

THE INFLUENCE OF THE *CAESARIANAE* ON SENECA'S *DE CLEMENTIA*

By

JAYNE ELIZABETH KNIGHT

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To Christopher

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Cicero's Caesarian speeches and the *De Clementia* share several elements that make them ideal specimens for a comparative study. They are in essence inaugural works which mark the investment of power in an absolute ruler. Both Cicero's speeches and Seneca's essay address the topic of political *clementia*. The authors use similar strategies to promote clemency as a policy to their superiors, most notably panegyric. In addition, Cicero and Seneca have as much in common as Julius Caesar and Nero. It is possible to draw analogies between the works on several levels.

Because of the similarity of Cicero's position to his own and because of Caesar's status as the original enactor of political clemency, it is unlikely that Seneca would ignore Cicero as a rhetorical predecessor when he set out to write a comprehensive treatise on *clementia*. Comparative rhetorical analysis highlights the ways in which Seneca imported certain aspects of Cicero's speeches into his essay. Julius Caesar, however, is virtually absent from Seneca's work. Caesar's assassination makes him a complicated model and a dangerous exemplum. He represents the ultimate failure of *clementia* to protect a ruler and stabilize a system of government. A close reading of the *De Clementia* together with the *Caesarianae* reveals the subtle ways in which Seneca

weaves a Ciceronian subtext. The shadowy figure of Julius Caesar lurks within this subtext, tacitly suggesting to Nero the dangers of absolute power.

CHAPTER 1 INTRODUCTION

In her biography of Seneca, Miriam Griffin says of the *Caesarianae* that it is “a sad tribute to Cicero’s genius as an orator that he immediately caught to perfection that mixture of flattery and admonition that had served the Greeks and was to serve the Romans under the Principate.”¹ In an article on early imperial panegyric, Susanna Braund cites the *Caesarianae* as a panegyric predecessor to Seneca’s *De Clementia*.² Although the relationship between Cicero’s speeches for Caesar and Seneca’s essay for Nero has been acknowledged, it has not been thoroughly explored.³ Both the *Caesarianae* and the *De Clementia* mark critical and delicate occasions of the investment of power in a single man. They designate clemency as the paramount virtue of an absolute ruler. Perhaps the most striking similarity is the adulatory tone that both authors assume when addressing their audience. In light of such intersections, the question arises: to what extent was Seneca influenced by Cicero when he wrote the *De Clementia*? Through comparative rhetorical analysis of the *Caesarianae* and the *De Clementia*, this thesis will explore Seneca’s possible debt to Cicero and the implications of using Cicero as a model. If Seneca conspicuously uses Cicero as a model, he openly creates an analogy between himself and Cicero, Julius Caesar and Nero, for better or for worse.

¹ Griffin 1976: 149.

² Whitby ed. 1998: 71.

³ Griffin 1976: 149; Levene 1998; Pagán 2004: n. 2; Konstan 2005.

Harold Gotoff's stylistic commentary on the *Caesarianae* is particularly useful to this study because of his keen awareness of the relationship between Cicero and Caesar. The relationship between author and audience is an important point of comparison with the *De Clementia*. For Gotoff the speeches are dramatic performances geared toward psychological manipulation. He provides historical background on the importance of reading Cicero's oratory in context as the product of a professional politician. Gotoff analyzes the speeches sentence by sentence to elucidate how Cicero uses rhetoric as an instrument of psychological persuasion. He focuses on Cicero's stylistic choices, paying particular attention to word choice and placement and the sound and rhythm of phrases. This stylistic method of analysis departs from the conventional method of analyzing oratory through structural outlines and labeling figures of speech; he analyzes Cicero's prose with the subtle attention often given to poetry.

The first sentence of Gotoff's introduction draws attention to the extraordinary circumstances of the speeches: they were delivered "before Rome's master by Rome's master orator." He cites their unusual circumstances as a reason for their less periodic and embellished style. The *Pro Marcello*, an extempore speech of thanksgiving, is unique in genre. The *Pro Ligario* and *Pro Rege Deiotaro* lack the ambience in which Cicero was accustomed to deliver his speeches; he could not depend on a crowd of spectators for support. Finally, Gotoff returns to the importance of Cicero's audience, in this case a "highly intellectual, rhetorically skilled, all-powerful"⁴ man. He argues that it would be

⁴ Gotoff 1993: xlili.

wrong to think that Cicero would use the same techniques he always had in so unique a situation.

Gotoff's analysis of the speeches is detailed and insightful, but it is by nature subjective. Many of his points on Cicero's motivations clearly cannot be proven. Gotoff's engagement with the text also seems very intimate and idiosyncratic; his engagement with the works of other scholars is sparing. Despite such shortcomings, Gotoff's commentary is most helpful to this study because of its focus on the relationship between Cicero and Caesar, the contemporary political circumstances, and Cicero's technique of persuasion.

For the *De Clementia*, Susanna Braund's commentary and text is an invaluable resource. The introduction includes historical background, information on kingship theory and the concept of *clementia*, a section on the influence of the *De Clementia* on later authors, and an outline of previous scholarship on the work. In the commentary, Braund illuminates parallels to other authors, stylistic elements, and grammatical issues. She strives to place Seneca's words in their correct context. The *Caesarianae* are cited at several points for comparison, though Braund does not assert that Seneca points directly at Cicero when a parallel is drawn.

Braund's approach to the *De Clementia* is conservative; she rarely makes claims without substantial argument to support them. Gotoff takes liberties in his commentary when he postulates about the motivations behind Cicero's words without substantial elaboration or evidence. Braund supports her observations on Seneca's stylistic choices with literary parallels and comments on linguistic

conventions. Her faithful presentation of the text and careful explanations provide a clear picture of the *De Clementia* that is a useful resource for my investigation.

To understand the relationship between the *Caesarianae* and the *De Clementia* it is necessary to place the works in their historical context. In the years 46 and 45 BCE, Cicero delivered three speeches before Caesar, *Pro Marcello*, *Pro Ligario*, and *Pro Rege Deiotaro*. They have been collectively called the *Caesarianae* because Julius Caesar is their primary audience. The speeches aim to secure clemency for supporters of Pompey after Caesar's victory in the Civil War. The political circumstances of the speeches were unusual; at the time of their delivery, Caesar had been appointed to his third dictatorship for a ten year term, and Cicero had not spoken in public since his pardon by Caesar six years prior. The *Caesarianae* show Cicero in a unique and delicate position: he must not only secure clemency for his clients, but also promote it to Caesar as a general policy for his administration. Cicero's dedication to the preservation of the Republic is unflinching, even in the most panegyric moments of the *Caesarianae*. Cicero's praise of Caesar may at first appear unexpected, but winning over the powerful general was the orator's last hope of preserving his beloved Republic.

At a meeting of the Senate in September of 46, Caesar announced that he planned to recall Marcus Claudius Marcellus at the request of the Senate. As consul in 51 Marcellus had staunchly opposed Caesar at every turn. He proposed to terminate Caesar's command in Gaul and elect a successor a year early, he opposed Caesar's request to run for the consulship in absentia, and he

had a senator from the colony of Novum Comum in Transpadane Gaul whipped publicly to exhibit his anger at Caesar for granting citizens' rights to the colonists there.⁵ Marcellus left Rome in 49 and followed Pompey to Pharsalus. He chose to go into voluntary exile at Mytilene after Pompey's defeat. Marcellus was a close friend of Cicero, having trained under him as an orator and supported him during the Catilinarian crisis of 63. They also worked together, defending M. Aemilius Scaurus together in 54 and Milo in 56 and 52.

It was clearly surprising that Caesar would pardon one of his most outspoken enemies, and the event inspired Cicero to break his public silence and deliver the impromptu *sententia Pro Marcello* in the Senate.⁶ It is a *sententia* rather than a true judicial speech because Marcellus was already pardoned at the time of its delivery, and Cicero's primary purpose is to thank Caesar for his clemency. The tone is overwhelmingly laudatory, and Braund (1998) nominates this speech and the other two *Caesarianae* as the first examples of Roman imperial panegyric.⁷ There is no direct evidence that Cicero saw to the publication of the speech. Gotoff notes that the impromptu speech may have not been recorded by a stenographer, but since it was his first speech since his

⁵ See Gotoff 1993: xxx-xxxii for Marcellus' political background.

⁶ In a letter to Aulus Caecina (*Fam.* 6.6), Cicero attests to Caesar's good qualities, citing his pardon of Marcellus as evidence of his clemency and equanimity (misidentified by Gotoff 1993: xxxii as *Att.* 6.6.).

⁷ Gotoff 1993: xxxii notes that Wolf and Orelli considered *Pro Marcello* a forgery, probably due to its panegyric overtones. He suggests that their evidence of linguistic peculiarities and the fact that Quintilian does not cite the speech is not unique to *Pro Marcello*.

return from exile and it surely was pleasing to Caesar, it is likely that Cicero circulated it.⁸

Several months after Marcellus' recall, Cicero delivered a speech before Caesar in the forum for the pardon and recall of Quintus Ligarius, another former Pompeian.⁹ Ligarius had gone to Africa in 50 BCE as a legate to the provincial governor C. Considius (*Lig.* 2). Considius left the province to run for consulship at Rome, leaving Ligarius in his place. After the Civil War broke out, Attius Varus, a lieutenant of Pompey, took control of the province and Ligarius served in his government. He fought in the battle of Thapsus and was captured at Hadrumetum (*Bell. Afr.* 89). Caesar secured the province in January of 46 and spared his surviving opponents. Ligarius was ordered to remain in exile. His brothers, using Cicero as an intermediary, immediately petitioned Caesar for his recall. During this time Quintus Aelius Tubero brought a case against Ligarius, charging him with treason on the grounds that he played a part in the alliance of Pompey's supporters in Africa with King Juba of Numidia (Quintilian 11.1, 80). Caesar fully exercised his rights as dictator in dealing with the case; he decided whether the case should be tried, appointed himself as the sole judge, and heard the case publicly in the forum.

Gotoff notes that a central problem for the interpretation of *Pro Ligario* is the possibility that the outcome of the trial was predetermined.¹⁰ According to

⁸ Gotoff 1993: xxxii.

⁹ Gotoff 1993 concludes from *Att.* 13.12.2 that *Pro Ligario* was delivered in the first of two intercalary months between November and December of 46 and was copied for publication not long afterward.

¹⁰ Gotoff 1993: xxxiv.

Plutarch, Caesar was resolved to convict Ligarius, but was so moved by Cicero's eloquence that he acquitted him (*Cic.* 39.6-7). Modern scholarship generally rejects Plutarch's account, supporting instead the notion that Caesar allowed the case to be tried in order to advertise his political propaganda.¹¹ In this case, Cicero's job was to write a speech that praised Caesar's *clementia* and illuminated it for the public.

Cicero delivered the third Caesarian speech, *Pro Rege Deiotaro*, in the intimate setting of Caesar's home in 45. Deiotarus, king of Galatia, had been a supporter and friend of Cicero during his proconsulship in Cilicia in 52. Like Cicero's other defendants, he had sided with Pompey during the war. After securing victory in Egypt, Caesar met Deiotarus in Galatia, and the king subsequently begged him for clemency. Caesar allowed him to continue his rule and departed to defeat Pharnaces at Zela. He then returned to Galatia and kept Deiotarus on the throne with a diminished realm. The king sent an embassy to Caesar during his Spanish campaign seeking return of his former possessions and support in a power struggle against his daughter's husband, Castor. Castor's son soon brought a case against Deiotarus, accusing him of plotting against Caesar's life. The accusation was specious—this younger Castor was the sole prosecutor, and his primary evidence was the eyewitness account of one of Deiotarus' slaves.

¹¹ Craig 1984: note 1 surveys the opinions of scholars on this issue. Drumann 1901-29 proposes that the trial was a prearranged charade. Walser 1959 and Kumaniecki 1967 maintain that Caesar's acquittal of Ligarius was propagandistic and the outcome was predetermined and premeditated between Cicero and Caesar. Craig agrees that the acquittal had certain political motivations, but argues that Cicero may not have conspired with Caesar before the trial. The orator could have simply understood what kind of speech the situation required.

It is particularly difficult to understand the circumstances of this speech because it lacked a public audience. The speech held political significance; Caesar's decision would have been of interest to other client kings like Deiotarus. Gotoff suggests that the purpose of the trial may have been to "get Caesar to take a large view of an eastern potentate and ally of Rome who had, as things turned out, at least for the present, made the wrong commitment."¹² Cicero's opinion of *Pro Rege Deiotaro* is preserved in *Fam.* 9.12, a letter to his son in law Dolabella, who had requested a copy of the speech. He calls it a *causa tenuis et inops* and deems it unworthy of publication.¹³

A century after Cicero delivered the *Caesarianae*, Seneca produced the essay *De Clementia* for the young emperor Nero.¹⁴ He had previously composed a speech on *clementia* for Nero to deliver the Senate in early 55.¹⁵ In the early years of his reign, Nero enjoyed a reputation of clemency and earned popular and elite respect, most likely due to Seneca's coaching.¹⁶ *De Clementia* is clearly addressed to Nero, but as Griffin points out, it was also meant to restore the reading public's confidence in the government after the murder of Britannicus and rumors of tensions in the royal family.¹⁷ In addition to guiding Nero and

¹² Gotoff 1993: xxxix.

