



1996

The De Ira: Seneca's Satire of Roman Law

William E. Wycislo
Loyola University Chicago

Follow this and additional works at: https://ecommons.luc.edu/luc_diss



Part of the [Classics Commons](#)

Recommended Citation

Wycislo, William E., "The De Ira: Seneca's Satire of Roman Law" (1996). *Dissertations*. 3598.
https://ecommons.luc.edu/luc_diss/3598

This Dissertation is brought to you for free and open access by the Theses and Dissertations at Loyola eCommons. It has been accepted for inclusion in Dissertations by an authorized administrator of Loyola eCommons. For more information, please contact ecommons@luc.edu.



This work is licensed under a [Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 License](#).
Copyright © 1996 William E. Wycislo

LOYOLA UNIVERSITY OF CHICAGO

THE DE IRA:
SENECA'S SATIRE OF
ROMAN LAW

A DISSERTATION SUBMITTED TO
THE FACULTY OF THE GRADUATE SCHOOL
IN CANDIDACY FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY
DEPARTMENT OF CLASSICAL STUDIES

BY
WILLIAM E. WYCISLO

CHICAGO, ILLINOIS

JANUARY 1996

**Copyright by William E. Wycislo, 1996
All Rights Reserved**

**Parentibus Carissimis Meis
Primis Magistris Meis
Pietate**

ACKNOWLEDGMENTS

For the completion of this study I gratefully acknowledge the direction of Drs. John F. Makowski, Alexander P. MacGregor, Jr., and Edwin P. Menes, whose criticism, advice, and inspiration have been of inestimable value. Loyola University most kindly provided a full-year fellowship for the completion of this project.

I also gratefully acknowledge the suggestions and encouragement of Dr. James G. Keenan, whose generosity of time at odd hours has been unstinting, and the continuous inspiration and friendship of Dr. Harry White of Northeastern Illinois University.

I owe special thanks to Dr. John W. Thomas III for his ongoing support, example, and friendship. I would like to thank numerous friends for their patience for the duration of this project, especially Walter Warlyn, George Hogen, and Richard Zabransky.

Finally, I must thank the members of the Classics Department at the University of Illinois at Chicago, especially Dr. Alexander P. MacGregor Jr., for their longstanding faith in my abilities, and my wife, Patricia, for whose understanding and patience I am forever grateful.

TABLE OF CONTENTS

ACKNOWLEDGMENTS	iv
INTRODUCTION	1
CHAPTER	
ONE. THE <u>DE IRA</u> AS TOPICAL PROTEST	21
TWO. INIURIA	59
THREE. REFORM	102
FOUR. THE DE IRA AND THE JUDICIAL <i>RESPONSUM</i>	148
FIVE. THE <u>DE IRA</u> AS PARODY	205
CONCLUSION	253
APPENDIX: SENEKAN LEGAL VOCABULARY	260
WORKS CITED	263
VITA.	271

INTRODUCTION

If one accepts the standard ancient definitions of satire, Seneca's De Ira must be excluded from consideration as an example of the genre. Quintilian, certainly one of the most severe critics of Senecan style, mentions Seneca among Rome's philosophers as the author of Dialogi, a term which has befallen the De Ira and eleven other extant works of similar structure.¹ Along with the equally comprehensive Moral Essays, the term remains a convenient heading under which to pigeon-hole the De Ira.² Both titles firmly represent a philosophical and more specifically an ethical focus whose abiding consequence has been abundant scholarly enthusiasm for those aspects of the De Ira. The Apocolocyntosis easily admits association with Seneca the satirist; the De Ira evokes only Seneca philosophus.

The designation Dialogus or Moral Essay supposedly establishes that the De Ira contains what the title describes: a philosophical dialogue or a Stoic moral essay on the vice of anger. If so, there is little to suggest that

¹Quintilian Institutio Oratoria 10.1.125ff.

²John W. Basore, Seneca: Moral Essays I (Cambridge: Harvard University Press, 1928), xi.

the De Ira could be classified a satire. According to Diomedes, a fourth-century grammarian, satire must be verse, a conclusion which precludes the possibility that the De Ira could be satire on structural grounds alone.³ A false and twofold inevitability is thus sustained: first, the De Ira cannot be other than its traditionally received classification; second, its prose medium disqualifies it as satire *ipso facto*. Yet Seneca's essay will prove an exception to prescriptive definitions of class or division for reasons peculiar to satire as a genre and its historical development-- matters whose neglect have hitherto led to conclusions of premature finality.⁴

If avoidance of cut-and-dried opinion is to be achieved and the possibility of gauging the elements of satire in the De Ira established, historical debate over the definition of satire and attendant problems must be taken into consideration. Relatively recent acknowledgement that

³H. Keil (ed.), Grammatici Latini I, (Leipzig, 1857; repr., Hildesheim and New York: Georg Olms Verlag, 1981), 485. The definition appears as follows: *Satura dicitur carmen nunc quidem maledicum et ad carpenda hominum vitia compositum, quale scripserunt Lucilius et Horatius et Persius.*

⁴The Princeton Encyclopedia of Poetry and Poetics (Princeton: Princeton University Press, 1972), s.v. "Satire," by R.C. Elliott. "The formal verse s. as composed by Horace, Persius, and Juvenal is the only satiric form to have even a remotely determinate structure, and it furnishes exceptions to every generalization ("*qui dit satire latine, dit mélange,*" writes Lejay)."

satire cannot be neatly or conveniently classified is an admission that even the most widely accepted generalizations about satire from Quintilian or Suetonius to the present offer only an incomplete description at best, a difficulty to which other genres are unaccustomed.⁵ Questions of genre, obviated by sharp demarcations of structure and subject-matter, are not put to tragic drama or lyric poetry. But satire is a late arrival as a genre; its name as well as efforts to summarize its aims are of still later provenance, and Horace, looking at his own output, called it not satire but chats or conversations.⁶ Both circumstances contribute to the disagreement over its nature.

To the extent that definitions agree, both during antiquity and afterward, accord is generally founded on tone, theme, or use of figurative language; in short, features related to content.⁷ Scholarly dissension is usual on issues of etymology, orthography, or the genre's origins; there is a consensus on purpose (viz., censure of vice and folly), topical commentary

⁵Ibid., 739. Elliott summarizes the problem well: "But the spirit which informs them is too mercurial to be confined to exclusive literary structures; it proliferates everywhere, adapting itself to whatever mode (verse or prose) seems congenial. Its range is enormous..."

⁶Quintilian Institutio Oratoria 10.1.93.

⁷Princeton Encyclopedia of Poetry and Poetics, 738. The definition of Dr. Johnson offered here, as "a poem in which wickedness or folly is censured," is but one of many in which the function of satire is continually observed.

on the socio-political milieu, or satirical wit and its accessory stratagems--ridicule, parody, and caricature, when these are the preponderant topics.⁸ Yet it is the very question of morphology that definition strives to resolve which elicits fiercest controversy. But here one must challenge the *ipse dixit* of the venerable Quintilian--however esteemed his critical acumen--to whose *auctoritas* most arguments ultimately appeal, for his is perhaps the most formidable of tribunals before which to appraise a literary work's compliance with the *lex operis*.

Among the assessments of genre formation in Quintilian's synopsis are the celebrated remarks with respect to satire's origin and forms: a terse declaration of its Roman genesis, with comments descriptive of the usual structures.⁹ The critic's observations have occasioned prescriptive consequences: nevertheless, the actual combinations of verse, or mixed verse and prose, must stand. Despite the modern concession that works designated satires subsequent to antiquity are exempt from this formula, there is relative unanimity that Quintilian's formulary stipulations apply

⁸Michael Coffey, Roman Satire (London and New York: Methuen, 1976), 3-23. This furnishes perhaps the best recent account. Ulrich Knoche, Roman Satire, trans. Edwin S. Ramage (Bloomington: Indiana University Press, 1975), 3-16. Knoche's initial remarks are a worthwhile introduction to the relevant issues. However, he later hedges his early insistence upon strict definition by acknowledging (p. 89) the status of Horace's Epistles as satire.

⁹Quintilian Institutio Oratoria 10.1.93.

to all satire written *during* antiquity.¹⁰ In sum, Seneca's De Ira was not considered satire by the very critic who described the genre's inception and general features, and who also knew Seneca's writings.

Admittedly, modern allowances for the later transformations of satire do not negate the *testimonia* of Seneca's own and immediately succeeding eras.¹¹ Indeed, the De Ira's prose framework and abstract features support the judgment that it is a philosophical work. Modern criticism, without dismissing the extant examples of Roman satire, draws our attention to its intrinsic nature and expression, aside from the artifice of definition prescribed by the critics of a given epoch--even the epoch in which the definition was first formulated.¹² Acknowledgement of Roman derivation and conventions, however useful, dismisses a more basic inquiry: the essential character of the genre and the special problems it poses.

Modern discussion of satire is instructive. Certainly its recognition

¹⁰Knoche, 3, is adamant about this: "Anyone attempting a historical treatment of Roman satire has to free himself right at the start from the contemporary concept of satire and the satiric."

¹¹Gilbert Highet, The Anatomy of Satire (Princeton: Princeton University Press, 1962), 3-23. Highet, for example, makes reference to Swift, Voltaire, and others as satirists whose medium was prose. He also cites the difficulty of determining whether a work is a satire *per se* or simply contains occasional flourishes of satire. All subsequent references to Highet refer to The Anatomy of Satire, unless otherwise specified.

¹²Ibid.

that satire after antiquity abandons absolute adherence to the definitions of Roman critics and grammarians discloses a complex, if not curious, combination of conclusions. Departure from its Roman forms constitutes an historical stage of development in composition *and* critical comprehension which insists on elaboration and reconsideration of the genre.¹³ If divergence of form (an expression of artistic license) tacitly represents compliance with the inherent character of the genre, the pertinence of form to the very objectives of satire becomes questionable. Finally, the phrase *lex operis* itself leads to a false--and tangled--analogy: authors or critics (sometimes both) frame the law; deference or violation become the sole ostensible alternatives; the interests of the former invite evasions of the law which thereby must appear to comply with it in the manner of a legal dodge.¹⁴

In this last instance, exacting separations of genre can often assume a quasi-statutory rigor which artistic innovation mollifies. Clearly the extension of verse satire to incorporate prose, a method of composition practiced by Menippus, Varro, and Petronius, intimates that Roman satire

¹³Princeton Encyclopedia of Poetry and Poetics, 738-40. The synopsis offered here neatly describes the variegated development of the genre.

¹⁴Knoche, Roman Satire, 89, offers a leading example by subsuming the Epistles of Horace under the statutory (as it were) claims of satire.

and its ancient definitions, in addition to ascribing a literary type and epoch, amplify the epoch to the detriment of the genre it qualifies. However understandable the failure of prescience by Roman commentators, the reality of literary development confirms the inability of scholars to apply the formal or legal dimension of the *lex operis* to satire and, consequently, the grounds on which the De Ira can be interpreted to conform, if not to the precise phraseology of the definition, at least to occasions or instances where the quasi-legal language of the definition warrants inclusion. Precluding the *prima facie* observation that Roman reviewers and those (such as Quintilian or Diomedes) who deem only Roman literary edicts applicable deny the De Ira its appeal by virtue of its peculiarities, the very assemblage of elements which comprise Seneca's De Ira merits both another appeal and a change of venue.

At issue then is the classification to which the De Ira, predicated on the evidence of its aggregate features, primarily conforms: philosophical dialogue or satire. Ancillary but of equal value is the elimination of previous impediments to a recognition that the De Ira even contains material which suggests a re-examination of its patterns and figures as a worthwhile project, despite an abundance of opinion to the contrary. On inspection, Seneca's arrangement of topics and figures--e.g., the conversational transitions, the role of the *adversarius*, placement of

epigrams, descriptive portraits and anecdotes, and vivid imagery--to cite several samples--reveal a genuine problem of misplacement rather than a specious morphological exercise or evasion of the *lex operis* by nuance.

But multiple factors justify reconsideration of the De Ira in addition to those listed in the foregoing discussion. The blurring of genres in question, satire and the philosophical dialogue, is perhaps only conceivable granted unequivocal connections native to them, foremost among which is a pervasive preoccupation with ethical matters or variations on a myriad of moral themes. Morality is possibly the principal bridge between the two literary types. Likewise, although the serious intent of an ethical treatise is unmistakable, it is a grave oversight to underestimate the function of wit as a subterfuge for serious interests and purposes. However differently the two genres may approach their objectives, whether by sequential proofs or the varieties of wit, moral persuasion is a common end. And irony, one of the more frequent figures of successful satire, is a device especially dependent on seriousness as the contrasting element necessary for its effectiveness. Thus, the failure to apprehend irony and, consequently, the involvement of humor, is yet another reason why satire may unintentionally be taken seriously, for the illusion of philosophic sobriety

(notwithstanding the Symposium) is central to this misjudgment.¹⁵ Finally, the format of the De Ira, because in several important respects it so closely resembles the other Dialogi with which it is conventionally grouped, occasions the assumption of a more complete artistic agreement than exists between the De Ira and its companion pieces.

The individuality of the work, Seneca's only dialogue which addresses the destructive consequences and folly of a particular vice, deserves special comment, not only with respect to the other Dialogi, but as a feature especially suitable for satire *per se*. If the orthodox notion holds that novelty, variation, and departure from precedent are generic to the literary tradition, this is particularly apt with reference to satire, including its most universally accepted representative specimens. And although the extant works of the Roman satirists recognized as practitioners of the genre adequately possess the common qualities that eventually sanctioned a distinct nomenclature, the subtler scholars have noted the individualistic complexion of the genre and its variety of possible designs.¹⁶ Even prior to Quintilian's official imprimatur, the want of

¹⁵Hight, 15, relates the amusement of Swift, in a letter to Alexander Pope, at an Irish bishop not believing a word of Gulliver's Travels and, consequently, misinterpreting its intent.

¹⁶Knoche, Roman Satire, 5, notes the observation of Wilamowitz that "there really is no Latin satire, but only Lucilius, Horace, Persius, and Juvenal." See U. von Wilamowitz-Möllendorff, Griechische Verskunst

exact models compelled the sort of précis Horace provided as an endeavor to fix his literary ancestry and role.¹⁷ An author working in a fixed genre (tragedy or epic, for example) does not need to apologize (*sensu stricto*) the way Horace does with a pedigree of his literary ancestry in order to establish his literary type. Later satire, either to forestall ambiguity consequent to experimentation or establish a position within the practice of the genre, often avails a citation of pedigree, overt or otherwise, as a necessary recourse.¹⁸

Direct or indirect mention of lineage is one of several means by which the satirist is known as such and his efforts taken for what they are.¹⁹ Approximate themes and methods are at times as much thinly camouflaged versions of an express acknowledgement of influence as any patent attribution of literary stock. As such, Seneca's management of theme and technique in the De Ira is at least one criterion among many by which to ascertain the sway of earlier Roman satire, since no display of literary ancestry is offered. Although unexceptional and inessential (imitation being a sufficient as well as the best adulation), Seneca's

(Berlin, 1921), 42, note 1.

¹⁷Horace, Sermones, 1.10.48-49, 1.4.1-7, and Epistulae, 2.2.60.

¹⁸Hightet, 15-16.

¹⁹Ibid.

reticence compels us to resort to an inductive argument. Cognizance of affiliation between the De Ira and Roman satire can only proceed, then, by a sort of multi-variant analysis and cautious scrutiny of agreements and resemblances of style vis-à-vis antecedent models, since earlier prototypes accommodate an authoritative set of criteria with which to determine the validity of comparison.

The particular devices or elements upon which the satirist relies to achieve his ends constitute the standards of evaluation absent from the terse generality provided by even the best definitions. As with other genres, technique is the very substance of satire: it equips the research this study hopes to effect with serviceable norms for estimating whether kinship between the De Ira and Roman satire is slight, limited, and accidental, or entirely too regular to be other than deliberate. In combination, the synthesis of Seneca's methods exhibit goals which only detailed attention to specific items can initially expect to discover. The care Seneca takes, not merely to refute each rationale for indulging wrath, but to ridicule and reduce it to absurdity, exceeds dispassionate refutation by enlisting the sundry implements of derision employed originally by the Greeks in iambics, old comedy, and oratory, and later by his compatriots in Rome's (apparently) exclusive addition to the catalogue of approved genres.

In addition to a straightforward or more subtle statement of literary ancestry and analysis of parallels and alliances between the De Ira and extant Roman satire prior to Seneca's age, other applicable standards are germane. Apart from Seneca's choice of prose, the dialogue as he structures it, addressing it to his brother Novatus and incorporating a fictitious *adversarius*, bears closer comparison with the satiric monologues of Horace than the philosophical dialogues of Plato or Cicero. An apparent improvisation or spontaneity, while also characteristic of the philosophical dialogue, lacks the realism provided by figures whose function varies enormously and in relative proportion to one another in true dialogues.²⁰ Seneca's interlocutor or *adversarius* best mimics the simple roles displayed by the *adversarii* of Horace or Bion of Borysthenes, whom Horace credits as an exemplar: they are less *dramatis personae* than token rivals whose parts create a facade of opposition in an uncontested triumph.

Subject-matter is yet another measure of the connection between the De Ira and Roman satire; it is also perhaps the most natural, since the denunciation of vice or folly is universally found in definitions of satire.

²⁰The arguments of Plato's adversaries feature a more elaborate exposition than is found in the De Ira or any of Seneca's other dialogues for that matter, an issue that has caught the attention of a number of scholars and has prompted speculation about Seneca's departure from the stylistic norm of the genre and the diminished role of the *adversarius*. See below, chaps. 4 and 5, *passim*.

Seneca largely exceeds the usual topical progression and orderly gradations of arguments expected in an ethical treatise: he derides, caricatures, parodies, and renders absurd--strategies which become the wit but vex the wise for whom solemnity is *de rigueur*. Departures from the formality of unmitigated corroboration and refutation by way of artifice foreign to the standards of the genre, such as insinuations of humor, or via shifts uncharacteristic of an austere syllogistic dialectic, such as insertions of anecdote or description, are salient aspects of the De Ira. Such detours and their recurrence suggest a diversity of purpose, but the irregularities possess a common aspect: dissuasion defers to denunciation of anger as folly--perhaps the central folly of Seneca's time.

Discussions of human weakness and error, especially so commonplace a vice as anger, were not without precedent in antiquity; there were those who defended its value and expression for diverse reasons, as is evident in the De Ira.²¹ Yet the unremarkable occurrence of specific treatment, or the inclusion of anger in general surveys such as Aristotle's Nichomachean Ethics, advances the impression that anger is a topic for discussion first and foremost as a general human predilection. But, as Lucilius and Horace earlier, and Juvenal later, Seneca alters the

²¹Basore, xiii and 112. Both Posidonius and Sotion are mentioned here. Aristotle is cited *passim*.

moral emphasis from the general to the specific: anger achieves the notoriety of a current event. In Seneca's view, the attested cruelty of the period originated from the cultivation of rage, a most apropos social and cultural ill for moral criticism on the one hand, but for topical and satiric ridicule as well: thus, the unflattering portraits of personages in the recent or remote past. Caricatures of the living ceased with Horace; Seneca's hostile figures augur Juvenal's Sejanus, too distant and too dead to be dangerous.

If the worst years of the early empire in the first century witnessed a flurry of prosecutions for *maiestas*, they also bore witness to ubiquitous accusations of alleged *iniuria*, a technical Roman legal term of sufficiently broad scope to encompass the wider sense in which Seneca has been supposed to employ it: a pretext for *ira* invoked constantly.²² If, however, as with Seneca's use of *ira*, a narrower meaning than the broad, initial definitions provided by the standard lexica is intended, the import of *iniuria* widens, thus acquiring a dual significance: as a generic term denoting an unspecified insult, injustice, or instance of personal affront,

²²John W. Thomas III, "Roman Criminal Law and Legal Narrative in the Neronian Books of the *Annals* of Tacitus" (Ph.D. diss., Loyola University of Chicago, 1993), 84, 117-120. Although this recent study emphasizes litigation specific to the Neronian period, background material and notes provide a useful introduction to the extent of prosecution for both *maiestas* and *iniuria* under previous emperors.

and a precise, definitive reference to a legal statute whose violation was actionable. The conceivable applicability of the latter furthers the present thesis: Seneca's interests and purposes are focused on a prevailing sensibility or *Zeitgeist*, not solely an enduring flaw, one out of many, intrinsic to the human condition in the manner of previous explanations.

Ridicule and contemporaneity, then, are traits which betray the satirist of unacknowledged pedigree; they also divulge the aim of the De Ira: to render the expression of anger a laughable disgrace. The nature of Seneca's project entails an attitude very different from philosophic detachment, one that involves contempt, scorn, or, perhaps, even amusement--and the endeavor to elicit like sentiments among his readers. And with verbal touches a subsequent generation would witness in the satires of Juvenal, Seneca's *exempla* shock; his models of *ira* indulged are disturbing, vivid, and grotesque depictions of a cruelty awarded approbation, if the intensity and extent of the De Ira are valid indices. And if the expectation of carefully ordered reasoning disappoints, Novatus and posterity have become privy to the more surprising methods of satire in the De Ira.

While unfavorable responses to Seneca's designs in part explain his periodic unpopularity, their force betrays an odd effect amounting to a kind of perverse success: his works produce revulsion or fascination,

dissidence or endorsement--and to a degree as radical as Seneca's notion of anger itself. The De Ira, if it is accurately or otherwise taken as a philosophical dialogue, fails to meet our hopes for an unadorned series of proofs, or even the modest expectation of lively debate in a dramatic setting. Such hope, however, is an inescapable prelude to favor or its want, and Seneca's failures or inconsistencies may well mask a desired end nonetheless. His gifts were hardly so meager or merely "*temporis eius auribus accomodatum*" as to be insufficient for his objectives.²³ Seneca directed his attack on anger not only according to the moral deficiencies and literary tastes of his age, but also according to a Roman tradition which singled out *ira* as a vice particularly deserving of opprobrium.²⁴ Abhorrence at anger, a *locus communis* by Seneca's time, furnished a ready topic for satire and also fulfilled a perennial approach demanded of satire: an appeal to reform for which ridicule and all its forms furnish a means.

Moreover, if Seneca's desire is reform, satire becomes an acceptable prototype for considerations of influence, since that too is one of its expected functions. Reform not only permits an array of strategies

²³Tacitus Annals 13.3.

²⁴Virgil, for example, portrays the human and divine antagonists of Aeneas as especially driven by *ira*, and consistently presents this vice as unbecoming the Roman character.

unavailable to philosophy, but relegates the role of strict argument to the lesser prominence of one variant in a medley. For the illogical or obdurate, refutation alone might fail to display vice as unattractive. Repugnance requires other initiatives, ones familiar to Lucilius and Horace--but to Seneca as well. Thus irony, epigram, hyperbole, colloquialism, parody, and numerous related implements combine as accompaniments to argument in the service of the skilled satirist. The conviction that *ira* is indefensible is certainly one of Seneca's aims in the De Ira, but reform must enlist conversion; and this compels him to exorcise the nobility from anger until it appears hideous as well as irrational.

Finally, a recapitulation of small compass is in order as a preliminary synopsis of those elements of satire whose analysis might prove most salutary for evaluating the De Ira from an alternative context. To summarize: despite Seneca's failure to cite influence or state pedigree, features of the De Ira bear exceptional resemblance to eminent aspects of Roman satire. This supports the need for additional study, notwithstanding enigmatic difficulties of designation or definition whose very solution might only issue, if but partially, from the sort of analysis the present enquiry means to afford. Seneca's Dialogus mimics the satiric monologue in practice more than it resembles antecedent prototypes of the

philosophical dialogue. His preferred theme of anger, although addressed by divers philosophers, stands in liaison with satire; but unlike philosophy, Seneca's motif suggests a topical or contemporary relevance emblematic of satire. Finally, Seneca's procedures, recurrently disappointing those whose expectation is uninterrupted syllogistic elegance or the dramatic suspense of dialectic moving toward resolution, in effect comprise a medley of matériel native to satire: argument is abruptly mitigated by the figures and conventions of a more informal and spontaneous genre. Impressions and vividly descriptive diatribes attend his conclusions, remarkable features for a standard ethical treatise, but hardly surprising elements in a work of satiric design.

Of the figures put to use by the Roman satirists, a host are shared by other genres. Hyperbole, invective, parody, and other devices, although important factors for the cumulative effect of the De Ira and quite significant at critical stages of Seneca's discussion, are minor or secondary attributes. Aspects of the De Ira which merit protracted and precise dissection are those most idiosyncratic to the nature and character of satire: more specifically, structural techniques and thematic coincidences. Consequently, several major topics will adequately serve as broad categories for investigation and convenient points of reference for associated features.

First, the De Ira justifies comparative analysis with previous and subsequent Roman satire, including Seneca's own Apocolocyntosis, in order to assess the overall presence of those elements typical of the genre. Seneca treats anger not only as a universal moral problem, but as an ill particularly prevalent in his own time; in short, his complaint is topical in the way that the grievances of Lucilius, Horace, and Juvenal were directed at habits of the here and now. Furthermore, Seneca dwells on the legal consequences of anger, and he regularly emphasizes this and related legal issues throughout the work. Discussion of the use and abuse of the delict of *iniuria*, which Seneca views as the social instrument of anger, occupies a large portion of the De Ira. As a result, Seneca's plea is as much an insistence on judicial reform as on moral improvement.

Finally, the structural anomalies of the work, the irregularities of composition where Seneca departs from the standard techniques employed by earlier authors of the philosophical dialogue, might best be explained by comparison with other genres. The limited role of the *adversarius*, the lack of a dramatic setting, and a conspicuous absence of set characters would suggest a different genre as the model for the De Ira. Elements present in the work do provide clues, however. Three prominent features--the abundance of technical legal vocabulary, Seneca's focus on a particular legal issue such as *iniuria*, and the intermittent advisory

comments relevant primarily to someone who must decide legal guilt or innocence--urge close intertextual study with what fragmentary portions of the legal literature as we possess. The combination of satiric technique and legal emphasis intimates that the De Ira is a more complex and original work than has been previously thought. Seneca assumes the pose of both the satirist and jurist. As he ridicules wrathful figures recent and remote, he also subjects their rationale that *iniuria* warrants *ira* to vigorous legal analysis and criticism. The De Ira can thus be seen as a censure of those who resort to *iniuria* in order to satisfy *ira* in a format which parodies the very genre used by the jurists to address such issues--the epistolary *responsum*.

CHAPTER ONE
THE DE IRA AS TOPICAL PROTEST

It is a stock observation among the many students of Roman satire that the genre criticises the follies of its age, including the invariable absurdities of the law.²⁵ Whether the Romans express their censure in the oblique and subtle guise of parody, or by the more forthright tactic of open denunciation, law stands in the forefront amid the morals, conventions, and practices of the day that fail to meet the standards of the satirist. One of the earliest expressions of satiric dismay over the various occupations of his contemporaries is the following *excursus* by Lucilius:

nunc vero a mani ad noctem, festo atque profesto
totus item pariterque die populusque patresque
iactare indu foro se omnes, decedere nusquam,

²⁵Hightet, 16-17, cites topical criticism as one of the hallmarks of the genre since antiquity. Michael Coffey, 5-10, in one of the more recent surveys of the genre, remarks generally on this characteristic of Roman satire, but concentrates more on the varieties of social criticism presented by each Roman satirist. John Crook, Law and Life of Rome (Ithaca: Cornell University Press, 1967), introduces comments of the satirists *passim* as partial evidence for the influence of law on Roman social and economic life.

uni se atque eidem studio omnes dedere et arti,
 verba dare ut caute possint, pugnare dolose,
 blanditia certare, "bonum" simulare "virum" se,
 insidias facere, ut si hostes sint omnibus omnes....
 (1228-34)

(But these days as things are from morning until night,
 working day and holiday alike, the whole people and
 senate likewise all bustle about in the forum and
 do not go off anywhere else. All devote themselves
 to one and the same aim and expertise, to be able
 to deceive with circumspection, to hit slyly, to push
 by using flattery, to pretend to be "a good type"
 and to set traps as if everyone were everybody else's
 enemy....²⁶

Lucilius's complaint, which has been rendered as a dissatisfaction with Roman political life, also suggests the tumult and frenzy of the courts as a source of inspiration for topical protest.²⁷ Horace, writing a century or more later, seems to have shared his predecessor's displeasure, but illustrates his annoyance by relating his own happenstance involvement in the legal arena.²⁸

²⁶The translation here is that of Coffey, 49, with minor changes.

