



# Torture in Seneca's philosophical works: between justification and condemnation

Jean-Christophe Courtil

## ► To cite this version:

Jean-Christophe Courtil. Torture in Seneca's philosophical works: between justification and condemnation. J. Wildberger; M. Colish. in J. Wildberger & M. Colish (éds), *Seneca Philosophus, "Trends in Classics"*, De Gruyter, p. 189-207, Trends in Classics, De Gruyter, p. 189-207, 2014. hal-01979404

**HAL Id: hal-01979404**

**<https://hal.science/hal-01979404>**

Submitted on 10 Jun 2019

**HAL** is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.

## Torture in Seneca's Philosophical Works: Between Justification and Condemnation

Jean-Christophe Courtil  
Université de Toulouse II-Le Mirail

The mutilated body is a significant theme frequently encountered in Seneca's tragedies. This topic has received much attention and has often been considered as their main characteristic.<sup>1</sup> However, as there are more than two hundred and fifty allusions to torture<sup>2</sup> – an intentional mutilation of a body – in Seneca's extant philosophical works,<sup>3</sup> it clearly appears that this theme, far from being peculiar to the tragedies, is a central issue in Seneca's thought.

Regarding the tragedies, there have been only literary explanations for the motif of torture. The first of these explanations postulates an influence of education on Seneca's works. Indeed, Roman declamation expresses a very peculiar taste for cruel stories and specifically for torture scenes.<sup>4</sup> Nevertheless, even if the rhetorical influence on Seneca's style is obvious, literary reasons cannot be the only explanation for the numerous references to a motif. The second explanation refers to stylistic tastes in the Early Empire. Many scholars have noted that works of post-Augustan literature express an obvious taste for descriptions of gory scenes, with an emphasis on gruesome details. They have deduced that at that time there must have existed an aesthetic of horror, which was also described as "mannerism,"<sup>5</sup> "baroque"<sup>6</sup> or "expressionism."<sup>7</sup> However, it is hard to conceive the creation of frightening images of torture scenes as an end in itself, that is to

---

1 See, e.g., Regenbogen 1927; Pasche 1976, 1 and 41; Hallak 1985; Most 1992, 391–419; Schiesaro 2003, 20–21; Tarrant 2006, 5. – I am very grateful to Christelle-Rébecca Fairise and Joshua Parks for their amiable and efficient help in translating this paper.

2 I have taken into account all the passages in which an instrument or method of torture is mentioned.

3 I mean the *Dialogues*, *Letters*, *Quaestiones Naturales*, and prose fragments.

4 See Most 1992; Van Mal Maeder 2007, 81. On the influence of rhetoric on Seneca's works, see Setaioli 1985, 814–817; Traina 1987, 25–41.

5 Wanke 1964; Burck 1971.

6 Segal 1984, 311–325; André 1989, 1766.

7 Berti 2007, 329–340.

say, as a literary performance which is a feature of mannerism. The third explanation is that Seneca himself had a “peculiar taste” and an “obsession”<sup>8</sup> with gruesome images. The idea that Seneca, grimly fascinated by horror, depicted scenes of mutilations with great pleasure became a commonplace critical approach.<sup>9</sup> But the quasi-anatomical descriptions of battle wounds are traditional in classical literature. They are also a *topos* of epic poetry, which goes back to Homer and can be found in Vergil<sup>10</sup> and Ovid as well as in Roman theater.<sup>11</sup> None of these stylistic or biographical explanations, which are only based on the tragic corpus and not on the philosophical œuvre, is sufficient to explain the omnipresence of torture in a set of works which are above all a display of Stoic philosophy.

Yet, there are almost no studies about conceptions of torture in the large bibliography dealing with Seneca’s thought. In the present article it will be shown that, beyond socio-historical and literary reasons, the clear emphasis on the tortured body is first of all a consequence of the author’s political and philosophical system of thought. This philosophical perspective will allow us to define Seneca’s position on torture as lying between justification and condemnation. Stoicism was often perceived as the school of thought which, before the rise of Christianity, softened cruelty in violent acts with a new concern for other human beings (*humanitas*).<sup>12</sup> However, I will show that Seneca expresses a nuanced view on the matter which is far from a firm condemnation. I will then try to demonstrate that in Seneca’s works physical punishment can also appear as something that is put to productive use.

## I. The Torture Motif in Seneca’s Philosophical Works

In Seneca’s philosophical works we find a great variety of different forms of torments, not only regarding the means used and the kinds of injuries inflicted but also regarding the body parts concerned. It is a remarkable catalog of *modi operandi*, which runs the gamut from more traditional forms of torture to those more elaborately devised. The torture most

8 Favez 1947, 158. See also Cupaiuolo 1973, 39; Hallak 1985, 4; Segal 1983, 186–187; Most 1992, 400.

9 See, e.g., Bayet 1965, 328. On this commonplace, see Aygon 2004, 120.

10 See Heuzé 1985, chapter 2, and e.g., Vergil, *A.* 9.698–701.

11 For the torture motif in Roman theater, see, e.g., *Pl. As.* 481; *Mil.* 502, 511; *Ter. Ad.* 313; *An.* 622, 786.

12 On Seneca’s *humanitas*, see Boyancé 1965, 231–245; Sørensen 1984; Bauman 2000, 79–82; Bradley 2008, 345.

frequently evoked is flagellation,<sup>13</sup> performed with the *flagella* or *verbera*, whips destined to chastise slaves, for whom this punishment was reserved in theory.<sup>14</sup> Fire was also a very common means of torture applied in various fashions, e.g., the branding of a fugitive or thieving slave<sup>15</sup> or the application of burning objects to the skin,<sup>16</sup> which most of the time were red-hot iron blades, so-called *laminae*. Another form of fire torture was cremation (*crematio*),<sup>17</sup> sometimes dramatically performed in order to emphasize the infamy of the condemned. According to Seneca's descriptions, the victim of a *crematio* was half-buried in a pit surrounded by flames<sup>18</sup> or clothed in the *tunica molesta*,<sup>19</sup> a shirt woven from and soaked in flammable materials. Death on the cross,<sup>20</sup> also called *servile supplicium* ("a punishment for slaves")<sup>21</sup> because of its infamous nature, was normally applied only to slaves and foreigners.<sup>22</sup> Seneca frequently refers to the cross<sup>23</sup> as the emblematic instrument of torture, and occasionally as a metonymy for those instruments in general.<sup>24</sup> Its vertical part, the *stipes*,

13 Sen. *Marc.* 20.3; *De ira* 1.16.5, 3.19.1; *Ep.* 24.14; 85.27. See Daremberg and Saglio 1877–1919, s.v. *flagellum*, vol. 2, p. 1152–1156.

14 See Mommsen 1907, vol. 3, p. 322; Ermann 2000.

15 Sen. *De ira* 3.3.6: "inscriptiones frontis" – "the branding of foreheads," *Ep.* 4.4. All English translations of the *Dialogi*, *De beneficiis*, and *De clementia* are quoted from Basore 1928–1935, translations of the *Epistulae morales* from Gummere 1917–1925.

16 Sen. *Ep.* 7.5; 78.19; *Frg.* 96 Vottero, 124 Haase. See also Cic. *Ver.* 5.63; Hor. *Ep.* 1.15.36; Quint. *Decl.* 18.11.15 and 19.15. See Daremberg and Saglio 1877–1919, s.v. *quaestio*, vol. 4, p. 797.