¹³ Gotoff 1993: xl.

¹⁴ Braund 2009: 16 dates *De Clementia* to 55 CE, after the murder of Britannicus. The strongest evidence to support this date is that Seneca states that Nero is just past his eighteenth year at 1.9.1.

¹⁵ Griffin 1976: 133.

¹⁶ Dowling 2006: 194.

¹⁷ Griffin 1976: 138.

improving the public image of the government, Seneca may have also wanted to bolster his own reputation as a giver of sound advice.¹⁸ Seneca, however, had a valid reason for wanting to display his talents. There was strong opposition to Stoic philosophy during his time.¹⁹ *De Clementia* can therefore partly be seen as an attempt to improve the popular opinion of Stoicism. Braund proposes that the essay is also a statement of the emperor's absolute power.

De Clementia is Seneca's only piece of political philosophy. It appears to be modeled on Hellenistic kingship treatises, the panegyric oration, and the philosophical treatise.²⁰ Braund calls the result of Seneca's blend of genres a protreptic: a work intending to turn its audience toward philosophy.²¹ While the *De Clementia* as a philosophical essay is not oratorical in genre, the panegyric element is consonant. As praise is an important aspect of Cicero's approach to speaking before Caesar, so in the *De Clementia*, superfluous praise is mixed with admonition. Braund calls the *Caesarianae* proto-panegyrics whose characteristics manifest themselves again in the *De Clementia*.²² Both the *Caesarianae* and the *De Clementia* are in essence inaugural works, which Braund identifies as a frequent occasion of Latin panegyric.²³ Panegyrists writing

¹⁸ Griffin 1976: 140 notes that the idea that Seneca desired to show off is found in Tacitus *Ann.* 13.2.

¹⁹ Seneca refers to this opposition at *De Clem.* 1.5.2.

²⁰ Braund 2009: 17.

²¹ Braund 2009: 23.

²² Whitby ed. 1998: 55.

²³ Whitby ed. 1998: 55. For Braund, the *Caesarianae* and the *De Clementia* with Pliny's *Panegyricus* are examples of accession literature with common form and function. She isolates Pliny's argument that the emperor is already perfect and is his own role model, a stance also present in Seneca and Cicero.

at the beginning of a reign do more than simply praise; they are also in a position to suggest a program of action to a new ruler. Panegyric is an apt medium for making this kind of admonition palatable.

Seneca's attitude toward and familiarity with Cicero's life and works is an important starting point for an evaluation of the orator's influence on him. Seneca admired Cicero as a master prose stylist, unmatched orator, and an important literary figure and credited him with furnishing Latin with philosophical vocabulary.²⁴ In *Ep.* 58.6, for example, Seneca cites Cicero for his use of the word *essentia*:

Non celabo te: cupio, si fieri potest, propitiis auribus tuis 'essentiam' dicere; si minus, dicam et iratis. Ciceronem auctorem huius verbi habeo, puto locupletem.

I shall not keep you in the dark; I desire, if possible, to say the word *essentia* to you and obtain a favourable hearing. If I cannot do this, I shall risk it even though it put you out of humour. I have Cicero as authority for the use of this word, and I regard him as a powerful authority.²⁵

Seneca expresses appreciation for Cicero's style in *Ep.* 100.9 when he recommends that Lucilius read him: *Lege Ciceronem: compositio eius una est, pedem curvat lenta et sine infamia mollis.*²⁶ The numerous *testimonia* of Cicero in the *Epistulae Morales* show that Seneca often had the orator on his mind and was quite familiar with his life and works. He would not have ignored the importance of Cicero as a predecessor when writing the *De Clementia*.

²⁴ Gambet 1970: 173.

²⁵ Translation from Grummere 1917: 390.

²⁶ Gambet 1970: 174 provides more examples of Seneca praising Cicero as a literary virtuoso: *Ep.* 40.11, *Cicero noster, a quo Romana eloquentia exiluit*; *Ep.* 107.10 and 118.1 *vir disertissimus*.

Because the *Caesarianae* and the *De Clementia* address the topic of clemency, it is important to understand what *clementia* meant to each author. Clemency achieved true political importance with Julius Caesar, and Seneca addresses this type of clemency in his essay, as opposed to forgiveness between private individuals. Because the origins of political *clementia* lie with Caesar, Seneca must acknowledge Caesar as a predecessor to Nero if he seeks to produce a comprehensive essay on clemency.

In this thesis, I argue that the *Caesarianae* played an important role in shaping of the *De Clementia*. Comparison reveals similarities and difference in rhetorical strategies that illuminate Seneca's familiarity with the circumstances and content of the *Caesarianae*. Armed with this evidence, it will be possible to evaluate what Seneca stood to gain or lose by appropriating as a model for his essay "such a sad tribute to Cicero's genius as an orator."²⁷

²⁷ Griffin 1976: 149.

CHAPTER 2 *PRO MARCELLO*

Seneca gives his own account of Marcellus' exile in *Helv.* 9.4-8. According to Seneca, Brutus reported that Marcellus was happy while in exile because he had free time to devote himself to liberal studies. Seneca's letter to his mother is a *consolatio*, however, and his motives surely affected the veracity of his story. Because Seneca is in exile himself, he wants to convince his mother that exile is not an unpleasant fate. According to Seneca, Marcellus was not unhappy in exile, but those who knew him felt like they were in exile without him. He claims that Caesar sailed past Mytilene to avoid seeing Marcellus as an exile because he was embarrassed to see such a great man in that state. He goes so far as to write *Caesar erubuit* (*Helv.* 9.6). He neglects to mention that Caesar was the agent of the recall.

Seneca's account of Marcellus' recall may shed light on his opinion of the events surrounding *Pro Marcello*:

Illi quidem reditum inpetrauit senatus publicis precibus, tam sollicitus ac maestus ut omnes illo die Bruti habere animum uiderentur et non pro Marcello sed pro se deprecari, ne exules essent si sine illo fuissent (9.6).

The senate did indeed by public petitions secure his recall, being meanwhile so anxious and sad that all its members on that day seemed to feel as Brutus did and to be pleading, not for Marcellus, but for themselves, lest they should be exiles if they should be left without him.²⁸

Seneca attempts to ameliorate the situation by emphasizing Marcellus' persistent happiness and resolve; he then claims that the senators wanted Marcellus to

¹ Translation from Basore 1928.

return because of their own inability to bear being without him, not because they cared about him and his interests.

Seneca echoes the very title of Cicero's speech: *Non pro Marcello sed pro se deprecari*. Is Seneca making a reference to Cicero's role in the event? The *Pro Marcello* is indeed not a speech in defense of Marcellus. The title suggests that it is a judicial speech, but it is in fact a *sententia*. This reference suggests that Seneca was familiar with the historical events surrounding the *Caesarianae*, but also that he was unsympathetic to Cicero's cause and unimpressed by Caesar's clemency.

The beginning sections of the *Pro Marcello* support Seneca's perception that the senate and Cicero were grieving for themselves more than for Marcellus. Cicero begins the speech by talking about himself, and the personal significance of Marcellus' recall:

M. enim Marcello vobis, patres conscripti, reique publicae reddito, non illius solum, sed etiam meam vocem et auctoritatem et vobis et rei publicae conservatam ac restitutam puto (2).

For in this restoration of Marcus Marcellus, Conscript Fathers, to yourselves and to the state I feel that my own voice and influence, as well as his, have been preserved and restored to yourselves and to the state.²⁹

From his account in *Ad Helviam*, Seneca seems critical of Cicero's selfish attitudes, and as a Stoic, disapproved of Cicero's emotional stance. Gambet proposes that Seneca's negative assessment of Cicero's political career and life

²⁹ Translation from Watts 1931: 423.

stems from his own admiration of Cato, who makes Cicero look like a poor Stoic.³⁰

The *Pro Marcello* is a prime example of Cicero's willingness to adapt to a changing political environment. His opposition to Caesar's dictatorship is well known, yet he puts his grievances aside to extol the general's *clementia* once Marcellus is pardoned. However, the relationship between Caesar and Cicero was a complex and evolving one. A negative opinion of Cicero's behavior would not necessarily have compelled Seneca to ignore his speech, especially since it deals so directly with *clementia*.

Seneca's opinion of Cicero and his perception of the historical events surrounding the *Caesarianae* are only one way of evaluating the relationship between the *Pro Marcello* and the *De Clementia*. A more honest picture of the interplay between the works can be gained by holding up Seneca's language next to Cicero's.

Cicero begins the *Pro Marcello* by announcing to the *patres conscripti* how this day ends the long silence in which he has indulged, and he can now return to his old way of expressing his wishes and opinions. He then explains the reason why he is compelled to speak out:

Tantum enim mansuetudinem, tam inusitatam inauditamque clementiam, tantum in summa potestate rerum omnium modum, tam denique incredibilem sapientiam ac paene divinam, tacitus praeterire nullo modo possum (1.1).

For such humanity, such exceptional, nay, unheard of clemency, such invariable moderation exhibited by one who has attained supreme power,

³⁰ Gambet 1970: 181.

such incredible and almost superhuman loftiness of mind I find it impossible to pass by in silence.³¹

Gotoff notes that Cicero's progression from *mansuetudino* to *clementia* shows the need to search for the right word due to the incipient nature of political *clementia*.³² Cicero presents a tetracolon of qualities, increasing in volume, and enhanced by the alternating anaphora of *tantam* and *tam* and the alliteration of *tacitus*. His inclusion of *paene divinam* is interesting; Cicero will be reluctant to call Caesar or his wisdom divine, while Seneca as we shall see is much more comfortable with this concession in the *De Clementia*. The position of *sapientia* at the end of the series puts emphasis on Caesar's mental wisdom over the emotional trait of mercifulness and associates mercy with the mind.

Cicero proceeds to name the restoration of Marcellus as the reason why he now can speak publicly (2). He details his personal grief during Marcellus' absence, and explains that he could not go about his usual business as a civic orator *illo aemulo atque imitatore studiorum ac laborum meorum, quasi quodam socio a me et comite distracto*. This compound ablative absolute reflects perhaps the difficult nature of Marcellus' and Cicero's profession, and as Gotoff notes, is reminiscent of Caesar's own style.³³ He then addresses Caesar directly, proclaiming that he has reopened opportunities for Cicero and men like him to participate in public life and even implicates Caesar as a protector of the Republic's welfare: *his omnibus ad bene de omni re publica sperandum quasi*

³¹ Translation from Watts 1931: 423.

³² Gotoff 1993: 15; Braund 2009: 243, 402. Seneca uses *mansuetudo* as a virtual synonym for *clementia*.

³³ See Schlicher 1936: 218-19 for Caesar's frequent use of the ablative absolute.

signum aliquod sustulisti. He uses a military metaphor with *signum*, which denotes a flag raised outside a general's tent as a signal to march out to fight.³⁴

This statement reflects Cicero's own hopes for the continued life of the Republic.

In Cicero's eyes, Caesar has proven his clemency beyond all doubt since Marcellus was such a bitter opponent in the past. Cicero again appears to want to believe that Caesar will be the restorer of the Republic: *intellectum est...te auctoritatem huius ordinis dignitatemque rei publicae tuis vel doloribus vel suspicionibus anteferre* (3). Cicero again estimates Caesar's thoughts: *Ex quo profecto intellegis quanta in dato beneficio sit laus, cum in accepto sit tanta gloria*. His words are slightly tinged with admonition, as if Caesar himself has learned a lesson about clemency from the pardon he has given. While Cicero states Caesar's opinions for him, Seneca puts words in Nero's mouth with hypothetical speeches from the emperor's perspective.³⁵ Cicero's use of the word *intellegere* suggests that Caesar is to literally "read between the lines" of what he is saying. This is a dangerous suggestion, because it gives Caesar license to interpret Cicero's words on a deeper level, which could lead to misunderstanding. Seneca does not take this risk with Nero; his words are to be taken at face value.

In 4.2, Cicero assumes a full panegyric stance, remarking upon the greatness of Caesar's deeds: *Nullius tantum flumen est ingeni, nullius dicendi aut scribendi tanta vis, tanta copia, quae non dicam exornare, sed enarrare, C. Caesar, res tuas gestas possit*. Although no one is able to faithfully relate

³⁴ Gotoff 1993: 21.

³⁵ *De Clem.* 1.1.2.

Caesar's accomplishments, Cicero states that the pardon granted today is greater than all others in the past: *Tamen adfirmo, et hoc pace dicam tua, nullam in his esse laudem ampliore quam eam quam hodierno die consecutus es*. The hyperbole makes sense in light of Cicero's hope that this decision signifies that Caesar will revive the Republic.

