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On Clemency Book II

Lucius Annaeus Seneca

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Introduction

The second book of Seneca's 'On Clemency' continues his examination of political power and the moral responsibilities of a ruler. Addressed to the young Emperor Nero, the work presents clemency not merely as an attractive personal quality, but as one of the most important virtues that a person in authority can possess. For Seneca, the character of a ruler affects the lives of an entire population. When power is directed by reason, restraint and concern for others, it can create security and stability; when it is governed by anger, fear or cruelty, it becomes destructive.

Book II is shorter and less complete than Book I, but it develops the philosophical meaning of clemency in greater detail. Seneca defines clemency as the controlled and deliberate moderation of punishment by someone who has the authority to impose a harsher penalty. It does not require a ruler to ignore wrongdoing or abandon justice. Instead, it enables the ruler to consider the circumstances of an offence, the character of the offender and whether punishment is genuinely necessary. Clemency therefore represents disciplined judgement rather than weakness or indecision.

A central purpose of Book II is to distinguish clemency from pity. Seneca regards pity as an emotional disturbance caused by witnessing another person's suffering. Because Stoic philosophy teaches that moral decisions should be guided by reason, he argues that the wise person should not be overwhelmed by pity. Nevertheless, the rejection of pity does not mean that the Stoic ruler must be cold or indifferent. A wise ruler will help those who suffer, forgive those who can be reformed and reduce punishments where justice permits. The difference is that these actions arise from rational concern and a stable moral character rather than uncontrolled emotion.

Seneca also distinguishes clemency from pardon. A pardon may suggest that a punishment was deserved but has been cancelled. Clemency operates more carefully by determining what punishment is truly appropriate before it is imposed. The merciful ruler does not simply excuse every offence. He judges each case with fairness, takes human weakness into account and avoids causing suffering that serves no useful purpose.

Throughout the work, clemency is presented as the opposite of cruelty. The cruel ruler punishes excessively or takes pleasure in the pain of others, while the clement ruler exercises self-command. This restraint is particularly important because an emperor possesses powers that can easily be abused. Seneca therefore encourages Nero to recognise that true greatness is demonstrated not by the ability to destroy, but by the willingness to preserve life when it is safe and just to do so.

Although the surviving text of Book II ends abruptly and appears incomplete, its argument remains significant. It offers a philosophical account of humane government in which justice is strengthened by moderation. Seneca's discussion also raises lasting questions about punishment, forgiveness and the ethical use of authority. Book II ultimately presents clemency as the rational restraint of power: a virtue that protects the governed, strengthens the ruler and prevents justice from becoming cruelty.

I.

I have been especially led to write about clemency, Nero Caesar, by a saying of yours, which I remember having heard with admiration and which I afterwards told to others: a noble saying, showing a great mind and great gentleness, which suddenly burst from you without premeditation, and was not meant to reach any ears but your own, and which displayed the conflict which was raging between your natural goodness and your imperial duties. Your prefect Burrus, an excellent man who was born to be the servant of such an emperor as you are, was about to order two brigands to be executed, and was pressing you to write their names and the grounds on which they were to be put to death: this had often been put off, and he was insisting that it should then be done. When he reluctantly produced the document and put it into your equally reluctant hands, you exclaimed: "Would that I had never learned my letters!" O what a speech, how worthy to be heard by all nations, both those who dwell within the Roman Empire, those who enjoy a debatable independence upon its borders, and those who either in will or in deed fight against it! It is a speech which ought to be spoken before a meeting of all mankind, whose words all kings and princes ought to swear to obey: a speech worthy of the days of human innocence, and worthy to bring back that golden age. Now in truth we ought all to agree to love righteousness and goodness; covetousness, which is the root of all evil, ought to be driven away, piety and virtue, good faith and modesty ought to resume their interrupted reign, and the vices which have so long and so shamefully ruled us ought at last to give way to an age of happiness and purity.

II.