²⁷Coffey, 49, draws attention to the disdain of Roman political life obvious in Lucilian satire. More to the point, however, is the satirist's mention of the forum, where the courts were located and most of the trials occurred, as Seneca relates at II.9.4.

²⁸Horace elsewhere takes a dim view of legal matters, as his tongue-in-cheek request for the jurist Trebatius' counsel (Sermones 2.1) would suggest. Cf. also 2.6.20-40 for court time as one of the nuisances of life in the city.

Casu venit obvius illi
 adversarius, et, "quo tu turpissime?" magna
 inclamat voce, et "licet antestari?" ego vero
 oppono auriculam. rapit in ius; clamor utrimque,
 undique concursus. sic me servavit Apollo.
 (1.9.74-78)

(Suddenly this pest met the man who was suing him,
 who kept screaming: "Where do you think you're going,
 thug," and then asking me "Will you testify?" I
 offered my services. He dragged his opponent off to
 the courts while a crowd gathered and shouted as it
 ran after them. So it was that Apollo had saved me.)

Later still, Juvenal returns to the more distanced Lucilian
 perspective of a physically detached witness whose disenchantment betrays
 an unmistakable intimacy with corruption and a sensibility at odds with
 his circumstances.

quid referam quanta siccum iecur ardeat ira,
 cum populum gregibus comitum premit hic spoliator
 pupilli prostantis et hic damnatus inani
 iudicio? quid enim salvis infamia nummis?
 exul ab octava Marius bibit et fruitur dis
 iratis, at tu victrix, provincia, ploras.
 (1.1.45--50)

(Why tell how my heart shrivels and burns with rage
 when I see the people hustled by a mob of retainers
 attending on one who has defrauded and debauched
 his ward, or on another who has been condemned
 by a futile verdict--for what matters infamy if
 the cash be kept? The exiled Marius carouses
 from the eighth hour of the day and revels in the
 wrath of Heaven, while you, poor Province, win

your cause and weep!)²⁹

All three satirists in their turn appear to share an amused yet scornful identification of court proceedings with public spectacles. Horace could readily speak of the "*fallacem Circum*" ("deceptive Circus") and immediately associate it with the "*Forum*."³⁰ Juvenal, writing for a weary age no longer shocked by the glaring disparities between Rome's present and past, its civic ideals and real incivilities, could add caveat to *consolatio* for poor Calvinus, the victim of justice and injustice both.³¹ So even at the outset, Lucilius could establish a precedent of literary censure to replace an authority the official Censors would abdicate by their own suspect behavior.³² The reflexive implication of Juvenal's "*quis custodiet ipsos custodes*" ("who will guard the guards themselves?") hints at a novel honor for satire: the satirist alone could be Rome's true censor.³³

²⁹The translation, with changes, is based on that of G.G. Ramsay, Juvenal and Persius (Cambridge: Harvard University Press, rev. ed., 1940), 7.

³⁰Horace Sermones 1.6.113-114.

³¹Juvenal Saturae XIII.

³²Coffey, 40-49, gives the social and political background of Lucilian satire, including the satirist's attacks on policies of the censorship or corrupt censors holding an office instituted to uphold public morals.

³³In criticizing the censors, Lucilius "marks them too," so to speak, and thus assumes the role of censor by calling attention to their moral failures. Horace, Sermones 1.3.24 and 1.4.5, uses the term *noto* (OLD, entry 3: "to put a mark of disgrace against the name") to represent his own role, thus

Nonetheless, this brief survey of satiric sentiment exposes several remarkable elements. Lucilius, Horace, and Juvenal, despite the radical differences betokened by the various effects of Roman politics on each, display sufficient similarity to suppose a general and more universal protest whose details are simply variations on a theme. As the satires of Horace demonstrate, there is considerable continuity between the Scipionic circle and that of Maecenas. However deliberately Horace highlights the similarities between his own age and that of Lucilius and culls the vices he prefers to expose, some connection between epochs would prevail given the constancy and fidelity of humanity to folly. Moral pollution nurtured Roman satire long after Lucilius and ensured the perpetuity of the genre until it produced yet the most mordant reviler of Roman manners and morals--Juvenal. And however infrequent and occasional Rome's legal milieu served as a *locus communis* for Lucilius and Horace, the social changes of the Principate in the legal sphere furnished Juvenal with material for an entire satire and extended sections of others.³⁴

Juvenal's added emphasis on legal corruption did not lack precedent. If satire mirrors the grotesquerie of an era, one must assume a degree of

identifying the function of the censor with his own task.

³⁴Juvenal *Saturae* XIII is a *consolatio* by the author cautioning against the expectation that justice will be just.

reality for which satiric exposure and exaggeration are the just desserts.³⁵ As a consequence, Juvenal's attention to Roman legal matters reflects a social climate which deserved the dishonorable mention. Sketches of corruption and futility in the domain of law were acutely and interminably detailed earlier by another author whose philosophy and prose obscure much of his satiric tone and intent. Notwithstanding the choice of structure, the following passage from book two of Seneca's De Ira mimics a revulsion not unlike that voiced by Rome's finest verse satirists:

Quod enim momentum erit quo non improbanda videat? Quotiens processerit domo, per sceleratos illi avarosque et prodigos et impudentis et ob ista felices incedendum erit; nusquam oculi eius flectentur ut non quod indignentur inveniant: deficiet si totiens a se iram quotiens causa poscet exegerit. Haec tot milia ad forum prima luce properantia, quam turpes lites, quanto turpiores advocatos habent! Alius iudicia patris accusat, quae <non> mereri satius fuit, alius cum matre consistit, alius delator venit eius criminis, cuius manifestior reus est; et iudex damnaturus quae fecit eligitur et corona pro mala causa <stat> bona patroni voce corrupta. Quid singula persequor? Cum videris forum multitudine refertum et saepa concursu omnis frequentiae plena et illum circum in quo maximam sui

³⁵E. Courtney, A Commentary on the Satires of Juvenal (London: The Athlone Press, 1980), 96, provides historical background for Juvenal's disgust at the felicitous fate of Marius Priscus, the exiled Marius mentioned at 1.1.45-50, including "the luxurious life lived by some exiles" attested by various authors and the impoverishment of the provinces formerly managed by governors condemned for extortion (for which Gaius Verres, propraetor in Sicily, 73-71 B.C, seems to have been the archetype).

partem populus ostendit, hoc scito, istic tantundem esse vitiorum quantum hominum. Inter istos quos togatos vides nulla pax est: alter in alterius exitium levi compendio ducitur; nulli nisi ex alterius iniuria quaestus est....

(II.7.2--8.2)³⁶

(For what moment will there be when he will not see something to disapprove of? Every time he leaves his house, he will have to walk among criminals and misers and spendthrifts and profligates--men who are happy in being such. Nowhere will he turn his eyes without finding something to move them to indignation. He will give out if he forces himself to be angry every time occasion requires. All these thousands hurrying to the forum at break of day--how base their cases, and how much baser are their advocates! One assails his father's will, from which it were more fitting that he respect; another arraigns his mother at the bar; another comes as an informer of the very crime in which he is more openly the culprit; the judge, too, is chosen who will condemn the same deeds that he himself has committed, and the crowd, misled by the fine voice of a pleader, shows favour to a wicked cause.

³⁶Except where indicated, the text of the De Ira followed throughout is that of L.D. Reynolds, L. Annaei Senecae: Dialogorum Libri Duodecim (Oxford: Oxford University Press, 1977). The translation is based on that of John W. Basore, Seneca's Moral Essays I with modifications noted by sections underlined. The primary sources of Roman law frequently referred to are cited as Digest, Justinian, Inst., and Gaius, Inst. The texts used are as follows: The Digest of Justinian, Latin Text ed. Theodor Mommsen, with the aid of Paul Kreuger; English trans. ed. Alan Watson (Philadelphia: University of Pennsylvania Press, 1985); Justinian's Institutes, Latin Text ed. Paul Kreuger; English trans. eds. Peter Birks & Grant McLeod (Ithaca: Cornell University Press, 1987); The Institutes of Gaius, Latin Text eds. Seckel and Kuebler; English trans. eds. W. M. Gordon and O. F. Robinson (Ithaca: Cornell University Press, 1988).

But why recount all the different types? Whenever you see the forum with its thronging multitude, and the polling-places filled with all the gathered concourse, and the great Circus where the largest part of the populace displays itself, you may be sure that just as many vices are gathered there as men. Among those whom you see in civilian garb there is no peace; for a slight reward any one of them can be led to compass the destruction of another; no one makes gain save by another's loss....)

This tirade on the moral condition of the times foreshadows Juvenal's harsh strains and is reminiscent of Lucilian rancor. In the very next chapter, the last of a three chapter diatribe, Seneca's acerbic quip that "*innocentia non rara sed nulla sit*" ("innocence is not rare, but non-existent") presages Juvenal's bitter "*probitas laudatur et alget*" ("probity is praised and out in the cold").³⁷

The Senecan passage is extraordinary for many other reasons as well. The abstraction and sequential reasoning which characterize philosophy are strangely absent, and a curious set of qualities appears in their stead. Topical allusions abound: the array of miscreants, the flurry of the forum, the depravity and all-embracing disgrace of the courts. As with Horace, mention of the Circus follows that of the Forum in close succession.³⁸ The chaos Lucilius portrayed began "*a mani*" ("from

³⁷II.9.1, and Juvenal Saturae I.74.

³⁸Horace Sermones 1.6.113-14.

morning"); for Seneca "*prima luce*" ("at dawn") is an equally suitable commencement for folly, and he extends the Lucilian "*ut si hostes sint omnibus omnes*" ("as if everyone were everybody else's enemy") to encompass even the closest of human relationships--parents and children.³⁹ In short, Seneca never cites Horace or Lucilius by name in the *De Ira*, but his devastating indictment of the Rome of his time implicitly connects him with a tradition and establishes a pedigree for his undertaking. Despite the prose medium, both motif and execution are those of the satirist.

Other aspects of this passage are also noteworthy. Seneca's prolonged account is unanticipated; it disappoints expectations or startles a reader who expected the usual pattern of thrust and parry, objection and refutation between Seneca and his *adversarius*. But the generic inconsistency accomplishes a skillful shift into the real world, despite the judgment by critics of Seneca's prose that such digressions mark a retreat to the cheap and shopworn rhetorical displays of the Silver Age declaimers.⁴⁰ But such an unsympathetic conclusion would be

³⁹See II.7.3: "*Alius iudicia patris accusat, quae <non> mereri satius fuit, alius cum matre consistit...*"; also II.8.3: "*† Hoc uno † ab animalibus mutis differunt, quod illa mansuescunt alentibus, horum rabies ipsos a quibus est nutrita depascitur.*"

⁴⁰One of the more famous criticisms of Senecan style, as noted by J.R.G. Wright, "Form and Content in the Moral Essays," in *Seneca*, ed.

overlooking the fact that in Horatian satire Seneca's strategy would be esteemed as an adept variation or a virtuoso control of transitions between topics; it also neglects the obvious informality or the casual manner in which Seneca seems to speak *ex tempore*, as though spontaneously incited to improvise from his revulsion at the social ills of his time.⁴¹ Assessed by the literary standards of each genre, Seneca's digression from a predictable pattern suggests a deliberate recollection of the methods of satire: the abrupt break in form jars as effectively as the sudden entrance into the province of urban life and its heinous doings.⁴² This exaggeration of malice and hypocrisy is a flat-out denunciation, not an argument, philosophical or otherwise.⁴³

The destination of Seneca's topical detour is the condition of the

C.D.N. Costa (London and Boston: Routledge & Kegan Paul, 1974), 39, is attributed to Caligula in Suetonius *Caligula* 53.2: "*harenam esse sine calce.*" Wright, 39, also cites the comment of Justus Lipsius, one of Seneca's admirers, on the *De Ira: Libri in partibus pulchri et eminentes sunt, in toto parum distincti, & repetitionibus aut digestionibus confusi.*

⁴¹Eduard Fraenkel, *Horace* (Oxford: Clarendon Press, 1957), 94, convincingly justifies the digressions of Horace. Cf. Kirk Freudenburg, *The Walking Muse* (Princeton: Princeton University Press, 1993), 109-84, for a more recent discussion of Horace's style.

⁴²Hight, 16-17, remarks that satire "is always concrete, usually topical, often personal. It deals with actual cases...talks of this moment and this city, and this special, very recent, very fresh deposit of corruption whose stench is still in the satirist's curling nostrils."

⁴³*Ibid.*, 17-18.

courts. Following the adversarial charge that "*Virtus...ita turpibus irata esse debet*" ("Virtue...must be angry with what is base") in chapter six of book two, Seneca begins a preface to the satiric description of the next three chapters by considering the notion of righteous indignation or justifiable anger. The *adversarius* takes for granted the moral superiority of the righteously indignant, and the phrase certainly implies this superiority with its modifying adjective. Moreover, his automatic connection between *ira* and *virtus* seeks to justify or relativize *ira*, when it is all of a kind by Seneca's definition; and anger by whomever or by whatever rationale is objectionable.⁴⁴ Secondly, the link between anger and righteousness establishes an irony which lies at the very heart of Seneca's purpose in the subsequent passage.

Alive to both possible and real human inconsistencies and alert to the myriad ways humanity is prone to self-deception, Seneca stands the argument of his opponent on its head in order to point out the common error of designating righteous indignation a mark of moral rectitude. What, after all, could be the matter with feeling outraged at crime and

⁴⁴F.H. Sandbach, *The Stoics* (London and Indianapolis: Gerald Duckworth & Co. Ltd. and Hackett Publishing Company, Inc., 2d. ed., 1989), 152, comments on Seneca's opposition to the "Peripatetic view that in moderation it is a useful emotion..." the argument made frequently by his adversary. For example, at II.11.1: "*Utilis est, inquit, ira, quia contemptum effugit, quia malos terret.*" Seneca, however, is unambiguous at I.9.1: *Deinde nihil habet in se utile...*

injustice? Seneca tersely explains: "*Et quid indignius quam sapientis adfectum ex aliena pendere nequitia?*" ("And what is more unworthy of the wise man than that his passion should depend upon the wickedness of others?").⁴⁵ Seneca recognizes a fundamental irony in his opponent's argument, and presses on until the moral high ground of those who think that their anger at injustice is consequently acceptable starts to collapse: "*irasci non est ex dignitate eius, non magis quam maerere*" ("it no more comports with its (virtue) dignity to be angry than to be sad"), he says.⁴⁶ The popular association of passion with ethical standing, a morality of emotion, is both absurd and ironic for Seneca: anger *ipso facto* shows an absence of restraint, and righteous anger combines this with self-aggrandizement. *Ira* implicates the will, whereas righteousness is actually a false assumption of moral status that depends on the very existence of vice. Thus not only does Seneca view passion (*ira*) and moral standing as unrelated, but he even maintains the opposite: "*ira ob alienum peccatum sordida et angusti pectoris est*" ("anger on account of another's sin is mean and narrow-minded").⁴⁷ He thus draws attention to a twofold problem: *ira* is not merely unacknowledged as a vice by the righteously indignant,

⁴⁵II.7.1.

⁴⁶II.6.2.

⁴⁷II.6.1.

it is positively construed as a sign of rectitude.

The popular affiliation of *dignitas* (rank, status, standing, esteem) and *ira*, which implicitly condemns those without *ira* to moral inferiority for their indifference to injustice, is both a failure to separate the perception of injustice from anger and, more importantly, a false identification of perception and passion.⁴⁸ Seneca recognized the psychological benefits of this mistaken identification: it created and maintained an illusion of integrity without effort or practice and simultaneously disguised infirmity of the will both from the self and from others.⁴⁹ *Virtus* (virtue), a concept whose very definition implied persistence and effort, becomes automatic.⁵⁰ One need only feel anger in order to consider oneself upright. Yet the very absurdity of this

⁴⁸The *adversarius* suggests the affiliation throughout, and it is one of the chief arguments which Seneca must counter. In addition to II.6.1, II.11.1 is a restatement of the same claim, indicating that Seneca's opponent has yet to be convinced: "*Utilis est,*" *inquit,* "*ira, quia contemptum effugit, quia malos terret.*" That absence of *ira* suggests indifference to injustice is argued at I.16.1: "*Quid ergo? non irascar latroni? Quid ergo? non irascar venefico?*" See below, n. 397, on the distinction Seneca makes between an *agitatio animi* (disturbance of the mind) and an *affectus* (intent). See especially II.3.4-5.

⁴⁹Seneca argues against any positive connection between virtue and emotion at II.6.1-7.1.

⁵⁰At various points in the *De Ira*, Seneca suggests practices to be followed toward the end of diminishing anger: devil's advocacy (II.28.4-8), delay (II.29.1-2), and calm associates (III.8.1-6). On *virtus*, see OLD, entry 7.

determination was necessary to provide Seneca with a welcome prelude to the extended satiric portrait to follow. Righteous anger, facilitated by injustice, sustains itself on injustice as a constant opportunity for anger as a surrogate for genuine moral progress exacted by painstaking practice.

Pervasive injustice could purchase an inexpensive sanctimoniousness; and both were plentiful in Seneca's Rome.⁵¹ To repeat his query: "*Quod enim momentum erit, quo non improbanda videat?*" ("For what moment will there be when he will not see something to disapprove of?").⁵² Vice is pandemic, and Seneca's generic list is brief but all-encompassing: "*sceleratos...avarosque et prodigos et imprudentis...*" ("criminals...and misers and spendthrifts and profligates...").⁵³ His major interest is much more specific: the judicial setting of the forum. Seneca settles his attention on the court as the most suitable scene, and predicts the verdict for those who wish to sate their desires for effortless probity: "*Deficiet, si totiens a se iram quotiens causa poscet exegerit*" ("He will give out if he forces himself to be angry every time occasion requires").⁵⁴ *Ira*

⁵¹At least some basis in fact must have supported Seneca's observations at II.7.2. Suetonius Augustus 29, and Vespasian 10, notes the need for more courts. Crook, 68-97, presents a comprehensive overview of the problems.

⁵²II.7.2.

⁵³Ibid.

⁵⁴Ibid.

always fails from exhaustion (*deficiet*), since even righteous anger cannot cope with endless disgrace and corruption: the cases (*lites*), the attorneys (*advocatos*), the litigants (*reus/alius...alius, etc.*), the witnesses (*delator*), and the judges (*iudex*). Such is the hyperbole of satire, and it is essential to Seneca's purpose. Under the circumstances he has provided, the righteous indignation that supposedly distinguishes wisdom would be continuous--and absurd.

The endeavor of the *adversarius* to legitimize anger is perhaps the most succinct and accurate summary of his role.⁵⁵ In the total context of the De Ira, justification or even rationalization are both inaccurate terms in comparison. Seneca's alleged grievance is with anger, and a thorough philosophical defense is expected; but his complaint is not the one-dimensional approach it has been judged; there is another level of meaning that emerges on analysis. Besides denoting an opponent in an argument or dispute, the *adversarius* also refers to the opposing party in a lawsuit.⁵⁶ In addition, the argument that anger sometimes possesses dignity in someone virtuous (or wise)--prior to a vivid and realistic picture

⁵⁵At I.16.1, Seneca's opponent asks: "*Quid ergo? Non irascar latroni? Quid ergo? Non irascar venefico?*" In both instances the *adversarius* would have a valid legal claim. Adolf Berger, Encyclopedic Dictionary of Roman Law (Philadelphia: American Philosophical Society, 1953), 538 and 760, comments on these two crimes.

⁵⁶See OLD, entry 1, and entries 3a and b.

of the Roman forum and its courts--a reason for the reader to hesitate as to Seneca's intended meaning. Assigning a philosophical function to the *adversarius* is appropriate if Seneca is writing a philosophical dialogue with an ethical program in mind. But if *adversarius* here denotes an opponent in the courtroom instead, the apparent philosophical role may shade into a quasi-legal role, Seneca's *adversarius* may imitate the Horatian *adversarius* of a satiric monologue, and the De Ira itself may have a sense quite other than has presently been thought.

Seneca's direction and theme as discussed thus far are certainly germane to these possibilities. The adversarial argument at 2.6 is less a justification of anger than an attempt to legitimize it. Seneca does not take us to the forum and the courts in response to this position by accident. As with much of the De Ira, the vocabulary of chapter seven is dense with Roman legal terminology.⁵⁷ The most prominent term, however, appears in the subsequent chapter. Seneca states that "*nulli nisi ex alterius iniuria quaestus est*" ("no one makes gain save by another's loss").⁵⁸ His use of *iniuria* (injury, outrage) here, after a protracted

⁵⁷II.7.3 is of particular interest here; the section contains several terms possessing a primary legal sense: e.g., *causa* (case), *lites* (lawsuits), *advocati* (attorneys), *reus* (defendant), and *iudex* (judge), to cite only the most striking examples. See chap. 2, *passim*, for a lengthier discussion of these terms and their importance in the De Ira.

⁵⁸II.8.2.

exposé of the debasement of the judicial system, is a deliberate coda to the passage itself and to what he has emphatically asserted in the initial chapter of book two: "*Iram quin species oblata iniuriae moveat non est dubium*" ("There can be no doubt that anger is aroused by the direct impression of an injury"). *Ira* and *iniuria* are inextricably combined here and throughout the De Ira, and Seneca's ample use of legal vocabulary compels closer examination of the term's precise meaning in the work.

The term itself appears regularly in the De Ira, and although its root (*ius*=statute) would suggest a legal meaning, it can be construed more comprehensively as conveying any wrongful act or malfeasance.⁵⁹ If Seneca's end were abstract and "philosophical," the generic significance would be sufficient for the maintenance of a Stoic position on anger. Yet within Seneca's essay, the context of its usage requires an almost exclusively legal interpretation. "*Iram quin species oblata iniuriae moveat non est dubium*" ("There can be no doubt that anger is aroused by the direct impression of an injury") consequently requires a very different interpretation: to conclude that the *species* (appearance) of *iniuriae* (wrongdoing) causes anger is one matter, that the *species* (case or specific legal problem) of an *iniuria* (legal offense) causes or is a source of anger is

⁵⁹Cf. OLD, s.v. *ius*, entries 1a and b, 2, and 4a, b, and c.

another.⁶⁰ Seneca's objection to anger, Stoic though it may be, narrows and suggests a more specialized purpose.⁶¹ His catalogue of corruption at the bar at 2.7 as a topical protest is plain, but too abbreviated a sample from which to judge it one of Seneca's principal goals. We must, however, understand his frequent and deliberate references to *iniuria* as a common pretext for anger in a fundamentally different sense, since *iniuria* as a violation of law is what makes possible a satiric diatribe on this category

⁶⁰*Species* in the legal sense (OLD, entry 11) means a "specific legal situation or case." Ulpian, in *Digest* 13.6.5.11, provides a typical example with regard to the admissibility of legal action: *videndum, in quibus speciebus commodati actio locum habeat*. In legal use (OLD, entry 4) *iniuria* refers to any "act, insulting in kind and intention, calculated to injure a person's reputation or outrage his feelings (ranging from physical assault to defamation of character)." Gaius, *Inst.* 3.220, supplies a model: *Iniuria autem committitur non solum cum quis pugno puta aut fuste percussus vel etiam verberatus erit, sed etiam si cui convicium factum fuerit, sive quis bona alicuius quasi debitoris, sciens eum nihil sibi debere, proscripserit, sive quis ad infamiam alicuius libellum aut carmen scripserit, sive quis matrem familias aut praetextatum adsectatus fuerit, et denique aliis pluribus modis*. (Outrage is committed not only by striking someone with a fist or a stick, or even whipping him, but also by raising a clamor against him, or if someone, knowing that another owes nothing to him, advertises his possessions for sale as a debtor's, or if he writes a pamphlet or song to defame someone, or if he pursues a matron or a youth, and finally in many other ways.)

⁶¹Sandbach, 59-67, 152, offers an overview of the Stoic conception of anger and gives a short synopsis of the *De Ira*. J.M. Rist, *Stoic Philosophy* (Cambridge: Cambridge University Press, 1969), 22-36, provides a more detailed discussion, emphasizing the differences in philosophical opinion on the relationship between human action and emotion within the Stoic tradition.

of Roman Law.⁶²

If the plea of Seneca's *adversarius* for righteous anger is an attempt to legitimize it (so to speak), elements of Roman Law from the Twelve Tables to the Neronian Age, by sanctioning revenge, promote and legitimize anger as well.⁶³ Seneca acknowledges the cause and effect relationship between *ira* and *ultio* (revenge) early in the De Ira and returns to it repeatedly. The opening arguments of the *adversarius* in response to Seneca's introductory comments mark the initial connection between *ira* and *iniuria*, but also presage later discussion of *ultio* (revenge) as the principle promoted by *iniuria*:

"Irascimur" inquit "saepe non illis qui lae-

⁶²See chapter two, *passim*, for further discussion.

⁶³Barry Nicholas, An Introduction to Roman Law (Oxford: Clarendon Press, 1962), 207, summarizes the issue well: "The fossils to be found in the law of delicts, however, are of a different kind, and affect the character and substance of the law. But here again the most obvious...are less important than the survival of the principle which underlies them all, the principle of vengeance." Seneca primarily employs *vindicare* (to exact reparation, punish, avenge: OLD, entry 5) and *ulcisci* (to inflict retribution, take revenge: OLD, entry 1) to convey reliance on litigation for *iniuria*. At II.32.1, however, he remarks: *Inhumanum verbum est et quidem pro iusto receptum ultio [et talio]. Non multum differt nisi ordine qui dolorem regerit: tantum excusatius peccat.* This is the only instance of *talio* (exaction of compensation in kind: OLD, entry 1) in the De Ira, and is the term used in the Twelve Tables. E. H. Warmington, ed. and trans., Remains of Old Latin III: Lucilius and Laws of the Twelve Tables (Cambridge: Harvard University Press, rev. ed., 1967), 476: "*si membrum rupsit, ni cum eo pacit, talio esto.*" Seneca deliberately places *ultio* (revenge) in the legal tradition.

serunt, sed iis qui laesuri sunt; ut scias iram
non ex iniuria nasci."
(I.3.1)

("We often get angry," he says, "not at those
who have hurt us, but at those who intend to hurt
us; you may, therefore, be sure that anger is not
born of injury.")

And a sentence later he continues:

"Ut scias" inquit "non esse iram poenae
cupiditatem, infirmissimi saepe potentissimis
irascuntur nec poenam concupiscunt quam non
sperant."
(I.3.2)

("But," he says, "that you may know that anger
is not the desire to exact punishment, the weak-
est men are often angry at the most powerful, and
if they have no hope of inflicting punishment,
they have not the desire.")

Indeed, the *adversarius* denies that anger stems from *iniuria* immediately upon his appearance in the De Ira, a fact that places *iniuria* in the foreground of the discussion. Furthermore, he contends that anger is not a desire for exacting punishment. As with *iniuria*, the term *poena* (penalty for a particular offence) has a legal in addition to a general meaning.⁶⁴

But the adversarial position is also remarkable because it not only

⁶⁴OLD, entry 1a, gives the legal, and entry 2, the general meaning. OLD, entry 1c, is also instructive, as is another entry in the XII Tables (Warmington, *ibid*): "*si iniuriam [alteri] faxsit, XXV [aeris] poenae sunt.*"

Seneca's assumed definition, and this provides Seneca the occasion to respond in agreement, rebuttal, or clarification. He concurs with his *adversarius*, but with an important exception.

Primum diximus cupiditatem esse poenae exigendae,
non facultatem; concupiscunt autem homines et quae
possunt.

(I.3.2)

(In the first place, I spoke of the desire to exact
punishment, not of the power to do so; moreover,
men do desire even what they cannot attain.)

The *adversarius* was correct in stating Seneca's basic view, but incorrectly extended it. Desire and the ability to fulfill it had to remain separate. Nevertheless, Seneca's definition as noted by his interlocutor was essentially accurate and, as Seneca soon continues, roughly identical to Aristotle's.⁶⁵

Aristotelis finitio non multum a nostra abest,
ait enim iram esse cupiditatem doloris reponen-
di.

(I.3.2)

(Aristotle's definition differs little from mine;
for he says that anger is the desire to repay
suffering.)

Still Seneca distinguishes his own view markedly. *Cupiditatem doloris reponendi* (the desire to repay suffering) and *cupiditatem poenae exigendae*

⁶⁵For Aristotle as a quasi-legal theorist or quasi-jurist, see chapter 5.