Cicero enthusiastically continues to praise Caesar's numerous military accomplishments but only to set up his argument that *sunt alia maiora* (5-6). While the goddess Fortuna was arguably Caesar's accomplice in his military victories, in the clemency he exhibited today he has *neminem socium* (7): *totum hoc quantumcumque est (quod certe maximum est) totum est, inquam, tuum*. The homoioteleuton of *totum* and *tuum* emphasizes Cicero's insistence that all praise must accrue to Caesar. No other general can lay claim to this, and he finishes the thought by stating Fortuna's submissive position to Caesar: *quin etiam illa ipsa rerum humanarum domina, Fortuna, in istius societatem gloriae se non offert: tibi cedit; tuam esse totam et propriam fatetur*.

After extolling the extent and magnitude of Caesar's military success in conquering peoples and lands, Cicero discounts them as things conquerable because they are meant to be conquered: *sed tamen ea vicisti, quae et naturam et condicionem ut vinci possent habebant* (8). Although Caesar's accomplishments are impossibly great, conquering one's temper is a more impressive feat:

Animum vincere, iracundiam cohibere, victoriam temperare, adversarium nobilitate, ingenio, virtute praestantem non modo extollere iacentem, sed etiam amplificare eius pristinam dignitatem, haec qui fecit, non ego eum cum summis viris comparo, sed simillimum deo iudico.

But to conquer the will, to curb the anger, and to moderate the triumph—not merely to uplift from the dust the foe whose rank, genius, and merit were preeminent, but even to enhance his previous greatness—him who acts thus I do not compare to the greatest of men, but I judge him most like to God.³⁶

Gotoff suggests that the substantive use of infinitives presents Caesar's virtues as facts rather than actions.³⁷ The *simillimum deo* at the end is striking but does not signify that Caesar was yet considered divine. This language is appropriate to panegyric, and as Gotoff notes, this type of hyperbole cannot be translated as political reality.³⁸ The comparison echoes Cicero's earlier qualification of Caesar's *sapientia* as *paene divina* (1.1).

Cicero continues his focus on Caesar's military prowess, again to contrast it with his glorious pardon of Marcellus. He states that his military efforts will be celebrated in Roman literature and in the literature of other nations. Nor will Caesar's reputation be forgotten in the future: *nec ulla umquam aetas de tuis laudibus conticescet* (9). However, memories of military feats are always negatively tinged with *clamor militum* or *sonus tubarum*. The reader can imagine Cicero becoming excited and speaking quickly when he contrasts this with memories of clemency:

At vero cum aliquid clementer, mansuete, iuste, moderate, sapienter factum—in iracundia praesertim, quae est inimica consilio, et in victoria, quae natura insolens et superba est—audimus aut legimus, quo studio incendimur, non modo in gestis rebus, sed etiam in fictis, ut eos saepe, quos numquam vidimus, diligamus!

³⁶ Translation from Watts 1931: 429.

³⁷ Gotoff 1993: 34.

³⁸ Gotoff 1993: 35.

But when we hear or read of some act of mercy, of kindness, of justice, of moderation, and of wisdom, above all if performed in the hour of wrath, which is the foe of counsel, and of triumph, which in its very nature is haughty and overweening, how our hearts burn within us, whether it be fact or merely fiction that we study, so that our affection oft goes forth to men whom we have never seen!³⁹

Gotoff notes the asyndeton of the five adverbs *clementer, mansuete, iuste, moderate, and sapienter*, which again shows Cicero searching for the perfect word.⁴⁰ The use of the first person plural denotes the commonality of the sentiment among all men. Cicero chooses a metaphor of fire *incendere* to describe the natural reaction to acts of clemency in times of anger, even if the incident happens in the realm of fiction.

After praising Caesar's military aptitude, Cicero describes how the general should be praised. He asks, *quibus laudibus efferemus? quibus studiis prosequemur? qua benevolentia complectemur* (10)? Gotoff observes that the asyndetic tricolon with virtual anaphora and homoeoteletuon conveys Cicero's growing enthusiasm.⁴¹ Cicero then personifies the walls of the senate house, hyperbole which flows naturally from the enthusiastic tricolon that proceeds it: *Parietes me dius fidius ut mihi videtur huius curiae tibi gratias agere gestiunt, quod brevi tempore futura sit illa auctoritas in his maiorum suorum et suis sedibus*. Here again Cicero implies that Caesar is the restorer of the Republic.

At this point Cicero finally makes brief mention of Marcellus and his family. After spending two sentences praising the *nobilissima familia* of the Marcelli, he

³⁹ Translation from Watts 1931: 429. Seneca discusses employing exempla of great men in *Ep.* 1.11. See Roller 2004 for exemplarity in Roman culture.

⁴⁰ Gotoff 1993: 36.

⁴¹ Gotoff 1993: 38.

returns to his argument that the glory Caesar has gained from this deed is better than that of his other achievements because he is the sole agent. He says, *huius autem rei tu idem es et dux et comes* (11). The glory of this deed will not be destroyed over time, but *haec tua iustitia et lenitas animi florescit cotidie magis* (12). Cicero believes that the passage of time will make Caesar's virtues seem even greater.

The hyperbole intensifies as Cicero continues. He proclaims that on this day, after surpassing all others in civil wars, equanimity, and mercy, Caesar has surpassed himself and even victory herself: *ipsam victoriam vicisse videris, cum ea quae illa erat adepti victis remisisti*. Victory is negative because of the way it makes victors behave, and by pardoning Marcellus, Caesar is defying the norm. Now Cicero makes a statement that suggests that all Romans were conquered and have been pardoned like Marcellus: *nam cum ipsius victoriae condicione omnes victi occidissemus, clementiae tuae iudicio conservati sumus*. Here Cicero does not search for a word, but confidently singles out *clementia*. *Iudicio* indicates that Caesar did not exercise clemency from a whim or otherwise emotional impulse but made a deliberate decision. Because Caesar has conquered the normal violent and unmerciful conditions of victory, he alone is unconquerable: *recte igitur unus invictus es, a quo etiam ipsius victoriae condicio visque devicta est*. Cicero hints that Caesar's power is absolute and enduring; he seems to accept the reality of the general's absolute power as long as it is not exercised violently and is used to rebuild the Republic.

Cicero continues to expand the impact and importance of Caesar's decision to pardon Marcellus. Caesar's clemency has also exculpated everyone else who fought on the wrong side of the civil war: *omnes enim, qui ad illa arma fato sumus nescio quo rei publicae misero funestoque compulsi, etsi aliqua culpa tenemur erroris humani, scelere certe liberati sumus* (13). He then recalls memories of the war, explaining that Caesar understands that those who opposed him did so out of ignorance and fear, rather than from *cupiditas* or *crudelitas*. This could reduce the magnitude of Caesar's pardon, if Marcellus had not opposed him out of personal enmity. Cicero claims that throughout the war he, Caesar, and Marcellus only wanted peace (15-16). He removes responsibility from Caesar for the death of citizens, even saying that Caesar would raise them from the dead if he could: *quos amisimus civis, eos Martis vis perculit, non ira victoriae; ut dubitare debeat nemo quin multos, si fieri posset, C. Caesar ab inferis excitaret, quoniam ex eadem acie conservat quos potest* (17). Cicero attempts to soften the memories of the civil war and remove blame from all parties involved while at the same time defining Caesar as the *victor* and hence the one man on whom everyone now depends: *omnem spem salutis ad clementiam victoris et sapientiam contulisse* (18). He again ties *clementia* to *sapientia* and makes clear that everything hinges on its presence in a conquerer, who is in essence a ruler.

Cicero issues an imperative to Caesar to delight in his character. He says, *qua re gaude tuo isto tam excellenti bono, et fruire cum fortuna et gloria, tum etiam natura et moribus tuis: ex quo quidem maximus est fructus iucunditasque*

sapienti (19).⁴² The Stoic *sapiens* is prominent.⁴³ Cicero places a man's virtue ahead of his good fortune, saying that Caesar's *beneficium, liberalitas, and sapientia* are the only true *bona*.

Because of the glory gained by exhibiting such virtues, Caesar should continue to pardon good men, especially those who have erred because they were misled or mistaken (20). Cicero does not consider Caesar culpable for the people's fear of him during the war, and they do not fear him now specifically because of his *clementia*: *non enim tua culpa est si te aliqui timuerunt, contraque summa laus, quod minime timendum fuisse senserunt*. In fact, those whom Caesar has conquered and subsequently pardoned are now *amicissimi* (21).⁴⁴

After emphasizing Caesar's current popularity, Cicero warns that due to the fallible nature of men, it is possible that some might be insane enough to oppose him, although the thought of this is ridiculous:

nam quis est omnium tam ignarus rerum, tam rudis in re publica, tam nihil umquam nec de sua nec de communi salute cogitans, qui non intellegat tua salute contineri suam, et ex unius tua vita pendere omnium ? (22)

For what man on earth is there so ignorant of life, so unversed in politics, so utterly careless of his own wellbeing and that of the community, as not to realize that his own wellbeing is bound up in yours, and that on your sole life hang the lives of all?⁴⁵

⁴² Also compare with Seneca's statement of purpose at 2.2: *bene factis dictisque tuis quam familiarissimum esse te cupio*.

⁴³ Gotoff 1993: 59 notes that Caesar is identified with Epicureanism, but that wisdom is not only a virtue of a Stoic, and Cicero is not writing a philosophical treatise.

⁴⁴ Seneca recounts Augustus' words to Cinna after pardoning him: *Ex hodierno die inter nos amicitia incipiat; contendamus, utrum ego meliore fide tibi vitam dederim an tu debeas* (1.9.11).

⁴⁵ Translation from Watts 1931: 441.

At this point in the speech, Caesar has been described several times as the leader and savior of the Republic; the fate of the state depends solely on him. This hints at Rome's imperial future; Seneca also firmly places the safety and health of Rome in Nero's hands in the *De Clementia*. A bit of unintentional irony can be read in the final sentence of the section: *cum res publica immortalis esse debeat, eam in unius mortalis anima consistere*. Cicero seems to be caught between his dream of a perpetual republic and the necessity of single-man rule.

Now Cicero turns to address the current state of the Republic and its need for improvement: *omnia sunt excitanda tibi, C. Caesar, uni, quae iacere sentis, belli ipsius impetu, quod necesse fuit, percussa atque prostrata* (23). He takes care not to blame Caesar for the destruction by implicating its necessity. Instead he says that only Caesar can provide the needed assistance, and characterizes him as a doctor of the Republic: *quae quidem tibi nunc omnia belli volnera sananda sunt, quibus praeter te nemo mederi potest* (24).

Cicero quotes a saying of Caesar's and uses it as a platform for administering contradictory advice. Likewise, Seneca's quotes Nero in 1.2.2: "Egone ex omnibus mortalibus placui electusque sum, qui in terris deorum vice fungerer?" Caesar's saying is *satis diu vel naturae vixi vel gloriae*. Cicero argues that while Caesar may have lived long enough for nature and even for glory, he has not lived long enough for his country.⁴⁶ He urges him not to use the expression as frequently as he is accustomed to do, and *noli nostro periculo esse sapiens*—do not be a wise man at our expense. Throughout this admonitory

⁴⁶ Cf. Seneca's statement: *Olim enim ita se induit rei publicae Caesar, ut seduci alterum non posset sine utriusque pernicie; nam et illi viribus opus est et huic capite* (1.4.3).

discussion, Cicero is careful to inject laudatory points, reminding Caesar of the greatness of his accomplishments but always returning to the idea that there is more glory to be gained. The dependence of the republic's safety on Caesar is also central to Cicero's argument against Caesar's pet maxim; even if he has lived enough for himself, the republic (or at least Cicero) is still counting on him to restore it to its former status.

Cicero closes the speech with an emphasis on the relationship between Caesar's fate and that of the people: *Nisi te, C. Caesar, salvo, et in ista sententia qua cum antea tum hodie vel maxime usus es manente, salvi esse non possumus* (32). He then makes a promise that Caesar will be defended against hidden dangers: *omnesque tibi, ut pro aliis etiam loquar quod de me ipse sentio, quoniam subesse aliquid putas quod cavendum sit, non modo excubias et custodias, sed etiam laterum nostrorum oppositus et corporum pollicemur*. The image of people exposing their sides in defense of their leader is echoed in *De Clementia*. 4.1: *Suam itaque incolumitatem amant, cum pro uno homine denas legiones in aciem deducunt, cum in primam frontem procurrunt et adversa vulneribus pectora ferunt, ne imperatoris sui signa vertantur*. The equation of the safety of a ruler and the safety of the people is of central importance to both Cicero's and Seneca's rhetorical strategy.

