CLEMENCY AS A VIRTUE

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IT IS COMMONLY SUPPOSED that Julius Caesar's celebrated clemency toward his fellow citizens was perceived by his contemporaries not as a virtue, but rather as a manifestation of his tyrannical power. Far from welcoming his clemency as a sign of generosity or benevolence, the senatorial aristocracy in fact resented it deeply. In their own estimation, they were Caesar's peers, and were indignant at being treated with what they regarded as condescending charity. By parading his clemency and offering pardon, Caesar was rubbing salt in the wounds of his defeated enemies. What is more, the association between clemency and tyranny persisted at least into the first century of the Empire, if not beyond: the elite classes continued to take offense at professions of imperial clemency, and an emperor who called attention to his clemency knew that it might be construed as an insult. Noblesse oblige is not a virtue when directed at fellow noblemen.

I believe that this interpretation of Caesar's clemency, and of clemency in general, is mistaken. If in fact it is so widespread today as to qualify as the *communis opinio,* then it deserves a direct and explicit rebuttal—something that, so far as I know, it has not received. In what follows, I shall, within the limits of the space allowed, marshal several arguments against the prevailing view. I shall maintain, on the contrary, that clemency was regarded not as a mark of haughtiness or disdain, but rather as a virtue and the sign of a humane temperament. I begin, however, by clarifying the nature of the thesis that I am opposing.

Scholars have long entertained doubts about whether Caesar's clemency was sincere, and have ascribed to him cynical or at best pragmatic motives (e.g., Treu 1948). In this, they are in agreement with Cicero's judgment: he famously writes of Caesar's *insidiosa clementia,* or "treacherous clemency" (*Att.* 8.16.2). Livy, for that matter, says (21.48.10) that Hannibal himself, who was legendary for severity and discipline, sought a reputation for clemency for strategic purposes. In this paper, I take no position on the question of Caesar's intentions or anyone else's. Certainly, Caesar was no sentimentalist. He was a hardened general with a record of massacres against foreign enemies that impressed his own contemporaries (Buller 1998 itemizes them in suitably scandalized tones). The elder Pliny (*HN* 7.91) claims that Caesar fought more battles than anyone else in history (52), and, leaving aside civil wars, slew 1,192,000 men. But Pliny sees no contradiction

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between this extraordinary body count and Caesar's clemency, in which, says Pliny, he surpassed everyone, even to the point of repentance (7.92–93).[1]

The view I wish to challenge was stated most clearly and forthrightly by Sir Ronald Syme in his great study of Tacitus (1958, 1.414): "When Caesar the dictator paraded a merciful and forgiving spirit . . . , he did not endear himself to all men in his class and order. Clemency depends not on duty but on choice and whim, it is the will of a master not an aristocrat's virtue. To acquiesce in the 'clementia Caesaris' implied a recognition of despotism." Syme is not asking here whether Caesar was being honest or disingenuous in professing charity toward his enemies, much less whether he was inclined to put kindness ahead of practical considerations of power—Syme would not have believed that for a minute. Rather, Syme is asserting that the avowal of clemency was in itself a sign of tyrannical pretensions, and was understood as such by both Caesar and his peers. In the same vein as Syme, Donald Earl, in a popular and influential book, writes (1967, 60), "Clementia, in fact, denoted the arbitrary mercy, bound by no law, shown by a superior to an inferior who is entirely in his power. . . . The significance of Caesar's clementia did not escape those who, like the son of Ahenobarbus, refused to accept it." Caesar's clemency was a transparent device to humble his opponents and shore up his dictatorship.

On this interpretation, the question of sincerity assumes a different form. For if Caesar's clemency was nothing but a strategy for humiliating his enemies and fellow patricians through an arrogant display of his superiority, it at least had the virtue of being open and aboveboard. Those who, like Syme and Earl, convict Caesar of being Machiavellian in the pursuit of power must at least grant that, in his profession of clemency, at all events, we can take him at his word—always assuming that *clementia* just meant "the will of a master" and "the arbitrary mercy . . . shown by a superior to an inferior."

