
HUMANITAS–CLEMENTIA AND CLEMENTIA CAESARIS

ANCIENT AND MODERN CAESAR

Iulian-Gabriel Hrușcă*

Romanian Academy, Iasi Branch, Str. T. Codrescu, Nr. 2, Iasi, Romania

(Received 11 May 2012)

Abstract

Humanitas Romana is a concept that crosses both the Republican age of Rome and the Roman imperial period. In the Republic, *clementia* was both a personal attribute and a public virtue, intended to differentiate the Romans from the other peoples of antiquity in a sense of a moral superiority. In the Roman imperial period, the concept of *humanitas Romana* began to manifest more and more significantly through its component part, *clementia*, which became a cardinal virtue of the emperor and a judicial principle. With the coming to power of Julius Caesar, the notion of *Clementia Caesaris* was born. Afterwards, the status of *Clementia Caesaris* was enhanced during the Principate of Augustus. The emperor tends to become a provider of human rights. In a certain respect, if we refer to the principles of democracy, this transfer of the centre of gravity to the emperor in terms of human rights is negative. However, we could not assert that at that time were only negative aspects. We might consider as positive aspects the evolution of the concept of *humanitas Romana* through its component, the virtue of *clementia*, or the increased multicultural side of the Roman state. Despite the negative perception of Rome today, the clemency of ancient Caesar had reminiscences over time. The modern Caesar has tried to turn to Rome for lessons both positive and negative.

Keywords: human rights, *humanitas Romana*, *Clementia Caesaris*

1. The state of fact

Humanitas Romana is a concept that crosses both the Republican age of Rome and the Roman imperial period. However, after the fall of the Roman Republic, *clementia* becomes obviously one of the major manifestations of the concept of *humanitas* in terms of human rights. From this perspective, we will refer to the relation between *humanitas* and *clementia* and to some reasons for the leniency acts committed by an emperor. Our study intends to approach some ancient historical sequences (the dictatorship of Julius Caesar, the Principate of Augustus or the reign of Tiberius) and to point out that the modern Caesar has tried to turn to Rome for both positive and negative lessons.

* E-mail: yulyushr@yahoo.com

Clementia was regarded both as a personal attribute and as a public virtue of the citizen during the Republic and, among the other qualities that were part of the Roman code of conduct, is thought to be one of those attributes which, at least in a first phase, gave the Roman State a particular moral strength. In the Late Republic, the Romans used to praise the supposed qualities of their ancestors who included among others *clementia*, *miseriordia*, *mansuetudo*, *temperantia*, *lenitas*, *benevolentia* [1]. With the coming to power of Julius Caesar the notion of *Clementia Caesaris* was born.

2. *Clementia Caesaris*: A Mere Political Strategy?

The clemency of Julius Caesar, the new dictator (for life), was not only meant to appear in an abstract way among the imperial honours, but also to be a special virtue of Caesar. He intended to make from *clementia* a personal virtue, as he emphasized in *Bellum Gallicum* by using the phrase *sua clementia ac mansuetudo* (BG, 2, 14, 4), in contrast with the public virtue or the *clementia* of the Roman people [2]. Caesar's clemency and tolerance was well known in ancient world. According to Plutarch (*Caes.*, 57), the Senate wanted to erect a temple in honour of Caesar's clemency shown during the Civil War. Whether the temple was ever built is unclear [3], but Caesar transmitted the propagandistic message of his *clementia* through decrees and coins or by showing leniency in punishment. *Clementia Caesaris* was meant to be the "quintessential expression of his image after his victory in the Civil War" [2]. According to Cicero, Caesar even sent him a letter where he explained his political strategy: "Haec nova sit ratio vincendi ut misericordia et liberalitate nos muniamus/ This is the new winning strategy: that we arm ourselves with mercy and liberality" (*Att.*, 9, 7 C). However, now we do not know for sure if the message of Caesar is exactly reproduced, because we find out the words of the victorious dictator through Cicero's text. Cicero could manipulate the text to suggest that Caesar was not sincere, having only propagandistic reasons and using an *insidiosa clementia* (*Att.*, 8, 16, 2). The adversity between the two politicians is nowadays obvious, as well as the fact that Cicero was never excited about Caesar's rise to power. It seems more reasonable that Cicero tried to spread the opinion that Caesar was cynical and had only a treacherous clemency. According to Cicero, Caesar was cruel and his *clementia* was only a strategy for winning the adulation of the masses (*Att.*, 10, 4, 8). Cicero probably planned to defile the image of his opponent or, if we would give more credit to Cicero, of the hidden opponent of the Roman Republic. It is interesting that, subsequently, scholars [4, 5] entertained the same doubts as Cicero about the sincerity of the dictator in the matter of *clementia* and continued to see Caesar's policy as a cynical and pragmatic one. The scholars still say that there is no doubt that Caesar was not a sentimentalist [6].