Thus the *Pro Marcello* ends with the same sentiment as it began, but this time Cicero uses the first person plural to convey the participation of all in his gratitude: *maximas tibi omnes gratias agimus, C. Caesar, maiores etiam*

habemus (33).⁴⁷ Marcellus himself seems to be of minor importance in Cicero's finale; although he mentions him, Cicero seems more grateful to be relieved of the stress Marcellus' absence has caused him rather than the personal benefit Marcellus received from his pardon. Perhaps this is a tribute to Marcellus' Stoic fortitude while in exile, or an attempt to emphasize the personal benefit Cicero and all of his friends receive from Caesar's pardon of the man. Now that the *Pro Marcello* has been analyzed, we can move on to Seneca's essay.

Seneca begins the *De Clementia* by clearly stating his purpose: *ut quodam modo speculi vice fungerer et te tibi ostenderem perventurum ad voluptatem maximam omnium* (1.1). This recalls Cicero's imperative to Caesar to delight in his own character (19). The mirror implies that Nero's current behavior is laudable and should be continued, which was also the case with Caesar's clemency. He immediately employs divine language, stating that Nero can view himself as performing the function of the gods on earth (1.2).⁴⁸ In the list of Nero's powers, *quid cuique mortalium Fortuna datum velit, meo ore pronuntiat* recalls the image of Fortuna yielding to Caesar in the *Pro Marcello*.

Both Cicero and Seneca use divine comparisons to elevate clemency's status as a virtue and to flatter their audience. Seneca equates the duties of a Princeps with those of a god from the beginning (1.2). He elaborates the way in which a ruler imitates a god in 5.7: *Deorum itaque sibi animum adserens*

⁴⁷ Compare with *De Clem.* 1.1.6: *Refertur tibi gratia; nemo unus homo uni homini tam carus umquam fuit, quam tu populo Romano, magnum longumque eius bonum.*

⁴⁸ Cf. *Marc.* 8 *simillimum deo*. Seneca writes in Nero's voice, something Cicero hesitates to do until the latter part of his speech. Seneca's relationship to Nero as his tutor and elder was more informal than that between Cicero and Caesar.

princeps alios ex civibus suis, quia utiles bonique sunt, libens videat, alios in numerum relinquat; quosdam esse gaudeat, quosdam patiatur. Cicero called Caesar's wisdom *paene divina* at the start of the *Pro Marcello*. While this remark seems to keep Caesar on a human plane, later in the speech Cicero implies that Caesar's clemency is *simillimum deo* (8). Seneca is more direct and profuse with religious language in the *De Clementia* because of Nero's established status as an emperor.⁴⁹

Cicero admired Caesar's clemency toward his enemies after a victory. Seneca also advocated this type of clemency, most notably in his anecdote of Augustus' pardon of Cinna (1.9). He says that Augustus was a good prince especially because of his behavior toward those who had injured him:

bonum fuisse principem Augustum, bene illi parentis nomen convenisse fatemur ob nullam aliam causam, quam quod contumelias quoque suas, quae acerbiores principibus solent esse quam iniuriae, nulla crudelitate exsequabatur (1.10.3).

We declare that Augustus was a good emperor and that the name of 'Parent' suited him well for no other reason than this: because he did not avenge insults, even personal ones, which emperors ususally feel more acutely than injuries, with cruelty.⁵⁰

Seneca strongly recommends this course of action at 1.20: *nunc illum hortamur, ut manifeste laesus animum in potestate habeat et poenam, si tuto poterit, donet, si minus, temperet longeque sit in suis quam in alienis iniuriis exorabilior.* While Seneca's treatise attempts to define *clementia* in all its manifestations (1.2.3),

⁴⁹ See Weinstock 1971: 241-3 for Caesar's later religious significance and the temple of *Clementia Caesaris*.

⁵⁰ Translation from Braund 2009: 113.

Cicero is preoccupied with Caesar's pardon of his political enemies.⁵¹

Throughout the *De Clementia*, Seneca is primarily concerned with the place of *clementia* in the character of an absolute ruler, whether a *princeps* or a *rex* (1.3.3).⁵² Seneca was clearly living in a different political climate than Cicero. Although the empire is young, the absolute power of Nero is unquestioned. Cicero does not attribute regal titles to Caesar in the *Pro Marcello*; he mainly describes him as a talented and enormously powerful general (5-6, 8). Cicero is not concerned with defining terms in his speech, but it is one of Seneca's main tasks in the *De Clementia*.⁵³ Cicero does, however, consistently imply that Caesar's power is absolute when he repeats that the safety of the republic and all of its citizens depends solely on him (23, 32). He may allude to Caesar's supreme political position in 27: *Haec igitur tibi reliqua pars est: hic restat actus, in hoc elaborandum est, ut rem publicam constituas, eaque tu in primis summa tranquillitate et otio perfruire*. The prepositional phrase *in primis* repeats the etymological stem of *princeps*. Cicero is not comfortable with fully acknowledging Caesar's absolute power at this point; he still hopes that his Republic will be restored by Caesar.⁵⁴ Seneca uses titles to stress Nero's authoritative obligation as an absolute ruler to practice clemency, while Cicero seems to want Caesar to

⁵¹ See *Inv.* 2.164 for Cicero's definition: *clementia per quam animi temere in odium alicuius iniectio concitati comitate retinentur*.

⁵² See Griffin 1976: 146-148 for Seneca's use of the term *rex*.

⁵³ Griffin 1976: 153. Seneca must define not only *clementia* itself, but also a good ruler.

⁵⁴ Griffin 1976: 139. There was probably no conspiracy to restore the Republic after the failure of the Senate to stop the accession of Claudius.

employ clemency in a temporary leadership role in which he will restore a Republican form of government.

Seneca's qualification of mercy as the most becoming virtue of a ruler reflects Cicero's description of the best policy of a conqueror in the aftermath of victory: *ita enim magnae vires decori gloriaeque sunt, si illis salutaris potentia est; nam pestifera vis est valere ad nocendum* (1.3.3). The guarantee of personal glory was an especially important part of Cicero's promotion of clemency to Caesar. Seneca does not emphasize this point as heavily; he instead stresses the moral value of clemency over cruelty and describes clemency as a divine virtue (1.5.5-7). This difference in approach can be attributed to the occupation of Seneca as a moral philosopher and Cicero as an orator.

Seneca compares the head of state to a physician in 1.17.2, recalling Cicero's analogy of Caesar as a doctor of the republic (24). He briefly outlines what separates a good doctor from a bad one: *Mali medici est desperare, ne curet: idem in iis, quorum animus adfectus est, facere debet is, cui tradita salus omnium est, non cito spem proicere nec mortifera signa pronuntiare*. A good ruler does not attempt to solve the problems of his people with harsh punishments and severe policies but rather assumes the role of a healer. Seneca recommends using a *molla curatio* to restore the health of the people without leaving a scar. This gentle treatment is clemency, the policy which both Cicero and Seneca believe to be effective in solving the problems of their times.

Seneca contrasts *clementia* with *crudelitas* at 1.25, condemning cruelty as inhuman behavior: *Crudelitas minime humanum malum est indignumque tam miti animo; ferina ista rabies est sanguine gaudere ac vulneribus et abiecto homine in silvestre animal transire*. He goes on to say that cruelty is abhorred because *delectatur malis hominum*. Cicero implies that cruelty towards an enemy is expected after a victory. Caesar is impressive because he conquered the *condicio visque ipsius victoriae* (12). Cicero also says that Caesar dreaded the *ferocitas victoriae ipsius* (16). Both Seneca and Cicero suggest that gaining power leads to violence, but it is the mark of an extraordinary ruler to exhibit mercy in Cicero's view. According to Seneca, mercy is expected of all morally upright humans.

Seneca closes Book 1 of the *De Clementia* with a definition of happiness:

Felicitas illa multis salutem dare et ad vitam ab ipsa morte revocare et mereri clementia civicam. Nullum ornamentum principis fastigio dignius pulchriusque est quam illa corona ob cives servatos, non hostilia arma detracta victis, non currus barbarorum sanguine cruenti, non parta bello spolia. Haec divina potentia est gregatim ac publice servare; multos quidem occidere et indiscretos incendii ac ruinae potentia est.

Real happiness consists of giving safety to many people, of calling them back to life from the point of death and of earning the civic crown through one's clemency. No decoration is more fitting or fine for the eminence of an emperor than the crown which is given for saving fellow-citizens' lives—not weapons removed from conquered enemies, not chariots bloody with barbarian gore, not booty acquired in war. This is power on a divine level—to save lives in droves and for the whole community. But multiple and indiscriminate murder is the power of a conflagration or a collapsing building.⁵⁵

Morte revocare echoes Cicero's statement that Caesar would bring back citizens from the dead who had died during the war if he were able (17). *Non hostilia*

⁵⁵ Translation from Braund 2009: 139.

arma detracta victis, non currus barbarorum sanguine cruenti, non parta bello spolia recalls the military imagery of the *Pro Marcello*, especially when Cicero says that memories of military victories are always tarnished by the cries of soldiers and sound of trumpets (9). Seneca and Cicero agree that practicing clemency is a *divina potentia*, separate from the human ability to conquer and enact violence upon the vanquished.

Clearly the *Pro Marcello* left footprints on the *De Clementia*, but it is only one third of the picture.

CHAPTER 3 *PRO LIGARIO*

Confusion is the hallmark of the *Pro Ligario*. At the outset, a bewildered Cicero blatantly confounds the facts of the case and expresses desperation about how to proceed. Gotoff suggests that by omitting a formal exordium and feigning desperation through *dubitatio*, Cicero creates “an appealing travesty of a kind of oratorical strategy.”⁵⁶ Because his partner in the defense has already conceded that Ligarius is guilty as charged, Cicero cannot deliver a traditional defense speech in which he denies his client’s guilt (1.1). Quintilian cites the speech as Cicero’s only *deprecatio*, a pure appeal for mercy.⁵⁷ Cicero’s approach to the case is three-pronged: emotional *deprecatio* to incite Caesar’s mercy, *dubitatio* and general confusion to undermine the validity of the charge, and a challenge to Tubero’s *ethos* as prosecutor. Because Cicero had no real opponent in the *Pro Marcello*, the *Pro Ligario* offers more fruit for comparison to the *De Clementia*. Tubero represents active opposition to *clementia*, and Cicero must respond by promoting mercy to Caesar like Seneca does in his essay. The *deprecatio* of the *Pro Ligario* sets this speech apart from the other *Caesarianae* and ties it to Seneca’s conception of *clementia* in a unique way. This chapter will highlight points of comparison from both works at the same time.

⁵⁶ Gotoff 1993: 105.

⁵⁷ Quintilian 5.13.5, 5.13.31. Cited by Montague 1992: 561.

Lausberg defines *deprecatio* as “the weakest level of defense since both the unlawfulness of the deed and the wrongful intent of the perpetrator are here admitted.”⁵⁸ Cicero describes *deprecatio* in *De Inv.* 2.104:⁵⁹

Deprecatio est, in qua non defensio facti, sed ignoscendi postulatio continetur. Hoc genus vis in iudicio probari potest, ideo quod concesso peccato difficile est ab eo, qui peccatorum vindex esse debet, ut ignoscat, impetrare. Quare parte eius generis, cum causam non in eo constitueris, uti licebit.

Deprecation is when it is not attempted to defend the action in question, but entreaties to be pardoned are employed. This kind of topic can hardly be approved of in a court of justice, because, when the offence is admitted, it is difficult to prevail on the man who is bound to be the chastiser of offences to pardon it. So that it is allowable to employ that kind of address only when you do not rest the whole cause on it.⁶⁰

While Quintilian cites the *Pro Ligario* as Cicero’s only *deprecatio*, the speech contains argumentation that distinguishes it from a pure appeal for mercy (6-29). Cicero focuses his arguments on the character of the prosecutor, defendant, and judge since the charge itself cannot be refuted. He ultimately asks Caesar to grant clemency, not only to benefit the guilty but repentant Ligarius, but also to enhance Caesar’s reputation. Lausberg notes, “As a result, a conflict of norms is produced in the judge’s mind between his normal sense of justice and *clementia*, or indeed his thirst for glory.”⁶¹

⁵⁸ Lausberg 1998: 79.

⁵⁹ Cited by Craig 1984: 195.

⁶⁰ Translation from Yonge 1888: 238.

⁶¹ Lausberg 1998: 80.