Not only Caesar's clemency, but that too of Augustus and his successors has been interpreted as a despotic trait offensive to the Roman aristocracy. Thus, Barbara Levick expresses surprise that Tiberius, who claimed a certain sympathy for the Republic, should have issued coins with CLEMENTIA as their legend. Clemency, she writes, is the "virtue of an autocrat, of a Caesar," and she adds that by the time of Tiberius "it was already distasteful to the Romans" (1975, 126).[2] In her subsequent biography of Claudius, Levick acknowledges that "A claim to *clementia* does not imply supra-legal powers; it had been made by Tiberius and was open to any office holder. However, it is the virtue of a superior to an inferior and its association with Julius Caesar gave it unwelcome monarchical associations" (1990, 89). Matthew

1. Alföldi (1985) defends at length the sincerity of Caesar's clemency against his modern detractors; see esp. 206–17 on the modern tendency to interpret his clemency as hypocritical, and 184–87, 217–22 for Caesar's clemency during and after the civil war.

2. Noreña (2001, 156–57) points out that of surviving denarii from the period 69–235 C.E. bearing an imperial virtue on their legend, only 2 percent feature *clementia* (as opposed to 24 percent for *aequitas* and 20 percent for *pietas,* for example). But this relatively low frequency is not due to any negative associations with the term, since *iustitia* too weighs in at 2 percent. For whatever reason, the emperors did not elect to advertise their judicial virtues on their coinage.

Leigh, in his recent book on Lucan, takes a sharper line, asserting that *clementia* is represented in the *Bellum civile* as "the stuff of absolute monarchy" (1997, 65), and that "the acts of forgiveness and the acts of brutality are two sides of the same absolutist coin" (68, although the term *clementia* occurs only once in the epic, and then in connection with climate, 8.366).[3]

What is the evidence that clemency had these negative associations in Rome? The idea that *clementia* was by its nature "the virtue of a superior to an inferior" derives from a passage in the second book of Seneca's *De clementia* (2.3) in which he proposes a series of definitions in order to capture what he clearly regards as a complex concept. Seneca begins by defining *clementia* as "mental self-control in one who has the power to exact revenge" (*temperantia animi in potestate ulciscendi*), and then adds the alternative description, "or the mildness of someone higher toward someone lower in deciding on punishment" (*vel lenitas superioris adversus inferiorem in constituendis poenis*). It is safer, he says, to add still further qualifications, since a single formula may not fully capture the idea (*plura proponere tutius est, ne una finitio parum rem conprehendat*), and he specifies that *clementia* may also be described as "a mental disposition toward mildness in exacting punishment" (*inclinatio animi ad lenitatem in poena exigenda*). The context suggests that the terms *superior* and *inferior* refer not so much to social status as to the authority, whether legal or practical, to impose a penalty on another. Only thus is one in a position to exhibit leniency.[4]

Zwi Yavetz, in his study of Julius Caesar (1983, 174), is alert to the problem of reading Seneca's definition, such as it is, into the circumstances of the late Republic: "Whether *clementia* was defined already in Caesar's time as 'lenitas superioris versus inferiorem' as it was later in the time of Seneca, is doubtful," he affirms, and he warns that "one should not stray into hair-splitting and sophistry, so far as the difference between *clementia* and *mansuetudo* is concerned" (175). Yavetz allows that "the distinction between Caesar and Sulla" was based precisely on Caesar's *clementia*. "Yet

3. Cf. Borgo 1985a, 35, on the nature of clemency as "troppo vicina ad un potere assoluto e schiacciante"; Borgo 1985a, 72; Borgo 1985b; Dyer 1990, 80, on Caesar's "policy of selective *clementia* popular with his troops and followers but offensive to his former peers"; Barton 2001, 46, citing Bux 1948, 208 (apropos Hannibal), and 112: "It was hope (and so slavery) that the clemency of Julius Caesar offered to the Romans" (cf. 175: "Ruthless violence and tender mercy were two sides of the same princely face"); Moore 1989, 83, on *clementia* (in Livy) as "frequently self-serving," although its association with *benignitas, gravitas,* and *iustitia* (84) clearly mark it as a positive virtue; contra Levene 1998, 68–69, in reference to Cicero's *Pro Marcello;* Roller 2001, 182–91, who argues that *clementia,* along with related terms such as *lenitas, venia,* and *misericordia,* "generally carry positive connotations" (182); on *Pro Marcello,* cf. also Rochlitz 1993.