17 Sen. *Marc.* 17.5; *De ira* 3.3.6, 3.19.1, 3.19.2; *Ben.* 4.21.6, 7.19.8; *Cl.* 2.4.1; *Ep.* 14.4; 24.13; 66.18; 67.3; 78.19; 85.26; 88.29; *Nat.* 4 *prae*f. 17. On *crematio*, see Cantarella 1991, 112. It should be noted that it is sometimes difficult to distinguish among the occurrences of *ignis* those referring to *crematio* from those referring to the use of the *laminae*. According to Daremberg and Saglio 1877–1919 (s.v. *quaestio*, vol. 7, p. 797), *laminae* and *ignis* refer to the same *modus operandi*.

18 Sen. *De ira* 3.3.6: "circumdati defossis corporibus ignes" – "fires encircling living bodies implanted in the ground."

19 Sen. *Ep.* 14.5: "illam tunicam alimentis ignium et illitam et textam" – "the terrible shirt smeared and interwoven with inflammable materials." See also Mart. *Ep.* 4.86.8; 10.25.5–6; Juv. 8.235.

20 See Daremberg and Saglio 1877–1919, s.v. *crux*, vol. 2, p. 1573–1575; Hengel 1977; Parente 1979; Briquel 1980; Zugibe 1984; Jaume 2008.

21 Cic. *Clu.* 66; *Phil.* 1.2.

22 Pl. *Mil.* 372; *Bac.* 362; Cic. *Clu.* 187; Caes. *B. Hisp.* 20.5; Hor. *S.* 1.3.80–81; Liv. 3.8.10, 22.23, 22.33.2, 24.14.7, 30.44.13; Tac. *Hist.* 4.3, 4.11; Juv. 6.219–223; Dio Cassius, 49.12. See Mommsen 1907, vol. 3, p. 255.

23 Sen. *Marc.* 20.3; *De ira* 1.2.2 and 3.3.6; *Cl.* 1.23.1 and 1.26.1; *Brev. vit.* 19.3; *Prov.* 3.10; *Ep.* 14.5; 98.12; 101.12; 101.14.

24 *Cruces* is also used as a synonym of the generic terms *machina* or *instrumenta*: Sen. *Marc.* 20.3; *Ep.* 98.12 (for Regulus, who was not crucified).

could also be used for impalement,<sup>25</sup> in which case it was called the “sharp” or “pointed cross” (*acuta crux*).<sup>26</sup> Another form of torture often evoked by Seneca is being drawn and quartered, usually upon the rack (*eculeus*<sup>27</sup> or, by metonymy, *fidicula*<sup>28</sup>), a torment which was mainly used for interrogating slaves.<sup>29</sup> Torture could also include animals. The most well-known of these torments is the *damnatio ad bestias* (“condemnation to beasts”),<sup>30</sup> a punishment that consisted in being mauled to death by wild animals in the arena.<sup>31</sup> It was reserved for enslaved men or robbers as a more severe form of the death penalty. Another punishment which made use of animals was the well-known *culleus*<sup>32</sup> reserved for parricides.<sup>33</sup> The guilty offender was sewn into a leather sack hermetically sealed with pitch into which various animals had been introduced<sup>34</sup> and then thrown into the nearest river or directly into the sea. Seneca also mentions the punishment practiced by Publius Vedius Pollio, a very wealthy friend of Augustus notorious for his proverbial cruelty towards his slaves,<sup>35</sup> who had his clumsy servants devoured by huge moray eels, which he kept expressly for this purpose. Finally, Seneca counts among the different forms of torture also imprisonment under extreme and particularly excruciating conditions.<sup>36</sup> Besides these torments actually used by the Romans, to which

25 In Seneca’s work, the word *stipes* always refers to the pale: *Marc.* 20.3; *Ep.* 14.5.

26 Sen. *Ep.* 101.10 and 11.

27 Sen. *De ira* 3.3.6 and 3.19.1; *Ben.* 4.21.6; *Cl.* 1.13.2; *Ep.* 14.5; 24.14; 66.18; 67.3; 71.21; 78.14; 78.19. See Daremberg and Saglio 1877–1919, s.v. *equuleus*, vol. 2, p. 794.

28 Sen. *Marc.* 20.3; *De ira* 3.3.6 and 3.19.1. See Daremberg and Saglio 1877–1919, s.v. *fidicula*, vol. 2, p. 117.

29 Cic. *Mil.* 21.57: “Facti enim in eculeo quaestio est [...]” – “It is facts that are extorted upon the rack [...]” (trans. Watts).

30 Sen. *De ira* 3.3.6; *Cl.* 1.18.2 and 2.6.2; *Brev. vit.* 13.6; *Ep.* 7.3–5; 14.4. See also Cic. *Pis.* 89; Suet. *Cal.* 27.

31 Sen. *Brev. vit.* 13.6: “elephantorum duodeviginti” – “eighteen elephants;” *Ep.* 7.4: “leonibus et ursis” – “to the lions and the bears.”

32 Sen. *De ira* 1.16.5; *Cl.* 1.15.7 and 1.23.1.

33 See Mommsen 1907, vol. 2, p. 324; Briquel 1980, 87–107. See also Just. *Dig. fr.* 1.9, *Ad Leg. Pomp. de Parricid.* 48.9.

34 Seneca alludes to the presence of snakes in *Cl.* 1.15.7: “non culleum, non serpentes [...] decrevit” – “His sentence was not the sack, nor serpents,” just as in Juv. 8.212–214: “cuius [sc. Neronis] supplicio non debuit una parari / simia, nec serpens unus, nec culleus unus;” Quint. *Decl.* 17.9; Sen. *Con.* 5.4: “imaginabar mihi culleum, serpentis;” Just. *Dig.* 48.9.9.

35 *De ira* 3.40.2 and 3.40.4; *Cl.* 1.18.2. See also Plin. Sen. *Nat.* 9.39.2 and 9.81.1; Dio Cassius 54.23.2–4.

36 Sen. *De ira* 3.17.3: “in cavea velut novum aliquod animal et invisitatum [...] squalor et illuvies corporis in stercore suo destituti” – “in a cage as if he were some strange and unknown animal [...] starvation and squalor and the filth of a body left

others could be added – too many to be enumerated – there are also those that are part of legendary *exempla*: mythic, hyperbolic, and imaginary forms of torture, such as the famous bed in which Procrustes,<sup>37</sup> the Attic brigand and son of Neptune, forcefully mutilated his victims by shortening or stretching their limbs, or Phalaris' bronze bull,<sup>38</sup> in which the one to be tortured was enclosed and then roasted alive.

Two elements are common to all of these practices: the desire to inflict pain and their application, in theory, only to slaves and foreigners. Torture is the voluntary causation of physiological stress to make an individual – a slave or foreigner – suffer sharp pain for a specific purpose. While there is always the desire to inflict suffering, there can be three different motives for this desire: to make someone suffer for the pleasure that one derives from his suffering, out of anger, vengeance, or sadism (*crudelitas*); to make someone suffer a long and painful death in order to punish a crime with a painful bodily wound or a mutilation, on the basis of a sentence permitting the retributive act (*supplicium*); to make someone suffer in order to overpower his personal strength of will and force him to say what he refuses to reveal (*quaestio*). Torture can be the application of either a private and domestic punishment or a public one. The former is decided in an arbitrary manner by the master who wishes to punish a slave; the latter is usually decreed<sup>39</sup> by the tyrant and involves a political dimension.

Seneca's philosophical work contains two hundred and fifty-nine references to torture in a very large variety of situations and in many different forms. This number contrasts with only thirty-one in the tragedies. The tragedies therefore do not have a monopoly on the description of the brutalized body, as many have asserted.<sup>40</sup> It should be noted that, in the *Dialogi*, seventy references of one hundred and thirty-four come from *De ira* and twenty-six from *De clementia*, texts that particularly relate the mutilation of the body to these two notions: anger (*ira*) and mercy (*clementia*). The massive presence of the torture motif in these philosophical treatises also indicates its role as a departure point for a political and philosophical reflection.