Cicero's melodramatic lament, "*quo me vertam nescio*" at the beginning of the speech has deep roots in the literary tradition of *dubitatio*.⁶² Cicero quotes words similar to these from Ennius' *Medea* (*Quo nunc me vortam? Quod iter mincipiam ingredi?*⁶³) and C. Gracchus' oratory (*Quo me miser conferam? quo vortam?*⁶⁴) in *De orat.* 3.217 and 214 as examples of effective rhetorical desperation.⁶⁵ Gotoff remarks that Cicero's desperation is purely an affectation; he does not expect Caesar to believe that he is desperate.⁶⁶ His purpose is probably twofold: to mock the seriousness of the trial, and to give the speech a pleasing theatrical flair. The theatricality of the speech has fueled the popular notion that the outcome of the trial was predetermined and that the entire event was staged by Caesar and Cicero to advertise Caesar's *clementia*.⁶⁷

Seneca writes, *Esse autem aliquos scio, qui clementia pessimum quemque putent sustineri, quoniam nisi post crimen supervacua est et sola haec virtus inter innocentes cessat* (1.2.1). He further explains that clemency is only sought by the guilty: *clementiam poena digni invocent*. Cicero turns to *deprecatio* because Ligarius deserves punishment by law, and his guilty was confirmed earlier in the proceedings:

⁶² Fowler 1987 collects examples of rhetorical desperation in Greek literature.

⁶³ *De Orat.* 3.217.

⁶⁴ *De Orat.* 2.214.

⁶⁵ Cited by Fowler 1987: 5. Cicero gives these examples to illustrate ways to incite an emotional response from an audience.

⁶⁶ Gotoff 1993: 109.

⁶⁷ Craig 1984: note 6 traces the origin of this theory to Drumann's rejection of Plutarch's account in *Cic.* 39. Craig argues that while the outcome of the trial was politically motivated, Caesar and Cicero did not necessarily conspire beforehand.

sed quoniam diligentia inimici investigatum est quod latebat, confitendum est, opinor, praesertim cum meus necessarius Pansa fecerit ut id integrum iam non esset, omissaque controuersia omnis oratio ad misericordiam tuam conferenda est, qua plurimi sunt conseruati, cum a te non liberationem culpa sed errati ueniam impetrauissent. (1)

But now that his dark secret has been disclosed by an indefatigable opponent, there is nothing for it, I suppose, but to plead guilty to the charge, especially as, thanks to my friend Pansa, it is no longer a debatable question. So I must eschew controversy and convert my whole speech into an appeal to your compassion, to which so many have owed their safety, winning from you not indeed absolution from guilt but pardon for their errors.⁶⁸

At this early point in the speech Cicero already sets the stage for his unusual approach to the case, abandoning all pretext of a true defense and making the speech essentially a monument to Caesar's mercy.

Cicero calls the charge against Ligarius a *novum crimen* (1). He says that Tubero's charge is "*Q. Ligarium in Africa fuisse*," when in reality it was treason, as we know from Quintilian.⁶⁹ Quintilian cites Tubero's speech for the prosecution as an example of accusing someone of a crime when they have already been proven guilty. Tubero accused Ligarius of having an alliance with King Juba of Numidia *contra rem publicam*. The gravity of the charge complicates Cicero's case. If Ligarius has committed treason, Caesar must find him guilty as a fair judge. If he has not, *clementia* is not required to acquit him.

Cicero continues with a narrative of Ligarius' honorable lieutenancy before the war broke out (2-4). He claims that Ligarius was free from blame until Varus, a lieutenant of Pompey, took control of his province. Ligarius then served in his

⁶⁸ Translation from Watts 1931: 459.

⁶⁹ Quintilian 11.1,80, cited by Montague 1992: 561 and Craig 1984: 194.

government, but Cicero says, *si est crinosum, necessitatis crimen est, non voluntatis* (5). Cicero cites Ligarius' affection for his friends and family at Rome as reason why he would not stay in Africa if he were able to leave. Craig observes that Cicero avoids making the strongest legal argument against Ligarius' culpability: he was just following orders, yet such a defense weakens Caesar's clemency. It would not be as impressive if bestowed upon an innocent person.⁷⁰ Furthermore, it would draw attention to Ligarius' loyalty to Pompey in the war. To cite this fidelity to Caesar's enemy as a justification for Ligarius' actions could offend Caesar.⁷¹ Cicero does however make an apologetic statement about Pompey and his past supporters later in the speech, explaining that each side in the war was fighting for the safety of the Republic:

Secessionem tu illam existimauisti, Caesar, initio, non bellum, nec hostile odium sed ciuile discidium, utrisque cupientibus rem publicam saluam, sed partim consiliis partim studiis a communi utilitate aberrantibus. (19)

At the outset, Caesar, you held that that movement was a secession, not a war, not an outburst of hatred between foes, but of dissension between citizens, a dissension in which either party had the welfare of the state at heart, but in which each, through policy or through passion, swerved from the interest of the general body.⁷²

Cicero cannot say that Ligarius' choice to side with Pompey was correct, but he wants to make a point that Ligarius and Pompeians in general are not wicked men, and thus deserving of Caesar's clemency.

⁷⁰ Craig 1984: 195.

⁷¹ Cicero was also accustomed to challenge his opponent's *ethos* as a part of his argument, cf. *Pro Murena*, *De Lege Agraria*.

⁷² Translation from Watts 1931: 475.

After recounting Ligarius' innocence until his service under Varus, Cicero issues an imperative to Caesar: *Nullum igitur habes, Caesar, adhuc in Q. Ligario signum alienae a te uoluntatis; cuius ego causam animaduerte, quaeso, qua fide defendam; prodo meam*. The *causa* that Cicero reveals is his own political opposition to Caesar in the past. He extols Caesar's clemency and proposes that Ligarius did not possess the same hostility towards the general that Cicero admittedly had:

O clementiam admirabilem atque omnium laude, praedicatione, litteris monumentisque decorandam! M. Cicero apud te defendit alium in ea uoluntate non fuisse in qua se ipsum confitetur fuisse, nec tuas tacitas cogitationes extimescit, nec quid tibi de alio audienti de se occurrat, reformidat (6).

O marvelous clemency and worthy to be adorned by every commendation and advertisement that literature and historical record can supply! When Marcus Cicero maintains in your presence that another was not an adherent of the cause which he admits that he himself embraced, he feels no fear of what unspoken reflections may fill your mind, nor does he shudder at what thoughts about himself may be suggesting themselves to you as you listen to his defense of that other.⁷³

Cicero does not search for the perfect word for clemency as he did in *Marc.* 1. He confidently uses an exclamatory accusative *clementiam*. Bringing up his own past political indiscretions in order to defend Ligarius is a risky move, but he removes a sense of ownership by speaking in the third person.

Cicero maintains a confident stance, demanding Caesar's attention again with an imperative: *Vide quam non reformidem, quanta lux liberalitatis et sapientiae tuae mihi apud te dicenti oboriatur. Quantum potero, uoce contendam, ut hoc populus Romanus exaudiat* (6). Here, as in *Marc.* 1, Cicero ties clemency

⁷³ Translation from Watts 1931: 465.

to wisdom instead of emotion. The participle *dicenti* looks back to *audienti* in the preceding sentence, drawing attention to the relationship between Cicero as speaker and Caesar as willing listener. Seneca also depends on Nero to give a receptive ear to his essay. He uses a metaphor of rising sunlight to describe the magnitude of Caesar's virtues. Likewise, Seneca uses a sunlight metaphor in *De Clem.* 1.8.4: *Multa circa te lux est, omnium in istam conversi oculi sunt; prodire te putas? Oritis.* At *De Clem.* 1.5.7 Seneca mentions the gods, *quorum beneficio in lucem edimur tam boni quam mali.* He compares the emperor to a bright star in 1.3.3: *tamquam ad clarum ac beneficum sidus certatim advolant.* People are drawn to the emperor like a star and depend on him like the sun. An interesting comparison to these passages is found in Lucan. He narrates Caesar's pardon of Domitius, an unwilling recipient of *clementia*.⁷⁴

scit Caesar poenamque peti ueniamque timeri.
 'uiue, licet nolis, et nostro munere' dixit
 'cerne diem. uictis iam spes bona partibus esto
 exemplumque mei. uel, si libet, arma retempta,
 et nihil hac uenia, si uiceris, ipse paciscor.' (2.510-15)

Caesar knows he wants the final penalty and fears a pardon.
 He said: 'Live, against your will, and by my generosity
 look upon the light of day. Be now a bright hope to the
 conquered side, a proof of my behavior.
 Even take up weapons again, if you wish:
 I myself seek nothing in return for this pardon, if you win.'⁷⁵

Caesar considers his mercy the means by which Domitius can "see the light."⁷⁶ Because Lucan was Seneca's nephew, he offers another Neronian

⁷⁴ Fantham 1992: 176 notes that the man of honor prefers death to pardon.

⁷⁵ Translation from Braund 1992: 35.

⁷⁶ Lucretius often defines the *orae luminis* as a place only accessible to those possessing wisdom about the universe (*DRN* 1.22, 170, 179; 2.577, 617).

perspective on Caesar's clemency.

Cicero's goal of appealing to the *populus Romanus* is somewhat ironic since Caesar is the only judge, but as Gotoff notes, Cicero was still interested in inciting the response of the audience to create a favorable ambiance.⁷⁷ Seneca also invokes the *populus Romanus* when he describes the uncertainty it faced when Nero's character was in its formative phase: *Magnam adibat aleam populus Romanus, cum incertum esset, quo se ista tua nobilis indoles daret; iam vota publica in tuto sunt; nec enim periculum est, ne te subita tui capiat oblivio.*

(1.1.7) Both authors connect their audience's decision to grant *clementia* with the fate of the Roman people.

Cicero next recalls his opposition to Caesar and subsequent pardon in greater detail.:

Suspecto bello, Caesar, gesto etiam ex parte magna, nulla ui coactus, iudicio ac uoluntate ad ea arma profectus sum quae erant sumpta contra te.⁷⁸ Apud quem igitur hoc dico? Nempe apud eum qui, cum hoc sciret, tamen me ante quam uidit rei publicae reddidit, qui ad me ex Aegypto litteras misit ut essem idem qui fuissem, qui me, cum ipse imperator in toto imperio populi Romani unus esset, esse alterum passus est. (7)

Not until war had been engaged, Caesar, not indeed until it had run most of its course did I, constrained by no compulsion, but led only by a deliberate act of will, go forth to join those who had taken up arms against you. And in whose presence do I aver this? Why, in the presence of one who, though he knew all this, yet restored me to the commonwealth before he had seen me; who sent me a letter from Egypt, bidding me remain what I had always been; who, though he himself was the only true "Imperator" in the whole world that the Roman people commanded, yet suffered me to be the second.⁷⁹

⁷⁷ Gotoff 1993: 122.

⁷⁸ Cicero takes up a Caesarian style with the compound ablative absolute here as he did in *Marc.* 2.

⁷⁹ Translation from Watts 1931: 465.

Seneca's account of Cinna's pardon by Augustus in *De Clem.* 1.9 parallels this passage. Both passages contain *dubitatio* and discuss the relationship between the pardoned and their pardoner. Here a comparison can be drawn between Cicero and Cinna, a grandson of Pompey who had plotted against Augustus' life. Seneca describes Augustus in a state of indecision about his punishment of Cinna. The emperor exhibits *dubitatio* reminiscent of Cicero's theatrics at the opening of the *Pro Ligario*: *Gemens subinde voces varias emittebat et inter se contrarias: 'Quid ergo? Ego percussorem meum securum ambulare patiar me sollicito?'* (1.9.4). Livia's recommendation of the pardon on the basis that Cinna *prodesse tuae famae potest* reflects Cicero's position with Caesar and his purpose in the *Pro Ligario* (1.9.6). Seneca tells that Cinna became a *fidelissimus amicus* to Augustus and even made the emperor his sole heir (1.9.11). After Cicero received pardon from Caesar, he served to advertise the dictator's clemency through the *Caesarianae*. The end results of these stories are radically different, as Caesar became the victim of conspiracy, and Cicero did not remain supportive of his cause.

Cicero's next assails Tubero's *ethos* as prosecutor. He launches a personal but restrained attack. He begins with the circumstances of the enmity between Tubero and Ligarius:

Cessit auctoritati amplissimi viri vel potius paruit: una est profectus cum iis quorum erat una causa; tardius iter fecit; itaque in Africam uenit iam occupatam. Hinc in Ligarium crimen oritur uel ira potius. Nam si crimen est uoluisse, non minus magnum est uos Africam, arcem omnium prouinciarum, natam ad bellum contra hanc urbem gerendum, obtinere uoluisse quam aliquem se maluisse. Atque is tamen aliquis Ligarius non fuit; Varus imperium se habere dicebat; fascis certe habebat. (22)

He yielded to, or rather obeyed, the compelling force of a great personality. He left the country in company with his fellow-adherents. His journey was protracted; and consequently he found Africa already under occupation. Hence arises this charge, or rather this outburst, against Ligarius. For if the mere wish is a chargeable offence, it is no less a crime in you to have wished for possession of Africa, the key of all the provinces, designed by nature as a base for hostile operations against this city, than for another to have preferred keeping it for himself. But that other was not Ligarius. Varus maintained that the authority was accredited to himself; at any rate he was in possession of the symbols of power.⁸⁰

Tubero's father had been ratified as governor of Africa by the senate, but he was denied permission to disembark when he arrived because Varus recently seized command there. The Tuberones blamed Ligarius for the insult.⁸¹ Throughout the speech Cicero uses the fact that the Tubero was also an adamant Pompeian to challenge his *ethos* as a prosecutor of Ligarius.