4. Text as in Malaspina 2001. Borgo (1985a, 25–27) argues that the judicial use evolved from the "political" use of *clementia* as a virtue and prerogative of imperial authority, but the grounds for this developmental view are not clear. Cf. also Burgess 1972, 340; Burgess specifies that *clementia* represents leniency toward a breach of a "fixed standard of behavior." Burgess further argues that Statius' account of the altar of clemency at *Theb.* 12.481–518 represents a new inflection of the term that is "unique in the Roman tradition up to the end of the first century A.D." (339): instead of referring to a two-party relation—X shows clemency to Y—it is applied here to a three-party relation: X spares Y who is being victimized by Z (347). This is a development, Burgess says, of "the broad usage of *clemens*" (347), and makes *clementia* "approximate to *misericordia*" (347), as the connection with the altar of ἔλεος in Athens suggests. My own sense is that the altar numinously inspires people to treat others with clemency: cf. *Theb.* 12.509–11, *mox hospita sedes vicit et Oedipodae Furias et funus †olynthi texit et a misero matrem summovit Oreste*. But Burgess is right to underscore Statius' unusual treatment of the concept.

it must be emphasized," he insists, "that . . . such *clementia* appeared arbitrary to the *nobilitas*" (174).[5]

In fact, I can find no contemporary evidence whatever that Caesar's clemency was unwelcome to his fellow Romans. Rather, so far as I can judge, *clementia* was regarded as a wholly positive quality, whether in a general or in a statesman and ruler, both in the late Republic, when the term first seems to have become prominent on the Roman political scene, and under the principate of Augustus and afterwards.

While Cicero offers a definition of *clementia* in his youthful rhetorical treatise *De inventione* (the text is unfortunately corrupt here), and the term occurs in his early speeches, after the civil wars it begins to appear with greater frequency in his letters and orations, with thirteen occurrences in the so-called Caesarian discourses alone (*Pro Marcello* and *Pro Ligario,* 46 B.C.E.; *Pro rege Deiotaro,* 45). Caesar himself employed it sparingly in his *Commentarii,* although it appears five times in the continuators. On the basis of this distribution, Stefan Weinstock conjectured that, before the middle of the first century B.C.E., the abstract noun "*clementia* was a rare word; so the suspicion arises that it was intentionally avoided in Roman politics" (1971, 236). This inference from silence is open to question, especially since the adjective and other forms were current earlier, and the noun itself occurs as early as the mid-second century B.C.E. (Ter. *Ad*. 860–61; cf. Borgo 1985a, 28).[6] Weinstock concludes that it was Cicero who was responsible for the vogue that *clementia* enjoyed then and afterwards in political rhetoric, "but the first move came from Caesar" (237).

Julius Caesar seems, at all events, to have been the first Roman to elevate restraint or clemency to the status of a policy, though it was surely a value earlier and could be ascribed even to Sulla (ἐπιείκεια in Diod. Sic. frag. 38.16; cf. Cicero on Publius Sulla, *Sull*. 72; Dowling 2000; cf. also Dowling 1995). In a famous letter to Oppius and Cornelius Balbus, preserved in Cicero's correspondence with Atticus (9.7C.6), Caesar explains that, unlike Sulla, he prefers to be as mild as possible toward Pompey: "let this be a new strategy of conquering—to arm ourselves with pity and generosity [*misericordia et liberalitate*]." In his own voice, Cicero too remarks on Caesar's renunciation of *crudelitas* (*Att*. 9.16). We have already noted that Cicero distrusted Caesar's attitude as a pose or pretense. Elsewhere, he records Curio's view that "Caesar himself refrains from being cruel not by character [*voluntate*] or nature, but because he ⟨supposes⟩ that clemency is popular [i.e., finds favor with the popular faction, or, perhaps, with the people at large]; if he should lose the favor of the people, he would be cruel" (10.4.8). But this is not to say that Cicero regarded clemency as the "virtue of an autocrat" or "the stuff of absolute monarchy." In the year 50 B.C.E., Cicero