To a great extent, Caesar, we may hope and expect that this will come to pass. Let your own goodness of heart be gradually spread and diffused throughout the whole body of the empire, and all parts of it will mould themselves into your likeness. Good health proceeds from the head into all the members of the body: they are all either brisk and erect, or languid and drooping, according as their guiding spirit blooms or withers. Both Romans and allies will prove worthy of this goodness of yours, and good morals will return to all the world: your hands will everywhere find less to do. Allow me to dwell somewhat upon this saying of yours, not because it is a pleasant subject for your ears (indeed, this is not my way; I would rather offend by telling the truth than curry favour by flattery). What, then, is my reason? Besides wishing that you should be as familiar as possible with your own good deeds and good words, in order that what is now untutored impulse may grow into matured decision, I remember that many great but odious sayings have become part of human life and are familiar in men's mouths, such as that celebrated "Let them hate me, provided that they fear me," which is like that Greek verse, ἔμοῦ θανόντος γαῖα μυχθήτω πυρί, in which a man bids the earth perish in flame after he is dead, and others of the like sort. I know not how it is, but certainly human ingenuity seems to have found it easier to find emphatic and ardent expression for monstrous and cynical sentiments: I have never hitherto heard any spirited saying from a good and gentle person. What, then, is the upshot of all this? It is that, albeit seldom and against your will, and after much hesitation, you sometimes nevertheless must write that which made you hate your letters, but that you ought to do so with great hesitation and after many postponements, even as you now do.

III.

But lest the plausible word “mercy” should sometimes deceive us and lead us into the opposite extreme, let us consider what mercy is, what its qualities are, and within what limits it is confined.

Mercy is “a restraining of the mind from vengeance when it is in its power to avenge itself,” or it is “gentleness shown by a powerful man in fixing the punishment of a weaker one.” It is safer to have more than one definition, since one may not include the whole subject, and may, so to speak, lose its cause: mercy, therefore, may likewise be termed a tendency towards mildness in inflicting punishment. It is possible to discover certain inconsistencies in the definition which comes nearer the truth than all the rest, which is to call mercy “self-restraint, which remits some part of a fine which it deserves to receive and which is due to it.” To this it will be objected that no virtue ever gives any man less than his due. However, all men understand mercy to consist in coming short of the penalty which might with justice be inflicted.

IV.

The unlearned think that its opposite is strictness: but no virtue is the opposite of another virtue. What, then, is the opposite of mercy? Cruelty: which is nothing more than obstinacy in exacting punishments. "But," say you, "some men do not exact punishments, and nevertheless are cruel, such as those who kill the strangers whom they meet, not in order to rob them, but for killing's sake, and men who are not satisfied with killing, but kill with savage tortures, like the famous Busiris, and Procrustes, and pirates who flog their captives and burn them alive." This appears to be cruelty: but as it is not the result of vengeance (for it has received no wrong), and is not excited by any offence (for no crime has preceded it), it does not come within our definition, which was limited to "extravagance in exacting the penalties of wrongdoing." We may say that this is not cruelty, but ferocity, which finds pleasure in savagery: or we may call it madness; for madness is of various kinds, and there is no truer madness than that which takes to slaughtering and mutilating human beings. I shall, therefore, call those persons cruel who have a reason for punishing but who punish without moderation, like Phalaris, who is not said to have tortured innocent men, but to have tortured criminals with inhuman and incredible barbarity. We may avoid hairsplitting by defining cruelty to be "a tendency of the mind towards harsh measures." Mercy repels cruelty and bids it be far from her: with strictness she is on terms of amity.

At this point it is useful to inquire into what pity is; for many praise it as a virtue, and say that a good man is full of pity. This also is a disease of the mind. Both of these stand close to mercy and to strictness, and both ought to be avoided, lest under the name of strictness we be led into cruelty, and under the name of mercy into pity. It is less dangerous to make the latter mistake, but both lead us equally far away from the truth.

V.

Just as the gods are worshipped by religion, but are dishonoured by superstition, so all good men will show mercy and mildness, but will avoid pity, which is a vice incident to weak minds which cannot endure the sight of another's sufferings. It is, therefore, most commonly found in the worst people; there are old women and girls who are affected by the tears of the greatest criminals, and who, if they could, would let them out of prison. Pity considers a man's misfortunes and does not consider to what they are due: mercy is combined with reason. I know that the doctrine of the Stoics is unpopular among the ignorant as being excessively severe and not at all likely to give kings and princes good advice; it is blamed because it declares that the wise man knows not how to feel pity or to grant pardon. These doctrines, if taken separately, are indeed odious, for they appear to give men no hope of repairing their mistakes but exact a penalty for every slip. If this were true, how can it be true wisdom to bid us put off human feeling, and to exclude us from mutual help, that surest haven of refuge against the attacks of Fortune? But no school of philosophy is more gentle and benignant, none is more full of love towards man or more anxious to promote the happiness of all, seeing that its maxims are, to be of service and assistance to others, and to consult the interests of each and all, not of itself alone. Pity is a disorder of the mind caused by the sight of other men's miseries, or it is a sadness caused by the evils with which it believes others to be undeservedly afflicted: but the wise man cannot be affected by any disorder: his mind is calm, and nothing can possibly happen to ruffle it. Moreover, nothing becomes a man more than magnanimity: but magnanimity cannot coexist with sorrow. Sorrow overwhelms men's minds, casts them down, contracts them: now this cannot happen to the wise man even in his greatest misfortunes, but he will beat back the rage of Fortune and triumph over it: he will always retain the same calm, undisturbed expression of countenance, which he never could do were he accessible to sorrow.