---

to wallow in its own dung," 3.17.4: "angustiae loci" – "the narrowness of his quarters," 3.32.2: "fames" – "starvation;" *Prov.* 3.9; *Ep.* 70.6: "in caveam coniectus esset a tyranno et tamquam ferum aliquod animal aleretur" – "[...] was thrown into a cage by his tyrant, and fed there like some wild animal."

37 *Sen. Cl.* 2.14.1.

38 *Sen. Ben.* 7.19.8; *Ep.* 66.18.

39 In *De ira* 1.6.3, the magistrate inflicts the torture.

40 See n. 1.

## II. The Socio-Political Dimension of Torture

### II.1. Torture as a Symbol of Tyranny

Seneca's political condemnation of torture deals foremost with the broadening of its application to free men by a tyrannical regime. In Rome, torture as a consequence of a master's absolute power had at all times been reserved for slaves.<sup>41</sup> But the advent of the Empire saw the gradual demise of this basic principle of Roman legislation.<sup>42</sup> The punishment became an instrument of the state's defense: With the introduction of the *crimen maiestatis*, a legal procedure punishing an offence against the Emperor,<sup>43</sup> no one was exempt from torture. The use of flagellation was, for Seneca, indicative of this change.<sup>44</sup> Seneca evokes the fact that this very punishment was applied even to the Roman *equites* (members of the equestrian order) and to the senators whom Caligula had whipped:

Modo C. Caesar Sex. Papinium, cui pater erat consularis, Betilienum Bassum quaestorem suum, procuratoris sui filium, aliosque et senatores et equites Romanos uno die flagellis cecidit, torsit [...]

Only recently Gaius Caesar slashed with the scourge and tortured Sextus Papinius, whose father had been consul, and Betilius Bassus, his own quaestor and the son of his procurator, and others, both Roman senators and knights, all in one day [...] (Sen. *De ira* 3.18.3, trans. Basore).

Seneca vehemently opposes the idea that this punishment traditionally reserved for slaves<sup>45</sup> be applied to people of quality, to whom he refers by their social status first of all: a consul's son, a *quaestor*, and other senators and Roman *equites*, grouped together in an anonymous fashion based on the treatment reserved for them. Later on, Seneca underlines his indignation by emphasizing the contradiction between the social status of a slave and that of the senators, who were theoretically exempt from torture but were treated "as worthless slaves:"

Magnam rem! si tres senatores quasi nequam mancipia inter verbera et flammas divisit homo qui de toto senatu trucidando cogitabat, qui optabat ut populus Romanus unam cervicem haberet [...]

A great matter, truly! Because three senators, as if no better than worthless slaves, were mangled by whip and flame at the behest of a man who contemplated mur-

41 See Pl. *Mos.* 991; Cic. *Ver.* 3.23 and 5.62; *Part.* 34.113; *Phil.* 11.2–3; [Quint.] *Decl. maior* 7: "Liberum hominem torqueri ne liceat." See also Daremberg and Saglio 1877–1919, vol. 4, p. 797; Mommsen 1907, vol. 2, p. 80.

42 See *Der Kleine Pauly* 1975, vol. 5, p. 888; Just. *Dig.* 9.41.1a.196.

43 See Mommsen 1907, vol. 2, p. 233.

44 See also Suet. *Claud.* 34; *Nero* 49; Gel. 17.21–24.

45 See Mommsen 1907, vol. 3, p. 322.

dering the whole senate, a man who used to wish that the Roman people had only one neck [...] (Sen. *De ira* 3.19.2, trans. Basore).

This kind of practice is strongly denounced by Seneca, whose view that to offend a senator is to offend the entire senate and thus all citizens is indicated by the progressive succession senators – the whole senate – the Roman people (“senatores [...] toto senatu [...] populus Romanus”). The rack was also, in theory, only applied to slaves who were undergoing interrogation. But it is present along with the whip in the list of torture instruments used by Caligula on senators.<sup>46</sup> Seneca states that Claudius also inflicted torture on free citizens, and even on those of the highest positions.<sup>47</sup> Even though, according to Dio Cassius,<sup>48</sup> this emperor had given his word at the time of his coronation that he would not submit citizens to torture, he demonstrated a particularly ferocious ardor when punishing parricides.<sup>49</sup> However, we know from Tacitus and Suetonius that Nero also resorted to this practice after the *quinquennium Neronis* (the first five years of Nero's reign).<sup>50</sup> It seems that Seneca, by recalling the punishments meted out by his cruel predecessors, tried to convince Nero not to use political torture.

Torture, especially that of free men, is in Seneca's works thus clearly linked to the tyrant, whose cruelty is a *topos* of Roman declamation.<sup>51</sup> Seneca often cites the example of Phalaris,<sup>52</sup> the tyrant of Agrigentum, whose perversity had become the archetype of tyrannical behavior,<sup>53</sup> and the example of Busiris, the legendary king of Egypt, another traditional paradigm of cruelty.<sup>54</sup> In Seneca's prose, tyrants who are avid torturers abound: On the one hand, there were legendary or semi-legendary ones

46 Sen. *De ira* 3.19.1: “Ceciderat flagellis senatores [...]” – “He had scourged senators [...]”

47 See also Tac. *Ann.* 11.22.

48 Dio Cassius, 60.24.

49 Sen. *Cl.* 1.23.1: “Pater tuus plures intra quinquennium culleo insuit quam omnibus saeculis insutos accepimus.” – “Your father within five years had more men sewed up in the sack than, by all accounts, there had been victims of the sack throughout all time;” Suet. *Claud.* 34.1.

50 Tac. *Ann.* 15.56; Suet. *Nero* 15.44.

51 Sen. *Con.* 1.6, 1.7, 2.5, 3.6, 4.7, 5.8, 7.6, 9.4. See Van Mal-Maeder 2007, 74.

52 Sen. *De ira* 2.5.1; *Tranq. an.* 14.4; *Cl.* 2.4.3; *Ben.* 7.19.5 and 7.19.7; *Ep.* 66.18. See Halm-Tisserant 1998, 62–63.

53 Pindar, *P.* 1.95–98; Plb. *Frg.* 12.5; D.S. 13.90.4; 19.108.71; Cicero: 17 references; Hyg. *Fab.* 257; Liv. 33.73; Prop. *Eleg.* 2.25.11; Ov. *Ars* 1.653; *Ib.* 437; *Tr.* 3.11.51; 5.1.53; V. Max. 3.3, 9.2; Plin. *Nat.* 7.200, 34.89; Quint. *Inst.* 8.6; Juv. 6.614; 8.80.