In this speech so riddled with confusion, Cicero attacks Tubero by recalling the conflated definition of the charge against Ligarius, *fuisse in Africa*, and issues a series of rhetorical questions regarding Tubero's involvement in the opposition to Caesar:

Sed hoc quaero: quis putat esse crimen fuisse in Africa? Nempe is qui et ipse in eadem prouincia esse uoluit et prohibitum se a Ligario queritur, et certe contra ipsum Caesarem est congressus armatus. Quid enim tuus ille, Tubero, destrictus in acie Pharsalica gladius agebat? Cuius latus ille mucro petebat? Qui sensus erat armorum tuorum? Quae tua mens, oculi, manus, ardor animi? Quid cupiebas, quid optabas? Nimis urgeo; commoueri uidetur adulescens. Ad me reuertar; isdem in armis fui. (9)

My question, however, is this: who thinks it an indictable offence in Ligarius "to have been in Africa"? Why, the very man who himself expressed a wish to be in Africa and complains that he was excluded by Ligarius, and who undoubtedly met Caesar himself in armed encounter! When *your* sword, Tubero, was unsheathed on the field of Pharsalus,

⁸⁰ Translation from Watts 1931: 479.

⁸¹ Gotoff 1993: xxxiv.

what was its object, at whose breast was its blade directed, what was the significance of your weapons, upon what were your thoughts, your eyes, your strong right arm, your fiery spirit bent? What desires, what dreams did you cherish? I am too insistent; my young friend betrays embarrassment; I will return to myself. I fought upon the same side.⁸²

Cicero's questions become shorter and more pointed as he progresses. He gradually casts everyone involved in the case as guilty and subject to Caesar's clemency. The prosecutor and the defendant were both Pompeians, and this fact makes Caesar appear merciful for agreeing to hear the case. By drawing attention to his own allegiance with Pompey in the past, Cicero attempts to alleviate the seriousness of the charge against Ligarius and remind Caesar that those whom he has pardoned can serve him well.

The contrast between *crudelitas* and *clementia* is important to both authors. Cicero accuses Tubero of attempting to dissuade Caesar from mercy: *Quid autem aliud egimus, Tubero, nisi ut quod hic potest non possemus? Quorum igitur impunitas, Caesar, tuae clementiae laus est, eorum ipsorum ad crudelitatem te acuere oratio?* (10) Seneca describes *crudelitas* as a vice in *De Clem.* 1.25: *Crudelitas minime humanum malum est indignumque tam miti animo; ferina ista rabies est sanguine gaudere ac vulneribus et abiecto homine in silvestre animal transire.* Cicero uses similar language at two points in the *Pro Ligario* when he describes opposition to mercy as shedding one's humanity like clothing. He impersonates Tubero with a hypothetical demand: "*C. Caesar, cave ignoscas, cave te fratrum pro fratris salute obsecrantium misereat,*" *nonne omnem humanitatem exuisses?* Cicero uses the verb *abicere* when he says that

⁸² Translation from Watts 1931: 467.

someone who urges Caesar to refrain from pardoning Ligarius *suam citius abiciet humanitatem quam extorquebit tuam* (16).

Cicero and Seneca both invoke Sulla to condemn capital punishment and illustrate *crudelitas*. Cicero accuses Tubero of wanting Caesar to behave like

Sulla:

At istud ne apud eum quidem dictatorem qui omnis quos oderat morte multabat, quisquam egit isto modo. Ipse iubebat occidi; nullo postulante, praemiis inuitabat; quae tamen crudelitas ab hoc eodem aliquot annis post, quem tu nunc crudelem esse uis, uindicata est. (12)

But even under the dictator who visited with death all whom he disliked, no one did what you are doing and as you are doing it. He ordered men to be murdered, though none accused; he lured men by bribes to commit murders; but his cruelty was requited years afterwards by the very man whom you today are urging to cruelty.⁸³

Seneca uses Sulla as a hyperbolic example of cruelty in action:

et L. Sullam tyrannum appellari quid prohibet, cui occidendi finem fecit inopia hostium? Descenderit licet e dictatura sua et se togae reddiderit, quis tamen umquam tyrannus tam auide humanum sanguinem bibit quam ille, qui septem milia civium Romanorum contrucidari iussit et, cum in vicino ad aedem Bellonae sedens exaudisset conclamationem tot milium sub gladio gementium, exterrito senatu: 'Hoc agamus' inquit, 'P.C.; seditiosi pauculi meo iussu occiduntur.'? (1.12.2)

And what stops Lucius Sulla from being labeled a tyrant? He only stopped killing because he ran out of enemies. Although he stepped down from his position as dictator and returned to civilian life, yet was there ever a tyrant who drank in human blood more greedily than him? He gave the orders for seven thousand Roman citizens to be butchered together. When he heard the collective shriek of all those thousands groaning beneath the sword as he was presiding nearby in the temple of Bellona over a dumbstruck Senate, he said: 'Let's get on with our business, Fathers of the Senate. It's just a few rebels being killed on my orders.'⁸⁴

Sulla is an exemplum of tyrannical rule without *clementia* for both authors. Gotoff

⁸³ Translation from Watts 1931: 469.

⁸⁴ Translation from Braund 2009: 115.

notes that Sulla became an exploited rhetorical figure even for orators like Cicero who might praise his conservative republicanism elsewhere.⁸⁵ Lucan also incorporates Sulla into his poem, providing another Neronian comparandum to Cicero:

Sulla quoque inmensis accessit cladibus ultor.
ille quod exiguum restabat sanguinis urbi
hausit; dumque nimis iam putria membra recidit
excessit medicina modum, nimiumque secuta est,
qua morbi duxere, manus. periere nocentes,
sed cum iam soli possent superesse nocentes. (2.139-144)

Sulla too increased the countless slaughter as avenger.
What little blood remained to Rome he drained;
and while he cut back limbs now grown too rotten,
his remedy exceeded limit and his hand pursued
too far where disease let it. The guilty died,
but at a time when the only survivors must be guilty.⁸⁶

This passage shows a reversal of the medical metaphors Cicero and Seneca use to describe *clementia*. For Cicero and Seneca, a good ruler is like a physician who uses the gentle medicine of *clementia* to heal transgressors, and here Lucan characterizes Sulla as a doctor of death. Seneca warns against this type of malpractice: *si quando misso sanguine opus est, sustinenda est acies ne ultra quam necesse sit incidat* (1.5.1).

Clemency as a parental virtue is one of the strongest intersections between the *Pro Ligario* and the *De Clementia*. Cicero states that his entire speech has been addressed to Caesar's mercy, and not his sense justice:
Quidquid dixi, ad unam summam referri volo vel humanitatis vel clementiae vel

⁸⁵ Gotoff 1993: 134.

⁸⁶ Translation from Braund 1992: 25.

misecordiae tuae (30). He explains that he has not used ordinary legal speech to defend his client against the charge, he says *ego apud parentem loquor*. Seneca describes the duty of a ruler as that of parents:

Quod ergo officium eius est? Quod bonorum parentium, qui obiurgare liberos non numquam blande, non numquam minaciter solent, aliquando admonere etiam verberibus. Numquid aliquis sanus filium a prima offensa exheredat? (1.14.1)

So what is his duty? It is that of good parents, who as a rule scold their children sometimes gently, sometimes with threats, and on some occasions even chastise them with a flogging. Does anyone in his right mind disinherit a son for his first offence?⁸⁷

Seneca explains why the emperor is given the title “father of the fatherland”:

Patrem quidem patriae appellavimus, ut sciret datam sibi potestatem patriam, quae est temperantissima liberis consulens suaque post illos reponens. Seneca

often refers to Augustus as an example of a good ruler throughout the *De Clementia* and says that he deserved the *nomen parentis* (1.10.3) I will discuss Caesar’s striking absence from the essay more fully in my conclusion, but now we should see that Seneca’s idea of a ruler as an unselfish father figure does not correspond to Caesar’s political and self-serving motives for granting *clementia*. By omitting Caesar, Seneca also avoids bringing up a fatherhood that ended in patricide.

Seneca’s closing of the first book of the *De Clementia* is strikingly similar to the end of the *Pro Ligario*:

Nihil est tam populare quam bonitas, nulla de virtutibus tuis plurimis nec admirabilior nec gratior misericordia est. Homines enim ad deos nulla re propius accedunt quam salutem hominibus dando. Nihil habet nec fortuna

⁸⁷ Translation from Braund 2009: 121.

tua maius quam ut possis, nec natura melius quam ut uelis servare quam plurimos. (37-38)

Nothing is so dear to the people as kindness, and none of your many high qualities arouses such admiration and such pleasure as your compassion. For in nothing do men more nearly approach divinity than in doing good to their fellow men; your situation has nothing prouder in it than the power, your character nothing in it more noble than the wish, to preserve all whom you can.⁸⁸

At the end of Book 1, Seneca says, *haec divina potentia est gregatim ac publice servare* (1.26.5). Both authors emphasize the importance of granting clemency to many and the divine nature of the virtue. The attribution of mercy to the innate nature of their audience is a major component of both Cicero and Seneca's panegyric.⁸⁹

The points of comparison offered so far have shown that the *Pro Marcello* and the *Pro Ligario* contain material and themes that resurface in the *De Clementia*. In the next chapter I will discuss the third and final Caesarian speech, the *Pro Rege Deiotaro*.

⁸⁸ Translation from Watts 1931: 493.

⁸⁹ Cf. *De Clem.* 1.1.

CHAPTER 4 *PRO REGE DEIOTARO*

Seneca imported many of Cicero's words and ideas about *clementia* from the *Pro Marcello* and the *Pro Ligario* into his essay. The *Pro Rege Deiotaro* lends itself to a different kind of comparison. The speech resembles many of Cicero's traditional defense speeches, but its circumstances were extraordinary. It was delivered in Caesar's home before a very limited audience. Cicero defends a king before a 'king', using Deiotarus as an illustrative example of a virtuous ruler. Seneca likewise strives to create a picture of an ideal ruler for Nero in the *De Clementia*. These notions derive in part from Greek treatises on kingship, which attempt to theorize monarchy and describe the virtues of a just ruler.⁹⁰ This chapter will focus on the ways in which the authors approach advising a ruler about how to rule.

At the outset of the speech Cicero expresses anxiety about the difficulties posed by the unusual circumstances of the case: his client is a king, the king has faithfully served the republic in the past, the character of the prosecutors is outrageous, and he must plead to the man against whom his client has been accused of plotting. This final challenge however is mitigated by Caesar's character: *nemo enim fere est qui sui periculi iudex non sibi se aequiorem quam reo praebeat: sed tua, C. Caesar, praestans singularisque natura hunc mihi metum minuit.* (4). Cicero is comforted by Caesar's consciousness of his own public image and its effect on his judicial decisions: *Non enim tam timeo quid tu*

⁹⁰ E.g. Plato's *Republic*; Aristotle's *περι Βασιλείας* (does not survive). Braund 2009: 18 notes that Hellenistic neo-Pythagorean tracts attributed to Diotogenes, Exphantus, and Sthenidas provide the fullest extant theorization of kingship.

de rege Deiotaro, quam intellego quid de te ceteros velis iudicare. Seneca also strives to remind Nero of his own good character and how it influences him to make just decisions, as in 2.2: ...*bene factis dictisque tuis quam familiarissimum esse te cupio, ut quod nunc natura et impetus est fiat iudicium.*

Cicero next turns to the location of the trial, Caesar's home:

Moveor etiam loci ipsius insolentia, quod tantam causam, quanta nulla umquam in disceptatione versata est, dico intra domesticos parietes, dico extra conventum et eam frequentiam, in qua oratorum studia niti solent: in tuis oculis, in tuo ore voltuque adquiesco, te unum intueor, ad te unum omnis mea spectat oratio: quae mihi ad spem obtinendae veritatis gravissima sunt, ad motum animi et ad omnem impetum dicendi contentionemque leviora. (5)

I refer to my embarrassment because this trial is being held in such an unfamiliar place. Here is a more important case than any that has ever been debated before, and yet I am pleading it within the four walls of a private house, far from any court of law, far from the crowded audiences which generally provide speakers with their inspiration. Instead, Caesar, it is your own eyes, your regard, your expression that I have to rely upon to give me assurance. My whole speech is directed to you and you alone. Certainly, this is a situation which gives me the strongest possible reason to hope, with complete confidence, that the truth will prevail. As incentives to oratorical passions, however, and as stimulants to the fire and fervor of eloquence, such circumstances are considerably less effective!⁹¹

The intimacy of the trial's setting puts Cicero in a position even more similar to Seneca's status before Nero. He must move Caesar with his words alone, without the support of an assembled *frequentia*, an aid which Seneca also lacked. He conveys the physical closeness between himself and Caesar with corporeal language: *in tuis oculis, in tuo ore voltuque adquiesco*. He dwells upon Caesar's ultimate authority as the sole judge of the case with the repetition of *te unum*. Cicero's dream of the continued republic under Caesar is absent from the

⁹¹ Translation from Grant 1990: 305.

speech; the regal circumstances of the case demand that Cicero accept Caesar's status as an absolute ruler. Cicero believes in his client's innocence and intends to reveal *veritas* by means of sound argumentation. This agenda reflects the opposite of what Cicero sought to accomplish in the *Pro Ligario*; because Ligarius was guilty, he persuaded Caesar by means of an emotionally charged *deprecatio* for mercy.

