

# Seneca on Clemency, or Mercy

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Early in the reign of the Roman Emperor Nero, his teacher Seneca composed a short treatise, addressed to the emperor, on the subject of mercy or clemency. For Seneca, this was a single topic; both of these English terms are frequently used to translate the Latin word *clementia* which appears in the title and throughout the work.

The treatise begins with general exhortations concerning the role of the emperor in preserving the well-being of the realm and of his subjects. These arguments focus not on the goodness of clemency in its own right, but on the ways that Nero might be more honored, beloved, and obeyed (rather than hated, resented, and plotted-against) if he can regularly show mercy.

While none of us is likely ever to be the sole ruler of the civilized world, we might find analogues to some of these concerns for people in other, lesser positions of authority: parents, teachers, managers, etc. Still, we'll pass over them for the sake of this evening's discussion, since they don't deal directly with the more substantive issues of what mercy is in its own right, and what intrinsic (rather than merely instrumental) value it might have.

In the first passage below, which comes late in Book I of the treatise, Seneca begins to pivot in that direction, analyzing the purposes of mercy or clemency, in contrast with vengeance. While this latter term might be less used in our day than in his, we might still consider some of its derivatives: "to avenge," "revenge," etc. We might ask ourselves how vengeance (in the specific sense that it's discussed here by Seneca) relates to, or is distinct from, retributive justice, and/or from either justice or retribution considered more generally.<sup>1</sup>

[§20] A prince usually inflicts punishment for one of two reasons, to avenge either himself or another. I shall first discuss the situation in which he is personally concerned; for moderation is more difficult when vengeance serves the end of anger rather than of discipline. At this point it is needless to caution him to be slow in believing, to ferret out the truth, to befriend innocence, and to remember that to prove this is as much the business of the judge as of the man under trial; for all this concerns justice, not mercy. What I now urge is that, although he has been clearly injured, he should keep his feelings under control, and, if he can in safety, should remit the punishment; if not, that he should modify it, and be far more willing to forgive wrongs done to himself than to others. For just as the magnanimous man is not he who makes free with what is another's, but he who deprives himself of what he gives to some one else, so I shall not call him merciful who is peaceable when the smart is another's, but him who, though the spur galls himself, does not become restive, who understands that it is magnanimous to brook injuries even where authority is supreme, and that there is nothing more glorious than a prince who, though wronged, remains unavenged.

[§21] Vengeance accomplishes usually one of two purposes: if a person has been injured, it gives him either a compensation or immunity for the future. But a prince's fortune is too exalted for him to feel the need of compensation, and his power is too evident to lead him to seek a reputation for power by injury to

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<sup>1</sup> All translations of Seneca's *De Clementia* are taken from *Seneca: Moral Essays I*, translated by John W. Basore (Loeb Classical Library, volume 214), first published in 1928 and now in the public domain.

another. That, I say, is so, when he has been assailed and outraged by his inferiors; for in the case of foes whom he once counted his equals, he has vengeance enough if he sees them beneath his heel. A slave, a snake, or an arrow may slay even a king; but no one has saved a life who was not greater than the one whom he saved. Consequently he who has the power to give and to take away life ought to use this great gift of the Gods in a noble spirit. If he attains this mastery over those who, as he knows, once occupied a pinnacle that matched his own, upon such especially he has already sated his revenge and accomplished all that genuine punishment required; for that man has lost his life who owes it to another, and whosoever, having been cast down from high estate at his enemy's feet, has awaited the verdict of another upon his life and throne, lives on to the glory of his preserver, and by being saved confers more upon the other's name than if he had been removed from the eyes of men. For he is a lasting spectacle of another's prowess; in a triumph he would have passed quickly out of sight. If, however, it has been possible in safety to leave also his throne in his possession, and to restore him to the height from which he fell, the praise of him who was content to take from a conquered king nothing but his glory will rise in increasing greatness. This is to triumph even over his own victory, and to attest that he found among the vanquished nothing that was worthy of the victor. To his fellow-countrymen, to the obscure, and to the lowly he should show the greater moderation, as he has the less to gain by crushing them. Some men we should be glad to spare, on some we should scorn to be avenged, and we should recoil from them as from the tiny insects which defile the hand that crushes them; but in the case of those whose names will be upon the lips of the community, whether they are spared or punished, the opportunity for a notable clemency should be made use of.