54 Sen. *Cl.* 2.4.1. See also Apollod. 2.116–117; Cic. *Rep.* 3.15; Verg. *G.* 3.5; Hyg. *Fab.* 31 and 56; Ov. *Met.* 9.183–84; *Ars* 1.645–650; *Pont.* 3.6.41; *Tr.* 3.11.39; Quint. *Inst.* 2.17.



from foreign countries such as Phalaris and Busiris, but also the tyrants Hippias of Athens and Dionysius of Syracuse, the kings of Macedonia such as Alexander the Great and Lysimachus, and a Persian satrap.<sup>55</sup> On the other hand, there were those closer in time and space to Seneca and his contemporary readers, such as Sulla and, above all, Caligula and Claudius, two emperors of the Julio-Claudian dynasty.<sup>56</sup> The mention of the legendary figures using torture implicitly attributes to the Roman emperors the same barbarism as that of the foreign tyrants, whose cruelty was proverbial.<sup>57</sup> Furthermore, several passages associate Caligula explicitly with some of these tyrants: Seneca calls him “that Phalaris”<sup>58</sup> and describes him as a potential satrap.<sup>59</sup> For Seneca, the tyrant is not directly defined by his political power, but by his cruelty (*crudelitas*) and the blood (*cruor*) of citizens he sheds, a motif systematically present whenever the tyrant is mentioned.<sup>60</sup>

Si vero sanguine humano non tantum gaudet, sed pascitur, sed et suppliciiis omnium aetatum crudelitatem insatiabilem exercet [...] si arx eius cruore semper recenti madet [...]

If, however, he not only delights in human blood, but feeds upon it; if also he exercises his insatiable cruelty in the torture of persons of all ages [...] if his castle is always wet with freshly shed blood [...] (Sen. *Ben.* 7.19.8, trans. Basore).

The torture that the tyrant favors is generally very gory, involving atrocious mutilations or animals, which are the symbolic reflection of the

55 Hippias: Sen. *De ira* 2.23.1; Dionysius: Sen. *Marc.* 17.5; Alexander: Sen. *De ira* 3.17.2; *Cl.* 1.25.1; Lysimachus: Sen. *De ira* 3.17.3; *Ep.* 70.6; Persian satrap: Sen. *De ira* 3.20.1.

56 Sulla: Sen. *De ira* 3.18.1; Caligula: Sen. *De ira* 3.18.1 and 3.19.1–4; *Nat.* 4 *prae*f. 17; Claudius: Sen. *Cl.* 1.23.1.

57 See *De ira* 3.18.1: “Utinam ista saevitia intra peregrina exempla mansisset nec in Romanos mores cum aliis adventiciis vitiis etiam suppliciorum irarumque barbaria transisset!” – “Would to heaven that the examples of such cruelty had been confined to foreigners, and that along with other vices from abroad the barbarity of torture and such venting of anger had not been imported into the practices of Romans!”

58 Sen. *Tranq. an.* 14.4: “Phalaris ille.”

59 Sen. *Ben.* 2.12.2.

60 Sen. *Marc.* 22.5 (Seianus); *De ira* 2.5.4 (Hannibal); *Tranq. an.* 14.3; *Cl.* 1.1.3, 1.7.3, 1.11.1; *Brev. vit.* 4.5 (Augustus in his youth); *Prov.* 3.7; *Ben.* 5.16.3 (Sulla); *Brev. vit.* 13.7 (Pompey); *Ep.* 83.25 (Anthony). See also Malaspina 2001, 321 and compare Plato, *R.* 8.565e; Sen. *Cl.* 1.12.2: [...] quis tamen umquam tyrannus tam avidè humanum sanguinem bibit quam ille [sc. Sulla] [...]?” – “[...] yet what tyrant ever drank so greedily of human blood as he [...]?”; *Ben.* 4.31.2: “Caium Caesarem [...] hominem humani sanguinis avidissimum” – “Gaius Caesar [...] a man so greedy of human blood.”

tyrant's own ferocity.<sup>61</sup> The most emblematic tyrant characterized by such cruelty and the one most often referred to is Caligula. The frequent lists of torments in Seneca's works very often concern this emperor.<sup>62</sup> They contribute to a picture of sadistic cruelty as it is also found in his tragedies.<sup>63</sup> The tyrant thus becomes a veritable torturer, whose mere apparition constitutes torture.<sup>64</sup>

Seneca uses a certain number of traditionally tyrannical figures, but he especially stresses the cruelty of Nero's predecessors, examples from the recent past, in order to reflect on tyrannical cruelty: It is not a disinterested depiction of cruelty, but a warning against the possibility that the political system under which he lives may develop into tyranny.

## II.2. Reason and Punishment: On the Productive Use of Suffering

The purpose of Seneca's political discourse in *De clementia* is not so much to condemn the use of torture but to persuade the emperor not to resort to it. Seneca presents the virtue of clemency, "moderation of a soul in the power of punishment,"<sup>65</sup> as an indication of a good ruler's inner quality. This ruler is for his subjects a loving and merciful father, whereas the bad ruler is a cruel father who severely punishes his children.<sup>66</sup> He is also the head of a large social body of which the citizens are members.<sup>67</sup> These two images, used several times by Seneca, clearly show that the emperor above

61 Mutilation: Sen. *De ira* 3.17.3: Lysimachus orders to cut off his friend Telesphorus' nose and ears; 3.18.1: Sulla orders to break legs, to put eyes out, to cut off the tongue and hands; 3.20.1: The Persian satrap orders to cut off the noses of an entire people. – Animals: Sen. *De ira* 3.17.2: Alexander's lion; *Cl.* 1.23.1: Claudius' sack full of snakes; *Ep.* 66.18: Phalaris' bronze bull.

62 Sen. *De ira* 3.18.1 and 3.19.1; *Brev. vit.* 18.6; *Nat.* 4 *praef.* 17.

63 Sen. *Ag.* 44–48: Thyestes; 988–997: Aegisthus; *Thy.* 720–775: Atreus.

64 Sen. *De ira* 3.19.1: "Torserat per omnia quae in rerum natura tristissima sunt, fideculis talaribus, eculeo igne vultu suo" – "He [sc. Caligula] had tortured them by every unhappy device in existence, by the cord, by knotted bones, by the rack, by fire, by his own countenance."

65 Sen. *Cl.* 2.3.1: "Clementia est temperantia animi in potestate ulciscendi [...]."

66 Sen. *Cl.* 1.10.3 and 1.16.3: "Nonne pessimus pater videbitur qui adsiduus plagis liberos etiam ex levissimis causis compescet?" – "Will he not seem the worst sort of father who controls his children by constant whippings for even the most trifling offences?"

67 Sen. *Cl.* 1.5.1: "Nam si [...] tu animus rei publicae tuae es, illa corpus tuum, vides, ut puto, quam necessaria sit clementia: tibi enim parcis, cum videris alteri parcere" – "For if [...] you are the soul of the state and the state your body, you see, I think, how requisite is mercy; for you are merciful to yourself when you are seemingly merciful to another;" *De ira* 2.31.7; *Ep.* 95.52.

all must display benevolence towards his fellow citizens, since they are parts of a whole. To be violent towards them is for him to be violent towards himself. If the ruler must be merciful, it is primarily because it is in his own interest to assure political stability and to protect his power from the revolts that are necessarily provoked by cruelty.<sup>68</sup> This idea is very clearly found in a different context in *De ira*, with the image of a blow to the face that is not without risk for the attacker.<sup>69</sup> Besides, the multiplication of torments is as embarrassing for the ruler as the multiplication of burials for the physician,<sup>70</sup> for it shows everyone the frequency of offences committed and thus the possibility of unlawful conduct under a regime that cannot prevent it.<sup>71</sup> According to this political pragmatism, it is necessary to limit the use of torture as much as possible in order not to encourage criminality.

However, this political ideology, if it limits punishment, does not altogether exclude its practice. Seneca sometimes justifies the use of violence on the part of the ruler towards his subjects. To elucidate this apparent contradiction it is necessary to examine the purpose that Seneca attributes to corporal punishment. He considers physical suffering during punishment as sometimes necessary, when it leads to the correction of depraved characters:

“Quid ergo? Non aliquando castigatio necessaria est?” Quidni? Sed haec sincera, cum ratione; non enim nocet sed medetur specie nocendi. Quemadmodum quaedam hastilia detorta ut corrigamus adurimus et adactis cuneis non ut frangamus sed ut explicemus elidimus, sic ingenia vitio prava dolore corporis animique corrigimus.