(the desire to exact punishment) differ in an important respect: the latter also possesses a generally recognized legal meaning in addition to its "lay" sense.⁶⁶ Thus, from the very beginning Seneca furnishes the De Ira a legal context and, what is most surprising, insists on a definition which, by contrast with Aristotle's, gets its force from outside--a crucial fact that has gone unnoticed.⁶⁷

So this apparently minor variation of definitions has major consequences: it is a salient piece of evidence added to the steady accumulation of data in support of a thesis that a satire on Roman Law, not simply an ethical enquiry, was what Seneca had in mind. Its prominence early in the De Ira, its position subsequent to the initial remonstrance of the *adversarius*, and the emphasis on terms normally applied in a legal manner are impossible to dismiss. At the same time, the legal language and satiric features of the previously examined passages in the second book advance the case for a satiric purpose even further. Seneca has employed legal jargon at crucial points where he could have chosen a more neutral vocabulary in the interests of philosophical clarity

⁶⁶OLD, entry 8c.

⁶⁷Basore, 112, attributes the origin of Seneca's definition to Posidonius, as preserved by Lactantius: "*ira est cupiditas ulciscendae iniuriae.*" Nowhere is the legal sense of *iniuria* mentioned, an interesting oversight in view of the *exempla* and other legal terms that Seneca provides, all of which technically fall within the scope of the delict. See chap. 2, *passim*.

and precision; instead, he elects to approach a vice much criticized in antiquity from an entirely different angle.⁶⁸ Seneca's phraseology is both explicit and explicitly legal: anger is the *cupiditatem poenae exigendae* ("desire for exacting punishment") and its cause is a *species iniuriae* (case of injury/outrage).⁶⁹

It becomes more plausible that Seneca is deliberate in his use of *iniuria* as a term appropriated from Roman Law once its context is explored. The application of a single word or expression from the law would not by itself go to show that Roman Law is a conspicuous theme; but Seneca very nearly compiles a legal lexicon in the course of the De Ira, as the terminology which qualifies *iniuria* will indicate.⁷⁰ Two especially telling examples illustrate this.

- (1) ...iram ipsam castigandam habet, quae nihilo melior est, saepe etiam peior is delictis quibus irascitur. Gaudere laetarique proprium et

⁶⁸*Malum* (evil-doing, wickedness: OLD, entry 3), *improbitas* (outrageous or immoderate behavior: OLD, entry 2), or *iniustitia* (unjust behavior: OLD, entry 1), to give just three examples, are generic terms which Seneca might have chosen for his definition of anger. At II.26.4 and II.27.1, Seneca uses the verb *nocere* (to harm) in contradistinction to *iniuriam facere* (to commit an injury) in order to distinguish the generic sense from the legal. See chap. 2 two, *passim*, for a detailed discussion of Seneca's treatment of *iniuria* in the De Ira.

⁶⁹I.3.2 and II.1.3.

⁷⁰See Appendix of Senecan legal vocabulary for a list of legal terms used in the De Ira and citations from the work in which the legal sense is plain.

naturale virtutis est: irasci non est ex dignitate eius, non magis quam maerere....

(II.6.2)

(...anger in itself (virtue) considers reprehensible, for it is no way better, often even worse than those delicts which provoke anger. The distinctive and natural property of virtue is to rejoice and be glad; it no more comports with dignity to be angry than to be sad...)

(2) ...nusquam oculi eius flectentur ut non quod indignentur inveniant: deficiet, si totiens a se iram quotiens causa poscet exegerit.

(II.7.2)

(...nowhere will (the wise man's) eyes be turned without finding something to move them to indignation. he will lose, if he requires himself to be angry every time he has a case.)

Several terms in the two passages merit analysis in connection with *iniuria*: *delictis* (delicts) and *dignitate* (rank, status, standing, esteem) in the first section; *indignentur* (become indignant), *deficiet* (will lose his case), and *causa* (case) in the second.

Dignitas (rank, status, standing, esteem) and its cognate *indignor* (become indignant) are particularly germane to our examination of *iniuria* as a legal term. In the first passage Seneca takes issue with a commonplace of Roman culture and law, that violation of *dignitas*, one's

personal standing or repute, is just cause for anger.⁷¹ As defined, the important and usual connotations of *dignitas* are status, rank, position, esteem, and importance, or, a condition in which one enjoys one's own and others' esteem.⁷² But Seneca's disagreement is also, by implication, dissent from standard Roman legal theory and practice: according to the legal tradition, citizens with full rights, especially citizens enjoying distinctive rank or honor--tribunes, praetors, or senators, for example--could take action based on assault to their person or an affront to their reputation: that is, their *dignitas*.⁷³ The category of Roman Law under which actions of this class applied was known as the law of delicts, and the delict under which these actions could be pursued was titled *iniuria*.⁷⁴

Seneca not only associates anger and Roman Law, he boldly places *ira* on a par with those "*delictis quibus irascitur*" (delicts at which one is

⁷¹Berger, 502: "Specifically *iniuria* embraces...offenses against the good reputation of a person, as defined in the Twelve Tables, in the praetorian edict, in the *lex Cornelia de iniuriis*, and later in imperial constitutions." See n. 107 for additional discussion of the *lex Cornelia*.

⁷²OLD, entries 3 and 4.

⁷³Ibid.

⁷⁴See Nicholas, 207-27, or W. W. Buckland, *A Textbook of Roman Law: From Augustus to Justinian*, 3d ed., rev. Peter Stein (London: Cambridge University Press, 1971), 576-604, for the more recent surveys of the law of delicts.

angered) as "*saepe etiam peior*" ("sometimes even worse").⁷⁵ As with *iniuria*, *delictum* (delict) possesses both a general and a technical legal sense.⁷⁶ It recurs in the *De Ira* with some frequency, but unlike *iniuria*, which often has a neutral meaning, *delictum* normally denotes a prescribed legal category.⁷⁷ For an author versed in the law in a work nominally addressed to a brother equally familiar with Roman jurisprudence, proximate use of two terms so closely associated in the legal literature can hardly be coincidental.⁷⁸ Nonetheless, the text must and does provide a better case. *Delictum* (delict) refers to a broad classification

⁷⁵II.6.2.

⁷⁶OLD, entry 1, gives the general sense: an act which falls short of an approved standard of conduct; a misdeed, offence, or fault. Berger, 430, provides the legal meaning: "A wrongdoing prosecuted through a private action of the injured individual and punished by a pecuniary penalty paid to the plaintiff." And more specifically: "*Delictum* is the source of one group of obligations (*obligationes ex delicto*) which in the fundamental division of obligations is opposed to the contractual ones (*obligationes ex contractu*").

⁷⁷R. Busa, S.J. and A. Zampolli, eds., *Concordantiae Senecanae*, 2 vols. (Hildesheim and New York: Georg Olms Verlag, 1975), 264, cite five instances of the word in the *De Ira*, and all are used in the legal sense.

⁷⁸Miriam Griffin, *Seneca: A Philosopher in Politics* (Oxford: Clarendon Press, 1976), 36 ff., 43ff., surveys the education and career of Seneca, and, 45-48, 83-84, 245, periodically refers to Seneca's brother and addressee, later adopted by L. Junius Gallio, and cites his magistracies, particularly the proconsulship of Achaëa in 51-2 A.D., during which he refused to entertain the charges against the apostle Paul as described in Acts: 12-17. Cf. René Waltz, *Vie de Sénèque* (Paris: Librairie Académique, 1909), 21-37, the standard biography of Seneca, for an account of Seneca's education.

of Roman law which includes offences grouped under the term *iniuria*.⁷⁹ Seneca's intentional citation of this legal category is reinforced in the same passage.

Modus enim esse non potest, si pro facto cuiusque irascendum est; nam aut iniquus erit, si aequaliter irascetur delictis inaequalibus, aut aut iracundissimus, si totiens excanduerit quotiens iram scelera meruerint.

(II.6.4)

(No limit, surely, can be set if the degree of his anger is to be determined by each man's deed. For either he will be unjust if he has equal anger toward unequal delicts, or he will be habitually angry if he blazes up every time crimes give him warrant.)⁸⁰

As an extension of his rebuttal to the *adversarius*' contention that it is a mark of virtue to be angered by *turpibus* (disgraceful or base actions), Seneca substitutes the more unequivocal *delictis* (delicts) twice; he thereby confines or narrows his reply: it is the law of delicts which entitles the pursuit of legal action based on *iniuria*, and it is *iniuria* which includes the *scelera* (crimes) regarded as offensive to *dignitas* (rank, status, standing, esteem).⁸¹

⁷⁹For violations encompassed by the delict, see chap. 2.

⁸⁰Rist, 81-91, devotes an entire chapter to this paradox, but without citing this passage from the *De Ira*.

⁸¹II.6.1: '*Virtus*,' inquit, '*ut honestis rebus propitia est, ita turpibus irata esse debet.*'

Seneca transfers attention from the more comprehensive *turpibus* (disgraceful or base actions) to the legally definitive *delictis* (delicts) as a prelude to his unflattering appraisal of the courts.⁸² As he had earlier carefully distinguished his definition and his terms from the neutral terminology of the *adversarius* and Aristotle, Seneca repeats the pattern: his disagreement effectively superimposes a legal shape on the discussion of *ira*.⁸³ To a Roman magistrate such as Novatus, there would have been no question that *nusquam oculi eius flectentur, ut non quod indignentur inveniant* (nowhere will his eyes be turned without finding something to move them to indignation) meant the delict *iniuria*, for *indignentur* (become indignant) implied the assault on *dignitas* (rank, status, standing, esteem) which justified an action based on *iniuria*. But Seneca finishes where his *adversarius* began by returning to *turpibus* (disgraceful or base actions) in a stricter sense: the litigation and the attorneys who promote it.⁸⁴ In so doing, he reverses his opponent's emphasis by referring to *lites* (lawsuits) as *turpes* (disgraceful) and their *advocatos* (attorneys) as *turpiores* (more disgraceful).⁸⁵ Thus, instead of attributing disgrace to

⁸²For Seneca's diatribe on the courts, see II.7-9.

⁸³For these definitions of *ira*, see I.3.1-3.

⁸⁴See especially II.7.3

⁸⁵For *lites* (OLD, entry 1): a dispute at law, a lawsuit. For *advocatus* (OLD, entry 1): one who supports or advises a party to a lawsuit.

crimes, which often produce those disturbances of the mind which precede *ira*, Seneca purposely transfers the object of disgrace (and the topic at hand) to the legal process and its practitioners.⁸⁶

The *nec vitia nostra nec remedia pati possumus* ("we can endure neither our vices nor their cures") of Livy's preface suggests Seneca's focus here, and is an earlier and more general statement of the problem Seneca speaks of in the De Ira.⁸⁷ For Livy, the remedies for Rome's moral decline seemed as difficult for the state to bear as the moral decadence itself, and he prescribes examples for imitation or avoidance from Rome's past as a palliative for the social ills of his time. In a similar vein, Seneca not only decries the vice of anger, but is also critical of the delict *iniuria*, since this provides anger a legitimate and socially acceptable instrument of expression. Yet his method in doing so frequently abandons argument for the sake of paradox--or satiric irony, figures much more amenable to

⁸⁶At II.3.1-5, one of the key chapters in the De Ira, Seneca differentiates between *ira* and the *motus animi* (disturbance of the mind) which comes before it, but not without eventually introducing legal connections. Thus, at II.3.5: *Ergo prima illa agitatio animi quam species iniuriae incussit non magis ira est quam ipsa iniuriae species; ille sequens impetus, qui speciem iniuriae non tantum accepit sed adprobavit, ira est, concitatio animi ad ultionem voluntate et iudicio pergentis*. Seneca includes here the conditions under which *iniuria* can be legally applied. See chap. 2.

⁸⁷B. O. Foster, trans., Livy I: Books I and II (Cambridge: Harvard University Press, 1919), *praef.*, 7.

his purpose.⁸⁸ In point of fact, Seneca's dominant theme becomes comprehensible only as an outgrowth of satiric irony: the law itself services anger in a paradoxical collaboration and alliance. If anger is *cupiditatem poenae exigendae* (the desire for exacting punishment), the *iniuria* that one suffers becomes the accepted means of satisfying it.⁸⁹ Seneca must have seen this eagerness to cause pain as a major social ill of his time, much as Livy had observed a general moral collapse earlier. His denunciation of anger would require the censure of *iniuria* because the delict was both permissive and promotional, furnishing *ira* all the benefits of a social value.⁹⁰ Justice ironically becomes the very crime it was set up to punish.

For Seneca to conclude that *ira* is caused by a *species iniuriae* (case of injury/outrage) was a daring appraisal.⁹¹ It implied that the delict--or law itself--was responsible for the perpetration of *ira*. Seneca's extravagant condemnation of the courts displays the result of *ira* and *iniuria* in response to the claim that "*Virtus...ita turpibus irata esse debet*

⁸⁸See chap. 5 on Seneca's use of paradox and irony as they apply to the *De Ira* as parody of an epistolary legal *responsum*.

⁸⁹I.3.2.

⁹⁰For the range of the delict and its social consequences, see chap. 2.

⁹¹For the legal sense of *species*, see OLD, entry 11, but especially Ulpian, *Digest* 4.3.7.3: *Labeo...adfert talem speciem*; also 4.4.19.1: *post speciem in auditorio eorum finitam*.

("Virtue ought to be angered at what is base").⁹² But prior to his diatribe, in what might well serve as a summary of his view as well as a satiric reduction to absurdity, Seneca had offered this remark: "*deficiet, si totiens a se iram quotiens causa poscet exegerit*" ("He will lose his case if he forces himself to be angry every time the case requires"). In the context of what precedes and follows, *causa* can only mean legal case or trial, not the more general cause, reason, or occasion.⁹³ At the same time, *deficiet* (he will lose his case) becomes less a suggestion of Stoic resignation in the face of injustice than an example of hyperbole: no one confronted with grounds for action Seneca presents as commonplace could pursue them all or be victorious.⁹⁴ Seneca's point is twofold: first, the connection between *ira* and *causa* (case), but secondly, the exaggerated importance of *causae* (cases) which practically demand *ira* in order to be pursued. Injustice is so rife as to entail obligatory outrage on an outrageous scale. And as he observes: "*Numquam irasci desinet sapiens, si semel coeperit*" ("Never will the wise man cease to be angry if once he

⁹²II.6.1.

⁹³OLD, entries 1 and 2, provide the legal significance; OLD, entries 9, 7, and 5b provide the more general meanings.

⁹⁴*Deficiet* has a double significance here: to fail to make a legal claim (OLD, entry 9d), and to succumb to tiredness or moral weakness (OLD, entry 5b).

begins").⁹⁵ But Seneca notes thereafter that "*Omnia sceleribus ac vitiis plena sunt*" ("Every place is full of crime and vice"), and "*plus committitur quam quod possit coercitione sanari*" ("too many crimes are committed to be cured by any possible restraint").⁹⁶

Satiric hyperbole continues throughout the chapter in the same fashion, adding layer upon layer of protest in a manner the satires of Juvenal would later recall, as the following should demonstrate.⁹⁷

Maior cottidie peccandi cupiditas, minor verecundia est; expulso melioris aequiorisque respectu quocumque visum est libido se impingit, nec furtiva iam scelera sunt: praeter oculos eunt, adeoque in publicum missa nequitia est et in omnium peccatoribus evaluit ut innocentia non rara sed nulla sit. Numquid enim singuli aut pauci rupere legem? undique velut signo dato ad fas nefasque miscendum coorti sunt....

(II.9.1-2)

(Every day the desire for wrongdoing is greater, the dread of it less; all regard for what is better and more just is banished, lust hurls itself wherever it likes, and crimes are now no longer secret. They pass before our very eyes, and wickedness has come to such a public state, has gained such power over the hearts of all, that innocence is not rare--it is non-existent. For is it only the individual or the few who break the law? Everywhere, as if at a given signal,

⁹⁵II.9.1.

⁹⁶Ibid.

⁹⁷Cf. Juvenal Saturae 3.41-57.

men rise to level all the barriers of right and wrong.)

After this more general conspectus of iniquity, Seneca enlarges his scope and remarks that what he has previously described is but "*pars scelerum est*" ("only a portion of the crimes").⁹⁸ He lengthens the list with a relentless tally of Roman social and political calamities, yet returns to the courts and the righteous *ira* which his *adversarius* had recommended as a solution to the violated *dignitas* (rank, status, standing, esteem) which warrants an *actio iniuriarum* (action for outrage).⁹⁹

Adde nunc publica periuria gentium et rupta foedera et in praedam validioris quidquid non resistebat abductum, circumscriptiones furta fraudes infitiationes quibus trina non sufficiunt fora. Si tantum irasci vis sapientem quantum scelerum indignitas exigit, non irascendum illi sed insanendum est.

(II.9.4)

(Add now to these, public acts of perjury between nations, broken treaties, and all the booty seized when resistance could not save it from the stronger, the double-dealings, the thefts and frauds and debts disowned--for such crimes all three forums supply not courts enough! If you expect the wise man to be as the indignity of crimes compels, he must not be angry merely, but go mad.)

⁹⁸II.9.3.

⁹⁹Berger, Encyclopedia, 502: "It was in particular the praetorian law which...defended the honor of a Roman citizen against defamation by according a special action, *actio iniuriarum*."

Seneca thus ends a prolonged rebuttal of his opponent before advancing to a different interpretation of *ira* and a plea for reform which is typical of a satiric scheme.¹⁰⁰ However, Seneca has contributed much to an understanding of his design in a brief stretch at nearly the center of his essay: chapter six begins with an attempt by Seneca's *adversarius* to sanction anger as an appropriate reaction to injustice; chapter nine starts and concludes with an emphatic appeal to the absurdity of this view.

Even more significantly, the fundamental themes of the De Ira are presented in this span, and the means employed to convey them are not conventional philosophic methods, but the more subtle figures characteristic of satire, such as irony and hyperbole.¹⁰¹ Most obvious in this regard is Seneca's conscious accentuation of Roman law and the court milieu. His legal landscape offers a grim panorama of corruption: the fora teem with business from daybreak, are insufficient for the caseloads, and all the participants manifest their guilt or exhibit some form of disgraceful behavior. Criminality is ubiquitous according to Seneca, and so is hypocrisy: those entrusted with the execution of justice transgress the laws themselves and commit the same offenses over which they sit in judgment

¹⁰⁰See Horace Sermones 1.92-100 and Juvenal Saturae 10.346-66.

¹⁰¹Highet, 18, lists "the typical weapons of satire--irony, paradox, antithesis, parody, colloquialism, anticlimax, topicality, obscenity, violence, vividness, exaggeration...."

or for which they provide evidence. Seneca has unremittingly depicted a judicial climate so bleak as to suggest a total absence of right. Reasoned proof is in abeyance here, supplanted by the extremes of hyperbole, the tactic so familiar to the satirist in his quest for reform, but utterly foreign to the philosopher in his insistence on sequential reasoning.

The improprieties of Seneca's forum loom so immense they obscure the topic which originally prompted his exaggerated depiction of Roman crime and corruption--*ira*. Seneca has identified his reader, snatched him from the expectation of impunity, hauled him to one of the *trina fora* (three forums), and compelled him to endure interminable turpitude--much as the adverbial *molestus* (pest) in Horace--and all in reply to the simple and apparently sensible objection, presumably founded on received wisdom, that the virtuous are obligated to be angered at injustice.¹⁰² Yet what may be prematurely judged as unnecessary rhetorical display or an unforgiveable detour from a sequence of proofs becomes perfectly understandable if Seneca's purpose is satire. In that case, not only does his long hyperbole make sense, but, outside a philosophical context, his technique ceases to appear flawed from a philosophical perspective and takes on a more acceptable--and creditable--appearance. Seneca's harangue seems to be a casual, spontaneous, improvisation without relevance to the

¹⁰²See Horace Sermones 1.9.

central problem of anger. But this also is a conventional satiric device: a deliberate and quite purposeful digression whose end must be more carefully pursued.¹⁰³

Seneca's tirade leads to two conclusions in reaction to the opinion proffered by his *adversarius* on righteous anger: first, that the *sapiens* (wise man) will never cease from anger, since anger must become the hallmark of wisdom; secondly, the extent of iniquity will provoke madness.¹⁰⁴ Both conclusions, extreme as they are, hinge on the exaggeration which allows them credence. The divergence by which Seneca comes to the point is essential to his plan. Only an overwhelming survey of contemporary evil, such as Seneca provides, can convincingly reduce the possibility of righteous anger to absurdity; and only a polemic

¹⁰³Griffin, 16, cites Horace's *Sermones* as a literary model for Seneca, and the digressions in the *De Ira* possess the approximate spirit and tone observed in the satires. Cf. Henricus Weber, "*De Senecae Philosophi Dicendi Genere Bioneo*" (Ph.D. diss., Marburg, 1895), 1-6. Fraenkel, 94, notes the following about this technique: "...the formula and the device of the digression whose end it marks are also a means of loosening what otherwise might become too tight and systematic an arrangement. Throughout his *Sermones* Horace...wants to talk, as a gentleman will walk in congenial company. In a talk it is perfectly proper to wander, or seem to wander, from the subject under discussion and elaborate some side issues..." Cf. Freudenburg, 109-84.

¹⁰⁴Seneca mentions the connection between *ira* and *insania* quite early in the *De Ira*, at I.1.2: *Quidam itaque e sapientibus viris iram dixerunt brevem insaniam.*

on the legal condition of Roman society can call judicial recourse to delicts into question as a valid remedy by which to redress *iniuria*. The symbiosis between anger and the law of delicts comes into high relief in these passages. Seneca begins chapter six of the second book with *ira* and ends the ninth chapter with it, but the dominant and recurrent theme is Roman law, and this commands the center of his attention.

But finally, in addition to hyperbole and apparent spontaneity, these passages reveal a third ingredient of satire. Seneca's insinuation of law into an essay on anger establishes the basis for an underlying tension which, although most obvious in the middle of his discussion, in fact pervades the entire work. As he remarks prior to mention of the *delicta* (delicts) with which one becomes angered:

Nec umquam committet virtus ut vitia dum
compescit imitetur....

(II.6.2)

(And virtue will never be guilty of simulating
vice in the act of repressing it....)

Righteous anger in the common view was virtuous, and the Roman law of delicts, more explicitly the delict of *iniuria*, facilitated its expression. And herein lies the irony: the *actiones iniuriarum*, instigated as a consequence of outraged *dignitas* (rank, status, standing, esteem), became tantamount to an expression of *ira*. In the guise of probity and under the aegis of

Roman statutes, anger was granted unlimited license. As the only vice he thought worthy of such lengthy and exclusive treatment in any of his philosophical works, Seneca must have estimated anger the principal ill of his time. But in order to expose it fully and recommend a genuine remedy, Seneca would have to challenge the law which made its manifestation an acceptable social and moral pestilence.

CHAPTER TWO

INIURIA

By Seneca's time the Roman law of delict and *iniuria* as a legal term had an extensive tradition and history; both originate in the earliest source of Roman law, the Twelve Tables.¹⁰⁵ The special character of the delict *iniuria* appears in seminal form there, and it would remain the basis on which succeeding eras could rely as a precedent for interpretation or amplification. Although the most comprehensive meaning of the term signifies unlawful conduct generally or the absence of a right, *iniuria* as a specific delict possesses two prominent features.¹⁰⁶ As a recent author

¹⁰⁵Warmington, 475-77, provides text, translation, and commentary on the sources and *testimonia* for Table VIII, where violations encompassed by *iniuria* are cited. Nicholas, 207-11, and Bruce Frier, A Casebook on the Roman Law of Delict (Atlanta: Scholars Press, 1989), 1-2, 177, present brief synopses of the history and tradition.

¹⁰⁶See OLD, entry 1, and Nicholas, 215. Of special importance here is the confusion which may arise concerning the legal use of the word. Although it can refer to the delict *iniuria*, the word itself may also indicate the cause of an action when it occurs, as it often does, in the ablative case. Thus Frier, *passim*, standardly translates its frequent occurrence in the *lex Aquilia* as "wrongfully." In the *De Ira*, Seneca's discussion pertains to the delict, as examples to follow will clearly show. Justinian, *Inst.* 4.3 and 4.4 highlight the distinction.

briefly summarizes, *iniuria* "included not merely physical assaults and oral or written insults and abuse, but any affront to another's dignity or reputation and any disregard of another's public or private rights, provided always that the act was done wilfully and with contumelious intent."¹⁰⁷ Thus, physical assault and personal affront or insult were the central offenses which the framers of the Twelve Tables intended to address; these at least were the broad categories under which the various violations of the delict fell.¹⁰⁸

These two rather expansive divisions eventually subsumed an ever wider range of behaviors to which *iniuria* could apply.¹⁰⁹ Aside from the practical difficulties produced by the crowdedswollen *fora* to which Seneca testifies, the extended scope of the delict obscures a more basic issue regarding the law of delicts and *iniuria* in particular.¹¹⁰ Modern

¹⁰⁷Nicholas, 216.

¹⁰⁸Warmington, 475-77.

¹⁰⁹Frier, 177, and Nicholas, 216-17, refer briefly to this historical development, whose course, as noted by Berger, 502, was shaped by the praetorian edict, the *lex Cornelia de iniuriis* of 81 B.C., and the imperial constitutions. Of these, the praetorian edict was perhaps the most influential factor in determining what could be considered a violation of the delict. Nicholas, 216, carefully examines the expanded role of the praetor--established by the *lex Aebutia* during the second century B.C.--to decide actionable offenses. As a force and influence on the prevailing legal view on *iniuria* in Seneca's time, the latitude of interpretation granted the praetor cannot be underestimated.

¹¹⁰See II.9.4 on Seneca's view of the courts.

scholars have noted that the Roman law of delict possessed aspects common to both modern criminal law and tort law; the sanctions imposed were of a punitive as well as a compensatory nature.¹¹¹ Although both aspects are of interest, the punitive element is more relevant and remarkable for legal historians, since it represents the survival of a primitive means and ultimately a system or method of redressing grievances; the penal nature of delictal actions preserves the principle of self-help or vengeance.¹¹² Seneca was himself well aware of the vindictive quality of actions for delict, especially *iniuria*, and he recognized a vital connection between the vice of anger and its legitimization or encouragement through the most socially acceptable of means--the courts.

From the very beginning of the De Ira, the legal terms employed are unmistakable evidence that Seneca's endeavor is not merely a treatment of anger, but of the delict *iniuria* as well. The legal sense of his definition of anger as "*cupiditatem...poenae exigendae*" (the desire for exacting punishment) (I.3.2) has already been noted, yet this is one instance of many where Seneca's expression gains point once given a definite legal

¹¹¹Nicholas, 207-8, and Alan Watson, Roman Law and Comparative Law (Athens and London: University of Georgia Press, 1991), 69-74 and 166-81.

¹¹²Nicholas, 209.

interpretation rather than an indefinite or general meaning.¹¹³ Variations of this phrase regularly occur in the *De Ira*, all of which convey the notion of penalty as phrased by the Roman jurists.¹¹⁴ Seneca thus connects anger to the punitive or vindictive character of the law of delicts, as is clear in the first section of the first book:

...armorum, sanguinis suppliciorum minime humana
furens cupiditate, dum alteri noceat sui neglegens,
in ipsa irruens tela et ultionis secum ultorem
tracturae avidus.

(I.1.1)

(...raging with a most inhuman desire for weapons, blood, and punishments, indifferent to itself provided it can injure another, hurling itself even at weapons and avid for revenge even at the cost of self as avenger.)¹¹⁵

Supplicium (punishment), *ultio* (revenge), and *ultor* (avenger) are prominent in the passage. As the final element of Seneca's asyndeton, *supplicium* (punishment) is highlighted and serves as the *genus* under which *armorum* (weapons) and *sanguinis* (blood) are to be included as *species*. Although *supplicium* denotes punishment in the lexica, it is

¹¹³See Chap. 1, 40-42.

¹¹⁴OLD, entries 1a and 2.

¹¹⁵Cf. the relentless call for revenge by the furies at the opening of Seneca's *Thyestes*.

typically applied as a stronger form of *poena*.¹¹⁶ Both its inclusion and position in the series indicate this. *Supplicium* often specifies retribution of a physical nature, especially execution, which accounts for its placement subsequent to *armorum* (weapons) and *sanguinis* (blood).¹¹⁷ But Seneca's reference to *ultio* (revenge) is no less consequential, for it associates the ideas of punishment exacted by law with revenge as a motive.¹¹⁸

More significant, however, is the progression of thought whereby Seneca introduces these terms. Instead of responding immediately to his brother's query, he shifts to a denunciation of anger which concludes with an exaggerated and grotesque portrait:

...nam ut furentium certa indicia sunt audax et minax vultus, tristis frons, torva facies, citatus gradus, inquietae manus, color versus, crebra et vehementius acta suspiria, ita irascentium eadem signa sunt: flagrant ac micant oculi, multus ore toto rubor ex aestuante ab imis praecordiis sanguine, labra quatiuntur, dentes comprimuntur, horrent ac surriguntur capilli, spiritus coactus ac stridens, articulorum se ipsos torquentium sonus, gemitus mugitusque et parum explanatis vobus sermo praeruptus et conplosae saepius manus et pulsata humus pedibus et totum concitum corpus....