In fact, in many cases, we agree that he was not. The elder Pliny stated that Caesar slew many people during the Gallic War (*HN*, 7, 91) and we know that he was also merciless with the murderers. The story of Caesar kidnapped by

pirates is interesting in this sense. This is an episode that was seen by ancient biographers as an exterior tale of *res gestae*. However, the story of the young Caesar captured by pirates fascinated both ancient and modern biographers, from Plutarch to Mathias Gelzer [7]. This event from Caesar's young adulthood (Suet., *Iul.*, 4; Plut., *Vit. Caes.*, 1, 4-2) is important for highlighting his attitude towards criminals. Near the island of Pharmacusa, Caesar was captured by pirates. The city of Miletus paid the ransom and the young noble Roman, who warned the pirates that he would punish them, pursued the robbers with the aid of a fleet and captured them. In the end, he crucified the pirates [8]. So, Caesar was very determined and without mercy when it was about robbers and murderers. Also after he became dictator, Caesar remained known in history for hardening the sentences for such criminals. But there is the problem of genocide in Gaul, as well. And, furthermore, even if Caesar's kidnapping by pirates took place in 75 BC and Pompey's campaign against all the pirates in the Mediterranean Sea took place later in 67/66 BC, however, the different manner in punishment of the two leaders probably did not pass unnoticed by the Romans. Indeed, Pompey, instead of applying the death penalty, appealed to the power of persuasion, rather than to the physical power and convinced many pirates to surrender. According to Plutarch (*Pomp.*, 27, 6 – 28, 2; 28, 5) and Cassius Dio (36, 37, 5), Pompey understood that piracy was the result of a complex and problematic socio-economic context of the time. Therefore he solved the problem of piracy by other means than Caesar, trying to reintegrate people and giving them the opportunity to become settlers. This suppression of piracy in connection with the principles of the concept of *humanitas* could have happened due to the influence of the Stoic philosopher and historian Posidonius, who was visited by Pompei [9]. The Roman commander did not treat the pirates so ruthless and with an obvious disdain and contempt as Caesar: "Certainly, he did not treat the pirates simply as criminals but made promises to those who surrendered to him, offering to pardon them so that they might start a new life as colonists" [9, p. 25].

Now, the question is about how the rough and ruthless approach of the *dictator* Caesar fits with *Clementia Caesaris*. For answering this question we have to refer not only to Caesar's propagandistic reasons or cunning strategy, as the scholars usually did, but we have to pay attention also to the attitude of a *homo nobilis* towards other fellow noblemen and, eventually, towards the Roman people. As we know, despite their rivalry, Caesar wept when Pompey, a patrician and a relative of his, was murdered. The acts of clemency committed by Caesar after the Civil War depend on his attitude towards the nobles and towards his own people. When it was about the Gauls, the Egyptians or the pirates, Caesar, indeed, had no sentimentalism at all and had a discriminating attitude, but when it was about the ones who had the same status as he then the dictator acted with some real sentimentalism and clemency, being probably slightly influenced by the principles of the concept of *humanitas Romana* and combining his feelings and sensitivities with an intended strategy of propagandistic *clementia*. In fact, Caesar was tributary to a clear distinction

between enemies, represented by foreigners or criminals, and rivals of his own nation or on an equal footing with him. Certainly, he was not always very lenient with his opponents during the Civil War, but we cannot say that he did not treat them in a different manner that he treated the Gauls or the pirates. Another fact that proves that Caesar had some real inclination to clemency is that after him there was a long list of emperors who wanted to include leniency among their special qualities, but did nothing conclusive in this respect. However, the supposition that Caesar was not sincere, whether true or false, led to the association between clemency and tyranny. The later emperors tried to use their clemency moderately so that they would not appear to be arrogant and contemptuous, but rather that they exhibit a human temperament [6].