“What then?” you say; “is not correction sometimes necessary?” Of course it is; but with discretion, not with anger. For it will not hurt, but will heal under the guise of hurting. As we apply the flame to certain spearshafts when they are

68 Sen. *De ira* 2.11.4; *Cl.* 1.15.1: the counter-example of Tricho; 1.16.3: that of the brutal centurion; 2.2.2: the famous sentence “Oderint dum metuant” (“Let them hate if only they fear”) is considered “detestabilis” by Seneca. See Malaspina 2001, 325.

69 Sen. *De ira* 3.28.3: “Saepe nimia vis caedentis aut articulum loco movit aut nervum in iis quos fregerat dentibus fixit; multos iracundia mancos, multos debiles fecit [...]” – “But too great violence in the striker has often dislocated a joint, or left a sinew fastened in the very teeth it had broken. Anger has left many a man crippled, many disabled [...]”

70 Sen. *Cl.* 1.24.1: “Non minus principi turpia sunt multa supplicia quam medico multa funera” – “Numerous executions are not less discreditable to a prince than are numerous funerals to a physician.”

71 Sen. *Cl.* 1.23.1: “Praeterea videbis ea saepe committi quae saepe vindicantur. [...] illis facinus poena monstravit” – “You will notice, besides, that the sins repeatedly punished are the sins repeatedly committed. [...] punishment showed children the way to the deed.”

crooked in order to straighten them, and compress them by driving in wedges, not to crush them, but to take out their kinks, so through pain applied to body and mind we reform the natures of men that are distorted by vice. (Sen. *De ira* 1.6.1, trans. Basore)

Seneca uses the image of curved spear-shafts which must be placed in a fire and pressed between the wedges of a vise, not to break but to straighten them, an image which recalls the torment of the boot (*talaria*). The double opposition, each time enhanced by the conjunctions *non* and *sed* ("not ... but"), puts forth the two possible purposes of the punishment, one of which, simply to cause suffering, has to be rejected, whereas the other, correction or cure, gives the punishment its true meaning. Only in this latter case, and only with this objective, is the recourse to physical punishment justifiable, for the pain becomes "useful,"<sup>72</sup> not only for the rehabilitation of the guilty but also for the state, insofar as the suffering of the tortured is an example ("documentum") of the necessity not to commit crimes.<sup>73</sup> The bad ruler, on the contrary, will torture not to correct but to quench his blood thirst, as a game or simply to follow his whim.<sup>74</sup>

Like the term *mederi* ("to heal") in *De ira* 1.6.1, the therapeutic image is used many times to indicate that the punishment serves to cure the guilty but not to kill him, leave him ugly scars, or make him the victim of ex-

72 Sen. *De ira* 2.27.3: "iudices, quorum castigatio sic accipienda est quomodo scalpellum et abstinencia et alia quae profutura torquent" – "judges, and we ought to submit to the chastening they give in the same spirit in which we submit to the surgeon's knife, a regimen of diet, and other things which cause suffering that they may bring profit."

73 Sen. *De ira* 1.6.4: "hic [sc. iudex] damnatos cum dedecore et traductione vita exigit, non quia delectetur ullius poena – procul est enim a sapiente tam inhumana feritas – sed ut documentum omnium sint, et quia vivi noluerunt prodesse, morte certe eorum res publica utatur" – "[...] the other forcibly expels the condemned from life, covered with disgrace and public ignominy, not because he takes pleasure in the punishment of anyone (for the wise man is far from such inhuman ferocity) but that they may prove a warning to all, and, since they were unwilling to be useful while alive, that in death at any rate they may be of service to the state." See also Plato, *Grg.* 525b; *Lg.* 854e, 862e, 934b; Cels. *Med. prooem.* 26: [According to the Empirical School] "neque esse crudele, sicut plerique proponunt, hominum nocentium et horum quoque paucorum suppliciis remedia populis innocentibus saeculorum omnium quaeri" – "Nor is it, as most people say, cruel that in the execution of criminals, and but a few of them, we should seek remedies for innocent people of all future ages" (trans. Spencer).

74 Sen. *De ira* 3.18.3: "[Caligula] torsit non quaestionis sed animi causa" – "tortured [...] not to extract information but for amusement,"; *Ep.* 95.33: "Homo, sacra res homini, iam per lusum ac iocum occiditur" – "Man, an object of reverence in the eyes of man, is now slaughtered for jest and sport."

cessive bloodletting.<sup>75</sup> The painful punishment must not be systematically applied but only to those individuals, the “curables,” for whom it works, while it is useless for incurable cases.<sup>76</sup> As the physician must adapt his treatment to the gravity of the illness, so the ruler must choose the punishment which will permit a better correction of the guilty<sup>77</sup> and not the one which will make him suffer the most. The physical punishment in itself is not criticized, but its motivation must be exempt from any angry passion and must be founded in reason only, in the interest of the culprit himself and of society.<sup>78</sup> While torture whose only goal is to make the patient suffer and to satisfy the cruelty of its author is to be avoided, the physical punishment applied in accordance with reason and with the goal of correcting the victim’s character is necessary and perfectly justified.<sup>79</sup>

Seneca’s position concerning the state’s use of torture is thus largely influenced by his political pragmatism, which explains two ideas that at first sight might appear contradictory: on the one hand, a warning against violence which only incites revolt among the ruler’s subjects and, on the other hand, an advice to chastise severely the bad elements. With this view,

75 Sen. *Cl.* 1.17.2: “Mali medici est desperare, ne curet [...] agat princeps curam non tantum salutis, sed etiam honestae cicatricis” – “It is a poor physician that lacks faith in his ability to cure [...] the aim of the prince should be not merely to restore the health, but also to leave no ugly scar;” 1.5.1: “Parcendum itaque est etiam improbandis civibus non aliter quam membris languentibus et, si quando misso sanguine opus est, sustinenda est <manus>, ne ultra quam necesse sit incidat” – “And so even reprobate citizens should have mercy as being the weak members of the body, and if there should ever be need to let blood, the hand must be held under control to keep it from cutting deeper than may be necessary.” – The parallel between surgery and torture, which share much of their instruments, seems to have been a commonplace. See, e.g., the expression “ferro et igne,” which may refer to both fields (to torture: Ov. *Am.* 1.14.25; Sen. *Ep.* 7.4; Plin. *Nat.* 2.157, 16.71; Quint. *Inst.* 6.1.18; Suet. *Iul.* 75.3; to surgery: Plato, *Grg.* 456b, 479a, 480c, 522a; Larg. *Comp. Ep. ded.* 2; Sen. *Prov.* 3.2; Aret. *De caus. et sign. diut. morb.* 1.1; Plin. *Nat.* 29.13) and the word *ferramenta*, which may designate the instruments of torture (Sen. *Cl.* 1.13.2) or those of the surgeon (Sen. *Ep.* 95.18).

76 Sen. *Cl.* 1.2.2.

77 Sen. *De ira* 1.16.4: “[...] pro cuiusque morbo medicina quaeratur, hunc sanat verecundia, hunc peregrinatio, hunc dolor, hunc egestas, hunc ferrum” – “[...] for each man’s malady the proper treatment should be sought; let this one be restored by his own self-respect, this one by a sojourn abroad, this one by pain, this one by poverty, this one by the sword!”