5. Cf. Borgo 1985a, 63, on the "pericolosa arbitrarietà che il termine va assumendo in età imperiale," particularly in judicial contexts. Clemency, however, is not so much arbitrary as voluntary, like mercy and compassion; it may check the rigor of the law, but it is not necessarily whimsical in its application.

6. Alföldi 1985, 176–81, locates the origin of clemency as a political ideal in the *populares'* opposition to the cruelty of the *optimates*.

was worried, on the contrary, that Caesar might prove lacking in clemency (*Att*. 7.7.7) if he emerged victorious from the conflict with Pompey. Of course, clemency is a quality that a winner exhibits to a loser: only the victor, in Seneca's words, "has the power to exact revenge," and hence to show leniency. No one, accordingly, wants to be dependent on another's clemency. But it is defeat, not clemency, that galls.[7]

Cicero, indeed, took pride in his own clemency, which he associated with virtues such as justice, moderation (*abstinentia*), integrity, and good faith (*Att.* 7.2.7=125 Shackleton Bailey). It is true that, in the aftermath of the assassination of Julius Caesar, Cicero urged on Brutus a policy of severity rather than clemency toward Caesar's partisans (e.g., *Brut*. 14.3, 5.2, 6.2 Shackleton Bailey): "if we wish to be clement, there will be no end of civil wars." He had learned a lesson from Caesar's fate: "Caesar's clemency was to his own disadvantage, and if he had never applied it, nothing terrible could have happened to him" (*Att*. 14.22.1: *clementia illi [Caesari] malo fuisse, qua si usus non esset, nihil ei tale accidere potuisse*). R. R. Dyer (1990, 21) has seen in this comment evidence of Cicero's negative view of clemency as such. But surely Cicero means that clemency, although admirable in itself, is to be avoided because harsh policies are required in difficult times.[8]

During the lifetimes of Caesar and Cicero, indeed, it is not clear that clemency ever assumed a meaning distinct from that of a host of near-synonymous terms, including *misericordia, lenitas, humanitas, mansuetudo, liberalitas, comitas, modestia, temperantia, magnitudo animi, modus,* and *moderatio,* along with verbs for sparing and forgiving (*parcere, ignoscere;* e.g., *Marcell*. 1, 9, 12, 16–19; *Lig*. 1, 6, 10–16, 37; *Deiot*. 40; extensive catalogue in Winkler 1957, 207). Yavetz' warning against "hair-splitting and sophistry" in regard to the difference between *clementia* and *mansuetudo* can be extended to cover all these expressions. We have seen that Caesar referred to his generosity toward the Pompeians at Corfinium in 49 as *misericordia* and *liberalitas*, rather then *clementia*.[9] Cicero, too, mentions Caesar's pity as often as his clemency (Adam 1970 notes that in Cicero, "Die *clementia* wirkt als *misericordia*"). It is apparent that *clementia* was not yet the term of art for Caesar's generosity, and continued to compete with pity and other locutions.

At a later time, usage settled on *clementia* as the name of the virtue. Perhaps the senate's decision in 44 B.C.E. to erect a temple in honor of Clementia

7. Julius Caesar may be said to have inaugurated the discourse surrounding *clementia* as a distinctively political virtue, but this is not to say that the term itself evolved from a "moral" to a "political" sense, that is, from a "virtú dell' uomo verso il proprio simile" to that of a person "chi si trova in una condizione di superiorità nei confronti del più debole" (Borgo 1985a, 29–30; cf. Borgo 1985b, 280). Whether in the private or the public sphere, *clementia* always presupposes a difference of condition between the person who grants it and the beneficiary.