Cicero is particularly troubled by the character of the accusers, Deiotarus' own grandson and his runaway slave. He characterizes them as opportunists; aware of Caesar's past irritation with Deiotarus when he sided with Pompey, they can take advantage of it for their own ends.⁹² Caesar's virtues prohibit this from happening, however: *Quam ob rem hoc nos primum metu, Caesar, per fidem et constantiam et clementiam tuam libera, ne residere in te ullam partem iracundiae suspicemur*. The ideal ruler does not hold grudges; Seneca teaches this lesson to Nero with his story of Augustus' pardon of Cinna who conspired against his life (1.9).

Cicero next reminds Caesar of his previous forgiveness of Deiotarus: *itaque non solum in eum non animadvertisti, sed omni metu liveravisti, hospitem agnovisti, regem reliquisti* (10). Cicero uses the word *metus* frequently for his anxiety and that of others before Caesar but always follows with reasons why fear is unnecessary (4, 8, 16, 35). Seneca detests the maxim *oderint, dum metuant* (2.2.2); both authors believe that a good ruler is respected but not feared. Cicero praises Caesar for the ease and finality of his mercy: *Cum facile*

⁹² *Reg. Deiot. 8: Fore putabant ut in exulcerato animo facile fictum crimen insideret.*

orari, Caesar, tum semel exorari soles. Nemo umquam te placavit inimicus, qui ullas resedisse in te simultatis reliquias senserit (9). The permanence of Caesar's clemency benefits both Cicero and the other pardoned Pompeians. *Resedisse* recalls *residere* in the previous section. These words highlight Cicero's anxiety about Caesar's residual animosity toward his past enemies.

Cicero justifies Deiotarus' alliance with Pompey, describing the king as *perturbatus homo longinquus et alienigena*, unaware of the true state of affairs at Rome. He describes the king's ignorance: *Nihil ille de condicionibus tuis, nihil de studio concordiae et pacis, nihil de conspiratione audiebat certorum hominum contra dignitatem tuam* (11). He then asks for Caesar to pardon Deiotarus for siding with Pompey, eulogizing the general throughout: *Ignosce, ignosce, Caesar, si eius viri auctoritati rex Deiotarus cessit, quem nos omnes secuti sumus; ad quem cum di atque homines omnia ornamenta conguessissent, tum tu ipse plurima et maxima* (12). Cicero is careful not to suggest that Pompey was greater than Caesar: *itaque Cn. Pompeii bella, victorias, triumphos, consulatus admirantes numerabamus: tuos enumerare non possumus*. Seneca must also use discretion when using Augustus as a model for Nero. He writes, *comparare nemo mansuetudini tuae audebit divum Augustum* (1.11). Augustus only exercised clemency after staining the sea at Actium with Roman blood, while Nero is still innocent. Seneca states that *nemo iam divum Augustum nec Ti. Caesaris prima tempora loquitur nec quod te imitari velit exemplar extra te quaerit; principatus tuus ad gustum exigitur* (1.1.6). Both Cicero and Seneca

flatter their audience with the same hyperbolic compliment: “you have no past or present equal in authority or virtue.”

Cicero next attacks the charge against Deiotarus, that he conspired to kill Caesar when the general was his house guest:

Ut enim omittam cuius tanti sceleris fuerit in conspectu deorum penatium necare hospitem, cuius tantae importunitatis omnium gentium atque omnis memoriae clarissimum lumen extinguere, cuius tantae ferocitatis victorem orbis terrarum non extimescere, cuius tam inhumani et ingrati animi, a quo rex appellatus esset, in eo tyrannum inveniri—ut haec omittam, cuius tanti furoris fuit, omnis reges, quorum multi erant finitimi, omnis liberos populos, omnis socios, omnis provincias, omnia denique omnium arma contra se unum excitare? (15)

The monstrous wickedness of a host murdering his guest under the very eyes of his own household gods, the barbaric brutality of wrenching from mankind the most brilliant light that has ever vouchsafed illumination to the human race, the crude impudence of failing to revere the conqueror of the entire world, the inhuman ingratitude of acting like the most brutal despot toward the very man who had granted him the name of king—leave all these terrible thoughts aside, if you can, and just reflect, purely and simply, upon the insane stupidity of such an action. For at one single blow Deiotarus would have stirred up, in alliance against himself, all the kings of every realm that exists upon the earth—many of them his own neighbors—and all the great array of free peoples, allies, and provinces of Rome.⁹³

Cicero’s description of Caesar as a *lumen* recalls the light imagery of the *Pro Ligario* (6) and Seneca’s image of Nero as a rising sun (1.8.4). The symbol of a ruler as a shining light is polyvalent. It communicates a ruler’s influence and power, as well as his level of exposure to the public, and hence the fact that he is always being watched. Attention to public opinion is present in Cicero and Seneca’s arguments for clemency, and the fear of conspiracy lurks beneath the rhetoric of both authors. According to Cicero, if Deiotarus plotted to kill Caesar,

⁹³ Translation from Grant 1990: 310.

he would have to think of Caesar as a tyrant, deserving to be assassinated. Here Cicero takes the opportunity to use Deiotarus as an example of a ruler who chooses not to kill his political enemies. He describes the consequences of the crime as far sweeping and dire—the king would lose all of his allies and incite the animosity of the entire world. This passage can be read as a warning to Caesar of what could happen if he did not exonerate Deiotarus and maintain a policy of clemency: people may turn against him or even plot against his life. Cicero treads lightly on this point; he stresses that Deiotarus would be mad if he chose to plot against Caesar, who had allowed him to retain the title *rex*. Clemency is Caesar's protection against plots like those Deiotarus has been accused of orchestrating.

Seneca also emphasizes the personal safety gained by clemency in the *De Clementia*. He says *clementia ergo non tantum honestiores sed tutiores praestat ornamentumque imperiorum est simul et certissima salus* (1.11.4). He states that the emperor is made safe by his own good will, and not by arms: *Hic princeps suo beneficio tutus nihil praesidiis eget, arma ornamento causa habet* (1.13.4). Seneca compares the long dynasties of kings with the brief reigns of tyrants: *quid enim est cur reges consenuerint liberisque ac nepotibus tradiderint regna, tyrannorum exsecrabilis ac brevis potestas sit?* His use of kings as examples of successful rulers mirrors Cicero's use of Deiotarus as a kind of regal model for Caesar. Both authors draw a bold line between kings and tyrants, although their audiences take neither title.

Cicero incorporates some panegyric elements into the *Pro Rege Deiotaro* aimed at both Caesar and Deiotarus. He praises Deiotarus' character: *Cui porro,*

qui modo populi Romani nomen audivit, Deiotari integritas, gravitas, virtus, fides non audita est?(16) He describes Deiotarus' hospitality toward Caesar in his home, defending against all charges of conspiracy levied by his slave (19-25). Cicero takes on a comedic tone when he defends a specific accusation that Deiotarus was drunk and dancing when he heard news of Caesar surrounded in a fortress. He asks, *Deiotarum saltantem quiquam aut ebrium vidit umquam?*(26) He then enumerates kingly virtues, nominating *frugalitas* (taken here to mean sobriety) as the highest of all:

Omnes in illo sunt rege virtutes, quod te, Caesar, ignorare non arbitror, sed praecipue singularis et admiranda frugalitas: etsi hoc verbo scio laudari regem non solere; frugi hominem dici non multum habet laudis in rege: fortem, iustum, severum, gravem, magnanimum, largum, beneficum, liberalem: hae sunt regiae laudes, illa privata est. Ut volet quisque, accipiat: ego tamen frugalitatem, id est modestiam et temperantiam, virtutem maximam iudico. (26)

This king is a man of the highest character, and you, Caesar, I believe, are extremely well aware of this. And conspicuous among his merits is an admirable sobriety. I know this is a quality not often praised in kings. To be called sober does not seem an especially glorious compliment for a royal personage. People are more accustomed to acclaim kings as brave, just, upright, dignified, magnanimous, open-handed, philanthropic, munificent. Those are the qualities that we describe as royal. Sobriety, on the other hand, is a private characteristic. Yet in my view—for what it is worth—sobriety, that is to say moderation or temperance, is an extremely valuable and significant virtue.⁹⁴

Cicero appears to be poking fun at himself after he has spent so many words upholding clemency before Caesar as the greatest virtue of all. Because he has already enumerated Deiotarus' true kingly virtues, Cicero's superfluous praise of Deiotarus' sobriety makes light of the charge of drunkenness made against him.

⁹⁴ Translation from Grant 1990: 318.

Cicero chastises Castor (Deiotarus' grandson) for bringing charges against his own grandfather, saying that he should have modeled himself after Deiotarus instead: *Imitari, Castor, potius avi mores disciplinamque debebas quam optimo et clarissimo viro fugitivi ore male dicere* (28). He reminds Castor of the pardon his family received from Caesar for being Pompeians:

Felix ista domus quae non impunitatem solum adepta sit, sed etiam accusandi licentiam: calamitosus Deiotarus qui, quod in eisdem castris fuerit, non modo apud te, sed etiam a suis accusetur! Vos vestra secunda fortuna, Castor, non potestis sine propinquorum calamitate esse contenti? (29)

That royal house has been privileged indeed! For not only has it managed to remain unpunished, but it has even been given a free hand to incriminate other people! Deiotarus, on the other hand, is peculiarly unfortunate, because he actually finds himself prosecuted by a man who was on the same side as himself. It is bad enough for him, Caesar, to be brought before you yourself for trial. But he has also suffered the additional calamity of prosecution by his own flesh and blood. Will you not be prepared, Castor, to accept the good luck that has already come your way, and leave it at that? Will you never be content until you have brought total destruction upon your own family?⁹⁵

Cicero's condemnation of familial intrigue created by Castor could be useful for Seneca when writing the *De Clementia* for Nero. Given the established tendency toward discord among the Julio-Claudians, the maintenance of peace and stability within royal families seems like it would be an important aspect of Seneca's advice for Nero. He does say that clemency makes houses happy: *clementia, in quamcumque domum pervenerit, eam felicem tranquillamque praestabit, sed in regia, quo rarius, eo mirabilior* (1.5.4). Seneca's frequent use of Nero's great uncle Augustus as a *domesticum exemplum* suggests that he

⁹⁵ Translation from Grant 1990: 320.

wanted Nero to be respectful of his family, but his avoidance of the subject of Britannicus' recent murder shows his tact when speaking before his superior.

Cicero extends his harangue against Castor, showcasing Deiotarus' role in the royal family:

...rex enim Deiotarus vestram familiam abiectam et obscuram e tenebris in lucem evocavit: quis tuum patrem antea, quis esset, quam cuius gener esset, audivit? --sed quamvis ingrate et impie necessitudinis nomen repudiaretis, tamen inimicitias hominum more gerere poteratis, non ficto crimine insectari, non expetere vitam, non capitis arcessere. (30)

It was thanks to the king that your family, which had previously been quite obscure, emerged from darkness into light. For who had ever heard of your father until he had a father in law to his credit? But feud or no feud, and however ungratefully and unnaturally you chose to repudiate your family ties, you could at least have carried on your quarrel humanely, instead of persecuting your victim with a fabricated accusation, and thirsting after his life, and menacing him with a capital charge.⁹⁶

Cicero again uses light imagery *in lucem* to convey the status of rulers as public figures. He implies that seeking capital punishment is inhumane; he also made this argument against Tubero in the *Pro Ligario*. In these speeches, Cicero argues against capital punishment before both his opponents and before Caesar. His opponents allow him to chastise a policy openly without running the risk of insulting Caesar. Seneca does not have the benefit of an actual opponent to speak against in the *De Clementia*, but he could have benefited from studying Cicero's subtlety of suggestion through the example of Deiotarus' family. Augustus, a respectable but ultimately imperfect ruler, could be Seneca's opponent. He says that the emperor did not show clemency *nempe post mare*

⁹⁶ Translation from Grant 1990: 320.

Actiacum Romano cruore infectum (1.11.1). Augustus' clemency is *lassa crudelitas*, which Seneca compares to Nero's untarnished innocence.