78 Sen. *De ira* 1.15.2: “Nec ira sed ratio est a sanis inutilia secernere” – “Yet it is not anger, but reason that separates the harmful from the sound,” 1.16.5: “[...] iubebo non iratus sed severus [...] sine ira eo vultu animoque ero [...]” – “[...] not with anger, but with sternness, I shall order [...] I shall have no trace of anger [...]”

79 See André 1979, 278–297.

Seneca is in perfect agreement with the Stoic doctrine on punishment.<sup>80</sup> Punishment serves to educate the guilty and is necessary. All pity (*miseri-cordia*) would be weakness; all excess, cruelty (*crudelitas*). These two passions prevent one from arriving at a fair sentence, the one falling short of justice, the other surpassing it. Thus, the application of the sentence must be governed at the same time by severity (*severitas*) and by clemency (*clementia*).<sup>81</sup> Complementing each other, these two converge to avoid excesses and to impose the just punishment, with moderation and conforming to the gravity of the crime as well as in accordance with reason and justice.

Seneca does not condemn the practice of physical punishment in general but defines the field for its reasonable practice. This theory is transferred, to a certain extent, from the level of the state to that of the home (*domus*), where the master of the house (*dominus*) must keep a balance between clemency and severity in his attitude towards his slaves.<sup>82</sup> Seneca does not tolerate the torture of free men at all,<sup>83</sup> but only limits the torture applied to slaves, by promoting more justice and moderation in accordance with the Stoic concept of *humanitas*, but also in part for pragmatic reasons, to maintain slaves under the boot of their masters. Indeed, this limitation also leads to *utilitas* ("utility"),<sup>84</sup> the necessity to conserve power over slaves, while preventing the hatred<sup>85</sup> and revolts which could be provoked by physical punishments of an excessive cruelty.<sup>86</sup> To the proverbial doctrine "You have as many enemies as you have slaves," Seneca answers in *Letter 47*: "They are not enemies when we acquire them; we make them enemies."<sup>87</sup>

However, Seneca congratulates Lucilius for only verbally chastising his slaves: Only animals are to be corrected by blows.<sup>88</sup> In reality, it is not the principle of punishment that Seneca condemns, but the excess of the agonies inflicted by mere cruelty. He cries out against the owners who treat

80 Stob. 2.7.11d, vol. 2, p. 95 Wachsmuth = *SIF* 3.640: "Φασὶ μὴδὲ συγγνώμην ἔχειν <μὴδενὶ τὸν νοῦν ἔχοντα>" – "They say that the wise man does not feel pity for anyone."

81 See Sen. *Cl.* 2.4.1; *De ira* 1.16.5.

82 On the question of Seneca's attitude to slaves, see Griffin 1976; André 1979; Bradley 2008.

83 See also Plu. *De puerorum educatione* 12.

84 See Cic. *Off.* 3.89.

85 Sen. *Cl.* 1.18.2: "Quis non Vedium Pollionem peius oderat quam servi sui [...]" – "Who did not hate Vedius Pollio even more than his own slaves did [...]"

86 Sen. *Ep.* 47.4. See Bradley 2008, 335–347.

87 Sen. *Ep.* 47.5: "Quot servi, tot hostes;" "non habemus illos hostes, sed facimus."

88 Sen. *Ep.* 47.19: "Rectissime ergo facere te iudico quod timeri a servis tuis non vis, quod verborum castigatione uteris: verberibus muta admonentur" – "So I hold you are entirely right in not wishing to be feared by your slaves, and in lashing them merely with the tongue; only dumb animals need the thong."

their slaves “not as if they were men, but beasts of burden.”<sup>89</sup> As opposed to animals, which lack reason (*muta*), slaves, who are human and therefore gifted with *ratio*,<sup>90</sup> must be treated like rational beings.

### III. Torture an Act against Nature

Even more than a political issue, torture is above all a target for moral condemnation. According to the Stoic school, characterized by “kindness and gentleness,”<sup>91</sup> “man <is> a social being born for the good of the community”<sup>92</sup> because he shares with his fellow men the divine *logos*, reason. This community engenders in man a natural feeling of respect and empathy, and renders “man a sacred thing for man.”<sup>93</sup> In light of this shared humanity, he owes respect to all men, to a slave as well as a free man and to the good as well as the bad.<sup>94</sup> Therefore, clemency is the “most human” virtue: “[...] no one of all the virtues is more seemly for a man, since none is more human [...].”<sup>95</sup> Far from being a tautology, this sentence underlines the fact that what is peculiar to man is to behave as a man, that is to say, to be marked by humanity. Here the author plays on a double meaning of the adjective *humanus*, which means “that which is peculiar to the nature of man,” but also describes “those who have the qualities of a man worthy of this name,” that is to say, goodness and kindness. Cruelty, on the other hand, is the basest and most bestial vice.<sup>96</sup> To be cruel, to take pleasure in

89 Sen. *Ep.* 47.5: “ne tamquam hominibus quidem, sed tamquam iumentis.”

90 Sen. *De ira* 1.6.1.

91 Sen. *Cl.* 2.5.3: “Sed nulla secta benignior leniorque est, nulla amantior hominum [...]” – “But the fact is, no school is more kindly and gentle, none more full of love to man and more concerned for the common good [...]”

92 Sen. *Cl.* 1.3.1; *De ira* 2.31.7: “Ut omnia inter se membra consentiunt quia singula servari totius interest, ita homines singulis parcent, quia ad coetum geniti sunt, salva autem esse societas nisi custodia et amore partium non potest” – “As all the members of the body are in harmony one with another because it is to the advantage of the whole that the individual members be unharmed, so mankind should spare the individual man, because all are born for a life of fellowship, and society can be kept unharmed only by the mutual protection and love of its parts,” *Ben.* 7.1.7.

93 Sen. *Ep.* 95.3: “Homo, sacra res homini.”

94 Sen. *De ira* 2.31.7; *Cl.* 1.18.1. See also Cic. *Off.* 1.149.

95 Sen. *Cl.* 1.3.2: “Nullam ex omnibus virtutibus homini magis convenire, cum sit nulla humanior [...]”

96 Sen. *De ira* 2.31.6: “foedam esse et execrabilem vim nocendi et alienissimam homini” – “[...] the power of injury is vile and detestable and most unnatural for man [...]”; *Cl.* 1.25.1: “Crudelitas minime humanum malum est [...] ferina ista rabies est sanguine gaudere ac vulneribus [...]” – “Cruelty is an evil thing befitting

the suffering of human beings, and ceaselessly to create more sophisticated means<sup>97</sup> to cause pain is inhuman and contrary to the rational nature of man, which demands the protection of fellow men. The criticism is extremely harsh because the Stoic ideal is precisely "to live according to nature."<sup>98</sup> If man strays from the path which nature has set out for him, the path of reason, it is because he falls prey to the passion of anger (*ira*). It is significant that the greatest number of references to torture is found in *De ira*, because torture is intrinsically linked to angry passion<sup>99</sup> and to cruelty (*crudelitas*), which is the consequence and the visible manifestation of anger. That is why Seneca often uses the image of torture to refer to other practices that stray from the path which nature has set out for man: It is against nature for a man to "torture" his voice, or even to "torture" his body by doing sports, sunbathing, removing hair, taking hot baths, or not washing at all.<sup>100</sup>

The practice of torture is against the nature of man and consequently leads to a dehumanization of the torturer as much as of the victim and even of the one who attends the public spectacle of the punishment. Most philosophers agreed that there was a fundamental difference between human beings and animals.<sup>101</sup> For the Stoics, only men share divine reason and profit from the community with God.<sup>102</sup> But torture blurs this natural distinction. First of all, some torture relies precisely on the dehumanization of the victim: The mutilations which disfigure or physically impair, or the punishments that animalize, such as the combat against beasts, captivity in a cage, and the complete deprivation of hygiene and privacy.<sup>103</sup> In the *damnationes ad bestias*, in particular, everything is done to animalize the condemned, to the point of sometimes making them wear animal skins.<sup>104</sup> As for dismemberment, it refers in a general manner to the treatment of an

---

least of all man [...] to take delight in blood and wounds [...] is the madness of a wild beast [...]."