8. Bux 1948, 205–9, notes that although Cicero, like his contemporaries, might perceive harshness as politically necessary, he characteristically regarded clemency as sound policy, not a sign of weakness; Bux also provides a useful survey of clemency in the private and public spheres of Roman life.

9. Cf. Treu 1948, 200. Treu's assertion that "Caesar braucht das Wort niemals von sich selbst" is technically true; however, Caesar puts in the mouths of others appeals to his clemency as a well-known characteristic of his: *BGall.* 2.14.5, 2.31.4.

Caesaris helped fix the usage (cf. Plut. *Caes*. 57.4, App. *B Civ.* 106, Cass. Dio 44.6.4; Palombi 1993). Without doubt, the inclusion of *clementia* among the four virtues on the *clupeus virtutum* awarded to Augustus in 27 (*Res gestae* 34) secured its primacy as the term for imperial leniency (cf. Fears 1981, 885–90), though it continued to share the stage with other words, including expressions of pity (cf. the *senatus consultum* on Piso, 90–91; Plin. *Pan*. 80.1; Pera 1980). By the late Empire, however, pedants could fault Cicero for speaking of Caesar's *misericordia* rather than his *clementia* in *Pro Ligario* 12.37, where he exclaims, "none of your many virtues is more admirable or more welcome than pity." This carping drove Saint Augustine (*Contra Adimantum* 1.11) to remark with withering disdain: "What then would Cicero reply to these quibblers, except that by the word 'pity' he meant 'clemency'? For we normally speak, and rightly so, using not only exact terms but also neighboring ones" (*quid ergo calumniosis Tullius responderet nisi misericordiae nomine clementiam se appellare voluisse? quoniam recte solemus loqui non solum verba propria sed etiam vicina usurpantes;* cit. Pétré 1934, 377; cf. Quint. *Inst.* 9.2.28, where Cicero is said precisely to praise Caesar's *clementia*). To single out *clementia* as a negative term in the political context of the late Republic is at best anachronistic.[10]

Syme, as we have seen, disqualified clemency as a virtue because it "depends not on duty but on choice and whim"; so, too, Earl characterized it as "arbitrary mercy, bound by no law." This is, I think, to misunderstand the nature of *clementia* as a settled disposition rather than an emotion or caprice. Although clemency and pity are used synonymously in certain contexts (e.g., Catull. 64.137–38; Cic. *Sen*. 17; Sen. *Ben*. 6.29.1; see Fears 1975, 489), pity, as an emotion, is usually spontaneous and short-lived, and liable to give way to contrary sentiments such as anger and fear. Thus, Quintus Curtius writes (8.11.12): "when they were reminded, by the deaths of others, what was to be feared in their own behalf, their pity turned to terror and they wept, not for those who had died, but for themselves" (cf. 4.16.12: *deinde misericordia in metum versa*). The rhetorical treatises indeed offer recipes for converting emotions into their opposites.[11] Clemency, however, is a habitual trait or disposition—what Aristotle called a *hexis* as opposed to a *pathos*—and as such can be invoked as the basis for public concord: "by means of clemency the harmony of the orders can be stabilized" (Livy 3.58.4–5).[12]

Latin usage confirms this distinction. *Misericordia* is aroused (*commovetur,* Cic. *De or.* 2.195; *movetur,* ibid. 2.211, Livy 3.7.4, 23.20.6; *orior,* Livy

10. To be fair, Syme did not do so. Other moral concepts, too, for example *iustitia,* were "banished almost completely" from the *Annales* (but it is paired with *clementia* at *Ann.* 12.11), and only a few, such as *moderatio,* "escaped his [Tacitus'] disapproval" (1958, 416); cf. appendix 66, p. 754: "*clementia* is not devoid of sinister connotations"; also Charlesworth 1937, 112–13.