¹¹⁶OLD, entries 3a and b.

¹¹⁷Ibid.

¹¹⁸Berger, 633, highlights this, as does Nicholas, 207.

(...for as the marks of the mad are certain--a bold and threatening mien, a gloomy brow, a fierce expression, a hurried step, restless hands, an altered complexion, a quick and more violent breathing--so likewise are the marks of the angry man; his eyes blaze and sparkle, his whole face is crimson with the blood that surges from the lowest depths of the heart, his lips quiver, his teeth are clenched, his hair bristles and stands on end, his breathing is forced and harsh, his joints crack from writhing, he groans and bellows, bursts out into speech with scarcely intelligible words, strikes his hands together continually, and stamps the ground with his feet; his whole body is excited....)

Such an elaborate display at bottom evades the problem Novatus has raised: "*quemadmodum posset ira leniri*" (in what way anger can be diminished). Seneca's digression is not essential to formulating a philosophical position, but quite material to a satiric programme.¹²⁰

Although he will ultimately answer the question, Seneca must first

¹¹⁹Dorothy May Paschall, "The Vocabulary of Mental Aberration in Roman Comedy and Petronius," *Language* 15, supplement (Jan.- March, 1939): 39-45, discusses *furere* and its derivatives as the terms of choice in the law books and the jurists to describe violence in feelings and actions. Seneca's list as much resembles a collection of diagnostic signs or symptoms as a description of the physiological manifestations of anger. Busa and Zampolli, 511-12, list twenty-one cases of *furere* and its cognates in the *De Ira*. Seneca often employs the term in the same sense in the plays. Cf. *Phaedra* 711 and 937, or *Medea* 673.

¹²⁰Seneca artfully weaves a tapestry depicting the ugliness of *ira* in order to graphically represent its undesirability. Hightet, 242, refers to this feature of satire as the satirist's paradoxical "aesthetic." See above, Chap. 1, 29, on digression as a satiric technique.

achieve other ends; anger must appear indefensible and its relationship to the delict *iniuria* must be elucidated.

In the opening chapter he begins both projects; the hideous vision of the angry man renders anger too repulsive to defend, whereas the introduction of *supplicium* (punishment) and *ultio* (revenge) are indications to Novatus that Roman law will be indispensable to Seneca's plan. References to the legal underpinnings of *ira*, however, do not cease with mere mention of these two terms; the chapter also contains an extensive estimation of the personal consequences of anger, which implies a legal background and significance not immediately noticeable.

...aeque enim impotens sui est, decoris oblita,
necessitudinum immemor, in quod coepit pertinax
et intenta, rationi consiliisque praeclusa, van-
is agitata causis, ad dispectum aequi verique
inhabilis, ruinis simillima quae super id quod
oppressere franguntur.

(I.1.2)

(...for it is equally devoid of self-control, forgetful of decency, unmindful of ties, persistent and diligent in whatever it begins, closed to reason and counsel, excited by groundless cases, unfit to discern the equitable and true, most akin to ruins which themselves break on what they crush.)

All of these effects in themselves possess a superficially universal applicability; they could conceivably pertain to anyone overtaken by *ira*. Seneca's addressee, however, was known to have been a Roman magistrate, to have presided over the courts, and, given the legal emphasis

of Roman education among the upper stratum of society, to have had exceptional legal expertise.¹²¹ The opening request of Novatus may have been an artistic convention; in any case, his official capacity enjoys historical evidence.¹²² As such, the importance of Novatus as addressee is paramount with respect to the above passage and others in the De Ira.¹²³

If the results of *ira* which Seneca lists are broadly pertinent, their presence in a state or judicial functionary is yet more noteworthy, as are its consequences. More to the point, the vocabulary Seneca has chosen suggests that judicial conduct is precisely his interest; in the context of ordinary usage his terms will not bear close inspection. Seneca's brief catalogue is of minimal relevance for the slave or freedman, although the Stoic moral stance toward *ira* it represents would be no less personally beneficial.¹²⁴ Civic neglect perhaps best summarizes the sequence. "*Sui*

¹²¹See above, Chap. 1, n. 78, on the career of Novatus.

¹²²Ibid.

¹²³Griffin, 9, remarks on Seneca's "frequent emphasis on aspects of behaviour that are not strictly private," such as "anger in a judge or a *princeps*," and she notes also that Seneca "chose to address these discussions to men engaged in public affairs," including Novatus.

¹²⁴Sandbach, 43, surveys various of the Stoic paradoxes, particularly the kingship enjoyed by the slave who is master of his own thoughts. Strictly speaking, the passage conforms closely with Stoic ethics, as the emphasis on self-mastery and reason indicates. For more detailed discussion of these two principles within the Stoic system, see Sandbach,

impotens" (powerless over oneself) and its opposite, *sui potens* (self-controlled), recall the legal phrase *sui iuris* (in one's own power), which meant possession of the full rights and privileges of Roman citizenship.¹²⁵ To be sure, *decor* (propriety) and *necessitudo* (obligation), although civic ideals, are hardly expected of the general populace in any age.¹²⁶ Yet the insertion of "*rationi consiliisque praeclusa*" (closed to reason and counsel) and "*vanis agitata causis*" (excited by groundless cases) reveals Seneca's intent as well as his intended audience. Despite the generic "reason" and "counsel" afforded the terms, neither *ratio* nor *consilium* have an integral function in the daily routine of the potter, the weaver, the baker, or cook.¹²⁷ Nor is it debilitating that such folk are

28-68.

¹²⁵As Seneca uses *sui impotens*, it is synonymous with the "*brevem insaniam*" (temporary madness) he has just mentioned. OLD, entry 2b, gives "out of one's mind, deranged" as the sense, whereas *sui potens* (OLD, entry 2) means "one's own master." *Sui iuris* describes the legal authority or *potestas* of the Roman *paterfamilias*. See Nicholas, 67-8.

¹²⁶For the respective meanings of *decor* and *necessitudo*, see OLD, entry 3, and OLD, entries 1 and 3.

¹²⁷Although *ratio* has a broad range of possible meanings, OLD, entry 7a, gives the most comprehensive sense. Generally speaking, however, Seneca seems to be using it as an "umbrella" term to denote the entire range of mental activities which the word can describe, such as any calculation (OLD, entry 1), estimate of proportion (OLD, entry 3), or scheme of action (OLD, entry 10). *Consilium*, whose prefix alone would point to a collective undertaking, often refers to a deliberative or advisory body (OLD, entry 3a). Even more specifically, *consilium* refers to an official group, such as a council of state, a senate, or jury (OLD, entries 3b

"*ad dispectum aequi verique inhabilis*" (incapable of discerning the just and true). In fact "*vanis agitata causis*" is perfectly straightforward legalese for "excited by groundless cases" no less than "excited by trifling causes." Thus, the legal bias of the entire sequence becomes conspicuous, and Seneca's choice of *ira* as motif emerges as a specialized and individually tailored legal reply to a Roman magistrate. Restraint, propriety, a sense of obligation, flexibility, amenability to counsel, resistance to frivolous suits, and recognition of what is fair and factual all comprise a set of ideal criteria of little significance unless for someone entrusted with judicial authority.¹²⁸ Seneca's brother and addressee was unmistakably such a figure.

Seneca becomes much more legally explicit in the following chapter, a prolonged and rhetorically intricate survey of the civic as well as the general consequences of *ira* which foreshadows his later diatribe on the courts and fuses the language of the law with satiric hyperbole.¹²⁹

and c). If Seneca uses *consilium* to qualify *ratio*, he hardly had the slave or freedman in mind.

¹²⁸James Kelly, *Roman Litigation* (Oxford: Clarendon Press, 1966), 31-68 and 102-117, surveys a number of improper influences in the conduct of litigation and the problem of "the misbehaving judge." As a suggested ideal, Kelly quotes Cicero *Pro Caecina*, 71 ff.: "*Quod enim est ius civile? quod neque inflecti gratia neque perfringi potentia neque adulterari pecunia possit...*" In the context of the present study, Seneca adds *ira* to the list.

¹²⁹II.7-9 covers the diatribe.

Iam vero si effectus eius damnaque intueri velis, nulla pestis humano generi pluris stetit. Videbis caedes et venena et reorum mutuas sordes et urbium clades et totarum exitia gentium et principum sub civili hasta capita venalia et subiectas tectis faces nec intra moenia coercitos ignes sed ingentia spatia regionum hostili flamma relucientia. Aspice nobilissimarum civitatum fundamenta vix notabilia: has ira deiecit. Aspice solitudines per multa milia sine habitatore desertas: has ira exhausit. Aspice tot memoriae proditos duces mali exempla fati: alium ira in cubili suo confodit, alium intra sacra mensae iura percussit, alium intra leges celebrisque spectaculum fori lancinavit, alium filii parricidio dare sanguinem iussit, alium servili manu regalem aperire iugulum, alium in cruce membra diffindere. Et adhuc singulorum supplicia narro....

(I.2.1-3)

(...moreover, if you choose to inspect its results and legal penalties, no plague has cost the human race more. You will see murder and poisoning, the vile countercharges of defendants, the downfall of cities and whole nations given to destruction, heads of state sold at public auction, houses put to the torch, and conflagration that halts not within the city-walls, but makes great stretches of the country glow with hostile flame. Behold the most glorious cities whose foundations can scarcely be traced--anger cast them down. Behold solitudes stretching for many miles without a single dweller--anger laid them waste. Behold all the leaders who have been handed down to posterity as instances of an evil fate--anger stabbed this one in his bed, struck down this one amid the sanctities of the feast, tore this one to pieces in the very home of the law and in full view of the crowded forum, forced this one to have his blood spilled by the murderous act of his son, another to have his royal throat cut by the hand of a slave, another to have his limbs stretched upon the cross. And hitherto I

have mentioned the sufferings of individual persons only....)

After a lengthy display of the physiological manifestations of *ira*, Seneca reverts to this equally satiric account of its toll in as acerbic a panorama as can be found later in Juvenal.¹³⁰ The damages caused by anger narrow from the miscellaneous "*effectus*" (results) to the more exclusive "*damna*," a term which, along with its frequently found causative *damnare*, denotes personal or financial loss as a sequel to unlawfulness, or the restitution levied as compensation for loss.¹³¹ In either case, the legal sense is evident; the subject of the section is the extreme criminal extent to which *ira* can proceed, and is conveyed in legal terms Novatus would instantly recognize.

Seneca begins with *caedes*, the comprehensive term for murder, then proceeds to a litany of specific types whose cumulative effect is enhanced by the lengthy polysyndeton and then, in contrast, the anaphoric use of *aspice*, *has*, and *alium*.¹³² The rhetorical result is that of a relentless climax of innumerable examples of homicide and general destruction. But

¹³⁰Juvenal *Saturae* X, 54-73 closely echoes the tone of the passage. William S. Anderson, *Essays on Roman Satire* (Princeton: Princeton University Press, 1982), 293-314, provides lengthy treatment of the similarities of spirit between the *De Ira* and sections of Juvenal's satires.

¹³¹See OLD, entries 1 and 4, s.v. *damnum*. Berger, 424, supplies some detail, and Nicholas, 218-22, still more.

¹³²For *caedes*, see OLD, entry 1.

Seneca reduces the focus further; murder in its various manifestations requires mention of person and place, since Roman law distinguishes the degree and severity of many offenses, including murder, on this basis.¹³³ Thus, the location advances from the private sphere to the public domain, from the *cubile* (bedroom) to the *mensa* (dinner table) to the *forum* (court); family murder progresses to the assassination of royalty by a slave, from *parricidium* to *servili manu regalem*. In a brief survey Seneca has recounted the direst outcomes of *ira* in terms consistent with the specifics of Roman statute.¹³⁴ The chapter concludes, however, by Seneca reverting to his first association between *ira* and *iniuria*.

Unfortunately, our manuscripts are defective at this point, and a section of the text is missing; when it resumes, Seneca has shifted from diatribe to dialogue (or satiric monologue) prior to the initial objection of the *adversarius* that *ira* does not issue from *iniuria*.¹³⁵ But Seneca must first introduce the concept of *iniuria* into the argument.

¹³³Seneca's use of *percutere* (OLD, entries 1 and 2: "to land a blow; deliver a mortal blow") and his mention of *spectaculum fori* in a similar context would automatically imply violations of *iniuria* and *atrox* (aggravated) *iniuria*. See Gaius, *Inst.* 3.220 and 3.224-5. *Digest* 48.8, on the *Lex Cornelia de Sicariis et Veneficiis*, provides an overview of the distinctions made as to degree and severity with regard to murder.

¹³⁴*Ibid.*

¹³⁵Reynolds, 41, offers a brief commentary on the MSS. problem and a survey of scholarly conjecture on the content of a missing portion of the text. Basore, 110, estimates the loss as a leaf or more of the MS.

Quid? Gladiatoribus quare populus irascitur et tam inique, ut iniuriam putet, quod non libenter pereunt? Contemni se iudicat et vultu, gestu, ardore a spectatore in adversarium vertitur.

(I.2.4)

(Why? Why are the people angered with gladiators, and so unjustly as to deem it an offence that they are not glad to die? They consider themselves affronted, and from mere spectators transform themselves into enemies, in looks, in gesture, and in violence.)

This earliest reference to *iniuria*, although not made in the context of an official judicial setting, mirrors a court proceeding complete with jury (*populus*) and two adversaries (*gladiatoribus*).¹³⁶ At the same time "*contemni se iudicat*" (The people consider themselves affronted) establishes that the judge and jury are identical, since *iudicat* is cognate with *iudex* (judge). Seneca might have used a non-legal vocabulary in describing the games, but he chooses a number of standard legal terms which culminate with *adversarium*, the term which completes the extended legal metaphor.¹³⁷ The point, however, is clear; anger assumes every

¹³⁶Seneca's use of legal metaphor here to suggest a trial setting is by no means idiosyncratic to this passage. For additional examples, see below, Chap. 3, *passim*.

¹³⁷The blurring of roles between plaintiff (*populus*) and judge (*iudex*) is common in Seneca's *exempla*, and points to a corrupt process he closely identifies with the dynamics of *ira* at II.1. For the legal sense of *adversarius*, see OLD, entry 3.

judicial role but that of defendant; plaintiff, judge, and jury are self-appointed. Likewise, *contemni* (affronted) possesses a sense which typifies the very substance of the delict *iniuria*: contempt in word or action, scorn, or insult.¹³⁸

Anger, then, creates its own court, a phenomenon which Seneca will attend to in greater detail later in the De Ira.¹³⁹ In the preceding passage Seneca plainly examines *ira* within the framework of legal metaphor in the aftermath of two sections in which Roman law has been either directly cited or at least suggested by his selection of terms. However the first citation of *iniuria* as opposed to *ira* occurs during the description of an ordinary Roman social event--the games. The reluctance of a gladiator to die did not constitute *iniuria* by law, but the inference of effrontery by the spectators does disclose a principal feature of *ira*: the presumption that its occasion necessarily conveys a willful and intentional insult or attack.¹⁴⁰ The gladiators no more mock the crowd than the ground insults a child who has fallen on it. Nonetheless, Seneca says,

...sed tantum irascuntur, sine causa et sine iniuria, non tamen sine aliqua iniuriae specie nec sine aliqua poenae cupiditate. Deluduntur itaque imitatione plagarum et simulatis deprecantium la-

¹³⁸See Chap. 1, 42-45.

¹³⁹III.14-21 are of special relevance here.

¹⁴⁰Digest 47.10.3. Cf. II.26. in the De Ira.

crimis placantur et falsa ultione falsus dolor
tollitur.

(I.2.5)

(...but they are merely angry, without any case and without being injured, though not without some appearance of injury and not without some desire of exacting punishment. And so they are deceived by imaginary blows and are pacified by the pretended tears of those who beg forgiveness, and mock resentment is removed by mock revenge.

Seneca stresses the absence of any *causa* (case) given the absence of *iniuria*; *ira*, however, is present, as are "*poenae cupiditate*" (desire for punishment) and "*ultio*" (revenge), concepts already discussed in relation to anger.¹⁴¹ More important still, he clearly demonstrates the lack of a necessary connection between anger on the one hand and an *iniuriae causa* (case of injury) on the other, a lack which he repeatedly emphasizes.¹⁴² Furthermore, Seneca links the poor sense of restraint inherent in the anger of children and of devotees of gladiatorial combat, figures whose judgment, situation, and reliability are questionable at best.¹⁴³

¹⁴¹See Chap. 1.

¹⁴²See especially II.22-28.

¹⁴³The element of play is prominent for both children and spectators at games. At best there is confusion between what ought or ought not to be taken seriously or considered offensive; at worst there is a truly pernicious inability to distinguish between a disappointment and an affront or injury. Most of Seneca's examples of irate rulers in book three are models of childishness, and he belabors the importance of restraint in childhood at II. 19-21.

Whereas Seneca explicitly mentions *iniuria* with regularity in the De Ira, implicit references to the delict are more common, and understandably so--the terminology as well as the facts itemized in various *exempla*, although unfamiliar to the reader unacquainted with Roman legal vocabulary and practice, would be eminently recognizable to Novatus or any other educated Roman.¹⁴⁴ Here *percussit* (to land a blow, strike, or hit), for example, would *ipso facto* imply the delict *iniuria*, as would *plagarum*, denoting the blows or wounds of which the verb *percussit* implies.¹⁴⁵ But these are only two such terms; many more occur in the course of the work which convey Seneca's deliberate effort to sustain *iniuria* as a fixed and recurrent element of the discussion.¹⁴⁶ Yet finally, Seneca's appeal for personal restraint and, conversely, his criticism of its absence in the unrestrained, require persuasive illustrations if the exposure and reform of wrongdoing--two of the most important features of satire--are to succeed. The various anecdotes which Seneca supplies are forceful examples of how a man who avoids *ira* can avoid suffering *iniuria*

¹⁴⁴H.I. Marrou, A History of Education in Antiquity, trans. George Lamb (Madison: University of Wisconsin Press, 1982), 287-91, examines the status and importance of law in Roman education. In light of this alone, there would be no need for Seneca to explain common legal references; particularly in the case of his brother. See Chap. 1, n. 78.

¹⁴⁵For both terms, see OLD, entry 1, and Gaius, Inst. 3.220.

¹⁴⁶See Appendix.

as well. Both the vice and the delict are undesirable, and the elimination of one largely eliminates the other. As the title would indicate, anger is the stated subject; yet Seneca's preoccupation with *iniuria* provides compelling evidence that this is too simple or partial a conclusion. Two other explanations are possible, however: perhaps the Roman law of delict is a hidden agenda of Seneca's; or perhaps, too, the long obsolescence of Roman legal vocabulary has obscured characteristics of the De Ira that would have been obvious in their own day.

The language of actions for delict consists of a limited number of key terms which encompass the behaviors recognized as offensive to either the person or personality.¹⁴⁷ And just as with Seneca's catalogue of examples for *caedes* (murder), the severity of *iniuria* was dependent not only on the fact (*ex facto*), but the status of the person violated (*ex persona*), as well as the location of the violation (*ex loco*).¹⁴⁸ In addition to *percutere* (to land a blow) and *plagae* (blows), *contumelia* (insult), *convicium* (public abuse), *infamare* (to bring into ill repute), *carmen malum* (malicious song or poem), *libellus famosus* (defamatory pamphlet), *os fractum* (broken bone), *membrum ruptum* (severed limb), *occentare* (to cast a spell),

¹⁴⁷Berger, 502, gives a basic list drawn from the primary sources, the most important of which are Digest 47.10, Gaius, Inst. 3.220-25, and Justinian, Inst. 4.4.

¹⁴⁸Ibid.

theatrum (abuse at a public event), and *atrox* (aggravated) or *atrocitas* (severity) are some of the principal terms or phrases which accompany the occurrence of *iniuria*; they appear formally as such throughout, or Seneca's *exempla* imply their legal applicability.¹⁴⁹ Once Seneca demonstrates the relationship between Roman law, delict, *iniuria* and *ira*, he can then proceed to answer Novatus' question, "*quemadmodum posset ira leniri*" (how anger may be allayed), but only in the course of providing illustrations where instances of *ira* and *iniuria* are practically equivalent.¹⁵⁰

At nearly the midpoint of the second book Seneca's interlocutor asks:

Quid ergo? Non incidunt causae quae iram
laccessant?
II.14.2

(What then? Don't cases occur which provoke anger?)

Causae (cases), were it not for Seneca's efforts to emphasize its legal associations, would apparently possess a general meaning, such as the

¹⁴⁹The anecdote about Cato being struck in the public bath at II.32 is perhaps the model case. Seneca uses both *percutere* (to land a blow) and *iniuria* to describe the incident, yet implies the *atrocitas* (severity) which also results because of the status of the victim. The list is taken from Berger, 502.

¹⁵⁰Seneca concentrates a number of such examples at III.14-21.

usual "causes" or "grounds."¹⁵¹ Yet after a brief analogy in which Seneca suggests that anger must be opposed as an athlete would skillfully approach an opponent, he begins a segment which leaves no doubt that *causae* signifies legal cases, and that *ira* and *iniuria* are closely intertwined.

Saepe itaque ratio patientiam suadet, ira
vindictam, et qui primis defungi malis potui-
mus, in maiora devolvimur. Quosdam unius
verbi contumelia non aequo animo lata in ex-
ilium proiecit, et qui levem iniuriam silentio
ferre noluerant gravissimis malis obruti sunt,
indignatique aliquid ex plenissima libertate
deminui servile in sese adtraxerunt iugum.

(II.14.3-4)

(Often, therefore, reason counsels patience, but anger revenge, and when we have been able to escape our first misfortunes, we are plunged into greater ones. Some have been cast into exile because they could not bear calmly one insulting word, and those who had refused to bear in silence a slight injury have been crushed with the severest misfortunes, and, indignant at any diminution of the fullest liberty, have brought upon themselves the yoke of slavery.)

The passage combines five notable terms: *ira* (anger), *vindictam* (revenge), *contumelia* (insult), *iniuriam* (injury), and *indignati* (affronted or indignant). Whatever the circumstances, Seneca bluntly asserts the

¹⁵¹See OLD, entries 5, 6, and 14. A preference for the less common meaning is a surprising feature of the standard translation and commentaries, since the initial entry in the OLD and the most obvious sense of the word indicates "judicial proceedings, a legal case, trial."

potential misfortune, including exile, which may result from the presumption of insult. But the arrangement of the terms is yet more noteworthy; *ira* leads to *vindictam* (revenge), then *contumelia*, which in turn implies *iniuria* and *indignati* (affronted).¹⁵² Seneca has mapped a psychological process: anger insists on revenge, having assumed a verbal affront which is legally actionable as a consequence of the indignity. At the same time a new term appears. *Contumelia*, which normally denotes insulting language or behavior, is a species of the delict *iniuria*.¹⁵³ A stronger case can now be made that Seneca's proposed use of *iniuria* is unequivocally legal.

The topic of insult arises again in the De Ira several chapters later, but this time with reference to the original query of Novatus, which Seneca finally undertakes to answer. As he says,

Quoniam quae de ira quaeruntur tractavimus,
accedamus ad remedia eius. Duo autem, ut
opinor, sunt: ne incidamus in iram et ne in
ira peccemus.

(II.18.1)

(Having dealt with the questions that arise concerning anger, let us now pass to the consideration of its remedies. In my opinion, however, there are but two rules--not to fall

¹⁵²For the significance of *dignitas*, see above, Chap. 1, 44-48.

¹⁵³Justinian, Inst. 4.4.

into anger, and in anger to do no wrong.)¹⁵⁴

Seneca's first precept ultimately requires him to discuss in full detail the origins of habitual anger and the role of early education in the extirpation of *ira*. He thus proceeds from the unbridled expression of anger in children to its most likely manifestation in adult society: among the wealthy, the nobility, and, most especially, the magistrates.

Non resistet offensis cui nihil umquam negatum est, cuius lacrimas sollicita semper mater abstersit, cui paedagogo satisfactum est. Non vides ut maiorem quamquam fortunam maior ira comitetur? In divitibus et nobilibus et magistratibus praecipue apparet, cum quidquid leve et inane in animo erat secunda se aura sustulit. Felicitas iracundiam nutrit, ubi aures superbas adsentorum turba circumstetit: "Tibi enim ille respondeat? non pro fastigio te tuo metiris; ipse te proicis...."

(II.21.6-7)

(He will not withstand rebuffs who has never been denied anything, whose tears have always been wiped away by an anxious mother, who has been allowed to have his own way with his tutor. Do you not observe that with each advancing grade of fortune there goes the greater tendency to anger? It is especially apparent in the rich, in nobles, and in magistrates when all that was light and trivial in their mind soars aloft upon the breeze of good fortune. Prosperity fosters wrath when the crowd of flatterers, gathered round, whispers to the proud ear: "What, should that man answer *you* back? Your estimate of yourself does not cor-

¹⁵⁴For the legal sense of *remedium*, see Digest 12.6.23.1.

respond with your importance; you demean yourself.")

Seneca here supplies as concise a formula for the care and maintenance of an uncontrolled temper as can be found in the De Ira: indulge the child and you must cajole the adult. Yet the deterrence of *ira* is implicit in the passage as well; thwarted whims and fair criticism are the correctives for indulgence and flattery. The passage is remarkable for other reasons also; the nature of *iniuria* is implied by the "*offensis*" (offenses or affronts) which neither the pampered child nor the scions of wealth and position can tolerate, with an intimation that the latter are merely variations of the former.¹⁵⁵ The "*adsentorum turba*" (crowd of sycophants) simply perpetuates the roles of permissive "*mater*" (mother) and "*paedagogus*" (guardian); an enfant terrible is father of the man who, as noble or magistrate, will interpret his own *ira* as evidence that he has actually suffered an *iniuria*.

Seneca's polysyndeton--"*divitibus et nobilibus et magistratibus*" (the wealthy, the nobility, and the magistrates)--aptly concludes with those for

¹⁵⁵*Offensum* is generally synonymous with terms more commonly used in the legal sense to denote actions which constitute *iniuria*. Thus, *offendo* (OLD, entry 1d) means "to deal (someone) a blow, strike," and is often equivalent to *percutere* (Gaius, Inst. 3.220); but it also has the general sense of giving offense (OLD, entry 7). The noun *offensum* (OLD, entry 4a) signifies an "offense committed against a person, injury, wrong." Both words occur regularly in the De Ira. See Busa and Zampolli, 916.

whom it was crucial to distinguish actionable offenses from diffuse and opaque expressions of personal pique. That judicial conduct is the centerpiece of the discussion becomes plain in the very next chapter, which is reminiscent of the initial chapter of the De Ira.¹⁵⁶ Anger in the face of *iniuria* has a twofold significance for judicial conduct; the Roman magistrate must not only be able to differentiate between delict and personal sentiment, but must also contend with a difficult separation between his own passions at times at odds with legal precedent or impartial judgment.¹⁵⁷ Seneca fully realized these potential conflicts and in the following passages subscribes to an ideal of jurisprudence in the fullest sense of the term.

Contra primas itaque causas pugnare debemus.
Causa autem iracundiae opinio iniuriae est,
cui non facile credendum est. Ne apertis qui-
dem manifestisque statim accedendum; quaedam
enim falsa veri speciem ferunt.
(II.22.2)

(We ought, therefore, to take our stand at the

¹⁵⁶At II.22 Seneca clearly proposes judicial restraint and appeals to the need for vigilance when passing judgment or exacting penalties. See below, Chap. 3, for a detailed examination of this passage.

¹⁵⁷Kelly, 102-103, elaborates on what Berger, 502, lists as *iniuria iudicis*, and refers to Ulpian's definition (Digest 47.10.1.1): "*iniquitas...cum quis inique vel iniuste sententiam dixit, iniuriam ex eo dictam, quod iure et iustitia caret.*" A significant portion of the De Ira is devoted to the problem of anger as it relates to judicial conduct. See below, Chap. 3, *passim*.

start of the case. Now the judgment of injury is a cause of anger, and to this we should not easily give credence. We ought not agree to it quickly even by open and evident acts; for some things are false that have the appearance of truth.)