97 Sen. *De ira* 2.31.6; *Cl.* 1.25.2.

98 E.g. Sen. *Vit. beat.* 3.3.

99 Sen. *De ira* 1.1.1: "doloris armorum, sanguinis suppliciorum minime humana furens cupiditate" – "with a most inhuman lust for weapons, blood, and punishment," 1.2.2–3.

100 Voice: Sen. *Brev. vit.* 12.4; sports: *Ep.* 56.1; sunbathing: *Ep.* 86.11; depilation: *Ep.* 56.2; hot baths: *Ep.* 86.10; not washing: *Ep.* 5.4.

101 See, e.g., Plato, *Plt.* 271e, unlike the Cynics and the Epicureans (Most 1992, 403).

102 Sext. Emp. *Math.* 9.88 = *SVF* 1.529; Sext. Emp. *Math.* 8.275 = *SVF* 2.223.

103 The mutilations which disfigure: Sen. *De ira* 3.17.3, 3.20.1, 3.28.3; *Prov.* 3.9; *Ep.* 101.11; the combat against beasts: *De ira* 3.3.6; *Cl.* 1.18.2; *Brev. vit.* 13.6; *Ep.* 7.4; 14.4; the captivity in a cage and the complete deprivation of hygiene and privacy: *De ira* 3.17.3; *Ep.* 70.6.

104 Tac. *Ann.* 15.44.



animal which is carved into pieces before being cooked and eaten.<sup>105</sup> For a Stoic, such a transgression of the division between rational men and irrational animals could only provoke indignation.<sup>106</sup> Furthermore, the torturer himself, as an instrument of bestial cruelty, forfeits all human character. Dionysius, who enclosed Telesphorus in a cage like an animal after having him disfigured, is just like an animal because his bestial behavior dehumanizes him in turn.<sup>107</sup> Similarly, Seneca describes how a tyrant threw his tortured victims to his men “as if to wild animals.”<sup>108</sup> It is interesting to note the antonymic juxtaposition “bestiis homines,” which underlines the animalization of the torturer precisely because his victim is a man. But Seneca warns above all against the risk that spectators of torture find themselves contaminated by cruelty. Indeed, he had himself experienced this contagion<sup>109</sup> when attending an execution of men condemned *ad bestias*, a spectacle which teaches cruelty and from which he came back “more cruel, less human.”<sup>110</sup> For Seneca, the vice penetrates the spectator because of the pleasure, which renders him less human and turns him into a beast as ferocious as those he sees devouring the condemned.<sup>111</sup> Indeed, the public attending such spectacles approves of the cruelty in which they originate and becomes itself responsible for it.

105 See, e.g., Hom. *Il.* 1.459–469, 2.422–432, 9.206–217; *Od.* 3.448–473; Sen. *Thy.* 755–770. See also Detienne and Vernant 1979; Most 1992, 403.

106 Sen. *De ira* 2.31.6: “Pudebit cum animalibus permutasse mores!” – “We shall blush to have exchanged characters with the beasts!”

107 Sen. *De ira* 3.17.4: “Tamen, cum dissimillimus esset homini qui illa patiebatur, dissimilior erat qui faciebat” – “Yet, while he who suffered these things was utterly unlike a human being, he who inflicted them was still less like one.”

108 Sen. *Cl.* 1.13.2: “quibus in tormentis ut eculeo et ferramentis ad mortem paratis utitur, quibus non aliter quam bestiis homines obiectat” – “whom he uses, like the rack and the axe, as instruments of torture and death, to whom he flings men as he would to wild beasts.”

109 Sen. *Ep.* 7.5: “docetis esse crudelem” – “you are teaching cruelty.”

110 Sen. *Ep.* 7.3: “immo vero [sc. redeo] crudelior et inhumanior, quia inter homines fui. [...] mera homicidia sunt” – “even more cruel and inhuman, because I have been among human beings. [...] it is pure murder.”

111 Sen. *Ep.* 7.4: “Mane leonibus et ursis homines, meridie spectatoribus suis obiciuntur” – “In the morning they throw men to the lions and the bears; at noon, they throw them to the spectators.” We can find the same concern for the moral welfare of the spectators in Plutarch. According to him, the public accustomed to the sight of blood and injuries becomes bestial (*De sollertia animalium* 959d).

#### IV. Conclusion

The socio-political context of the Early Empire, which saw a broadening of the application of torture, raised the question of its place in Roman society. On the one hand, torture, a symbol of tyranny, is used by Seneca in an effort to dissuade the emperor from resorting to cruelty in the application of punishments. On the other, physical punishment, as a guarantee of political stability and instrument for the betterment of man, is considered useful for society. The apparent contradiction between these two positions finds its resolution at a philosophical level. It is the excesses of torture, its motivation, and not the actual existence of physical punishment, that Seneca denounces. For him, torture can be justified when it results from reason and has the purpose of correcting the wrongdoer. But as a result of anger or cruelty, it is reprehensible and to be rejected. Thus, the axiological plan passes over the question of the condemnation of torture: It is in itself an "indifferent," while its motivation is not, since it can come either from reason or from angry passion. Seneca's political and ethical views about torture thus join in a coherent system. The reluctant use of torture is not the simple expression of behavior guided by concern for practical utility (*utilitas*), by which the ruler would spare the citizens or slaves in order to be loved and obeyed, nor even only a manifestation of *humanitas*, a concern for others that urges one to treat one's fellow with kindness. The Senecan conception of torture lies above all in the need to submit the punishment to the judgment of reason in order to impose a just sentence, neither more nor less. *Humanitas* lies only in the will to treat slaves like any other individual, with the same clemency but also with the same severity. It is true that Seneca does not question the civil laws, but he also affirms the superiority of moral law, which is what is really at stake and which makes torture an act contrary to reason that shows "what an utter monster a man is when he is enraged against a fellow-man."<sup>112</sup>

#### Bibliography

- André, Jean-Marie. 1979. "Sénèque et la peine de mort." *REL* 57: 278–297.  
 André, Jean-Marie. 1989. "Sénèque: 'De brevitae vitae', 'De constantia sapientis', 'De tranquillitate animi', 'De otio'." *ANRW* II 36.3: 1724–1778.  
 Armisen-Marchetti, Mireille. 1989. "*Sapientiae facies*:" *Étude sur les images de Sénèque*. Paris: Les Belles Lettres.  
 Auguet, Roland. 1970. *Cruauté et civilisation: Les jeux romains*. Paris: Flammarion.