11. Vasaly 2000 analyzes Cicero's extensive use of the pity trope in *Pro Murena,* delivered in 63 B.C.E. and thus well before the dictatorship of Caesar. Harris (2001, 243) rightly observes that "The word *clementia* . . . referred to behaviour, not to an emotional condition."

12. This passage, cited by Borgo (1985a, 41), contradicts her claim that in Livy and Sallust *clementia* is "semper esercitata dei Romani nei confronti di popoli e re stranieri sottomessi" (33).

24.26.15, etc.) or elicited (*elicere,* Livy 8.26.2); a person may be brought or even forced to feel it by a painful spectacle (*adducitur,* Cic. *De or.* 2.190; *cogere,* Enn. *Ann.* Book 5, frag. 7 Skutsch). Clemency, on the contrary, is something one exercises or exhibits (*utor, ostendere*); one may experience it in another (*experior*), or commit oneself to it (*se committere clementiae*). One can have clemency as a trait (*habere clementiam,* Sen. *Clem.* 1.1.4, 1.2.5), though one does not normally grant, give, or bestow it: clemency is not the same as pardon (*venia*) or acquittal.[13] Nor is there a Latin verb "to be clement," corresponding to *misereri*. As an adjective, moreover, *clemens* means "mild," and can be applied to natural phenomena (e.g., Catull. 64.272 of a breeze; Columella 4.23.1 of the sky); a harsh comment can be labeled "inclement" (Livy 9.34.24; the use of the noun in this sense seems to have been chiefly poetic, e.g., Luc. 8.366; cf. Burgess 1972, 342–43). The adjective *misericors* would be odd in such contexts (see Konstan 2001, 101–2). *Clementia,* then, is what Seneca said it was: a "mental disposition" or *inclinatio animi,* and as such neither erratic nor impulsive.

One episode in the career of Caesar might indeed suggest that to "acquiesce in the 'clementia Caesaris' implied a recognition of despotism": I am referring to Cato's famous decision to die rather than owe his life to Caesar's mercy. Cassius Dio reports that Cato "believed Caesar's pity [ἔλεος] to be far worse than death" (43.10.3). Pity, however, is open to the objection raised by Syme and Earl: as we have seen, it is a labile feeling, and may be said to depend, if not on whim, at least on impulse. It is in just this respect that it differs from clemency as a disposition or virtue. Had Dio intended to refer to Caesar's *clementia,* the term he would likely have employed is ἐπιείκεια.

In his life of Cato the Younger, Plutarch describes how Cato rejected Lucius Caesar's offer to supplicate Julius Caesar on his behalf: "If I wished to be saved by Caesar's favor [χάρις], I ought to go to him myself. But I do not wish to owe a favor [χάριν ἔχειν] to the tyrant for things he does against the law, and he acts against the law in saving, as though he were their master, people whom he has no right to rule despotically" (66.1–3). In Plutarch's version, the key term is χάρις, which corresponds to the Latin *gratia*. In petitioning a *beneficium* from Caesar, Cato perceives that this would put him in Caesar's debt, and this he regards as intolerable. Cato's reasoning is that Caesar does not have the right of life and death over Roman citizens. Since he is unjustified in killing his fellows, his sparing of them cannot trigger or initiate the quid-pro-quo code of *beneficium* and *gratia*.[14] Clemency as a trait is beside the point in Cato's rigorous analysis.

13. One asks for pardon when one is conscious of having done wrong and wishes to be forgiven; cf. Cic. *Inv. rhet.* 1.11.15: *deprecatio est cum et pecasse et consulto pecasse reus se confiteor et tamen ut ignoscatur postulat*; Barton 2001: 138–42.

14. Cf. Sen. *Controv.* 10.3.5: *M. Cato . . . potuit beneficio Caesaris vivere, si ullius voluisset*; Publilius Syrus 48 Friedrich: *beneficium accipere libertatem est vendere*; Florus 2.13.92: *clementiam principis vicit invidia, gravisque erat liberis ipsa beneficiorum potentia*. The anxiety of the aristocracy was centered on the debt of gratitude implied by receipt of a benefit rather than on the principle of clemency as such (for a different interpretation, see Barton 2001, 190–93).