3. *Clementia Caesaris* under the Reign of Augustus and Tiberius

At the political level, *clementia* depends on the socio-political system. In the Republic, *clementia* was both a personal attribute and a public virtue, intended to differentiate the Romans from the other peoples of antiquity in a sense of a moral superiority. It is true that even since that time, the notion was put in some relation to the monarchy [4, p. 226], because Scipio praised the clemency of the King Numa Pompilius (Cic., *Rep.*, 2, 27), but Caesar was the first that made really known the notion of *Clementia Caesaris*. Afterwards, the status of *Clementia Caesaris* was enhanced during the Principate of Augustus, when we encounter a metamorphosis of the way in which the human rights are respected and applied. In 27 BC, the introduction of the Principate by Augustus broke the former harmony of the Roman mixed constitution – also very affected by the previous actions of Caesar – and made once again possible the risk of the degeneration of monarchy into tyranny. However, the dictatorship of Augustus was better masked than the dictatorship of Caesar. Caesar's leniency was proverbial, but because of that virtue he was assassinated by his opponents who have not forgotten their hatred for the more and more obvious dictator for life. Augustus avoided a repeat of what he considered to have been a mistake of his predecessor. Therefore, Augustus' *clementia* was included among his special virtues, but in reality it was applied more to the common law criminals [2, p. 77] and, only after he consolidated his power and, in general, the real rivals were eliminated, he exercised his clemency to the political offenders who were not actually dangerous. Tiberius continued the program of Augustus and was dependent on the ideas of his predecessor. This was a strategy for maintaining the stability of the Roman state by continuity with the past. Tiberius wanted to be perceived as the successor and continuator of Augustus [10]. As regards strictly *clementia*, Tiberius continued to show more clemency for common law offenders, than for political offenders and, more interesting, he was remarkable for some acts of clemency towards enemies from other countries [2, p. 78].

4. The relation between *Humanitas*, *Clementia* and human rights

However, in this period, the concept of *humanitas Romana* began to manifest more and more significantly through its component part, *clementia*, which became a cardinal virtue of the emperor and a judicial principle [2, p. 67]. This transformation finds its answer in a specific phenomenon of the imperial period: the emperor is gradually personified as a source of human rights. Roman personifications and abstractions are part of a Greek background. It was a custom of the Greeks to express through human forms phenomena, concepts, landscapes and it is demonstrated today that under Greek influence the Roman religion became anthropomorphic [11]. Therefore it is not surprising that the Roman emperors took over and adapted the method of personifications, in the imperial area being found virtues as *humanitas*, *clementia*, *iustitia*, *liberalitas*, *lenitas* and others. The emperor who shows such a cumulation of virtues tends to become a provider of human rights. In a certain respect, this transfer of the centre of gravity to the emperor as regards human rights is negative, if we refer to the principles of democracy. However, as concerns human rights during the Principate and afterwards, we could not assert that at that time were only negative aspects. We might consider as positive aspects the evolution of the concept of *humanitas Romana* through its component, the virtue of *clementia*, or through the increased multicultural side of the Roman state. During the Roman imperial period, the interaction between cultural areas is enhanced, among others, by three factors: translation, communication and migration [12]. We do not have to make the mistake of agreeing totally with the dichotomy *a Republic is good, an Empire bad* that was a source of confusion as concerns the parallel between antiquity and modern times [13].

Humanitas Romana and *clementia* are closely related to a modern effort regarding the human rights, namely *The Universal Declaration of Human Rights* (1948). The postulations of ancient universalism could be found in *The Declaration* from the first lines. *The Declaration* has Roman correspondents [2, p. 1-9], although not all of the rights stipulated in it have the same importance in ancient Rome. *The Declaration* could be summarized as follows:

“1. The right to life, liberty, security of person, equality before the law, fair trial, asylum, and freedom from torture and inhuman punishment;

2. The right to privacy, reputation, opinions, religion, mobility, nationality;

3. The right to marry, own property, take part in government, choose one’s occupation, receive an education” [2, p. 2-3].

In our case, clemency is related especially to the first category of rights, leading to the reduction of acts of barbarism and cruelty in ancient Rome. Nevertheless, clemency was required also for having the right to reputation or mobility, which was impossible in case that a person was exiled, for example. *Grosso modo*, clemency is a chance for all the rights of the three categories.

For a better understanding of the relation between *humanitas* and *clementia*, we will refer now to the philosophy of Seneca. The Stoic philosopher, who developed his ideas on human rights and on *Clementia Caesaris* in three treatises: *De clementia*, *De ira* and *De beneficiis*, as well as in *Epistulae morales* and was “perhaps ahead of Cicero, the most significant contributor to the theory of human rights as a whole” [2, p. 69], asserts that clemency can be found in any man, but does not fit anyone better than to an emperor or a leader (Sen., *De Clem.*, III, I). It is very important to signal the distinction that the philosopher makes. Seneca asserts that we must distinguish between moral notions that may seem related, but actually are not, for avoiding a serious confusion between *clementia* and *misericordia*, on the one hand, and *severitas* and *saevitia*, on the other. So, *clementia* is not the opposite of the traditional value of *severitas*, but is the opposite of *saevitia* (or *atrocitas animi*), while *misericordia* would be an inferior version of *clementia*. *Clementia* is, in fact, a virtue under the cupola of the concept of *humanitas Romana* and a value that enhances the idea of *humanitas*. Finally, the concept of *humanitas* could be tantamount to some values that were part of the code of conduct of a Roman citizen and that were not perceived in the same manner by the Greeks: *pietas* (*eusebeia* is different from *Via Romana*), *mores* (again different from the Greek *ethos*) and *clementia*, *dignitas*, *gravitas*, *integritas*, *aequitas*, *lenitas*, *mansuetudo*, *moderatio*, *indulgentia*, *iustitia*, *fides* and so on [14]. Referring strictly to the relation between *humanitas* and *clementia*, Bauman noticed that where the concept of *humanitas* would be rather the predisposition instilled through philosophy and culture to do the right thing, *clementia* would be the act itself [2, p. 68].