At this point Seneca shifts to the second main use of punishment, where it is a response to injuries done to others:

[§22] Let us pass now to the injuries done to others, in the punishment of which these three aims, which the law has had in view, should be kept in view also by the prince: either to reform the man that is punished, or by punishing him to make the rest better, or by removing bad men to let the rest live in greater security. You will more easily reform the culprits themselves by the lighter form of punishment; for he will live more guardedly who has something left to lose. No one is sparing of a ruined reputation; it brings a sort of exemption from punishment to have no room left for punishment. The morals of the state, moreover, are better mended by the sparing use of punitive measures; for sin becomes familiar from the multitude of those who sin, and the official stigma is less weighty if its force is weakened by the very number that it condemns, and severity, which provides the best corrective, loses its potency by repeated application. Good morals are established in the state and vice is wiped out if a prince is patient with vice, not as if he approved of it, but as if unwillingly and with great pain he had resort to chastisement. The very mercifulness of the ruler makes men shrink from doing wrong; the punishment which a kindly man decrees seems all the more severe.

[§23] You will notice, besides, that the sins repeatedly punished are the sins repeatedly committed. Your father within five years had more men sewed up in the

sack than, by all accounts, there had been victims of the sack throughout all time.<sup>2</sup> Children ventured much less often to incur the supreme sin so long as the crime lay outside the pale of the law. For by supreme wisdom the men of the highest distinction and of the deepest insight into the ways of nature chose rather to ignore the outrage as one incredible and passing the bounds of boldness, than by punishing it to point out the possibility of its being done; and so the crime of parricide began with the law against it, and punishment showed children the way to the deed [...] Believe me, it is dangerous to show a state in how great a majority evil men are.

[§24] [...] Numerous executions are not less discreditable to a prince than are numerous funerals to a physician; the more indulgent the ruler, the better he is obeyed. Man's spirit is by nature refractory, it struggles against opposition and difficulty, and is more ready to follow than to be led; and as well-bred and high-spirited horses are better managed by a loose rein, so a voluntary uprightness follows upon mercy under its own impulse, and the state accounts it worthy to be maintained for the state's own sake. By this course, therefore, more good is accomplished.

What are we to make of this final remark, that “more good is accomplished” in this way?

Seneca concludes Book I with a general encomium on mercy:

[§26] [...] True happiness consists in giving safety to many, in calling back to life from the very verge of death, and in earning the civic crown by showing mercy. No decoration is more worthy of the eminence of a prince or more beautiful than that crown bestowed for saving the lives of fellow-citizens; not trophies torn from a vanquished enemy, nor chariots stained with barbarian blood, nor spoils acquired in war. To save life by crowds and universally, this is a godlike use of power; but to kill in multitudes and without distinction is the power of conflagration and of ruin.



Moving on to book II, we at last find our author dealing directly with what mercy or clemency is in itself, according to its own nature:

[§3] And in order that we may not perchance be deceived at times by the plausible name of mercy and led into an opposite quality, let us see what mercy is, what is its nature, and what its limitations.

Mercy means restraining the mind from vengeance when it has the power to take it, or the leniency of a superior towards an inferior in fixing punishment. In the fear that one definition may not be comprehensive enough, and, so to speak, the case be lost, it is safer to offer several; and so mercy may also be termed the inclination of the mind towards leniency in exacting punishment. The following definition will encounter objections, however closely it approaches the truth; if we shall say that mercy is the moderation which remits something from the punishment that is deserved and due, it will be objected that no virtue gives to any man less than his due. Everybody, however, understands that the fact of the case is that mercy consists in stopping short of what might have been deservedly imposed.

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<sup>2</sup> This was the standard method of execution for the sons of Roman citizens who murdered their parents.