Tacitus might ironically designate as clemency a bogus remission of severity, as when Claudius permitted Asiaticus to choose his own manner of death (*Ann.* 11.3). Syme called attention to this kind of sarcasm, but it is less frequent even in Tacitus than is commonly supposed. Tiberius ostensibly exhibited clemency in forgiving Archelaus for failing to pay respects while Tiberius was in Rhodes (*Ann.* 2.42), though the offense was perhaps more serious than a mere social oversight, as John Burgess supposes (1972, 340, elaborating on Syme 1958, 414). In any case, the proferred pardon was a fraud (*doli*), and this, rather than the trivial nature of the infraction, is Tacitus' main point.[15] To conclude that "it is a short step from here [i.e., Tacitean irony] to its use as a propaganda word in anti-imperial sources, a word symbolizing the despotism of the emperors" (Burgess 1972, 341) goes beyond the evidence of Tacitus or other writers, whatever their political stance (cf. Griffin 2003).

In conclusion, let me sum up the case against the interpretation of Caesar's clemency as a gesture indicative of tyranny. First, the question of clemency must be separated from that of duplicity: if clemency just means despotic disdain for one's ostensible peers, then Caesar's profession of it was frank and undisguised. Second, Seneca's description of clemency as *lenitas superioris adversus inferiorem* does not warrant taking it as the trait of an absolute ruler, least of all in the time of Julius Caesar. Third, there is no good evidence that *clementia* was avoided for its dictatorial associations before the middle of the first century B.C.E. Fourth, no passage in the writings of Cicero, Caesar, or their contemporaries indicates that *clementia* was anything but a welcome and approved quality of character. Fifth, *clementia* was synonymous in this epoch with a wide variety of terms, such as *lenitas* and *mansuetudo,* which were not associated with despotism. Sixth, *clementia* was not regarded as a whimsical or arbitrary sentiment, like *misericordia,* with which it is sometimes paired, but rather as a stable disposition; hence it was naturally considered a virtue, like the Greek πραότης and ἐπιείκεια (cf. Romilly 1974, 100). Seventh, Cato's refusal to beg Caesar for his life was not motivated by a hostility to *clementia* or leniency as such. And finally, ostensibly ironic uses of the term presuppose, rather than contradict, its positive significance. It is time, I believe, to abandon the assumption that *clementia* had negative connotations in the last half of the first century B.C.E. and afterwards. It was a virtue, and the senate was acting in perfect accord

15. Cf. 14.23; 5.6 is not necessarily ironic, and 6.14 (*mansit tamen incolumis oblivione magis quam clementia*) is irrelevant. When Tacitus implies that Otho's clemency was among his *falsae virtutes* (*Hist.* 1.79.1), his point is that Otho's clemency was feigned, not that clemency itself is not a true virtue; cf. *clementiae fama, Hist.* 4.63.1; Suet. *Ner.* 10, and contrast his sincere endorsement of clemency in *Iul.* 75, *Aug.* 51; cf. Tac. *Ann.* 3.24 (*clementiam maiorum*); *Laudatio Turiae* 2.17. So too Cic. *Phil.* 2.116 asserts that Caesar *suos premiis, adversarios clementiae specie devinxerat* (cf. Amm. Marc. 29.1.21, *clementiae speciem*), the point being that the clemency was insincere; at *Phil.* 5.39–40 Cicero earnestly praises Lepidus' clemency. Borgo 1985a, 40–52, traces what she calls a "progressivo svuotamento di significato del termine [sc. *clementia*]" until it becomes, in the panegyricists and the *Historia Augusta,* nothing more than "una pura formula di cortesia" (47); but this can be said of any of the imperial virtues.

with the traditional meaning of the term when it included it in the *clupeus virtutum* presented to Augustus.[16]

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