5. The merciful Romans

Although the tragedies happened throughout the empire shows us that the Romans were not always merciful, it is not fair to associate Rome with cruelty and decadence. Roman decadence is only a *fashionable and popular myth* [15]. The public perception is tributary to the negative characterization of ancient Rome. In general, in the spotlight are the gladiatorial fights or the evil emperors, as if we could fully understand today’s world through the passion for sport:

“That the knee-jerk negative characterization of the Romans has pervaded popular consciousness is clear enough from the titles of the best-selling Horrible Histories series for children (by Terry Deary and others): The Rotten Romans, The Ruthless Romans. Other equally war-prone and bloodied ancient peoples appear as The Groovy Greeks, The Cut-Throat Celts and The Incredible Incas (while the ambivalent legacy of the ancient Egyptians gets equal time: The awesome Egyptians and The Awful Egyptians). Alliteration cannot be the whole explanation for these choices: why not The Religious Romans, for example? After all, Rome’s national founder-hero is lauded in Vergil’s Aeneid as *pious Aeneas* – *reverent Aeneas* [13, p. 89].”

Maintaining the same idea, we can ask also why not *The Merciful Romans*, for example, taking into account all that we have highlighted in this study.

6. A Few Closing Words

Despite the negative perception of Rome today, the clemency of ancient Caesar had reminiscences over time. The *modern Caesar* has tried to turn to Rome for lessons both positive and negative. Napoleon in France or the monarchs in Britain, especially in the Victorian period, or other more recent dictators tried to take something from the knowledge of Rome. However, by extension, even democratic America and Europe took as a model the Roman antiquity, inclusively with regard to the granting of amnesty and pardon.

Acknowledgement

This paper was made within The Knowledge Based Society Project supported by the Sectoral Operational Programme Human Resources Development (SOP HRD), financed by the European Social Fund and by the Romanian Government under the contract number POSDRU/89/1.5/S/56815.

References

- [1] F. Beckmann, *Humanitas: Ursprung und Idee*, Aschendorff, Münster Westfalen, 1952, 16.
- [2] R. Bauman, *Human Rights in Ancient Rome*, Routledge, London, 2000, 75.
- [3] S. Rochlitz, *Das Bild Caesars in Ciceros Orationes Caesarianae: Untersuchungen zur clementia und sapientia Caesaris*, Peter Lang, Frankfurt am Main, 1993, 111.
- [4] A. Dyck, *A Commentary on Cicero, De Officiis*, University of Michigan Press, Michigan, 1996, 235.
- [5] M. Treu, *Museum Helveticum*, **5** (1948) 197.
- [6] D. Konstan, *Classical Philology*, **100** (2005) 337.
- [7] M. Gelzer, *Caesar: Politician and Statesman*, translated into English by P. Needham, Harvard University Press, Cambridge, 1968, 24.
- [8] J. Osgood, *Greece & Rome*, **57** (2010) 319.
- [9] M. Tröster, *Greece & Rome*, **56** (2009) 14.
- [10] E. Cowan, *Classical Antiquity*, **28** (2009) 179.
- [11] N. Hannestad, *Monumentele publice ale artei romane (Roman Art and Imperial Policy)*, translated into Romanian by M. Gramatopol, Meridiane, Bucharest, 1989, 79.
- [12] C. Moatti, *Classical Antiquity*, **25** (2006) 109.
- [13] P. Burton, *International Journal of the Classical Tradition*, **18** (2011) 66.
- [14] W. Schadewaldt, *Aufstieg und Niedergang der römischen Welt*, **1** (1973) 43.
- [15] K. Galinsky, *Classical and Modern Interactions: Postmodern Architecture, Multiculturalism, Decline, and Other Issues*, University of Texas Press, Austin, 1992, 56.