[§4] The ill-informed think that its opposite is strictness; but no virtue is the opposite of a virtue. What then is set over against mercy? It is cruelty, which is nothing else than harshness of mind in exacting punishment. “But,” you say, “there are some who do not exact punishment, and yet are cruel, such as those who kill the strangers they meet, not for the sake of gain, but for the sake of killing, and, not content with killing, they torture, as the notorious Busiris and Procrustes, and the pirates who lash their captives and commit them to the flames alive.” This indeed is cruelty; but because it does not result from vengeance—for no injury was suffered—and no sin stirs its wrath—for no crime preceded it—it falls outside of our definition; for by the definition the mental excess was limited to the exaction of punishment. That which finds pleasure in torture we may say is not cruelty, but savagery—we may even call it madness; for there are various kinds of madness, and none is more unmistakable than that which reaches the point of murdering and mutilating men. Those, then, that I shall call cruel are those who have a reason for punishing, but do not have moderation in it, like Phalaris, who, they say, tortured men, even though they were not innocent, in a manner that was inhuman and incredible. Avoiding sophistry we may define cruelty to be the inclination of the mind toward the side of harshness. This quality mercy repels and bids it stand afar from her; with strictness she is in harmony.

And thus, some distinctions between mercy, strictness, and harshness. In what immediately follows, Seneca will make another distinction, between mercy/clemency and pity (Latin *miser cordia*, meaning at its root something like “misery/wretchedness in the heart”):

At this point it is pertinent to ask what pity is. For many commend it as a virtue, and call a pitiful man good. But this too is a mental defect. We ought to avoid both, closely related as they are to strictness and to mercy. For under the guise of strictness we fall into cruelty, under the guise of mercy into pity. In the latter case a lighter risk is involved, it is true, but the error is equal in both, since in both we fall short of what is right. [§5] Consequently, just as religion does honour to the Gods, while superstition wrongs them, so good men will all display mercy and gentleness, but pity they will avoid; for it is the failing of a weak nature that succumbs to the sight of others’ ills. And so it is most often seen in the poorest types of persons; there are old women and wretched females who are moved by the tears of the worst criminals, who, if they could, would break open their prison. Pity regards the plight, not the cause of it; mercy is combined with reason.

I am aware that among the ill-informed the Stoic school is unpopular on the ground that it is excessively harsh and not at all likely to give good counsel to princes and kings; the criticism is made that it does not permit a wise man to be pitiful, does not permit him to pardon. Such doctrine, if stated in the abstract, is hateful; for, seemingly, no hope is left to human error, but all failures are brought to punishment. And if this is so, what kind of a theory is it that bids us unlearn the lesson of humanity, and closes the surest refuge against ill-fortune, the haven of mutual help? But the fact is, no school is more kindly and gentle, none more full of love to man and more concerned for the common good, so that it is its avowed object to be of service and assistance, and to regard not merely self-interest, but the interest of each and all. Pity is the sorrow of the mind brought about by the sight of the distress of others, or sadness caused by the ills of others which it believes

come undeservedly. But no sorrow befalls the wise man; his mind is serene, and nothing can happen to becloud it. Nothing, too, so much befits a man as superiority of mind; but the mind cannot at the same time be superior and sad. Sorrow blunts its powers, dissipates and hampers them; this will not happen to a wise man even in the case of personal calamity, but he will beat back all the rage of fortune and crush it first; he will maintain always the same calm, unshaken appearance, and he could not do this if he were accessible to sadness.

[§6] Consider, further, that the wise man uses foresight,<sup>3</sup> and keeps in readiness a plan of action; but what comes from a troubled source is never clear and pure. Sorrow is not adapted to the discernment of fact, to the discovery of expedients, to the avoidance of dangers, or the weighing of justice; he, consequently, will not suffer pity, because there cannot be pity without mental suffering. All else which I would have those who feel pity do, he will do gladly and with a lofty spirit; he will bring relief to another's tears, but will not add his own; to the shipwrecked man he will give a hand, to the exile shelter, to the needy alms; he will not do as most of those who wish to be thought pitiful<sup>4</sup> do—fling insultingly their alms, and scorn those whom they help, and shrink from contact with them—but he will give as a man to his fellow-man out of the common store; he will grant to a mother's tears the life of her son, the captive's chains he will order to be broken, he will release the gladiator from his training, he will bury the carcass even of a criminal, but he will do these things with unruffled mind, and a countenance under control. The wise man, therefore, will not pity, but will succour, will benefit, and since he is born to be of help to all and to serve the common good, he will give to each his share thereof. He will extend a due measure of his goodness even to the unfortunates who deserve to be censured and disciplined; but much more gladly will he come to the rescue of the distressed and those struggling with mishap.<sup>5</sup> Whenever he can, he will parry Fortune's stroke: for in what way will he make better use of his resources or his strength than in restoring what chance has overthrown? And, too, he will not avert his countenance or his sympathy from any one because he has a withered leg, or is emaciated and in rags, and is old and leans upon a staff; but all the worthy he will aid, and will, like a God, look graciously upon the unfortunate.