Seneca's emphasis on Nero's innocence can be read as veiled condemnation of his murder of Britannicus.⁹⁷ The circumstances of the third of the *Caesarianae* may have influenced Seneca in his construction of this criticism. So far I have drawn an analogy between speaker and audience. Cicero is to Seneca as Caesar is to Nero but it may be possible to draw an additional analogy between Deiotarus and Britannicus. Cicero defends Deiotarus, who has been deemed a danger to Caesar's life. Britannicus was most likely murdered because of the threat he posed to Nero's accession. In his exceedingly panegyric promotion of clemency to Nero, Seneca could be tacitly defending the already dead Britannicus, and hoping to inspire guilt in Nero. If so, then Seneca is far bolder than Cicero.

Seneca may also intend to defend the Roman people as a whole against Nero's suspicions. Then Deiotarus would be analogous to the vigilant public watching Caesar's every move. Cicero uses Deiotarus to suggest the threat of conspiracy if Caesar fails to make the right decisions. The unspoken defendant in the *De Clementia* is one of these extremes, or an amalgamation of the two. While Seneca must use the figured speech of panegyric to advise Nero, he still has the

⁹⁷ Braund 2009: 16-17 accounts for other reasons why Seneca would stress Nero's *innocentia*. Perhaps Seneca believed that Britannicus died from an epileptic fit, which was the official version of the story given to the public and found in Tacitus *Ann.* 13.16. He may have also seen the murder as a necessary evil in the establishment of Nero's principate. Braund also suggests that Nero's conduct towards members outside the imperial family was what mattered to Seneca the most, so his familial misconduct could be overlooked.

ability to create a multilayered text that can be interpreted in many ways, including ways that are critical of the principate.

Cicero insists that Deiotarus was not motivated to plot against Caesar because of his virtue and more importantly because he is grateful for his pardon (35-37); rather, Caesar might suspect that Deiotarus retains some animus against him: *non enim iam metuo ne tu illi suscenseas; illud vereor ne tibi illum suscensere aliquid suspicere: quod abest longissime, mihi crede, Caesar* (35). Here again Cicero discusses fear, switching from *metuo* to *vereor* to strengthen his point. Caesar's clemency is responsible for Deiotarus' pleasant old age: *verum omnem tranquillitatem et quietem senectutis acceptam refert clementiae tuae*. In the end, the overarching consequences of Caesar's decision and its reception by the public matter most:

sed cum de illo laboro tum de multis amplissimis viris, quibus semel ignotum a te esse oportet, nec beneficium tuum in dubium vocari, nec haerere in animis hominum sollicitudinem sempiternam, nec accidere ut quisquam te timere incipiat eorum, qui sint semel a te liberati timore. (39)

And yet, in the midst of this concern for Deiotarus, I cannot help sparing an anxious thought also for the many other distinguished men to whom you have extended a pardon. For the forgiveness they received at your hands ought to be a single act of mercy, granted once and for all. It would be terrible if they had to feel that there was something impermanent about your generosity. That people's apprehensions should have to linger on and on surely cannot be right. When you have once freed a man from his fears, it would be quite wrong if he then had to start being afraid all over again.⁹⁸

Cicero himself is one of the *amplissimi viri* whom Caesar has pardoned, and so the permanence of his mercy is of personal importance. By injecting fear into his

⁹⁸ Translation from Grant 1990: 327.

speech, Cicero may intend for Caesar to absorb some of the anxiety of his subordinates and share in their concerns.

Cicero closes the speech by saying he will not appeal to Caesar's compassion; rather, the facts should speak for themselves:

Non debeo, C. Caesar, quod fieri solet in tantis periculis, temptare equonam modo dicendo misericordiam tuam commovere possim. Nihil opus est. Occurrere solet ipsa supplicibus et calamitosis nullius oratione evocata.

There is one method, Caesar, which is quite commonly practiced when people are being tried on grave charges; but I certainly do not need to adopt it today. I refer to the attempts by advocates to find the best ways of arousing compassion. In the present case, that is wholly unnecessary. For when a man is down, and is begging for mercy, his fate arouses compassion spontaneously, unbidden by the words of any speech.⁹⁹

Seneca's statement in Book 2 of the *De Clementia* that he will not employ flattery to persuade Nero is reminiscent of this: *diutius me morari hic patere, non ut blandiar auribus tuis (nec enim hic mihi mos est; maluerim veris offendere quam placere adulando)* (2.2.2). Cicero states that he does not seek to move Caesar's *miserordia*, a trait which Seneca calls the defect of a weak mind (2.5). Cicero stresses the glory of Caesar's past pardons, and the special recognition that will result from his pardon of a king: *Multa sunt monumenta clementiae tuae, sed maxima eorum incolumitates, quibus salutem dedisti; quae si in privatis gloriosa sunt, multo magis commemorabuntur in regibus* (40). Seneca conveys a similar thought: *servavit quidem nemo nisi maior eo quem servabat* (1.21.1). By pardoning a king, Caesar becomes greater than a king.

⁹⁹ Translation from Grant 1990: 327.

Cicero ends the speech with a statement on the effect of Caesar's decision on other client kings of Rome:

Quocirca, C. Caesar, velim existimes hodierno die sententiam tuam aut cum summo dedecore miserrimam pestem importaturam esse regibus aut incolumem famam cum salute: quorum alterum optare illorum crudelitatis est, alterum conservare clementiae tuae. (43)

So I beg you to bear in mind, Caesar, that your verdict upon the two kings today will mean either their utter destruction and irreplaceable disgrace, or their salvation; the salvation of their lives and their honor alike. Our opponents are cruel: what they are after is the ruin of Deiotarus and his son. But you are a clement man, and I implore you to come to their rescue!¹⁰⁰

In this final sentence, Cicero contrasts the cruelty of his opponents with the clemency of Caesar, which mirrors an important element of Seneca's argument in the *De Clementia*. Caesar must choose between destroying the kings or restoring their good reputation, and Cicero attempts to compel him toward mercy with a simple pair of contrasting genitives of description, *crudelitatis* and *clementiae*. Cicero may also imply here that Caesar's decision regarding the king's fate will determine his own. If he pardons Deiotarus, he will improve his reputation, and if he does not, he may become a victim of real conspiracy.

In comparison with the *De Clementia*, the circumstances of the *Pro Rege Deiotaro* set this case apart from the other *Caesarianae*. Seneca could benefit from Cicero's discussion of kings and their virtues as well as the delicate implications Cicero plants in Caesar's mind by using Deiotarus as an example of the possible threat to his life. This speech most strongly employs the subtle admonition that will become the hallmark of Seneca's essay for Nero. Caesar's

¹⁰⁰ Translation from Grant 1990: 329.

decision about Deiotarus will have an impact on a vigilant world.

Now that all three speeches have been analyzed and discussed, it is possible to form a conclusion about the relationship between these speeches and the *De Clementia*.

CHAPTER 5 CONCLUSION

I have demonstrated through comparative rhetorical analysis the ways that Seneca imported words and ideas from Cicero's *Caesarianae* into the *De Clementia*. He does not simply lift Cicero's expressions or explicitly refer to the orator or his speeches. Instead, he subtly appropriates Cicero's methods of persuasion into his essay. The complex figure of Julius Caesar is an important motivation for this approach. Caesar is a problematic figure, but aspects of the *De Clementia* reflect Seneca's holistic use of the *Caesarianae* as a beneficial subtext.

Famous for his *clementia*, Caesar would be an obvious choice of an exemplum for a writer attempting to compose a comprehensive essay on clemency. Caesar's assassination, however, complicates his memory and burdens him with a connotation of conspiracy and intrigue. Although no one in Nero's time was alive to witness the event a century earlier, it was still a lucid popular memory. If Seneca were to directly put forth Caesar as a model for Nero, he would have to account for the failure of *clementia* to save the general from those whom he had pardoned. He may not have wanted to darken his essay with such negative ideas, but he employs a Ciceronian subtext to delicately suggest the dangers of being an absolute ruler, even when fortified by a policy of clemency.

Seneca frequently uses Augustus as an *exemplum domesticum* for Nero, and each time he calls the emperor *Augustus*, *Divus Augustus*, or *Caesar Augustus*.¹⁰¹ Only once does Seneca refer to a figure as *Caesar*. *Olim enim ita se induit rei publicae Caesar, ut seduci alterum non posset sine utriusque pernicie; nam et illi viribus opus est*

¹⁰¹ *De Clem.* 1.1.5, 1.9.1, 1.10.3, 1.11.1, 1.15.1, 1.15.3.

et huic capite. (1.4.2) Braund argues that this too is a reference to Augustus, but I disagree. Given Seneca's constant inclusion of *Augustus* in his references to Octavian, this is actually an allusion to Julius Caesar.¹⁰² The adverb *olim* also suggests that this occurred a very long time ago. The meaning of the statement also corroborates reality, as Caesar's death coincided with the official dissolution of the republic. Seneca additionally may have made this statement ambiguous precisely because of the problems of interpreting Caesar as a model. I give Seneca credit for the ability to construct polyvalent allusions which he uses to communicate his ideas while saving himself from suspicion.

The *De Clementia* survives incomplete; only the entirety of Book 1 and part of Book 2 have been preserved. Seneca implies that his work will comprise three books in his outline at the beginning of the essay:

Nunc in tres partes omnem hanc materiam dividam. Prima erit * * * manumissionis; secunda, quae naturam clementiae habitumque demonstret: nam cum sint vitia quaedam virtutes imitantia, non possunt secerni, nisi signa, quibus dinoscantur, impresseris; tertio loco quaeremus quomodo ad hanc virtutem perducatur animus, quomodo confirmet eam et usu suam faciat. (1.3.1)

Now I shall divide my subject as a whole into three sections. The first will concern * * * setting free. The second is to demonstrate the nature and the habit of mercy; after all, since it is a fact that there are some vices which imitate virtues, they cannot be separated unless you brand them with marks which distinguish them. In the third place, we enquire how the mind can be led to adopt this virtue and how it can strengthen it and through practice own it.¹⁰³

The first of the *Caesarianae*, the *Pro Marcello*, is a speech in praise of a pardon, and it is focused on the elevation of *clementia* as an outstanding virtue. The *Pro Ligario* attempts to secure and promote clemency as a policy by defeating its opposition and

¹⁰² Braund 2009: 219: "The reference is to Augustus, who goes to great lengths in his *Res Gestae* to emphasize his maintenance of the political system of the Republic."

¹⁰³ Translation from Braund 2009: 99. The asterisks indicate a lacuna in the text.

calling it cruelty. The *Pro Rege Deiotaro* showcases the external and far reaching implications of clemency, and especially the unstable position of an absolute ruler under the unyielding gaze of his subjects. Perhaps Seneca loosely modeled his three sections on the three *Caesarianae*.

Seneca did not ignore Cicero as a rhetorical predecessor and he did not remove Caesar from the history of *clementia*. His audience and his circumstances forced him to find a way to instruct and advise and without running the risk of offending his superiors or sending the wrong message to the public. Seneca's reputation for hypocrisy need not discount his ability to include Cicero and Caesar in his essay in order to remain faithful to his ideals. Seneca successfully imported Cicero's careful methods of persuasion into the subtext of the *De Clementia* with an eye toward obscuring the negative implications of his sources. Seneca has the advantage of hindsight and he has the ability to pick and choose what to include from Cicero's speeches and their circumstances.

Whether Seneca was conscious of the subtle and meaningful methods of importation that I have appreciated in this thesis or he simply chose to selectively include what he saw beneficial to his endeavor, I believe that reading the *Caesarianae* and the *De Clementia* together is a fruitful exercise because of the the similarity of the circumstances the authors faced. We, like Seneca looking back on Cicero, have the benefit of distance and perspective when reading these texts and can appreciate them from a unique vantage point. In these texts we see great men struggling under the pressure of speaking before powerful figures, producing masterfully composed pieces that demonstrate their ability to influence their superiors with words. They provide a glimpse into the status of "free speech" in the ancient world, a benefit that we take for

granted today. Perhaps most poignantly, these works address the difficulties and dangers facing absolute rulers and their subjects, and the human anxieties that are inspired by such great power.

The close relationship between the *Caesarianae* and *De Clementia* is clear to us when we take a distant view. Seneca was also aware of his similarity to Cicero and his debt to the orator, as well as the necessity of a nuanced approach toward using him as a model. Miriam Griffin's evaluation of the *Caesarianae* as a "sad tribute to Cicero's genius as an orator" is unfair.¹⁰⁴ Cicero's ability to develop a rich language of admonitory praise to be appreciated and emulated by later authors in similar circumstances is a grand tribute to his skill as an orator and a testament to his permanence as a literary icon.

¹⁰⁴ Griffin 1976: 149.

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BIOGRAPHICAL SKETCH

Jayne Elizabeth Knight was born in Jacksonville, Florida in 1986. She graduated from Paxon School for Advanced Studies in 2004. She graduated *cum laude* from the University of Florida with a Bachelor of Arts in classical studies in 2008. Jayne earned a Master of Arts in classical studies from the University of Florida in 2010.