Ne sint aures criminantibus faciles; hoc humanae naturae vitium suspectum notumque nobis sit, quod, quae inviti audimus, libenter credimus et, antequam iudicemus, irascimur. Quid, quod non criminantibus tantum, sed suspicionibus impellimur et ex vultu risuque alieno peiora interpretati innocentibus irascimur? Itaque agenda est contra se causa absentis et in suspensio ira retinenda; potest enim poena dilata exigi, non potest exacta revocari.

(II.22.3-4)

(Let us not give ready ear to accusers; this weakness of human nature we ought to note and mistrust--we are glad to believe what we unwillingly hear, and we become angry before we pass judgment. And what is to be said when we are compelled, not merely by charges, but by bare suspicions, and having put the worse interpretation on another's look or smile, become angry at innocent men? Therefore we should plead the case of the absent person against ourselves, and anger should be held in abeyance; for punishment postponed can still be exacted, but once exacted it cannot be recalled.)

However much these passages hold true in general, the legal tenor focusses their point: the recommendation of principles appropriate to a Roman magistrate entrusted with dispensing justice. *Opinio* (legal opinion), *iniuriae* (injuries), *manifestis* (plain or clear cut), *criminantibus* (those who make accusations), *iudicemus* (we judge), *agere causam* (to plead

a case), and *poena exigi* (punishment or a penalty enforced or exacted) patently suggest a trial setting and, more precisely, the delict *iniuria*. None of the above terms would have been germane to the ordinary Roman with no occasion to evaluate the legitimacy of cases, act as judge, or postpone a penalty; all require familiarity with the technical vocabulary of the law.¹⁵⁸

Nonetheless, the principal terms which signify delictal action and the *exempla* which illustrate *causae iniuriarum* continue to appear in the De Ira; their presence passes unnoticed by commentators and their possible importance to Seneca's design escapes detection. The legal expertise of Novatus could easily allow Seneca to admit legal terms into his own vocabulary, as is apparent in the following passage, a censure of anger at the most trivial and commonplace of daily events.

Quid est enim cur tussis alicuius aut sternu-
tamentum aut musca parum curiose fugata in
rabiem agat aut observatus canis aut clavis
neglegentis servi manibus elapsa? Feret iste
aequo animo civile convicium et ingesta in
contione curiave maledicta cuius aures tracti
subselli stridor offendit?

(II.25.3-4)

(For why is it that we are thrown into a rage
by somebody's cough or sneeze, by negligence

¹⁵⁸The opening of Paul's Epistle to the Romans appears, however, to assume a general acquaintance with law on the part of his first century audience.

in chasing a fly away, by a dog's hanging around, or by the dropping of a key that has slipped from the hands of a careless servant? The poor wretch whose ears are hurt by the grating of a bench dragged across the floor--will he be able to bear public insult and the verbal abuse incurred in the assembly or in the senate house with equanimity?

Several cardinal features of satire characterize this passage. Seneca's mockery of impatience works largely by exaggerating the sensitivity of the impatient man in the face of even the most minor of annoyances; conversely, restraint is attractive by comparison, although Seneca only suggests by implication here what he explicitly urges elsewhere--the effort to curb *ira*.

While recommending legal restraint, however, Seneca also continues to sustain the connection between *ira* and *iniuria* in the passage. The abrupt contrast between trivialities and public insults is a curious strategy which performs a twofold purpose. Certainly petty disturbances--dogs, coughs, and sneezes--are no match for the real wounds inflicted publicly by verbal or physical assault. Seneca's apparent intent is to note this disparity; yet *convicium* (public insult) and *maledicta* (general verbal abuse) distantly resemble the irritants among which they are included. Whatever the apparent differences, all the instances listed belong to the same category: they are occasions conducive to *ira*. The contrast Seneca provides serves merely to mark degrees of difference within a single

category. But regardless of severity, Seneca advises personal restraint. Another distinction is present in the passage, however; *convicium* and *maledicta* observe a legal sense both overlooked and lost in translation; and both are varieties of *iniuria*. The future tense of *feret* (endure) which introduces the question beginning the passage suggests *convicium* and *maledicta* can and should be endured, a position consistent with Seneca's attitude toward other cases of the delict cited in the De Ira.¹⁵⁹ If only because they contribute to the denunciation of *iniuria* as a legitimized pretext for anger, each term warrants more detailed analysis.

In summarizing the circumstances which may contribute to anger, Seneca highlights extremes; the pesky fly or fallen key are as venial as *convicium* (public insult) or *maledicta* (insults) are serious and legally relevant.¹⁶⁰ However, another contrast is plain: the latter represent

¹⁵⁹See especially III. 22-29, where Seneca holds up Antigonus, Philip, and Augustus as models for emulation.

¹⁶⁰Seneca plainly implies that there is a difference between slaves dropping keys and members of the assembly dropping insults. As at II.6.4, where Seneca comments that all delicts are not equal, the thought runs counter to the Stoic paradox that all sins are equal. Furthermore, Seneca seems to shun the absolutism (or reductionism) of Stoic predecessors here in favor of the satirist Horace, whose remarks at Sermones I.3.76-83 become all the more significant in that they refer to *ira*:

**Denique, quatenus excidi penitus vitium irae,
cetera item nequeunt stultis haerentia, cur non
ponderibus modulisque suis ratio utitur, ac res
ut quaeque est, ita suppliciiis delicta coercet?
si quis eum servum, patinam qui tollere iussus**

deliberate expressions of contempt, the former merely involuntary occurrences or accidents.¹⁶¹ Whereas *contumelia* denotes unspecified insult or outrage, *maledicta* broadly implies all delictal violations of a verbal nature, however severe, and is often cited in conjunction with *contumelia* in the lexica.¹⁶² The modern equivalents for various types of *maledicta* such as *carmen malum*, *infamare*, or *libellus famosus*, would be libel, defamation of character, or slander.¹⁶³ Yet, just as Roman law differentiated between physical and verbal *iniuriae*, in the course of development it separated private abuse from the public disgrace for which *convicium* is the appropriate category within the more expansive scope of *maledicta*.¹⁶⁴ In antiquity as in the modern world simple assault or *contumelia* entailed loss of face or wounded feelings; public abuse endangered a most esteemed possession in Roman society, one's *dignitas*--

semesos piscis tepidumque ligurrierit ius, in
in cruce suffigat, Labeone insanior inter
sanos dicatur.

¹⁶¹See II.1 and II.26 on the importance of intentionality and the will. His view is consistent with Ulpian's at Digest 47.10.3. pr.-3

¹⁶²For both terms, see OLD, entry 1.

¹⁶³See Berger, 381, 606, 500, and 562.

¹⁶⁴*Convicium* as a species of *iniuria* seems to have been included following the expanded authority of the praetor. See Digest 47.10.15.2-3, 8, 11-12.

personal reputation and status.¹⁶⁵ In other words, the greater consequences of *convicium* prompted its gravity: personal regard survived private affront; it perished with publication of the insult.

Such *exempla* reveal a subtlety and sophistication of legal acumen which could easily be taken as philosophical unless there is a recognition of the language as that of delictal action throughout; at the same time Seneca often presents textbook cases without labels to mark his direction, a detail not to be overlooked, since overt mention of much legal material would be an unnecessary encumbrance for an exchange between men of elevated stature and conversant in Roman law.¹⁶⁶ The disparity between the intentional and accidental in the previous passage is but one instance where familiarity with technical stipulations of the law is a prerequisite for their interpretation; only the presence of *convicium* (public abuse) and *maledicta* (insults), the realization of their legal nuance, and analysis based on these fortuitous connections let us appreciate Seneca's purpose. Were it not for the frequent occurrence of *iniuria* in the De Ira, it would be easy to miss the prominence given both law and satire in the work. Its

¹⁶⁵*Infamia* is the social consequence of the loss of *dignitas*. See Gaius, Inst. 3.220; for a brief survey, see Berger, 437.

¹⁶⁶Seneca's historical anecdotes most often double as illustrations of *iniuria*, including the ordinary legal terms associated with the delict. See especially II.32 and III. 14-23. For additional discussion, see below, Chap. 3.

prevalence, however, suggests its importance and forces us to reexamine portions of the text for legal connotations hitherto disregarded.

Since criticism of *ira* also serves as a criticism of *iniuria*, Seneca delimits occasions of delictal violation, such as *convicium* (public abuse), from instances where either no technical offense has taken place (a cough, sneeze, or dropped key), or from occurrences where some loss has occurred which, although conducive to *ira*, fails to constitute *iniuria* as an actionable offense. As he remarks in a particularly notable chapter,

Irascimur aut iis a quibus ne accipere potuimus
iniuriam, aut iis a quibus accipere iniuriam
potuimus.

(II.26.1)

(Our anger is stirred either by those from whom we could not have received any injury at all, or by those from whom we might have received one.)

And in what amounts to a broad delineation based on this assertion, Seneca proceeds to emphasize a series of unequivocally legal distinctions which follow the objection of his opponent that those who have angered us have affronted us as well.¹⁶⁷ This furnishes Seneca the opportunity for a detailed response.

¹⁶⁷II.26-27 chiefly contain differences applicable to legal interpretation but can also be understood as philosophical distinctions. Seneca's conclusions parallel those in the primary legal sources. See Justinian, *Inst.* 4.4 and *Digest* 47.10.3 pr.-3. The *adversarius* places his assertion within a legal context at II.26.3, introducing the word "*offendunt*," whose legal importance has been noted. See above, n. 155.

Primum saepe antequam hoc apud nos distinguamus irascimur. Deinde fortasse ipsi quoque artifices excusationes iustas adferent: alius non potuit melius facere quam fecit, nec ad tuam contumeliam parum didicit; alius non in hoc ut te offenderet fecit. Ad ultimum quid est dementius quam bilem in homines collectam in res effundere? Atqui ut his irasci dementis est quae anima carent, sic mutis animalibus, quae nullam iniuriam nobis faciunt, quia velle non possunt; non est enim iniuria nisi a consilio profecta. Nocere itaque nobis possunt ut ferrum aut lapis, iniuriam quidem facere non possunt. Atqui contemni se quidam putant, ubi idem equi obsequentes alteri equiti, alteri contumaces sunt, tamquam indicio, non consuetudine et arte tractandi quaedam quibusdam subiectiora sint.

(II.26.2-5)

(But, in the first place, we often get angry before we make this distinction clear to our minds; in the second place, perhaps also the doers themselves will have reasonable excuses to offer: this one could not do better [work] than he did, and it was not an insult to you that he did not sufficiently learn; another did not aim to affront you by what he did. In the end what can be more mindless than to accumulate spleen against men and then vent it upon things? But as it is the act of a madman to become angry at things without life, it is not less mad to be angry at dumb animals, which do us no injury because they cannot will to do so; for there can be no injury unless it arises from design. Therefore they can harm us just as the sword or stone may do, but they cannot injure us. But some people think that a man is insulted when the same horses which are submissive to one rider are rebellious toward another, just as if it were due to the animal's choice and not rather to the rider's practised skill in management that certain animals prove more tractable to certain men.)

Seneca raises a number of issues in this chapter which seem unnecessary in a strict assessment of anger. To begin with, a general conclusion

emerges that whatever incites *ira* cannot be automatically assigned to *iniuria*. This distinction is itself an indication that Seneca's continued emphasis is a critical evaluation of the relation between the two concepts. Not only does *iniuria* figure four times in the passage, but other legal terms--*contumelia* (insult), *contemni* (to be affronted), *consilium* (legal counsel or advice), and *iudicium* (legal judgment)--also occur.¹⁶⁸ And although the special sense of *contumelia* has already been shown to denote a species of *iniuria*, its repeated use simply emphasizes the legal framework of the De Ira. Furthermore, closer inspection of the chapter shows that *iniuria* is at the center of Seneca's attention, with *ira* the all-pervasive psychological setting.

Seneca's initial comment originates with anger, but only as a reference point from which to examine *iniuria*, the presence or absence of which constitutes the actual problem in need of resolution. An additional question also arises; namely, whether or not *iniuria* is even a possibility in many instances. The intrusion of the modal *potuimus* (we could have) extends discussion beyond the realm of fact, or, more concretely, received injury, to the region of the possible. But Seneca presumably deems this

¹⁶⁸What does or doesn't constitute *iniuria* is the obvious theme of the passage. Seneca's efforts to establish the legitimacy of accusations based on *contumelia* or *offensum* underscore this, as does his endeavor to distinguish *nocere* (to cause harm) from *iniuriam facere* (to commit *iniuria*). The language is that of the delict. Cf. Justinian, Inst. 4.4.

an essential consideration, since he must refute the idea that anger inevitably results from *iniuria*, or that they are even usually coincidental. *Iniuria* requires *offensum*, an offense or wrong, but this no more ensures a clear-cut case of *iniuria* than *ira* does. Seneca thus corrects the assumed affiliation of *offendunt* (they affront) and *fecerunt* (they have done it) offered by his interlocutor; the act which produces an *offensum* is not identical with effrontery.¹⁶⁹ The adamant reply that "*antequam...distinguamus irascimur*" (we become angry before we distinguish) underscores a double error: the failure to differentiate acts which produce insult from those which intend it, and a mistaken perception that *ira* implies that some kind of *iniuria* has been committed.¹⁷⁰

The misconception or inaccuracy which ultimately seems to disturb Seneca involves the misappropriation of *iniuria*, despite the omnipresent reference to *ira* or its cognates. The idea of potentiality or possibility reappears in the chapter, again with *iniuria* as the object of possibility. Seneca thrice employs *possunt* (they are able) toward a careful end: a precise definition of *iniuria* as delict. Included among the various provocations to anger are inanimate objects (*nec sentiunt* or *sine sensu*)

¹⁶⁹See Digest 47.10.3.pr.-3.

¹⁷⁰*Ibid.* Also see Nicholas, 216.

(they do not feel or are without feeling), animals (*mutis animalibus*: "dumb animals", and other people (*homines*); but all three categories possess attributes which either cancel (*non possunt*: "they are not able") or mitigate (*non a consilio*: "not from deliberation") even the possibility of delictal violation. Seneca readily elucidates the problem, as well as the solution, with a significant juxtaposition of terms or phrases. A sword (*ferrum*) or stone (*lapis*) can cause harm (*nocere*), but cannot (*non possunt*) cause injury (*iniuriam facere*); this alone eliminates harm-as-such as the purposed sense of *iniuria*, since *nocere* sufficiently supplies this meaning.¹⁷¹ But *iniuria* as delict is also evident from Seneca's treatment of the two remaining classes--animals and people.

In his effort to clarify the interlocutor's identification of *offendunt* (they offend) and *fecerunt* (they have committed), Seneca suggests three *excusationes iustas* (reasonable justifications) which diminish a necessary connection between action and offense: the personal incompetence of the agent (*non potuit melius facere*: "he could not have done better"), a lack of association between incompetence and insult (*nec ad tuam contumeliam parum didicit*: "he did not sufficiently learn to insult you"), and an absence of the intention to offend (*non in hoc ut te offenderet*: "he did not intend to

¹⁷¹*Nocere* (OLD, entry 1) provides the general sense of physical damage or hurt. It has a legal sense as well (OLD, entry 2b), but this is restricted to damage of a case or claim.

affront you in this"). Although each extenuation is valid, the last is most remarkable; it summarizes the argument and unequivocally asserts what is only implied by the two previous justifications.¹⁷² The simple conjunction *ut* conveys an indispensable condition for any sound action based on *iniuria*: purpose or intent.¹⁷³ Seneca likewise reinforces the necessity of this proviso when he examines whether animals furnish grounds for *iniuria*; they possess neither will nor deliberative power (*velle non possunt*: they are not able to will) and are thus incapable of any delictal violation, since *iniuria* does not exist (*non est*) unless executed by design (*a consilio*).¹⁷⁴ Similarly, Seneca chides those who reckon themselves outraged (*contemni*) by uncompliant horses, as if horses enjoyed opportunity of choice (*tamquam iudicio*). Thus, after Seneca's careful dissection of the attendant complexities, the motif of the chapter becomes clear: the causes of *ira* are many, the grounds for *iniuria* few.

¹⁷²Seneca continues this line of reasoning at II.27, where he discusses the inability of the gods or natural forces to be considered technically liable for *iniuria*. Under Roman law such acts were classified as *vis maior* (a greater force), and Seneca's choice to include some mention of this points even more emphatically to the legal nature of his analysis. See Digest 44.7.1.4, and Berger, 769.

¹⁷³See above, n. 168, and Digest 47.10 3 pr.-3.

¹⁷⁴See Frier, 137-48, for detailed examination of liability for animals under the *Lex Aquilia*. Seneca's remark is certainly in keeping with precedent. Digest 9.1.1.3 is noteworthy: "*Ait Praetor "pauperiem fecisse." pauperies est damnum sine iniuria facientis datum: nec enim potest animal iniuriam fecisse, quod sensu caret.*"

Finally, Seneca ceases oblique or partial discouragement of delictal action toward the end of the second book. Having surveyed elements of both *ira* and *iniuria*, he can at last address the latter directly as a manifest, yet largely unrecognized social ill. His rejoinder to a weak appeal by a desperate opponent whose previous arguments have miscarried is notable.

"At enim ira habet aliquam voluptatem et dulce est dolorem redere." Minime; non enim ut in beneficiis honestum est merita meritis repensare, ita iniurias iniuriis. Illic vinci turpe est, hic vincere. Inhumanum verbum est et quidem pro iusto receptum ultio [et talio]. Non multum differt nisi ordine; qui dolorem regerit tantum excusatius peccat.

(II.32.1)

("But of course there is some pleasure in anger," you say, "and it is sweet to return a smart." Not at all; for it is not honorable, as in acts of kindness to requite benefits with benefits, so to requite injuries with injuries. In the one case it is shameful to be outdone, in the other not to be outdone. "Revenge" is an inhuman word and yet one accepted as legitimate, and "retaliation" is not much different except in rank; the man who returns a smart commits merely the more pardonable sin.)

The polyptoton *iniurias iniuriis* (injuries for injuries) expresses more than rhetorical polish for its own sake; two cases of the same noun represent separate cases of the same delict. Seneca succinctly collapses his viewpoint on both *ira* and *iniuria* into a terse figure of speech. Although

delictal violation generates delictal action, the latter is a variation of the former. Seneca uses *turpe* (base), a word usually chosen to disparage insult or outrage, to demean legal recourse itself, adding irony to a second polyptoton: *vinci vincere* (to lose one's case rather than win).¹⁷⁵ The very specific opinion Seneca has developed about *iniuria* renders the epigrammatic point a point well taken, but he refuses to brake; *iniuria* results in a disgraceful and successful verdict which achieves *ultio* (revenge), a principle he has labored to condemn.¹⁷⁶ Yet *ultio* is *pro iusto receptum* (accepted as legitimate or just), as he finally remarks in a progression of thought which advances from elusive irony to definitive and unmistakable denunciation. And, as if to punctuate an already emphatic position, Seneca concludes with an archaic term from the Twelve Tables--*talio* (punishment in kind)--to return his interlocutor and Novatus to the source of *iniuria* in Roman jurisprudence.¹⁷⁷

As occurs regularly in a satiric monologue, denunciation or censure

¹⁷⁵Cf. II.7.3 with regard to Seneca's choice of *turpe* (base or shameful) to describe the debasement of the courts.

¹⁷⁶Seneca's pejorative view of revenge begins at I.1.1 and is persistent throughout the *De Ira*. See Busa and Zampolli, 1386, for the frequency of *ultio* and its derivative forms.

¹⁷⁷Warmington, 476: "*Si membrum rupsit, ni cum eo pacit, talio esto.*"

of iniquity or folly proceeds to an invocation of the opposite.¹⁷⁸ Seneca's anecdote about Marcus Cato furnishes both a transition to the lengthy treatment of exemplary actions and figures in the final book and a model of wisdom and propriety with respect to *iniuria*.

M. Catonem ignorans in balineo quidam percussit imprudens; quis enim illi sciens faceret iniuriam? Postea satis facienti Cato, "Non memini" inquit "me percussum." Melius putavit non agnoscere quam vindicare. "Nihil" inquis "illi post tantum petulantiam mali factum est?" Immo multum boni; coepit Catonem nosse. Magni animi est iniurias despiciere; ultionis contumeliosissimum genus est non esse visum dignum, ex quo peteretur ultio. Multi leves iniurias altius sibi demisere, dum vindicant: ille magnus et nobilis qui more mag-nae ferae latratus minorum canum securus exaudit.
(II.32.2-3)

(Once when Marcus Cato was in the public bath, a certain man, not knowing him, struck him unwittingly; for who would knowingly have done injury to that great man? Later, when the man was making an apology, Cato said, "I do not recall that I received a blow." It was better, he thought, to ignore the incident than to resent it. "The poor fellow," you ask, "got no punishment for such an act of rudeness?" No, but much good--he began to know Cato. Only a great soul can be superior to injury; the most humiliating kind of revenge is to have it appear that the man was not worth taking revenge upon. Many have taken slight injuries too deeply to heart in the act of revenging them. He is a great and noble man who acts as does the lordly

¹⁷⁸This is a common practice for Horace. *Sermones* 1.1.106-07, is a plea for moderation ("*est modus in rebus*") following a diatribe on avarice. Juvenal, *Saturae* 10.346-66, is also typical of this pattern in satire.

wild beast that listens unconcernedly to the baying of tiny dogs.)

In the aftermath of a trenchant critique of *iniuria* in which even the laudable "social justice" of a successful suit receives disapprobation, Seneca contravenes with an *exemplum* which not only disparages *iniuria* as a legally and socially proper principle and procedure, but also effectively promotes a response to injury and insult which defies convention. Cato retaliates neither in kind nor by law; his reaction seems extreme and unattainable--even undesirable. However, this *locus communis* of a Stoic *sapiens* impervious to humiliation is in several ways a *pièce de résistance* which achieves more than its standard interpretation as an ethical model: it neatly encapsulates Seneca's discussion and finalizes his progressive condemnation of *iniuria* as the legal instrument of *ira* in Book Two.¹⁷⁹

Although much of the terminology of Roman law which Seneca inserts in his anecdote is by now familiar, the signal feature of the Cato sketch is not. Whereas prior mention of *iniuria* and its multiform

¹⁷⁹Cf. III.5.7-8. Sandbach, 142-43, briefly discusses Cato the Younger as the prototype of the Stoic *sapiens*. Seneca refers to Cato repeatedly in *De Constantia Sapientis* and, in fact, in many of his other works as well. *The Oxford Classical Dictionary*, 2d ed., s.v. "Cato Uticensis, Marcus Porcius," outlines the career and family background of Cato, both of which would have entitled him to vindicate the assault on the grounds of *atrox iniuria*.

representations have been of the common sort, the passage in question describes an especially grave category of the delict: *atrox* (aggravated) *iniuria*. The physical assault (*percussit*) on Cato in public (*balineo*: the bath) constitutes a flagrant violation of *iniuria* exacerbated by the location of the attack.¹⁸⁰ Another element, however, compounds an already severe offense: an act of aggression directed against the person of a Roman magistrate.¹⁸¹ Seneca plainly outlines details necessary for legal analysis of the incident: physical assault, a public setting, and a Roman official. The manifest occurrence of *atrox iniuria* (aggravated injury) would require no special explanation for an addressee with legal expertise; nor would Cato's reaction (or failure to react) surprise Novatus on ethical grounds. Yet Cato's Stoic *apatheia*, the commonly recognized object of the anecdote, is likewise a refusal to litigate. This is a previously unobserved item of consequence which, when understood as a satiric insistence on reform and a model case of *iniuria*, alters the sense of the account as

¹⁸⁰See Gaius, *Inst.* 3.224-225.

¹⁸¹Although it can't be known for certain that Cato held a magistracy at the time of the reported incident, the context offers two clues that this was probably the case. First, Seneca uses *illi* (OLD, entry 4b: "that famous, the well-known") to describe Cato, which could refer to his renown at the time of the incident, his subsequent renown, or both. Second, Seneca describes Cato's attacker as not knowing (*ignorans*) who Cato was and returning to apologize, implying a subsequent recognition of the severity of his offence.

merely a standard example of the Stoic *sapiens* in control of his passions and able to refrain from anger.¹⁸² The application of *vindicare* (to exact reparation, punish, or avenge an offense) specifies the legal position to be inferred from Cato's restraint.¹⁸³ Moreover, the subsequent remarks with which Seneca concludes the episode secure the legal context and provide an opinion: *iniuria* is to be disdained and revenge avoided as an even greater indignity.

If the endless adversarial exchange of *iniurias* for *iniuriis* is to abate, *ultio* (revenge), the motive which ultimately justifies *iniuria*, must no longer appear *pro iusto receptum* (accepted as legitimate). The Cato anecdote attempts this project and marks a significant juncture in the De Ira for several reasons. The status of the offense is the climax of Seneca's recurrent references to *iniuria* and its categories. The *exemplum* and the chapter which frames it supercede prior discussion of the delict in function, since they provide a more complete sense of Seneca's purpose. The components--Roman law, satiric rebuke, and proposed reform--combine to displace the conventional opinion that a Stoic position toward anger is the primary intention of the De Ira.¹⁸⁴ Cato's refusal even to acknowledge

¹⁸²Rist, 1-21, provides an informative discussion of Stoic apathy.

¹⁸³OLD, entry 5. See below, n. 317.

¹⁸⁴See above, Introduction.

an occasion of *iniuria* furnishes a model for reform, but also underscores the inadequacy of law as the social implement of moral change. That law *per se* operates as a subterfuge for *ira* requires more explicit censure of its role in Roman society. If *iniuria* poses a problem which masquerades as a solution, the very rule of law which permits the disguise compels the straightforward satiric recognition of a problem as a problem.

CHAPTER THREE

REFORM

With an indignation which has not gone unnoticed, Seneca depicts the tragic personal, social, and legal consequences of *ira* and *iniuria* in the numerous digressions which have in part contributed to the judgment that the plan of the work is flawed.¹⁸⁵ Seneca's purpose is not merely critical, however, but corrective as well, since this too is an important function of satire.¹⁸⁶ At the same time, suggested remedies are necessary for Seneca to address the problem allegedly posed by Novatus at the beginning of the work: the reduction of anger.¹⁸⁷ He approaches the task of reform, first of all, by way of practical directives, and finally, through presenting historical *exempla* as models for avoidance or emulation.

¹⁸⁵William S. Anderson, Essays on Roman Satire (Princeton: Princeton University Press, 1982), 315-16, has pointed out a resemblance between the indignation of Juvenal in the early satires and that of Seneca in the De Ira. The Oxford Companion to Ancient Literature, ed. Sir Paul Harvey (Oxford: Clarendon Press, 1962), 133, in what might be considered the scholarly consensus of the time, concludes a brief description of the De Ira thus: "The plan of the work is defective."

¹⁸⁶Hightet, 241.

¹⁸⁷See I.1.1. The sections where Seneca actually replies to Novatus' question ("*quemadmodum posset ira leniri*") do not comprise the bulk of the complete work, but appear unexpectedly and casually.

In the third and final book of the De Ira, Seneca offers a remedy for anger, having already demonstrated its undesirability, by combining both of the approaches just mentioned. But, as before, *ira* serves as the useful pretext for another digression. Ethical and psychological considerations of anger lead him toward the topics of law, the courts, and, above all, *iniuria*. The now-familiar vocabulary of delict reappears. *Contumelia* (insult), *iniuria* (injury), *lis* (lawsuit), *ultio* (revenge), *litigare* (to litigate), *convicium* (clamor), *poena* (penalty), *supplicium* (capital punishment), *percutere* (to strike a blow), *causa* (legal case), all continue to appear frequently at pivotal stages of an often irregular and unpredictable arrangement of topics and approaches.¹⁸⁸ Yet despite the apparent absence of a uniform progression, at first glance, there are still observable patterns of which the previously cited and obvious transition from *ira* to *iniuria* is only one; the long anticipated treatment of anger here which returns to added refutation, derisive censure, and admonition are other such hidden patterns.¹⁸⁹ Nonetheless, *iniuria* remains the constant

¹⁸⁸Seneca's prolonged description of the physical and social manifestations of *ira* (I.1.3-2.3), his diatribe on the courts and the folly of *ira* (II.7-9), and his long series of anecdotes about rulers moved by *ira* (III.14-21) present three cases in point. J.R.G. Wright, 39, speaks of Seneca's compositions as "fragmenting into a myriad of separate parts," and credits Caligula (Suetonius Caligula 53.2) with insight for remarking that Seneca "*harenam esse sine calce*."