Pity is akin to wretchedness; for it is partly composed of it and partly derived from it. One knows that his eyes are weak if they too are suffused at the sight of another's bleary eyes, just as always to laugh when other people laugh is, in faith, not merriment, but a disease, and for one to stretch his jaws too when everybody else yawns is a disease. Pity is a weakness of the mind that is over-much perturbed by suffering, and if any one requires it from a wise man, that is very much like requiring him to wail and moan at the funerals of strangers.

Finally, Seneca offers us one final contrast, between mercy and pardon or forgiveness:

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3 "Foresight" (Latin *providentia*, here as a verb, *providet*; cognate to Greek *pronoia*; "forethought" would be the more precise rendering of both terms in English) frequently refers to the way in which the Gods know in advance what our needs are, from which knowing flows their care for those needs. Seneca thus anticipates the concluding phrases of this paragraph, in a way his contemporaries would immediately recognize.

4 "Pitiful" (*misericores*) should be understood with a positive valence (like being "compassionate" or "merciful"), not the negative judgement of weakness or contempt that the term has more recently acquired.

5 These latter groups are those who appear to suffer ill-fortune beyond their just deserts.

[§7] “But,” you ask, “why will he not pardon?” Come then, let us now also decide what pardon is, and we shall perceive that the wise man ought not to grant it. Pardon is the remission of a deserved punishment. Why a wise man ought not to give this is explained more at length by those who make a point of the doctrine; I, to speak briefly as if giving another’s opinion, explain it thus: “Pardon is given to a man who ought to be punished; but a wise man does nothing which he ought not to do, omits to do nothing which he ought to do; therefore he does not remit a punishment which he ought to exact. But in a more honourable way he will bestow upon you that which you wish to obtain by pardon; for the wise man will show mercy, be considerate, and rectify; he will do the same that he would do if he pardoned, and yet he will not pardon, since he who pardons admits that he has omitted to do something which he ought to have done. To one man he will give merely a reproof in words, and he will not inflict punishment if he sees that the other’s age will permit reformation; another who is clearly suffering from the odium of crime he will order to go free, because he was misled, because wine made him fall; he will let his enemies go unharmed, sometimes even with praise if they were stirred to fight by honourable motives—to maintain their loyalty, a treaty, or their liberty. These are all the operations of mercy, not of forgiveness. Mercy has freedom in decision; it sentences not by the letter of the law, but in accordance with what is fair and good; it may acquit and it may assess the damages at any value it pleases. It does none of these things as if it were doing less than is just, but as if the justest thing were that which it has resolved upon. But to pardon is to fail to punish one whom you judge worthy of punishment; pardon is the remission of punishment that is due. Mercy is superior primarily in this, that it declares that those who are let off did not deserve any different treatment; it is more complete than pardon, more creditable. In my opinion the dispute is about words, but concerning the fact there is agreement. The wise man will remit many punishments, he will save many whose character though unsound can yet be freed from unsoundness. He will be like the good husbandman who tends, not merely the trees that are straight and tall, but also applies props to those that for some reason have grown crooked in order that they may be straightened; others he will trim, in order that their branching may not hamper their height; some that are weak because set in poor soil he will fertilize; to some suffering from the shade of the others he will open up the sky. So the wise man will see what method of treatment a given character should have, how the crooked may be made straight.”

At this point, the surviving Latin text breaks off. It’s unclear whether the treatise originally had a now-lost conclusion, or whether Seneca never actually finished it. In either case, it seems to have done very little, to put it mildly, for its intended recipient.



Seneca has set out a specific place for mercy/clemency, by distinguishing it from various other things: vengeance, strictness, harshness, pity, pardon, and forgiveness, while linking it and all of these to a larger conception of justice. With that in mind, we might ask ourselves:

In what sense is clemency a virtue? How does it relate to other virtues, especially to justice?

For whom is clemency a virtue? For all human beings, simply insofar as we are human? Or is it proper only to some people (rulers, etc.) insofar as they hold that special status?