated to political power exercised among fellow citizens. Seneca’s description of mercy can be taken as the trait of an absolute ruler, identified both as the just king and as the prince, something that denies dictatorial or tyrannical associations. Therefore, mercy is related to the prince who has concomitant *imperium* and *potestas*, and avoids *imperia crudelia et acerba*, since it is a gesture indicative of *lenitas*, *temperantia* and *moderatio*. Hence mercy is a stable disposition that guarantees peace, power and order.

¹ “A prince is too rich to need compensation, and his power is too evident for him to require to gain a reputation for power by causing anyone to suffer. I mean, when he is attacked and injured by his inferiors, for if he sees those who once were his equals in a position of inferiority to himself he is sufficiently avenged. A king may be killed by a slave, or a serpent, or an arrow: but no one can be saved except by someone who is greater than him whom he saves” (Sen. *Clem.* 1.21.1, trans. Basore).

² “For this reason we need not wonder that princes, kings, and all other protectors of a state, whatever their titles may be, should be loved beyond the circle of their immediate relatives” (Sen. *Clem.* 1.4.3, trans. Basore).

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