¹⁸⁹See especially II.1, 3.4-5, 26-28, and 32-33.

which recurs to provide a predictable legal format. The effort to dissuade or discourage litigation in the final book justifies the extensive attention which Seneca had given *iniuria* in book two, and the climax of book three places the earlier diatribe on the courts in high relief.¹⁹⁰ Here Seneca criticizes the fundamental infirmity of the rule of law as a moral standard in the following impassioned sequence:

Quis est iste qui se profitetur omnibus legibus innocentem? Ut hoc ita sit, quam angusta innocentia est ad legem bonum esse! Quanto latius officiorum patet quam iuris regula! Quam multa pietas humanitas liberalitas iustitia fides exigunt, quae omnia extra publicas tabulas sunt! Sed ne ad illam quidem artissimam innocentiae formulam praestare nos possumus: alia fecimus, alia cogitavimus, alia optavimus, aliis favimus; in quibusdam innocentes sumus, quia non successit. Hoc cogitantes aequiores simus delinquentibus, credamus obiurgantibus...

(II.28.2-4)

(What man is there who can claim that in the eyes of every law he is innocent? But assuming that this may be, how crabbed is the innocence whose standard of virtue is the law! How much more comprehensive is the principle of duty than that of law! How many are the demands laid upon us by the sense of duty, humanity, generosity, justice, integrity--all of which lie outside the statute books! But even under that other exceedingly narrow definition of innocence we cannot vouch for our claim. Some sins we have committed, some we have contemplated, some we have desired, some we have encouraged; in the case of some we are innocent only because we did not succeed. Bearing this in mind, let us be more fair to those who commit de-

¹⁹⁰See II.6-9.

licts, and let us trust those who censure us....)

Earlier in the second book Seneca cleverly devaluated the apparent merits of righteous anger by three satiric devices--hyperbole, irony, and a *reductio ad absurdum*--which effectively redirect the focus of discussion from *ira* to the court milieu and, at the same time, produce a diatribe on legal corruption.¹⁹¹ The passage just quoted represents a somewhat similar digression in that the preceding emphasis on *ira* (II.25) metamorphoses into a minute analysis of conditions essential for legal action based on *iniuria* (II.26-27), followed by a spirited objection to setting up law by itself as the standard of appropriate conduct (II.28).¹⁹² The rhetorical question with which Seneca begins (*Quis est iste qui profitetur omnibus legibus innocentem*: What man is there who can claim that in the eyes of every law he is innocent?) functions more to introduce the juxtaposition of moral ideals with the minimal requirements of the law than to supply a satisfactory answer. *Iuris regula* (the principle of law) and *publicae tabulae* (the statute books) are only the most basic requirements of moral behavior; *pietas* (duty), *humanitas* (humanity), *liberalitas* (generosity), *iustitia* (justice), and *fides* (integrity) are loftier goals. Seneca consequently pronounces his claim that ethical ideals, not

¹⁹¹Ibid.

¹⁹²See II.25-28.

legal statutes, are the preferred models. As his initial question implies, since total compliance with law is rarely attained, forbearance toward others ought to serve as a desirable and necessary goal. The restraint for which Seneca calls, however, demands equanimity toward the technical illegalities implied by *delinquentes* (those who commit delicts) and *obiurgantes* (those who censure others for their delicts).¹⁹³ Not surprisingly, the delict about which Seneca expostulates for the duration of the chapter is *iniuria*.

The transition from *ira* to *iniuria* reappears in the third book as well. As in the prefatory remarks of the first book, Seneca proposes to address the problem of *ira*--a promise only partially fulfilled. The inextricable association between the *vitium (ira)* and the *delictum (iniuria)* continues with civilization itself as an occasion of *ira*.

...quibus incultus mos agrestisque vita est,
circumscriptio ignota est et fraus et quodcumque
in foro malum nascitur....

(III.2.1)

(...the uncivilized state of some and their rustic
mode of life keep them strangers to trickery and
deception and all the evil that the forum breeds....)

¹⁹³Seneca uses *obiurgatio* (OLD, entry 1a: "to reprove, reprimand, rebuke, upbraid," and entry 2a: "to chastise, punish (with blows, etc.)") as nearly synonymous with *contumelia* or *percussus*. Busa and Zampolli, 906, list seven occurrences of the word and its cognates in the *De Ira*. Cf. I.16.2, II.24.2, II.28.4, III.1.2, III.12.6, III.13.3, and III.14.2.

No *gens* (nation) is immune from *ira* for Seneca, but a peculiar opportunity to indulge it is afforded by the forum, a precinct of Rome whose avoidance he advises.

Forum advocaciones iudicia fugere debere et omnia quae exulcerant vitium, aequè cavere lassitudinem corporis; consumit enim quidquid in nobis mite placidumque est et acria concitat.

(III.9.3)

(We should shun the courts, court-appearances, and trials, and everything that aggravates our weakness, and we should equally guard against physical exhaustion; for this destroys whatever gentleness and mildness we have and engenders sharpness.)¹⁹⁴

The Senecan prescription for eliminating *ira* clearly involves the shunning of situations likely to provoke it, most especially the courts, and, more to the point, events or situations furnishing the grounds for *iniuria*. Despite his [earlier] elaborate condemnation of both *ira* and *iniuria* throughout the two previous books, Seneca prolongs his criticism. And where *ira* receives attention, discussion shifts to the delict and its attendant circumstances.¹⁹⁵ If the *forum* (the courts), *advocaciones* (court

¹⁹⁴Cf. II.6-9. Seneca returns to the connection between the judicial process and *ira*, a motif which is by now apparent. III.43.5, the final section of the *De Ira*, concludes this theme.

¹⁹⁵The transition from *ira* to *iniuria* may give the appearance of tangentiality when in fact there is none. II.7-9, for example, is an unnecessary and irrelevant stretch if the legal context and satiric purpose go unrecognized.

appearances), and *iudicia* (trials) signify malefic occasions in general, Seneca leaves no doubt as to the particulars in the chapter.

Fugere itaque debet omnis quos irritaturos iracundiam sciet. "Qui sunt" inquis "isti?" Multi ex variis causis idem facturi: offendet te superbus contemptu, dicax contumelia, petulans iniuria, lividus malignitate, pugnax contentione, ventosus et mendax vanitate; non feres a suspicioso timeri, a pertinace vinci, a delicato fastidiri.

(III.8.3-4)

(It will, therefore, be a man's duty to avoid all those who he knows will provoke his anger. "Just whom do you mean?" you ask. There are many who because of various cases will produce the same result. The proud man will offend you by his scorn, the caustic man by an insult, the forward man by an affront, the envious man by his malice, the contentious by his wrangling, the windy liar by his hollowness; you will not endure to be feared by a suspicious man, to be outdone by a stubborn one, or to be despised by a coxcomb.)

The proud, the caustic, the petulant, the spiteful, and the combative offer easy justification for *ira*, but they also initiate the circumstances which beget grounds for litigation under Roman law. Seneca's choice of *causis*, usually translated "causes," more convincingly suggests the legal sense; judicial proceedings, the interests of one side in a dispute, legal grounds, or a legal position are more fitting and possible renderings.¹⁹⁶ The series which follow pairs off personal agency--so, for example, *superbus*

¹⁹⁶See OLD, entries 1, 2, 6, and 14b respectively.

(arrogant), *dicax* (sarcastic), *petulans* (forward), *pugnax* (contentious)--with subsequent result--with *contemptu* (scorn), *contumelia* (insult), *iniuria* (affront), *contentione* (wrangling)--in a manner which only supports the idea that a legal sense is intended.¹⁹⁷ Psychological and legal processes again coalesce in an inevitable sequence of associations; scorn implies the effrontery which compels a dual conclusion: subjective recognition of *iniuria* and the assumption of an actionable case. The sets that follow are not legally significant to the same degree; still, *timeri* (to be feared), *vinci* (to be defeated), and *fastidiri* (to be despised) are equally pejorative in a psychological sense: they disturb the *animi tranquillitas* (peace of mind) characteristic of the Stoic spiritual ideal.¹⁹⁸ Each of the given consequences proceed from *offendet* (will offend), the principal verb from which the juxtapositions follow grammatically in a neat balance of rhetoric and meaning. The particulars of *iniuria* emanate from the universal principle of law under which they are subsumed: any serious species of offense--physical (*pugnax*) or verbal (*dicax*). The question raised by Novatus requires a resolution which covers all the problems of law raised

¹⁹⁷Seneca unmistakably lists the steps toward litigation. The progression is noteworthy: the attitude of scorn (*contemptus*: OLD, entry 1) proceeds to insult (*contumelia*), a violation of the delict (*iniuria*), and finally, litigation (*contendo*: OLD, entry 8c).

¹⁹⁸Rist, 1-36, discusses the Stoic ideal or "good" at considerable length.

by delict, and, more exactly, *iniuria*. When Seneca recommends a retreat from *ira* and *iniuria* in the passage, he is thus providing the background for a prescription that the *forum* (courts), *advocationes* (court appearances), and *iudicia* (trials) be avoided.

Although Seneca keeps up the parallel treatment of delict and vice, *iniuria* and *ira*, at different stages of book three, aspects of his approach vary as in the earlier books.¹⁹⁹ *Ira* nevertheless persists as a subterfuge for his criticism of *iniuria* at each important phase of the discussion; less by diatribe, a conspicuous feature of the second book, than by the open recommendation of personal reform, a strategy he now employs with much emphasis.²⁰⁰ A prudent man, in Seneca's view of things, would do well to endure assault and insult, or *percussus* and *contumelia*, and Seneca employs two methods of promoting an ethic of tolerance and discretion. Seneca's order of presentation resembles the reformatory passages of previous and subsequent satiric monologues; in particular, those of Horace and Juvenal.²⁰¹ One approach is the direct statement and imposition of a viewpoint which overshadows the artificial objections of an *adversarius*,

¹⁹⁹III.10.4-11.3, for example, offer the practical suggestions which the reader is initially led to assume will be offered. Even in these sections, however, Seneca's emphasis is as much concerned with overlooking *iniuria* as with curtailing *ira*.

²⁰⁰*Ibid.*

²⁰¹See above, Chap. 1, 21-26.

the tack Seneca takes throughout the De Ira and no less significantly in the final book.²⁰² Condemnation and ridicule of specific vices yield to admonition and advice, satiric elements also prominent in the diatribe.²⁰³ In book three Seneca unites these features of the diatribe with suggestions for reform in a prolonged succession of *exempla* to avoid, which constitute a second approach common to satire.

The majority of *exempla* consist of sordid accounts of the extreme cruelty which results from unrestrained *ira* and absence of all accountability. In each case exalted sovereigns endure a perceived affront, insult, or indignity and react with excessive and arbitrary retribution. The first historical figure Seneca portrays is Cambyses, who reacts to the salutary advice of his minister, Praexaspes, with unjustified retaliation.

Cambysen regem nimis deditum vino Praexaspes
unus ex carissimis monebat ut parcius biberet,
turpem esse dicens ebrietatem in rege, quem
omnium oculi auresque sequerentur. Ad haec ille:
"Ut scias" inquit "quemadmodum numquam excidam
mihi, adprobabo iam et oculos post vinum in of-
ficio esse et manus." Bibit deinde liberalius
quam alias capacioribus scyphis et iam gravis ac
violentus obiurgatoris sui filium procedere ultra

²⁰²Horace's Sermones offer the best parallel. R. Hirzel, Der Dialog, vol. 2 (Leipzig, 1895; repr. Hildesheim: Georg Olms, 1963), 24-27, surveys Seneca's "aehnlichkeit mit Horaz" and the Sermones as models for the *Dialogi*.

²⁰³Highet, 24-35, discusses these techniques, and Griffin, 13-16, mentions them as prominent in the *Dialogi*.

limen iubet adlevataque super caput sinistra manu stare. Tunc intendit arcum et ipsum cor adulescentis (id enim petere se dixerat) figit rescissoque pectore haerens in ipso corde spiculum ostendit ac respiciens patrem interrogavit satisne certam haberet manum. At ille negavit Apollinem potuisse certius mittere. Di illum male perdant animo magis quam condicione mancipium! Eius rei laudator fuit cuius nimis erat spectatorem fuisse. Occasionem blanditiarum putavit pectus filii in duas partes diductum et cor sub vulnere palpitans: controversiam illi facere de gloria debuit et revocare iactum, ut regi liberet in ipso patre certio rem manum ostendere. o regem cruentum! o dignum in quem omnium suorum arcus verterentur! Cum exsecrati fuerimus illum convivia suppliciiis funeribus solventem, tamen sceleratius telum illud laudatum est quam missum. Videbimus quomodo se pater gerere debuerit stans super cadaver filii sui caedemque illam, cuius et testis fuerat et causa: id de quo nunc agitur apparet, iram suppressi posse. Non male dixit regi, nullum emisit ne calamitosi quidem verbum, cum aequae cor suum quam filii transfixum videret. Potest dici merito devorasse verba; nam si quid tamquam iratus dixisset, nihil tamquam pater facere potuisset. Potest, inquam, videri sapientius se in illo casu gessisse, quam cum de potandi modo praeciperet <ei> quem satius erat vinum quam sanguinem bibere, cuius manus poculis occupari pax erat. Accessit itaque ad numerum eorum, qui magnis cladibus ostenderunt, quanti constarent regum amicis bona consilia.

(III.14.1-6)

(Since Cambyses was too much addicted to wine, Praeaspes, one of his dearest friends, urged him to drink more sparingly, declaring that drunkenness is disgraceful for a king, toward whom all eyes and ears are turned. To this Cambyses replied: "To convince you that I never lose command of myself, I shall proceed to prove to you that my eyes and my hands perform their duty in spite of wine." There-

upon taking larger cups he drank more recklessly than ever, and when at length he was heavy and besotted with wine, he ordered the son of his critic to proceed beyond the threshold and stand there with his left hand lifted above his head. Then he drew his bow and shot the youth through the very heart--had said that this was his target--and cutting open the breast of the victim he showed the arrow-head sticking in the heart itself, and then turning toward the father he inquired whether he had a sufficiently steady hand. But he replied that Apollo himself could not have made a more unerring shot. Heaven curse such a man, a bondslave in spirit even more than in station! He praised a deed, which it were too much even to have witnessed. The breast of his son that had been torn asunder, his heart quivering from its wound, he counted a fitting pretext for flattery. He ought to have provoked a dispute with him about his boast and called for another shot, that the king might have the pleasure of displaying upon the person of the father himself an even steadier hand! What a bloodthirsty king! What a worthy mark for the bows of all his followers! Though we may execrate him for terminating a banquet with punishment and death, yet it was more accursed to praise that shot than to make it. We shall see later how the father should have borne himself as he stood over the corpse of his son, viewing that murder of which he was both the witness and the cause. The point now under discussion is clear, namely, that it is possible to suppress anger. He did not curse the king, he let slip no word even of anguish, though he saw his own heart pierced as well as his son's. It may be said that he was right to choke back words; for even if he had spoken as an angry man, he could have accomplished nothing as a father. He may, I say, be thought to have acted more wisely in that misfortune than he had done in recommending moderation in drinking to a man who would have much better drunk wine than blood, with whom peace meant that his hands were busy with the wine-cup. He, therefore, added one more to the

number of those who have shown by bitter misfortune the price a king's friends pay for giving good advice.)

Not a few details of this episode are worthy of discussion and are no less remarkable than the tale itself. Elements of satire and law dramatically emerge from what would otherwise be a typical piece of pseudo-historical melodrama.²⁰⁴ In a grisly narration of king Cambyses' demonstration of regal poise for Praexaspes, the latter exhibits a nearly inhuman and unimaginable, yet heroic, refusal to succumb to even an utterance of protest as involuntary witness to the callous murder of his son. Along with Seneca's later *exempla*, the passage represents a seemingly impossible suppression of *ira*, as well as a tasteless and deliberately abhorrent choice of historical incidents to recount; more extreme, perhaps, than was necessary for a project purporting to advise restraint on anger.²⁰⁵ Having earlier shown a careful attention to particulars and a not haphazard arrangement of legal terms and rhetorical devices, Seneca's *exemplum* suggests an agenda less obvious to the legally

²⁰⁴Cf. Justin, Epitome of the Philippic History of Pompeius Trogus, American Philological Association, Classical Resource Series, trans. J. C. Yardley, no. 3 (Atlanta: Scholars Press, 1994).

²⁰⁵Generally speaking, Seneca's *exempla* are exaggerated and not representative of the ordinary instances of *iniuria* which he protests. Seneca's hyperbole suggests the triviality or insignificance of legally defined *iniuria* by contrast with the extreme circumstances he describes in his anecdotes.

uninformed or aesthetically repelled. The degree of barbarism Cambyses displays is matched by Praexaspes' forbearance. Dismissal of this and similar anecdotes as vulgar and Praexaspes' as insensible is a premature appraisal.²⁰⁶ The passage warrants a second look.

Seneca prefaces such *exempla* with a brief summary statement that he will emphasize *ira* among supreme rulers and its restraint or suppression among their subjects. The explicit declaration of purpose, however, once again fails to say it all. The story of Cambyses and Praexaspes on first impression is loathsome; its gruesome facts disgust and shock in a manner unbecoming his philosophic attempt to discourage the expression of *ira*. The horrific details he presents, however, are not completely unexpected or atypical given the horrors present in Senecan tragedy, a genre where exaggerated and pejorative portrayals of royal *ira* are far from intrusive or unusual and are embellishments of the myths on which the tragedies of Seneca are based.²⁰⁷ Mention of exemplary

²⁰⁶This and other *exempla*, "Silver Age" as they may seem in spirit and tone, merely retell in sequence tales told at intervals in the narrative of Herodotus. The Cambyses anecdote, for example, is taken from book three of the Histories, and the Harpagus incident which follows at III.15 originally appears in book one of the Histories, as noted by Justus Lipsius apud Joh. Fred. Gronovius, L. Annaei Senecae: Opera Quae Exstant (Amsterdam: Daniel Elsevir, 1672), 116-119.

²⁰⁷D. and E. Henry, The Mask of Power: Seneca's Tragedies and Imperial Rome (Warminster, Wilshire and Chicago: Aris and Phillip Ltd. and Bolchazi-Carducci, 1985), 56-74, and 157-176, provide a worthwhile

figures--Antigonus, Philip, and Augustus--would seem to suffice for Seneca's originally stated goal of dispelling *ira*, but he nonetheless furnishes two sets of *exempla* for contrast and comparison. An imbalance clearly exists, however, and instances of behavior to be avoided far outweigh those meant for imitation.²⁰⁸ Censure of angry rulers predominates in the succession of tales, whereas approval of peaceful sovereigns receives less attention; but a quasi-quantitative evaluation of these passages misses the mark.

The outrageous and cruel conduct of Cambyses, Harpagus, Darius, and others form a curious counterpoint to the equanimity of an Antigonus or Augustus. At the same time a second set of oppositions is most apparent; rulers of either gentle or harsh persuasion are set up in contrast with candid underlings whose candid truth-telling is a constant throughout the anecdotes. Unspeakable acts and unfathomable reactions eclipse *ira* by the sheer cumulative effect of the horrors catalogued. The discouragement of vice sinks into a role subordinate to the shock inspired by the events--an effect atypical of the philosophical dialogue but

recent study of this theme in the tragedies.

²⁰⁸The examples of unrestrained anger extend from III.14-21; III.22-24, a more limited selection, offer models of self-control. The imbalance itself suggests the disproportion in actual occurrence.

commonplace in satire.²⁰⁹ Where one citation of princely atrocity would fulfill a remedial purpose, a succession of grotesque portrayals accumulate to offer an interminable hyperbole from which each anecdote itself contains a pair of exaggerated examples of tyranny and submission. This strategy of presenting odious behavior followed by models for emulation forms a pattern recognizable in some of the most memorable satires of Juvenal and Horace.²¹⁰ Both ample use of hyperbole and an inclusion of antithetical models indicate Seneca's satiric intent and his accompanying insistence on reform.

In the same vein, if exaggeration effectively overshadows any dispassionate analysis of *ira* in Seneca's *exempla*, doubt is cast on the actual role of *ira* in the narratives. Upon closer analysis *iniuria* once again looms as an object of concern beneath Seneca's lurid depiction of anger. Cambyses plainly over-reacts to the frank suggestion of Praexaspes, whose response to the king's verdict is equally drastic. Yet this mutual extravagance easily obscures the issues at hand. Praexaspes' assessment of Cambyses' intemperance as "*turpem*" (base) is construed as

²⁰⁹See above, Chap. 1, *passim*.

²¹⁰Horace *Sermones* I.3.38-56 offers models for minimizing the flaws of others after presenting examples of faultfinding. At I.1.117-119, Horace extols the satisfied dinner guest in contrast to the list of malcontents mentioned at I.3-14.

contumelious affront; all the more so for its public utterance at a banquet, a condition which would classify Praexaspes' offense as *convicium* under Roman law.²¹¹ Indeed, the foreign setting and time frame of this traditional account would hardly have obscured a decidedly Roman interpretation for Novatus or other Romans familiar with the law of delict.²¹² In addition, a Roman appreciation of the tale as a legal case could only construe Cambyses' cruel retaliation as his willful and capricious misinterpretation of *bona consilia* (good advice) as being *atrox iniuria* or *maiestas* (treason). The king infers an offense (*ex facto*) in public (*ex loco*) against his person (*ex persona*) by someone of lesser status.²¹³

Other aspects of the incident are also noteworthy, however. Seneca's addressee, whose judicial expertise is well documented, could hardly have disregarded the obvious trial format of the *exemplum*, nor could he have passed over certain idiosyncratic features of the judicial process recounted.

²¹¹See Gaius, *Inst.* 3.220 and *Digest* 47.10.15.4. A Roman of Seneca's time no doubt would have also understood the offense as *maiestas* (treason). See below, n. 214.

²¹²Seneca explicitly inserts the legal terms *obiurgator* (detractor), *mancipium* (slave), and *supplicium* (execution) into the Herodotean tale.

²¹³W.W. Buckland, *A Textbook of Roman Law: From Augustus to Justinian*, 3d ed., rev. Peter Stein (London: Cambridge University Press, 1963), 592, discusses these particulars, as does Berger, 502. *Digest* 47.10.7.8. cites the authority of Labeo for determining the conditions which constitute *atrox iniuria*. This would predate Seneca and place recognition of aggravated *iniuria* early in the classical period of Roman law.

The highlights of the story are, in fact, less germane to *ira* than to procedural anomalies readily obvious to a Roman legal expert. Cambyses assumes the roles of *adversarius* (plaintiff), *advocatus* (attorney), *iudex* (judge), and *carnifex* (executioner), an exceptional circumstance in itself which departs from common practice.²¹⁴ In addition to there being no effort at establishing intent, as well as neither anyone to plead Praexaspes' case nor any petition in his own behalf, Cambyses metes out

²¹⁴Fritz Schulz, Classical Roman Law (Oxford: Clarendon Press, 1951), 13-27, discusses common judicial procedure and the roles of the participants; in the same work, 593-600, Schulz examines the *actio iniuriarum* and refers to a monetary fine as the customary penalty. The anecdote points to something more, however, than *atrox iniuria*. Both Crook, 252-53, and A. H. M. Jones, The Criminal Courts of the Roman Republic and Principate (Totown, New Jersey: Rowan and Littlefield, 1972), 106-107, refer to the disturbing development cited by Tacitus (Annals I, 72) whereby forms of *iniuria* (particularly defamation) began to be considered within the scope of the criminal law of treason, or *maiestas*, during the reign of Augustus, and whereby criticism of the emperor or those associated with him counted as such. The Cambyses tale provided an historic-and barbaric-parallel for the increasingly common correspondence between *maiestas* and *iniuria* during the principates of later emperors. Wolfgang Kunkel, An Introduction to Roman Legal and Constitutional History, trans. J. M. Kelly (Oxford: Clarendon Press, 1966), 63, n.1, mentions the ever farther-reaching application of *maiestas* in the course of the first century of the Empire. This change marks a departure from the happy separation of *iniuria* from *maiestas* implied by the *sermo* between the jurist Trebatius and Horace at Sermones II.1.79-86. Finally, at Apocolocyntosis 10, Seneca charges Claudius with the same brutal caprice for which he had earlier found Cambyses responsible: *Dic mihi, dive Claudi, quare quemquam ex his, quos quasque occidisti, antequam de causa cognosceres, antequam audires, damnasti*. His comments are as critical of *maiestas* and the circumvention of normal due process as of *atrox iniuria*.

a *supplicium* (execution) of the most dire sort where *poena* would suffice as a penalty commensurate with what Cambyses has assumed are the facts.²¹⁵ Finally, and perhaps the most egregious feature of the story other than the novel and utterly brutal character of Cambyses' retribution, remains what a Roman would term a *crimen* in the case of anyone but a tyrant.²¹⁶ Heinous as it is that Cambyses retaliates against Praexaspes' son, someone innocent of the effrontery which he presumes and at which he has taken offense, he commits murder as well: on all counts a capricious exercise of political authority, but foremost for Seneca's

²¹⁵Ibid.

²¹⁶*Crimen* (OLD, entry 4: "A misdeed, crime") is technically an antonym of *delictum* according to Berger, 418, and the two terms generally serve to distinguish public from private wrongs. The same author maintains that in "postclassical language the two terms are used interchangeably since public prosecution absorbed the wrongdoings previously classified as *delicta*." The *De Ira*, it should be noted, was written still somewhat early in the classical period, when the distinction between *crimen* and *delictum* held true. For present purposes, murder in retaliation for *iniuria* would itself have been a *crimen*. The rules change dramatically, however, if the victim of an insult is the emperor. At this point, *iniuria* becomes the *crimen maiestatis* (treason), and a public rather than a private wrong. The Twelve Tables permitted retribution in kind (*talio*) for *iniuria* which involved harm to the body of another, but only monetary penalties for harm to reputation. Cf. Warmington, 474-79. Seneca finds *talio* reprehensible at II.32.1. See *Digest* 48.8 on the *Lex Cornelia de Sicariis et Veneficiis* for the relevant background on Roman legal considerations of murder.

purposes, an abuse of judicial authority.²¹⁷

A short summary and appraisal of Seneca's *exemplum* and its relative significance is in order. Although Seneca pledges to list *exempla* which illustrate *ira* and its suppression among rulers and subjects respectively, in effect he is providing much else besides.²¹⁸ Legal nuances and satiric devices are most noticeable, considerably surpassing *ira* as the immediate object of interest.²¹⁹ The very term *ira* is in fact understated as a description of Cambyses' cold-blooded *tour de force*; a demonstration of skill so perverse that disgust and revulsion are the primary effects of its report. The exaggerated quality of the incident Seneca has chosen thus becomes a defining element. The account contains a legal in addition to an ethical purview. Several outstanding details of the ancient legend possess an altered importance for the imperial reader conversant with Roman legal tradition. The conceivable interpretation of Praexaspes' *bona consilia* (good advice) as contumelious and suggestive of both *convicium* (clamor) and *atrox iniuria* (aggravated *iniuria*), the judicial

²¹⁷The *exempla* not only provide cases where anger is expressed or controlled, they also demonstrate how personal and official judgment effectively coincide in the person of a ruler. Private *ira* thus assumes a much larger significance. Cf. I.16.5-7 and II.29.3-4.

²¹⁸See the brief preface to the anecdotes at III.13.7.

²¹⁹The insertion of a short narrative into a diatribe or monologue occurs, for example, in Horace, Sermones II.6.77-117.

layout of the tale, and procedural abnormalities implied by Cambyses' actions are all elements peculiar to a Roman exegesis of the story, but irrelevant to its initial Greek audience.²²⁰ Despite minimal use of legal diction, that the anecdote was set as an example of *delictum* and *crimen* could hardly have eluded a trained legal perspective such as that of Novatus.

Similar effects permeate the remainder of Seneca's *exempla*. The tales of Harpagus' banquet (III.15.1), Darius and the sons of Oeobazus (III.16.3), Xerxes and the son of Pythius (III.16.4), Alexander and Clitus (III.17.1), Alexander and Lysimachus (III.17.1), Lysimachus and Telesphorus (III.17.2-3), represent Greek and barbarian types, whereas the stories of Marius and Sulla (III.18.1) and Gaius Caesar's nobles, Betilienus Bassus and Sextus Papinius (III.18.3), provide Roman counterparts.²²¹ Acts or statements perceived as examples of *iniuria*, judicial caprice, and

²²⁰Schulz, Classical Roman Law, 598, offers a noteworthy commentary: "The law of *iniuria* is genuinely Roman law. The whole development--primitive rules of the Twelve Tables, praetorian reform, liberal interpretation of the Edict by the lawyers--is typically Roman. The rules of the Edict show the true Roman feeling for decency, privacy, and good repute and are closely connected with Roman customs and manners. Greek influence, which has been alleged by some, is neither proven nor probable." Given Seneca's era, *maiestas* (treason) would have been immediately recognizable in the stories.