VI.

Add to this, that the wise man provides for the future and always has a distinct plan of action ready: yet nothing clear and true can flow from a disturbed source. Sorrow is awkward at reviewing the position of affairs, at devising useful expedients, avoiding dangerous courses, and weighing the merits of fair and just ones: therefore the wise man will not feel pity, because this cannot happen to a man unless his mind is disturbed. He will do willingly and highmindedly all that those who feel pity are wont to do; he will dry the tears of others, but will not mingle his own with them; he will stretch out his hand to the shipwrecked mariner, will offer hospitality to the exile, and alms to the needy—not in the offensive way in which most of those who wish to be thought tender-hearted fling their bounty to those whom they assist and shrink from their touch, but as one man would give another something out of the common stock—he will restore children to their weeping mothers, will loose the chains of the captive, release the gladiator from his bondage, and even bury the carcase of the criminal, but he will perform all this with a calm mind and unaltered expression of countenance. Thus the wise man will not pity men, but will help them and be of service to them, seeing that he is born to be a help to all men and a public benefit, of which he will bestow a share upon every one. He will even grant a proportional part of his bounty to those sufferers who deserve blame and correction; but he will much more willingly help those whose troubles and adversities are caused by misfortune. Whenever he is able he will interpose between Fortune and her victims: for what better employment can he find for his wealth or his strength than in setting up again what chance has overthrown? He will not show or feel any disgust at a man's having withered legs, or a flabby wrinkled skin, or supporting his aged body upon a staff; but he will do good to those who deserve it, and will, like a god, look benignantly upon all who are in trouble. Pity borders upon misery: it is partly composed of it and partly derived from it. You know that eyes must be weak, if they fill with rheum at the sight of another's blearedness, just as it is not real merriment but hysteria which makes people laugh because others laugh, and yawn whenever others open their jaws: pity is a defect in the mind of people who are extraordinarily affected by suffering, and he who requires a wise man to exhibit it is not far from requiring him to lament and groan when strangers are buried.

VII.

But why should he not pardon? Let us decide by exact definition this other slippery matter, the true nature of pardon, and we shall then perceive that the wise man ought not to grant it. Pardon is the remitting of a deserved punishment. The reasons why the wise man ought not to grant this remission are given at length by those of whom this question is specially asked: I will briefly say, as though it were no concern of mine to decide this point, "A man grants pardon to one whom he ought to punish: now the wise man does nothing which he ought not to do, and omits to [do] nothing which he ought to do: he does not, therefore, remit any punishment which he ought to exact. But the wise man will bestow upon you in a more honourable way that which you wish to obtain by pardon, for he will make allowances for you, will consult your interests, and will correct your bad habits: he will act just as though he were pardoning you, but nevertheless he will not pardon you, because he who pardons admits that in so doing he has neglected a part of his duty. He will only punish some people by reprimanding them, and will inflict no further penalty if he considers that they are of an age which admits of reformation: some people who are undeniably implicated in an odious charge he will acquit, because they were deceived into committing, or were not sober when they committed the offence with which they are charged: he will let his enemies depart unharmed, sometimes even with words of commendation, if they have taken up arms to defend their honour, their covenants with others, their freedom, or on any other honourable ground. All these doings come under the head of mercy, not of pardon. Mercy is free to come to what decision it pleases: she gives her decision, not under any statute, but according to equity and goodness: she may acquit the defendant, or impose what damages she pleases. She does not do any of these things as though she were doing less than justice requires, but as though the justest possible course were that which she adopts. On the other hand, to pardon is not to punish a man whom you have decided ought to be punished; pardon is the remission of a punishment which ought to be inflicted. The first advantage which mercy has over it is that she does not tell those whom she lets off that they ought to have suffered: she is more complete, more honourable than pardon."

In my opinion, this is a mere dispute about words, and we are agreed about the thing itself. The wise man will remit many penalties, and will save many who are wicked, but whose wickedness is not incurable. He will act like good husbandmen, who do not cultivate only straight and tall trees, but also apply props to straighten those which have been rendered crooked by various causes; they trim some, lest the luxuriance of their boughs should hinder their upward growth, they nurse those which have been weakened by being planted in an unsuitable position, and they give air to those which are overshadowed by the foliage of others. The wise man will see

the several treatments suitable to several dispositions, and how what is crooked may be straightened. . . .

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