---

112 Sen. *De ira* 3.3.2: "quantum monstri sit homo in hominem furens."

- Aygon, Jean-Pierre. 2004. *Pictor in fabula: L'ecphrasis-descriptio dans les tragédies de Sénèque*. Bruxelles: Latomus.
- Ballengee, Jennifer. 2009. *The Wound and the Witness: The Rhetoric of Torture*. Albany: State University of New York Press.
- Basore, John W., ed. and trans. 1928–1935. *Seneca, Moral Essays*. London; New York: Heinemann; Putnam.
- Bauman, Richard. 2000. *Human Rights in Ancient Rome*. London; New York: Routledge.
- Bayet, Jean. 1965. *Littérature latine*. Paris: Armand Colin.
- Berges, Wilhelm. 1938. *Die Fürstenspiegel des hohen und späten Mittelalters*. Leipzig: Hiersemann.
- Berti, Emanuele. 2007. *Scholasticorum studia: Seneca il Vecchio e la cultura retorica e letteraria della prima età imperiale*. Pisa: Giardini.
- Boyancé, Pierre. 1965. "L'humanisme de Sénèque." In *Actas del Congreso Internacional de Filosofía en conmemoración de Séneca en el XIX centenario de su muerte*, 231–245. Madrid: Librería Editorial Augustinus.
- Bradley, Keith R. 1984. *Slaves and Masters in the Roman Empire: A Study in Social Control*. Bruxelles: Latomus.
- Bradley, Keith R. 2008. "Seneca and Slavery." In *Seneca*, edited by John G. Fitch, 335–347. Oxford: Oxford University Press.
- Briquel, Dominique. 1980. "Sur le mode d'exécution en cas de parricide et en cas de 'perduellio'." *MEFRA* 1/92: 87–107.
- Burck, Erich. 1971. *Von römischen Manierismus: Von der Dichtung der frühen römischen Kaiserzeit*. Darmstadt: Wissenschaftliche Buchgesellschaft.
- Bushala, Eugene W. 1968. "Torture of Non-Citizens in Homicide Investigations." *GRBS* 9: 61–68.
- Cantarella, Eva. 1991. *I supplizi capitali in Grecia e a Roma*. Milano: Rizzoli.
- Celsus. 1935. *On Medicine*. See Spencer 1935.
- Cicero. 1931. *The Speeches*. See Watts 1931.
- Cupaiuolo, Fabio. 1973. *Itinerario della poesia latina nel I secolo dell'impero*. Napoli: Società Editrice Napoletana.
- Daremberg, Charles, and Edmond Saglio, eds. 1877–1919. *Dictionnaire des antiquités grecques et romaines*. Paris: Hachette.
- Detienne, Marcel, and Jean-Pierre Vernant, eds. 1979. *La cuisine du sacrifice en pays grec*. Paris: Gallimard.
- Durand, Bernard, ed. 2002. *La torture judiciaire: Approches historiques et juridiques*. Lille: Centre d'Histoire Judiciaire.
- Ermann, Joachim. 2000. "Die Folterung Freier im römischen Strafprozeß der Kaiserzeit bis Antonius Pius." *ZRG* 117: 424–431.
- Favez, Charles. 1947. "Le pessimisme de Sénèque." *REL* 25: 158–163.
- Fuhrmann, Manfred. 1968. "Die Funktion grausiger und ekelhafter Motive in der lateinischen Dichtung." In *Die nicht mehr schönen Künste: Grenzphänomene des Ästhetischen*, edited by Hans R. Jauss, 23–66. München: Fink.
- Griffin, Miriam T. 1992. *Seneca: A Philosopher in Politics*. 2<sup>nd</sup> ed. Oxford: Clarendon Press.
- Gummere, Richard M., ed. and trans. 1917–1925. *Seneca, Moral Epistles*. London; Cambridge: Heinemann; Harvard University Press.
- Hallak, Laurence. 1985. "L'horreur physique dans les tragédies de Sénèque: Étude rhétorique et poétique." PhD dissertation, University of Geneva.
- Helbing, Franz. 1902. *Die Tortur: Geschichte der Folter im Kriminalverfahren aller Völker und Zeiten*. Berlin: Gnadenfeld.
- Hengel, Martin. 1977. *Crucifixion in the Ancient World*. Philadelphia: Fortress Press.

- Heuzé, Philippe. 1985. *L'image du corps dans l'œuvre de Virgile*. Roma: École Française.
- Jaume, Jacques. 2008. "La crucifixion: Étude anatomique d'un supplice antique." *Archaeologia* 441: 64–69.
- Malaspina, Ermanno, ed. 2001. *L. Annaei Senecae De clementia libri duo*. Alessandria: Edizioni dell'Orso.
- McMullen, Robert. 1986. "Judicial Savagery in the Roman Empire." *Chiron* 16: 147–166.
- Mommsen, Theodor. 1907. *Le droit pénal romain*. Paris: Fontemoing.
- Most, Glen W. 1992. "'Disiecti membra poetae': The Rhetoric of Dismemberment in Neronian Poetry." In *Innovations of Antiquity*, edited by Ralph Hexter and Daniel Selden, 391–419. London; New York: Routledge.
- Parente, Fausto. 1979. "*Patibulum, crux, furca*." *RIFC* 107: 369–378.
- Pasche, Micheline. 1976. "Les scènes d'horreur chez Sénèque et les poètes épiques du 1<sup>er</sup> siècle après J.-C." PhD dissertation, University of Geneva.
- Prost, François. 2004. *Les théories hellénistiques de la douleur*. Louvain; Paris; Dudley: Peeters.
- Regenbogen, Otto. 1927. "Schmerz und Tod in den Tragödien Senecas." *Vorträge der Bibliothek Warburg* 7: 167–218.
- Riess, Werner. 2002. "Die historische Entwicklung der römischen Folter- und Hinrichtungspraxis in kulturvergleichender Perspektive." *Historia* 51: 206–226.
- Schiesaro, Alessandro. 2003. *The Passions in Play: Thyestes and the Dynamics of Senecan Drama*. Cambridge: Cambridge University Press.
- Segal, Charles. 1983. "Boundary Violation and the Landscape of the Self in Senecan Tragedy." *A&A* 29: 172–187.
- Segal, Charles. 1984. "Senecan Baroque: The Death of Hippolytus in Seneca, Ovid, and Euripides." *TAPhA* 114: 311–325.
- Seneca. 1917–1925. *Moral Epistles*. See Gummere 1917–1925.
- Seneca. 1928–1935. *Moral Essays*. See Basore 1928–1935.
- Seneca. 2001. *De clementia*. See Malaspina 2001.
- Setaioli, Aldo. 1985. "Seneca e lo stile." *ANRW* II, 32.3: 776–858.
- Sørensen, Villy. 1984. *Seneca: The Humanist at the Court of Nero*. Chicago: University of Chicago Press.
- Spencer, Walter George, ed. and trans. 1935. *Celsus, On Medicine in Three Volumes*. Vol. 1: Books 1–4. London; Cambridge: Heinemann; Harvard University Press.
- Tarrant, Richard J. 2006. "Seeing Seneca Whole?" In *Seeing Seneca Whole: Perspectives on Philosophy, Poetry and Politics*, edited by Katharina Volk and Gareth D. Williams, 1–18. Leiden; Boston: Brill.
- Traina, Alfonso. 1987. *Lo stile "drammatico" del filosofo Seneca*. Bologna: Pàtron.
- Van Mal Maeder, Danielle. 2007. *La fiction des déclamations*. Leiden; Boston: Brill.
- Wanke, Christiane. 1964. *Seneca, Lucan, Corneille: Studien zum Manierismus der römischen Kaiserzeit und der französischen Klassik*. Heidelberg: Winter.
- Watts, Nevile H., ed. and trans. 1931. *The Speeches: Pro T. Annio Milone; In L. Calpurnium Pisonem; Pro M. Aemilio Scauro; Pro M. Fonteio; Pro C. Rabirio Deitaro; Pro M. Marcello; Pro Q. Ligario; Pro Rege Deiotaro*. London; Cambridge: Heinemann; Harvard University Press.
- Zugibe, Frederick T. 1984. "Death by Crucifixion." *Canadian Society of Forensic Science* 17/1: 1–13.