²²¹Joh. Frid. Gronovius, L. Annaei Senecae: Opera Quae Exstant, vol. 1 (Amsterdam: Daniel Elsevir, 1672), 118-125, cites the sources from which Seneca draws.

unjustified executions abound in a manner peculiar to a legally informed Roman audience. In a real sense, *lex* (law) or *ius* (statute) can be considered as wholly Roman as *satura* (which is "*tota nostra*"), an irony which imbues the De Ira and shapes its appeal to both legal and satiric sensibilities.²²² Seneca's illustrations, reminiscent of passages from Lucilius and Horace, censure, denounce, exaggerate, and even disgust.²²³ The *exempla* themselves, however, aside from the prose framework demanded by the work, emphasize a feature less prevalent or necessary to Lucilius or Horace, who lived in times more congenial to *libertas* as a comprehensive and vital political reality: Seneca's *exempla* from the past are distant enough to be safe models for criticism.²²⁴ Since elements of

²²²To Quintilian's Roman claim for the origin of satire (Instiutio Oratoria, X.1.93) must be added a Roman claim for the development of the science of law. Marrou, 289, puts it thus: "The one really great feature of Latin education was in fact the opportunity it provided of a legal career..law was the great creation achieved by the genius of Rome..."

²²³In this, at least, Lucilius is the more appropriate model, if only because he seeks to shock. Cf. XVII. 567-73, XXIX. 885, or XXIX. 907. Horace's denunciations are less mordant, and images which might revolt his audience are absent.

²²⁴M. L. Clarke, The Roman Mind (Cambridge: Harvard University Press, 1956), 103-105, offers a brief discussion of the loss of *libertas* during the early empire, or "the funeral of the Free State" as Ronald Syme, The Roman Revolution (Oxford: Clarendon Press, 1939), 1, phrases it. Coffey, 136-37, mentions the dangers of attacks on contemporaries in Juvenal's time, and Gilbert Highet, Juvenal The Satirist (Oxford: Clarendon Press, 1954), 9, notes that *exempla* from the distant past are a characteristic of Juvenal's work. Although Seneca chose figures from the past for consideration, his denunciation of past procedures which resembled

his satiric diatribe refer to a generic present in the De Ira, Seneca names no names; perhaps a telling indication of the extent of *iniuria* in practice no less than the need to devalue it.

These trends persist as well in the *exempla* Seneca provides for emulation, of which the anecdotes about Antigonus have the same point as the subsequent anecdotes about Philip and Augustus.

Quid enim facilius fuit Antigono quam duos manipulares duci iubere, qui incumbentes regis tabernaculo faciebant quod homines et periculosissime et libentissime faciunt, de rege suo male existimabant? Audierat omnia Antigonus, utpote cum inter dicentes et audientem palla interesset; quam ille leviter commovit et: "Longius" inquit "discedite, ne vos rex audiat." Idem quadam nocte, cum quosdam ex militibus suis exaudisset omnia mala imprecantis regi, qui ipsos in illud iter et inextricabile lutum deduxisset, accessit ad eos qui maxime laborabant et cum ignorantis a quo adiuventur explicuisset, "nunc" inquit "male dicite Antigono, cuius vitio in has miseras incidistis; ei autem bene optate qui vos ex hac voragine eduxit." Idem tam miti animo hostium suorum male dicta quam civium tulit. Itaque cum in parvulo quodam castello Graeci obsiderentur et fiducia loci contemnentes hostem multa in deformitatem Antigoni iocarentur et nunc staturam humilem, nunc conlisum nasum deriderent, "gaudeo" inquit "et aliquid boni spero, si in castris meis Silenum habeo." Cum hos dicaces fame domuisset, captis sic usus est ut eos qui militiae utiles erant in cohortes discriberet, ceteros praeconi subiceret, idque

maiestas must have involved some risk.

se negavit facturum fuisse, nisi expediret iis
dominum habere qui tam malam haberent linguam.

(III.22.1-5)

(What indeed would have been easier than for Antigonus to order the execution of the two common soldiers, who, while they leaned against the royal tent, expressed--as men will do with equally great danger and delight--their ill opinion of their king? Antigonus heard everything, only a canvas intervening between the speakers and the listener; this he gently shook and said, "Move a little further off, for the king might hear you." Again, one night, when he overheard some of his soldiers invoking all kinds of curses upon the king for having led them into such a road and inextricable mud, he went up to those who were struggling most, and when he had got them out, without revealing who their helper was, he said, "Now curse Antigonus, by whose fault you have fallen upon this mishap, but bless him who has led you out of this swamp." He also bore the abuse of his enemies as calmly as that of his countrymen. And so, when he was besieging some Greeks in a small fort, and they, confident in their position, showed open contempt for the enemy, and cracking many jokes upon the ugliness of Antigonus scoffed now at his diminutive stature, now at his flattened nose, he merely said, "If I have a Silenus in my camp, I am fortunate and hope for good luck." When he had subdued these wags by hunger, he disposed of his captives as follows: those who were fit for military service he assigned to regiments; the rest he put up at auction, saying that he would not have done so had it not seemed good for men who had such an evil tongue to find a master.)

Although far less expansive than his collection of tales which recall tyrannical caprice and cruelty, the anecdotes chosen for their value as

models for imitation required less embellishment, if only because the two sets of stories serve markedly different functions. In proportion to the entire length of book three, both groups of *exempla* taken together seem unwieldy or unnecessary, and a refutation based on Stoic moral principles does not require the obvious exaggeration of incidents and revolting conduct reported on the one hand, or the promotion of ideals and virtuous responses suggested on the other.²²⁵ Yet hyperbole is justified by a satiric end, as is the exhortation to reform implied by *exempla* depicting moral exemplars of which Antigonus is the earliest, although not perhaps the most eminent. Philip and Augustus are no less admirable, but the account of Antigonus and his restrained attitude toward the common soldier contain features common to the other narratives as well. As a group they combine elements which curiously link them to the preceding *exempla* that had illustrated the connection between *ira* and *iniuria*.

Subsequent to the earlier *exempla* and immediately prior to those

²²⁵This is perhaps what Justus Lipsius, as cited by J. R. G. Wright, 39, meant by his comment about the *De Ira*: "*in toto parum distincti, & repetitionibus aut digestionibus confusi.*" It would seem that one example to be avoided and one to be copied would have been sufficient for Seneca to make his point. Fritz Schulz, *History of Roman Legal Science* (Oxford: Clarendon Press, 1946), 226, mentions the post-classical abridgement of the judicial literature of the age and the pruning of statements of the facts of cases. In addition to satiric exaggeration, the number of anecdotes would not seem unusual in a parody of legal writing which would contain several cases to illustrate a legal point. See below, Chap. 4.

whose first figure is Antigonus, Seneca adds a legal consideration to his prefatory commonplace on models for avoidance and emulation.²²⁶

Et haec cogitanda sunt exempla quae vites,
et illa ex contrario quae sequaris, moder-
ata, lenia, quibus nec ad irascendum causa
defuit nec ad ulciscendum potestas.

(III.22.1)

(These should be regarded as examples to be avoided; the following, on the other hand, are to be imitated, being instances of restrained and gentle men, who lacked neither a case conducive to anger nor the power of requital.)

In addition to the clear division of *exempla*, however, Seneca's choice of terms continues the legal emphasis and sustains continuity with previous definitions of crucial terms.²²⁷ The legal significance of both *causa* ("case," and the reason or cause for bringing one) and *potestas* (complete or full citizen rights) could hardly elude the notice of the educated Roman,

²²⁶Cf. Livy, *Ab Urbe Condita*, praefatio 10: "*Hoc illud est praecipue in cognitione rerum salubre ac frugiferum, omnis te exempli documenta in inlustri posita monumento intueri; inde tibi tuaeque rei publicae quod imitere capias, inde foedum inceptu, foedum exitu, quod vites.*"

²²⁷For *causa*, see OLD, entry 1: "judicial proceedings, a legal case, trial." *Potestas* (OLD, entries 1a and c) meant power in a "legal or quasi-legal context." Cf. Gaius, *Inst.* I.48-49: "*nam quaedam personae sui iuris sunt, quaedam alieno iuri sunt subiectae. Sed rursus earum personarum, quae alieno iuri subiectae sunt, aliae in potestate, aliae in manu, aliae in mancipio.*" Seneca refers to Praexaspes as *mancipium* (slave) at III.14.3. It is noteworthy that both *causa* and *potestas* are Seneca's terms of choice in the short preface to *exempla* for emulation.

much less Novatus, especially given the substance of the *exempla* which follow. Both words nevertheless suggest a legal sense by the accounts which they preface, all of which entail varieties or degrees of *iniuria* upon which the personalities in the anecdotes declined to pursue--a circumstance germane to Seneca's objective: the deterrence and refusal of legal action based on the delict.

Seneca cites three separate occasions on which Antigonus, according to the story, endures contumelious disregard by his own soldiers or by his enemies; indignities to which he reacts with an ingenuity and magnanimity Seneca praises. The incidents stand in stark opposition to the foregoing *exempla*. The cruel and ingenious *supplicia* (punishments) inflicted by sovereigns on their subjects in the earlier accounts often accompany only the slightest pretext or justification.²²⁸ Whereas Praexaspes' advisory comments are accounted effrontery by an intimate Cambyses, the subordinates of Antigonus lack any such ties with their leader and his enemies are *ipso facto* inimical; their derision is hardly unexpected or surprising. In sum, Seneca's examples exhaust the

²²⁸The story of Cambyses and Praexaspes, for example, hinges on a remark intended as beneficial and in the best interests of Cambyses. Seneca uses *bona consilia* (good advice) to describe the comments of Praexaspes (III.14.6) and refers to his relationship with Cambyses as *carissimus* at the start of the tale (III.14.1) and *amicus* at the conclusion (III.14.6).

possibilities, and he establishes far more than the straightforward presentation of sets of anecdotes whose design is a simple opposition between indulgence in *ira* and Stoic discipline. The contrasts extend much further, and reveal considerable legal detail. Seneca's villains dispense an inclement judgment on the most tenuous grounds; his ideal rulers overlook genuine causes for grievance.

The recognizable categories of *iniuria* pervade the Antigonus *exemplum* and its companion pieces, the narrative passages extolling Philip and Augustus (III.23). The offensive speech in public against the highest of officials is flagrant in each case, and in every instance the affront to *dignitas* differs radically from the ostensibly objectionable conduct of the various underlings in the first set of *exempla*. Technical violations of *iniuria* in the second series of tales are patent and cannot be compared to the actions of a Praexaspes, for example, whose advisory intent requires distortion to be understood as abusive or outrageous. As a consequence, the sets of *exempla* disclose undercurrents in addition to the manifest opposition between hyperbole and shock at one extreme, and reformative models at the other. Seneca's tyrants (be they barbarian, Greek, or Roman) represent an extreme in almost every detail from offense to judgment and execution, whereas his enlightened rulers express an exceptional restraint and curbing of autocratic *imperium* (authority) or

potestas (power) in the face of open variations of *iniuria*. This is clear both in the selection of legal vocabulary and a survey of the facts included in the cases Seneca presents.²²⁹ He describes Philip as possessing "*contumeliarum patientia*" (an endurance for insults) and Augustus as content "*a conviciatore suo secedere*" (to withdraw from his maligner), phrases which plainly indicate that retaliation would have been the expected response: in other words, Seneca is explicit about the legally actionable nature of the offenses outlined.²³⁰

If the earlier *exempla* contain illustrations of speech injurious to *dignitas* on dubious grounds at best, the contumely vented on Antigonus, Philip, and Augustus is unquestionable, and renders Seneca's introductory "*nec...causa defuit*" (nor was a case lacking) accurate. Just as exact, however, is the phrase "*nec ad ulciscendum potestas*" (nor the ability to avenge) as an additional condition to be observed in the following narratives. Dissimilarities in the use of *potestas* (authority/power) form

²²⁹From Seneca's account--a true one at least in terms of its fidelity to the spirit of the Herodotean original--the grounds for *iniuria* or *maiestas* are ambiguous in the case of Praexaspes' remarks. *Digest* 47.10.3.1-2 emphasizes intent as a necessary criterion, one which Seneca suggests was absent by describing Praexaspes' objections as *bona consilia* (III.14.6).

²³⁰Remarkably, Seneca does not refrain from using legal language that denotes *iniuria* when describing the conduct which goes unavenged or unpunished. The specific vocabulary used to designate legal offenses is present in the *exempla* showcasing restrained rulers. The contrast between clear-cut and doubtful cases of *iniuria* is marked.

perhaps the most striking feature differentiating the two sets of *exempla*. For satiric as well as legal purposes, the reactions of Seneca's prototypes of cruelty or clemency furnish abundant material for comparison.²³¹ As previously noted at length, the legally distinctive element characterizing the responses of Cambyses, Alexander, Gaius Caesar and others concerns the gross debasement of ordinary judicial procedure: the abandonment of an expected series of phases and a normal separation of roles.²³² Antigonus, Philip, and Augustus are equally autocratic, despite the more apparent violations of *iniuria* recounted. The absence of an appropriate trial is a central fact which characterizes all the *exempla*, but an important difference is conspicuous: Seneca's tyrants display an abjunctory rejection of legal recourse despite clear entitlement to such recourse.²³³ Seneca's models of restraint refrain from *ira*, but from *iniuria* as well, dispensing neither *poena* (punishment or monetary penalty) nor *supplicium* (more extreme punishment; torture or execution); his villains on the other hand

²³¹The stark opposition between vice and virtue, or folly and wisdom, is one of the hallmarks of satiric technique. Horace *Sermones* I.1 offers a ready model. Avarice and miserliness are offset by the ideal of contentment with what is at hand. Hight, *Anatomy of Satire*, *passim*, discusses this characteristic of satire at considerable length.

²³²See above, 129-130.

²³³Jones, 90-95, and Crook, 250-55, lay out the details of due process in cases of *maiestas* or *iniuria*. The praetor normally presided over cases of *iniuria*, and the senate tried cases of *maiestas*.

exact a *supplicium* subsequent to a travesty of the legal process which effectively overwhelms and is a distraction from the expressed theme--*ira*.²³⁴

Seneca's point in juxtaposing these *exempla* becomes increasingly evident and merits a brief summary. Although on the face of it an endeavor to differentiate approaches to *ira* and promote the Stoic ideal, the narratives themselves include much else that distracts from these ends. Furthermore, the appropriateness of the anecdotes to a strict philosophical discussion is itself questionable, not to mention the disproportionate scope Seneca assigns them.²³⁵ Yet the *exempla* readily offer the clues needed to resolve these issues, if one is prepared to accept a satiric purpose and forego the tempting conclusion that they represent one more demonstration that the De Ira is only a disorganized mass of arguments, colorful digressions, and anecdotes.²³⁶ The incorporation of contrasting *exempla* as models for avoidance or emulation is a familiar technique in

²³⁴For Seneca's addressee and for a Roman audience in general, the legal nuances present in the anecdotes and the number of anecdotes--far from being a distraction--would most likely have been an expected addition to his criticism of anger; especially so, considering the form he seems to have been parodying. See below, Chaps. 4 and 5, for parallels between the De Ira and the judicial *responsum*.

²³⁵Ibid.

²³⁶The latter view--or variations of it--has been a common one among scholars. See Wright, 39, and 65 n.7.

Roman satire, and an effort to discourage vice and advance virtue requires the least flattering portrayal of the former accompanied by the most plausible presentation of the latter.²³⁷ Seneca certainly accomplishes these ends in the ten chapters that he devotes to this project. *Ira*, however, is less the focus of the narratives than *iniuria*, whether alleged or established by the facts as given. As a consequence, the *exempla* are not simply a survey of provocations and responses to *ira*, but a display of types of actual or assumed *iniuria* and remedies for it. The narratives thus become concrete *causae* (cases), traced from the initial offenses (*delicta*) to eventual penalties (*poenae/supplicia*) or grants of clemency (*clementia*), and Seneca concludes the *exempla* with a plea for legal restraint which altogether omits *ira*.

...pro quocumque illud nobis respondeamus, sapientissimos quoque viros multa delinquere, neminem esse tam circumspectum cuius non diligentia aliquando sibi ipsa excidat, neminem tam maturum cuius non gravitatem in aliquod fervidius factum casus impingat, neminem tam timidum offensarum qui non in illas dum vitat incidat.

(III.24.4)

(...whoever it may be, let us say this to ourselves in

²³⁷The satires of Horace offer numerous examples; in particular, the diatribes of Book 1 (1.1, 1.2, 1.3) and Book 2 (2.2, 2.3, and 2.7). Rudd, 1-35, and 160-201, carefully examines Horace's treatment of virtue and vice in these satires. Horace even personalizes his examples, and recalls his own father using this very method of presenting models for avoidance and emulation (Cf. Sermones 1.4).

his behalf that even the wisest men have committed many delicts, that no man is so guarded that he does not sometimes let his diligence lapse, none so seasoned that accident does not drive his composure into some hot-headed action, none so fearful of giving offence that he does not stumble into it while seeking to avoid it.)

Having given adequate illustration to *iniuria*, and to quite opposite methods of redress, Seneca resumes his previous course for the remainder of the De Ira, giving cursory attention to the mitigation of anger so as to satisfy his initial pretext for the work. No sooner does he begin to discuss *ira*, however, than his theme once again reverts to *iniuria*, the courts, and an admonitory recommendation to abstain from litigation. Most of the legal vocabulary associated with the delict reappears as Seneca moves toward a finale much resembling the close of a satiric monologue.²³⁸ The *adversarius* implicit in the ubiquitous "*inquis*," has admirably and in timely fashion afforded him the justification for a diatribe on the courts and *iniuria*, for numerous *exempla* which contrast alternative reactions to *iniuria*, and for a sustained advocacy of reform. This last characteristic, a chief aim of satire and a hallmark of the spirit of satire, clearly takes the form of a plea for legal restraint in the concluding chapters of the final

²³⁸Cf. Horace Sermones 1.1.108-119, where the satirist returns to his central complaint and suggests a more appropriate attitude. Seneca's hortatory *illud nobis respondeamus* (let us say this to ourselves) begins a similar advisory statement to conclude the preceding *exempla*.

book of the De Ira.²³⁹ It now becomes plain that *iniuria*, the delict about which Seneca has complained and offered anecdotal evidence, is the disease for which *ira* (the apparent cause) is, in fact, only a symptom. And in keeping with the medical metaphor he freely employs throughout, Seneca carefully begins a chapter with this telling comment:

Quanto satius est sanare iniuriam quam ulcisci!
Multum temporis ultio absumit, multis se iniuriis
obicit dum una dolet.

(III.27.1)

(How much better it is to heal than to avenge an injury! Vengeance consumes much time, and it exposes the doer to many injuries while he smarts from one.)

The object of "*sanare*," so accurately indicative of Seneca's effort as well, is not *iram* here, but *iniuriam*.

Despite recurrent mention of *ira* for the balance of the work, equal if not greater attention is paid to *iniuria* and its judicial consequences. As in earlier sections of the De Ira, the two notions appear in tandem, and it will be worthwhile to give a brief selection of citations where they either coincide or a connection is implied.

- I. ...sic animo aequiore fert ab aliquo laedi, ab aliquo contemni, cuicumque venit in mentem nullam

²³⁹Reform has long been considered one of the motives of the satirist. Hightet, 241, notes the observation of Dryden that the "true end of satire is the amendment of vices by correction," a view in keeping with Diomedes' definition. See above, Introduction, 2.

esse tantam potentiam in quam non occurat iniuria.
(III.25.1)

(...so a man is more content to be injured by one, to be scorned by another, if he takes thought that no power is so great as to be beyond the reach of injury.)

- II. ...*proprium est magnitudinis verae non sentire percussum. ...Qui non irascitur, inconcussus iniuria perstitit, qui irascitur, motus est.*
(III.25.3)

(The mark of true greatness is not to notice that you have received a blow...The man who does not get angry stands firm, unshaken by *iniuria*; he who gets angry is overthrown.)

- III. "Plus mihi nocitura est ira quam iniuria. Quidni plus? illius modus certus est, ista quo usque melatura sit dubium est."
"Non possum" inquis "pati; grave est iniuriam sustinere." Mentiris; quis enim iniuriam non potest ferre qui potest iram?
(III.25.4-26.1)

("My anger is likely to do me more harm than *iniuria*. And why not more? The limit of the injury is fixed, but how far the anger will sweep me no man knows.")

"I cannot," you say, "be forbearing; it is difficult to submit to *iniuria*." That is not true; for who that can tolerate anger will yet be unable to tolerate *iniuria*?)

- IV. ...*maxima est enim factae iniuriae poena fecisse, nec quisquam gravius adfcitur quam qui ad supplicium paenitentiae traditur.*
(III.26.2)

(...for the greatest punishment for *iniuria* is having done it, and no man is more heavily punished than he who is consigned to the torture of remorse.)

In a short span following his *exempla*, Seneca refers repeatedly to *iniuria*, and his deliberate mention of "*laedi*" (to be injured), "*contemni*" (to be scorned), and "*percussum*" (blow) leaves no doubt that his intended request for forbearance pertains to actionable offenses covered by the delict.²⁴⁰ At the same time a return to persuasion or reasonable argument, so often interrupted by literary figures and conventions, once again becomes the chief means of appeal.²⁴¹ Yet this too, although the mainstay of a philosophical endeavor, is a necessary but not exclusive ingredient of the satiric design to reproach vice and encourage its elimination.²⁴² Seneca now builds layer upon layer of argument, but

²⁴⁰See above, Chap. 2, 68, n. 133, on the association between *percussus* and *iniuria*. *Laedo* (OLD, entries 1-4) and *contemno* (OLD, entry 1) both signify contumelious words or actions.

²⁴¹Seneca's physiological description of the angry man and wild beasts (I.1.3-7), his diatribe on the courts (II.7-9), and the anecdotes (III.14-23) are just a few of the many examples of Seneca's departure from strict argument.

²⁴²Griffin, 13-20, explores the possible traditions on which Seneca might have relied in writing the *dialogi*. The problem itself arises, in fact, from the expectation that Seneca present a lucid and straightforward argument against anger which progresses without digression. That Seneca does not fulfill this expectation represents a failure in technique only in that the *De Ira* fails to satisfy a preference for such a format. In this sense, the work is undoubtedly flawed. The expectation of a linear and uninterrupted argument, however, is also flawed in that it presumes our author's inability to continue a sustained argument when he does, in fact, achieve this for considerable stretches of the work. At the same time, this expectation is also a refusal to accept the possibility that Seneca's digressions may present evidence of models other than philosophical ones, even though no extant model has been discovered which provides a more

close reading of the line of reasoning in each of these passages cannot fail to mark *iniuria* as his primary object of emphasis. One retort to his *adversarius* clearly demonstrates this.

Adice nunc quod id agis, ut et iram feras et iniuriam.

(III.26.1)

(Besides, what you now propose is to tolerate both anger and *iniuria*.)

The causal connection suggested here is plain; *ira* results from *iniuria*, as the *adversarius* implies. Yet Seneca conjoins them as separate issues: *ira* and *iniuria*. Likewise, he places them on the same level, since both are problematic. Be that as it may, it is not difficult to discern precisely which problem he chooses to address.

Denique debeat poenas; non est quod cum illo paria faciamus.

(III.25.2)

(Suppose in the end he deserves punishment; then there is no reason why we should match his misdeeds.)

In the context of the sentence and the De Ira in general, *poenas* (punishments) assumes the unmistakable sense of legal penalty incumbent on *iniuria*, which he urges the reader to repudiate, in addition to the

or less exact parallel for the De Ira. See Chap. 4, *passim*, in which a case is made for the epistolary *responsum* as the model for the De Ira.

principle of vengeance intrinsic to *ira*.²⁴³

In the final passage of the four, Seneca refers to *poena* (penalty) a second time, and introduces the stronger term *supplicium* (execution) immediately afterward. Mention of these legal penalties carries considerable weight, for his argument now emphasizes the contrast between what is allowable by law on the one hand, and what is demanded in accordance with higher principles. Seneca had drawn attention to this disparity earlier in the *De Ira*, remarking on the limited standard of virtue the law provides compared with other criteria, such as *pietas* (duty), *humanitas* (humanity), *liberalitas* (generosity), *iustitia* (justice), or *fides* (integrity).²⁴⁴ His second use of *poena* is clearly intended as part of a moral position in contrast with *iniuria*. To repeat the crucial passage:

...maxima est enim factae iniuriae poena fecisse,
nec quisquam gravius adficitur quam qui ad supplicium
paenitentiae traditur.

(III.26.2)

(...for the greatest punishment of *iniuria* is having done it, and no man is more heavily punished than he who is consigned to the torture of remorse.)

Seneca's view is radical and in the common perspective unconventional, but quite consistent with an ethical insight which begins with Socrates in

²⁴³See above, Chap. 2, pp. 62-3.

²⁴⁴ II.28.2

the Apology: the criminal is the primary victim of his own crime.²⁴⁵

This sentiment as expressed in the De Ira certainly connects its author with a tradition, yet it is a custom and viewpoint assimilated by the Roman satirists as well, of which Horace is the closest model. Although Seneca had been anticipated by his predecessors, his detailed analysis of anger is novel and has extraordinary scope.²⁴⁶ Once again, just as he had earlier differentiated his own definition of *ira* from that of Aristotle by introducing the terminology of Roman law, he now produces an old idea in a characteristically Roman manner--its obvious legal application.²⁴⁷ And once more, the operative term is *poena* (penalty), which he augments with *supplicium* (execution), as if to remove any doubt as to his intended meaning.²⁴⁸ In terms of Seneca's persistent and

²⁴⁵ Plato Apology 18.c-d.

²⁴⁶Griffin, 168, mentions Posidonius and Sotion as two of Seneca's sources for the views expressed in the De Ira. No work on anger which predates Seneca survives other than in fragments. Jan Fredrik Kindstrand, Bion of Borysthenes: A Collection of the Fragments with Introduction and Commentary (Stockholm: Almqvist & Wiksell International, 1976), 151, mentions Bion as a source for later pieces on anger by Philodemus, and cites Antipater and Sotion as authors to whom works on anger have been attributed.

²⁴⁷Seneca's definition of *ira* at I.3.2, "*diximus cupiditatem esse poenae exigendae*" (I have ruled that it is the desire to exact a penalty), is contrasted with Aristotle's "*cupiditatem doloris reponendi*" (the desire to repay suffering). The phrase *poenae exigendae* places *ira* in a legal context. See below, Chap. 5, for the formulaic sense of *diximus*.

²⁴⁸See above, Chap. 2, pp. 62-3, on the legal meaning of *supplicium*.

recent references to *iniuria*, the implication of the Socratic view acquires a decidedly Roman cast, since he removes the general notion of wrongdoing and its consequences from the realm of abstraction and secures a practical legal context with precise and very circumscribed limits. More than simply a truism or offhand remark, the assertion that the greatest penalty for *iniuria* is to have committed the delict (III.26.2) expands the original Socratic idea by superimposing a legal framework as an exact referent.

Despite its legal nuance, Seneca's comment retains a measure of the Socratic sense for the simple reason that his appeal presumes a higher moral authority and precepts which transcend the law; in fact, this is the essential basis of his claim.²⁴⁹ The recommendation not to feel the blow nor be stunned by contumelious affronts breaks with accepted Roman practice, as does the injunction to suffer *iniuria*, an exceptionally foreign doctrine (Indeed, Greek!) for a people to whom their obdurate belief in the preservation of *dignitas* was a cardinal social tenet.²⁵⁰ Yet this is what Seneca unequivocally urges in the passages quoted; the *poenae* (penalties)

²⁴⁹Cf. II.28.2, a passage in which *officium* (duty) is set in opposition to *iuris regula* (the principle of law). In sum, the consistency of Seneca's opposition of law to morality is apparent in his choice of terms.

²⁵⁰H. Wegehaupt, "*Die Bedeutung von dignitas in den Schriften der republikanischen Zeit*" (Ph.D. diss., Breslau, 1932), offers a comprehensive discussion of this term.

and *supplicia* (punishments) entitled by law are deprecated. A position as radical as the one he presents must certainly have jarred the the Roman sensibility perhaps even more than the modern.²⁵¹ Nonetheless, his advocacy, while neither denying legitimate delictal claims nor suggesting an acquiescence tantamount to the approval of crime, definitely pleads avoidance of litigation, about which he is quite specific in the last sections of the De Ira.²⁵²

If Seneca's outspoken denunciation of legal action proceeding from *iniuria* begins to reach a climax in these last chapters, it succeeds in part because he adeptly unites two of the strategies of satire: first, the topical criticism of the earlier books, and then the proposed reforms which are the

²⁵¹Seneca's criticism of *talio* (retaliation in kind) and *ultio* (revenge) at II.32.1, principles upheld either explicitly or implicitly in the Twelve Tables, runs contrary to the fundamental Roman sense of justice. See Nicholas, 207, on the principle of vengeance in Roman law.

²⁵²Seneca by no means attempts to deny the severity of *iniuria*, as he indicates repeatedly, nor does he suggest that the commission of the delict is acceptable. Responding to the legal argument of his *adversarius* at II.33.1 that we will not be slighted or scorned if we avenge an injury (*si vindicaverimus iniuriam*), Seneca takes no issue with legal recourse as such, but only with litigation pursued as a consequence of any motive other than expedience (*utile*). In addition, Seneca suggests an approach to *iniuria* (II.28-31) which compares with Horace's advice on overlooking the faults (*vitia*) of others (Sermones I.3.19-98). Remarkably, the passage from Horace concludes with comments on *ira*; in point of fact, the spirit and tone of this portion of the satire displays an uncanny resemblance to Seneca's advisory comments at II.28-31 in the De Ira and may have served as his model.

central focus of the final book. But in the meantime, the mitigation of *ira*, Novatus' initial request, is of secondary importance compared with avoidance of *iniuria* and the courts, which Seneca now asserts emphatically.

...nunc ex imperio irae loquemur; cum illa abierit, tunc videbimus, quanto ista lis aestumanda sit. In hoc enim praecipue fallimur: ad ferrum venimus, ad capitalia supplicia, et vinculis carcere fame vindicamus rem castigandam flagris levioribus. "Quomodo" inquis "nos iubet intueri, quam omnia, per quae laedi videamur, exigua, misera, puerilia sint!" Ego vero nihil magis suaserim quam sumere ingentem animum et haec propter quae litigamus discurremus anhelamus videre quam humilia et abiecta sint, nulli qui altum quiddam aut magnificum cogitat respicienda.

Circa pecuniam plurimum vociferationis est: haec fora defatigat, patres liberosque committit, venena miscet, gladios tam percussoribus quam legionibus tradit; haec est sanguine nostro delibuta; propter hanc uxorum maritorumque noctes strepunt litibus et tribunalia magistratum premit turba....

(III.32.2-33.1)

(...at the moment we shall speak under the authority of anger; when that has passed, then we shall be able to see at what value we should appraise the lawsuit. For it is in this that we are most liable to be wrong. We resort to the sword, and to capital punishment, and an act that deserves the censure of a very light whipping we punish by chains, the prison, and starvation. "In what way," you ask, "do you bid us discover how paltry, how pitiful, how childish are all those things by which we think we are injured!" I, assuredly, could suggest nothing better than that you realize how sordid and worthless are all these things for the sake

of which we litigate, rush to and fro, and pant; these do not deserve a thought from the man who has any high and noble purpose.

Most of the outcry is about money. It is this which wearies the courts, pits father against son, brews poisons, and gives swords alike to the legions and to cut-throats; it is daubed with our blood; because of it the nights resound with hideous quarrels of husbands and wives; <and by day> the crowds swarm to the tribunals of the magistrates.)

Mention of *ira* at the start abruptly ceases, to be replaced with a succession of judicial images. Seneca shirks the commonplace and ordinary case; the circumstances of *ira* to which he alludes are sufficiently severe as to warrant a legal intervention he nevertheless regards as often unnecessary, if not ignoble.

Immediately following his reference to *ira*, Seneca discusses its consequences in terms of the standard Roman expression for lawsuit (*lis*).²⁵³ A list of particular and especially stringent legal penalties pursuant to litigation appears next, confirming his intention to place *ira* within a legal schema and underscoring the effects of both *ira* and *lis*: *ferrum* (sword), *capitalia supplicia* (capital punishment), *vinculis* (chains),

²⁵³*Lis* (OLD, entry 1: "A dispute at law, a lawsuit") appears at the beginning and at the end of a passage rife with legal references. Seneca cleverly combines its more general meaning (OLD, entry 2: "A dispute, quarrel, disagreement") with its legal significance by placing it immediately prior to the connective *et* (and), thus co-ordinating the structure (the two clauses) as well as the content (the images of private and public conflict).

carcere (prison), *fame* (starvation). Seneca's passing use of *ira* becomes quickly overshadowed by concerns of an exact legal nature, a pattern which by now has become identifiable and expected. Phrases such as "*vindicamus rem*" (we punish) and "*propter quae litigamus*" (for the sake of which we litigate) hardly conceal the exigency of reducing the lawsuits which he believes "*nulli qui altum quiddam aut magnificentum cogitat respicienda*" (do not deserve a thought from the man who has any high and noble purpose).²⁵⁴ Rather than return to *ira*, Seneca furthers this theme in his next chapter, but with a continued reversion to the protest of the legal arena employed so often in the second book.²⁵⁵ In doing so, however, he turns to another commonplace topic of satiric ridicule: avarice.²⁵⁶ Conflict over money wearies the courts, as he says; it also engenders domestic discord and produces the crowds at the tribunals. Finally, Seneca climaxes his criticism of this vice with an overt censure, begun in the previous chapter, of the willingness to go to trial.

hi sunt propter quos oculi clamore exprimantur,
fremitu iudiciorum basilicae resonent, evocati
ex longinquis regionibus sedeant iudicaturi

²⁵⁴Berger, 766, cites the technical phrase *rei vindicatio* as meaning "laying claim to, asserting one's right." In this instance, *res* (OLD, entry 11) pertains to the matter at issue in a court of law.

²⁵⁵Cf. II.7-9.

²⁵⁶Cf. Horace *Sermones* I.1. Seneca's comments at III.33.2 parallel those of Horace in both general treatment and tone.

utrius iustior avaritia sit.
(III.33.2)

(But these are what men shout for until their eye-balls start; for the sake of these the lawcourts resound with the din of trials, and jurors summoned from distant parts sit in judgment to decide which man's greed has the more just claim.)

The insertion of avarice into the discussion produces a mixture or medley which is typical of satire and essential to its nature.²⁵⁷ Just as he combines topics in a brief span, Seneca intermingles objectives in the concluding chapters of the *De Ira*, thereby achieving a medley of approaches as well. Diatribe, reform, and systematic argument coalesce to match the variety of concerns treated. Despite the obligatory and periodic reversion to *ira*, the legal terminology associated with *iniuria* recurs throughout; "*verba contumeliosa, motus corporum parum honorificos,*" and "*interpretationes malignas vocis alienae*" (insulting words, disrespectful gestures, and malicious misconstruction of another's words) and similar phrases assume the place of prominence in Seneca's final considerations.²⁵⁸ *Ira* reappears constantly, if only to establish a convenient point of departure from which to elaborate his numerous proposals and recommendations for reform, all of which directly relate to

²⁵⁷Coffey, 11-23, provides a lucid discussion of the origin and nature of *satura*, as does Knoche, 3-16.

²⁵⁸III.34.1

acts covered by the delict.²⁵⁹ Not unexpectedly, then, does Seneca close the De Ira with a clear condemnation of the "*cupiditatem...poenae exigendae*" (the desire to exact a penalty) with which he opened.²⁶⁰ It should come as no surprise that he summarizes his message with an asyndetic flurry of legal circumstances to be shunned.

Interim, dum trahimus, dum inter homines sumus, colamus humanitatem; non timori cuiquam, non periculo simus; detrimenta iniurias, convicia vellitationes contemnamus et magno animo brevia feramus incommoda: dum respicimus, quod aiunt, versamusque nos, iam mortalitas aderit.

(III.43.5)

(Meanwhile, so long as we draw breath, so long as we live among men, let us cherish humanity. Let us not cause fear to any man, not danger; let us disdain losses, injuries, public abuse, and taunts, and let us endure magnanimously our short-lived annoyances. While we look back, as they say, and turning around, immediately death will be upon us.)

²⁵⁹The key words and phrases associated with *iniuria--contumelia* (insult), *convicium* (clamor), *percutere* (to strike a blow)--repeatedly occur in the final sections of work, offering still more evidence of Seneca's legal focus.

²⁶⁰ I.3.2.

CHAPTER FOUR

THE DE IRA AND THE JUDICIAL RESPONSUM

The prominence of Seneca's emphasis on the legal consequences associated with *ira* is by now apparent: descriptions of the social results of anger invariably include the crowded courts, anger is defined and discussed in terms of the delict *iniuria*, and recommendations for reform largely consist of repeated appeals for judicial restraint. But the legal content of the De Ira raises the possibility of a legal format as well, and the structure of the work remarkably parallels the observed features of the judicial or epistolary *responsum*, a genre in which the Roman jurists carefully examined individual legal issues or points of law, often at great length and in detail. Comparison of known characteristics of the *responsa* with the technical language and formal elements of the De Ira, in addition to underscoring Seneca's persistent focus on *iniuria*, explains the most important structural anomalies of the work which have set the De Ira apart from earlier representatives of the philosophical dialogue.

Senecan scholars of the past century have suspected that the Dialogi generally and the De Ira in particular admit influences and models other

than the philosophical dialogue.²⁶¹ Their suspicions are well justified: structural and stylistic similarities between many of the dialogues and other genres, notably the Hellenistic diatribe and Horace's *Sermones*, have been recognized.²⁶² Attention to an individual moral theme, spontaneous or unsystematic organization, a pointed style, vivid imagery, and colloquialisms are all features common not only to the Hellenistic diatribe and Horace's satire, but to the *De Ira* as well.²⁶³ Like his predecessors, Seneca chooses a universal moral ill to castigate, tries to expose its undesirable effects, and urges the benefits of alternate courses of action.²⁶⁴ Vividly though he describes the mad countenance of the angry man or the hideous results of anger, even when justified, Seneca's descriptions of the pernicious legal and social consequences of *ira* are even more striking; and it is primarily this legal perspective which brings the elements of satire into sharp focus in the *De Ira*. He directs his criticism

²⁶¹Griffin, 6-16, briefly discusses the scholarly conclusions over the past century on the structure of the ten dialogues in the *Codex Ambrosianus* and the *Epistulae Morales*; she includes a survey of some of the literary models on which Seneca may have relied in writing the dialogues.

²⁶²*Ibid.*, 13-16.

²⁶³*Ibid.*

²⁶⁴Examples from Bion and Horace are plentiful. Kindstrand, *passim*, (1976) offers an excellent commentary on individual moral issues which Bion discussed. Rudd, *passim*, analyzes Horace's moral concerns and frequently points out his indebtedness to Bion.

of the age to a judicial milieu rife with abuse, along with dispraise of folly, and recommendations for restraint. In the course of this, *ira*, which Seneca now calls a delict, stands revealed as not only a moral issue, but a legal issue as well.²⁶⁵

The fact remains, however, that De Ira is the title of the work at hand as it has been transmitted, not De Iniuria; anger is the ostensible subject, and its relevance to *iniuria* requires further analysis in light of Seneca's frank discussion of the delict. Likewise, the three elements of satire heretofore discussed--topical protest, censure of *iniuria*, and recommendations for reform--comprise but a few of the salient features of the De Ira and only partially succeed in determining Seneca's purpose. Aside from this, the work has prompted numerous questions which have largely been left unanswered, but have led to considerable speculation about Seneca's literary models.²⁶⁶ Certainly the prevalence of satiric techniques in a reputed philosophical dialogue is a conspicuous departure from the stylistic norms of the genre.²⁶⁷ Yet other aspects of the De Ira violate the conventions of the type as well. Unlike the most representative

²⁶⁵I.16.1

²⁶⁶Griffin, Introduction and Appendix B2.

²⁶⁷Hirzel, 24-34, examines the Senecan dialogues within the tradition of the genre and notes some of the peculiarities of style which characterize the dialogues.

specimens, such as the Platonic dialogues or those of Cicero, the De Ira has no definite setting and lacks even the pretense of conversation.²⁶⁸ At the same time, there are no named interlocutors; indeed, so far from being a proper dialogue with all its give and take, the only named personality is Theophrastus, whose appearance in an apostrophe makes the absence of a real addressee all the more striking. Seneca's *adversarius* is the virtually anonymous subject of "*inquis*" or "*inquit*."²⁶⁹ As a consequence, this rather significant accumulation of unorthodox elements makes *dialogus* a flatly inappropriate generic designation of the De Ira, despite the testimony of Quintilian or the title attached to the *Codex Ambrosianus*.²⁷⁰ If *dialogus* is an unsatisfactory term to describe the

²⁶⁸Griffin, 413-14, comments on these anomalies and remarks that during the early Empire *dialogi* still referred to "philosophical works with named characters and organized debate," features which continued to mark the dialogue long after Seneca's time.

²⁶⁹At I.12.3, Seneca uses the vocative "*Theophraste*;" at I.14.1, he employs the nominative "*Theophrastus*." Theophrastus, however, is not a "character" within the dialogue. Justus Lipsius apud Joh. Frid. Gronovius, 22-25, explain the first mention of Theophrastus as follows: "*Significat igitur, Theophrastum & Peripateticos, popularia serere: & vulgum, quam sapientes, judicem malle*;" as for the latter citation: "*Hoc Peripatetici senserunt...*" Griffin, 414-415, notes parallels between Seneca's use of the indefinite "*inquit*" and Cicero's use of the figure; she also comments that the audience would naturally attach remarks which follow "*inquit*" to the accuser in judicial speech, an observation which hints at the role this formulaic verb plays in the Roman legal literature.

²⁷⁰Quintilian 10.1.129. Reynolds, *praefatio*, discusses the title and the mss. tradition. Cf. Griffin, 13.

design of the De Ira, we must search for precedents elsewhere, and the satiric techniques and legal content already observed may perhaps offer clues and provide a direction not yet taken. The exaggerated portrayal of a particular vice was typical of the diatribe, along with the unsystematic and casual presentation characterized by stretches of bitter censure, by argument, or by exhortations to improvement and virtue. The occasional interjections of an impersonal interlocutor and a colloquial style are also present, characteristics which are hallmarks of the satiric monologues of Horace and parallel at least some of the stylistic elements of the De Ira.²⁷¹ Nonetheless, neither investigation of its philosophical tradition nor study of its satiric background accounts for the absence of the genuine give and take which had been standard in the philosophical dialogue prior to Seneca's age.²⁷² Finally, the serious and highly technical nature of Seneca's legal comments on *iniuria* and various ancillary issues has thus far gone unrecognized because scholars have disregarded the juristic literature of individual legal problems. This sparse yet important body of literature may well have served as a precedent for Seneca's purposes in

²⁷¹Fraenkel, 76-153, Knoche, 73-98, Coffey, 63-97, and Rudd, *passim*, each examine some or all of these characteristics of Horatian satire.

²⁷²See Hirzel, 24-27.

the De Ira.²⁷³ In addition, the choice of a distinct class of legal literature on which to pattern the De Ira, when combined with noticeable satiric features, raises the possibility of still another satiric element being at work in Seneca--the element of parody.²⁷⁴

As has been seen, Seneca has staked out a position on various issues connecting anger with Roman jurisprudence and is familiar with its terminology and practice: technical distinctions between types of *iniuria*, recommendations appropriate for judicial magistrates, protracted criticisms of overcrowded courts and unnecessary suits, and anecdotes replete with the appropriate legal terms, judicial settings, and examples of litigation forestalled or avoided. At the very heart of the De Ira, Seneca summarizes his view of the law within the larger context:

Ut hoc ita sit, quam angusta innocentia est ad legem
bonum esse! Quanto latius officiorum patet quam iuris
regula! Quam multa pietas humanitas liberalitas
iustitia fides exigunt, quae omnia extra publicas
tabulas sunt! Sed ne ad illam quidem artissimam in-
nocentiae formulam praestare nos possumus....
(II.28.2-3)

(But assuming that this may be, how limited is the in-

²⁷³Fritz Schulz, History of Roman Legal Science (Oxford: Clarendon Press, 1946), 223, describes the literature of problems as "works devoted exclusively to problems, to the most difficult and perplexing questions of law. Their titles vary--*Digesta, Responsa, Quaestiones, Disputationes*, and so on..." Cf. Wolfgang Kunkel, An Introduction to Roman Legal and Constitutional History, trans. J. M. Kelly (Oxford: Clarendon Press, 1966), 103-115.

²⁷⁴See below, Chap. 5.

nocence whose standard of virtue is the law! How much more comprehensive is the principle of duty than that of law! How many are the demands laid upon us by the sense of duty, humanity, generosity, justice, integrity--all of which lie outside the statute books! But even within that other exceedingly narrow formula of innocence we cannot distinguish ourselves.)

In one of Seneca's more impassioned appeals, there is no mention of *ira* as such, even though one might have expected it; only the clear contrast of standards between strict legitimacy on the one hand, and virtue on the other. Seneca's preference is certainly the latter, and is consistent with his remarks on *iniuria* throughout the De Ira.

At the very beginning of the same chapter, however, he opens with a curious protasis.

Si volumus aequi rerum omnium iudices esse...
(II.28.1)

(If we intend in all matters to be fair judges...)

Seneca's subsequent contrast of moral and legal criteria for action acquires added emphasis in light of this simple condition. If we assume the plural of the personal pronoun is not rhetorically all-inclusive, but spoken with reference to the author and his addressee, Seneca's remark recalls the sort of language used in memoranda between two Roman officials responsible for dispensing justice, much in the manner of a type of juristic writing known as a *responsum*, in which an expert in Roman jurisprudence

furnishes an answer to a question concerning a special point of law.²⁷⁵ Thus, if satire of the delict *iniuria* and its abuses is one of Seneca's primary aims in the De Ira, what better model could he have chosen for a parody of law than a familiar genre specifically employed for the formal discussion of legal problems and their nuances?²⁷⁶

As with of the parallels between the diatribes of Bion of Borysthenes and Seneca's Dialogi investigated at the turn of the past century, the evidence upon which to compare extant samples of judicial *responsa* with

²⁷⁵Berger, 681, provides this brief summary on the *responsa*: "A type of juristic writing. The jurists used to publish their answers...in collections entitled *Responsa*. We know of *responsa* of Labeo, Sabinus, Neratius, Marcellus, Scaevola, Papinian, Paul, Ulpian, and some other jurists. The adaptation of the original *responsa* for publication required sometimes the addition of specific argumentation, particularly when opinions of other jurists were being rejected. Some jurists dealt with the cases, on which they had given opinions (*responsa*) as respondent lawyers, in other works, such as *Quaestiones*, or *Digesta* (Celsus, Julian, Marcellus) and vice versa, they inserted some real or fictitious cases they discussed as teachers in the works published as *Responsa*." Griffin, 167-68, briefly touches on Seneca's concern with the appropriate behavior of a judge.

²⁷⁶Highet, 67-147, offers a somewhat dated, yet still adequate, discussion of the various types of parody, including parody which is not comic, but a borrowing of form in a completely new setting. He divides it into two main classes: formal and material. In the latter, the form of the original being parodied is maintained, while the thought conveyed is inappropriate to the chosen form. In the case of the De Ira, Seneca's use of the *responsum* would at first sight seem an unusual choice of forms in which to criticize anger. See below, Chap. 5, *passim*, for discussion of the irony involved in Seneca's approach.

Seneca's De Ira is meager and fragmentary.²⁷⁷ Nonetheless, aside from details of Seneca's biography which offer near certainty that he would have been acquainted with the genre, a satisfactory case based on internal data can be made that the judicial *responsum*--at least as it was traditionally structured in the classical period of Roman law--was his most likely literary model for the design of the De Ira.²⁷⁸ If this indeed is the case, a plausible explanation for previously inexplicable elements of the De Ira which have no precedent in earlier philosophical dialogues can be made; and Seneca's rationale for omitting the customary stage, characters, or the repartée of conversation can be discerned. Moreover, if the De Ira is fashioned after the judicial *responsum*, a genre whose extant specimens are either abridged or epitomized, it would be the sole complete (although literary) representative of the type, thereby supplying a valuable and significant source for further study of the legal literature of problems.²⁷⁹

²⁷⁷Schulz, Roman Legal Science, 223-26, surveys the problems resulting from the limited evidence.

²⁷⁸Griffin, *passim*, reviews Seneca's legal and political careers, spanning a period well into the classical age of Roman law in which the literature of problems came into its own. Schulz, Roman Legal Science, 92, lists Labeo and his teacher Trebatius as two of the jurists of the period of whose opinions we have some knowledge. Horace (Sermones 2.1) requests the advice of Trebatius and refers to Labeo disapprovingly (i.3.82). See also Otto Lenel, Palingenesia Iuris Civilis l. ii 343-52.

²⁷⁹Schulz, Roman Legal Science, 226, comments on these problems as typical among works as poorly transmitted as the *Responsa*.

Seneca's repeated discussion of *iniuria* in a prescribed legal sense, not to mention the range of its applicability or basic disposition, discloses technical familiarity with a circumscribed area of the Roman law of delicts and is the most obvious sign that at least one of his objectives in the De Ira was quasi-legal commentary. Much of the work is consequently devoted to the interrelationship between *ira* and *iniuria*, or *vitium* (vice) and *delictum* (delict). Furthermore, Seneca's unremittingly satiric treatment of *iniuria* in particular and legal action in general, far from constituting a distraction, actually enhances what appears to be his overall design: to parody a *responsum* in which this particular delict is disparaged as a social vice and *ira* is as technically dissected as if it were a delict. In fact, Seneca quite boldly arrives at precisely this conclusion regarding anger fairly early in the work, and in a legal context.

Ergo ad coercitationem errantium sceleratorumque irato castigatore non opus est; nam cum ira delictum animi sit, non oportet peccata corrigere peccantem. "Quid ergo? non irascor latroni? Quid ergo? non irascar venefico?" Non; neque enim mihi irascor, cum sanguinem mitto. Omne poenae genus remedi loco admoveo.

(I.16.1)

(Consequently, there is no need that correction be given in anger in order to restrain the erring and the wicked. For since anger is the delict of the mind, it is not right to correct wrong-doing by doing wrong. "What then?" you exclaim; "shall I not be angry with a robber? Shall I not be angry with a poisoner?" No; for I am not angry with myself when

I let blood. To every form of punishment I will resort, but in lieu of a remedy.)

Not only does Seneca call anger a delict of the mind here, but he discusses it within the framework of two delictal violations--robbery and poisoning--and in terms which refer to legal action (*remedi*) and penalty (*poenae*).²⁸⁰ Be that as it may, the most significant detail of the passage is his reference to *ira* as "*delictum animi*" (delict of the mind). Seneca transfers anger from a philosophical or moral context to a legal one. This is no idle remark nor casual metaphor on Seneca's part, but a deliberate and pointed comment which implies an approach toward anger that alters the entire purpose of the work as it has been understood: namely, the thorough and complete expression of a Stoic view on anger.²⁸¹

Seneca's fundamental attitude toward *ira* certainly displays the recognizable tenets of Stoicism; the dangers and folly of passion (*adfectus*) are noted; instead, action grounded on the will (*voluntas*) and on reason (*ratio*) is advised.²⁸² This perspective is clear from the outset and is

²⁸⁰See Nicholas, 209-15, and Berger, 760.

²⁸¹See Sandbach, 152. Cf. Wright, *passim*, and Basore, 112.

²⁸²Seneca's epigrammatic remark at I.9.4 summarizes his view of the passions: "*adfectus quidem tam mali ministri quam duces sunt.*" He emphasizes *voluntas* and *ratio* throughout, but I.8.1 is a representative passage: "*Nam si coepit ferre transversos, difficilis ad salutem recursus est, quoniam nihil rationis est, ubi semel affectus inductus est iusque illi aliquod voluntate nostra datum est.*" Rist, 22-36, on human action and emotion, and 219-32, on knowing and willing, provides an in-depth

consistent throughout the De Ira. Seneca refers to *ira* as

...hunc praecipue affectum...maxime ex
omnibus taetrum ac rabidum.

(I.1.1)

(...this, the most hideous and frenzied
of all the emotions...to an exceptional
degree.)

Similarly, in the same chapter, he establishes that

...iram...aeque enim impotens sui est,...rationi
consiliisque praeclusa....

(I.1.2)

(...anger...is equally devoid of self-control...
and closed to reason and counsel...)

On the surface, therefore, it is readily apparent why the De Ira has long been assumed to be an exhaustive, if not bloated, examination of anger from a strict Stoic perspective.²⁸³ Furthermore, Seneca's effort to distinguish carefully his definition of *ira* from that of Aristotle greatly adds to this impression.²⁸⁴ Nonetheless, this conclusion fails to account for two important phenomena: first, Seneca's extensive and accurate use of Roman legal terminology; secondly, the methodological agreement between Roman law and Stoic moral theory in determining legal liability in the case of the former, and moral culpability in the latter case. The

discussion of these issues within the Stoic tradition.

²⁸³See Wright, 39-40.

²⁸⁴Seneca refers to Aristotle's views at I.3.3, I.9.2, I.17.1, III.3.1, and III.17.1. Cf. Aristotle De Anima 403a 30.

standards of law he employs to decide a violation of *iniuria* are the identical criteria relied upon to judge anger. In effect, legal and philosophical methods merge. Rather than being an obstacle to understanding Seneca's actual purpose, however, this correspondence of approaches leads to the paradox whereby *ira* can be assessed as a *delictum* (delict) and *iniuria* as a *vitium* (vice). Likewise, it reveals the rationale for his acerbic topical criticisms of *iniuria* and his admonitions to avoid litigation, which would seem to be a curiously tangential concern in a work devoted to anger. *Ira* is indeed the more central concern in the Stoic view, but finds expression not only in crime itself, but also in the very *remedia* (legal remedies) provided by the *ius civile* (civil statute).²⁸⁵ Seneca must accordingly maintain the preeminence of a more elevated standard than civil law; but to achieve this he must illuminate *ira* as a delict in terms of a higher moral schema, as though it were a genuine legal issue analyzed in a format suited for such analysis: the judicial *responsum*.

As a form intended to address a particular legal problem, the *responsum* had its origins in the sacerdotal opinions of the *pontifices*

²⁸⁵Hans Julius Wolff, Roman Law: An Historical Introduction (Norman, Oklahoma: University of Oklahoma Press, 1951), 61-70, offers a brief examination of the *ius civile* and its importance in the development of Roman Law.

(priests) during the archaic period of Roman jurisprudence.²⁸⁶ Although the *responsum* retained many of the basic features of these early *responsa Pontificum* (responses of the priests), it had developed considerably by Seneca's time, having derived at least some inspiration for various of its characteristics from Hellenistic literature of a similar cast, notwithstanding a number of distinctively Roman elements, such as a "predilection for a fully comprehensible concrete case,...professional taste for detail, and...very modest interest in systematization."²⁸⁷ In the classical period of Roman law, traditionally fixed from the beginning of the reign of Augustus, the genre was solidly secured as the form in which leading jurists would publish their answers to specific legal questions.²⁸⁸ Referred to by this point as the *Responsa Prudentium*, the replies of such noteworthy figures as Labeo, Proculus, Sabinus, and Cassius began to comprise a considerable body of legal literature of which only fragmentary passages have survived.²⁸⁹ Despite the little we possess, however, from the evidence which remains, much can be ascertained about the structure and content of the *responsa* and, in some instances, about the formulaic

²⁸⁶Schulz, Roman Legal Science, 16-19. Cf. Berger, 681.

²⁸⁷Ibid., 223-24.

²⁸⁸Ibid., 99. Cf. Kunkel, 103-108.

²⁸⁹Ibid., 141-44. Schulz describes both the state of the evidence and attempts to reconstruct the lost portions of the texts.

phraseology and special vocabulary normally employed in these writings--enough, in fact, to be able to make it reasonably certain that the *responsum* was the model for the De Ira.

Mention has already been made of structural anomalies of the De Ira which fail to adhere to the recognized conventions of the philosophical dialogue: primarily, the lack of a setting, the absence of characters engaged in conversation or, if you will, dialogue, and the recurrent presence of an indefinite speaker who offers objections by way of interjections.²⁹⁰ Emphasis on the exceptions to the norm, however, will ultimately mislead us, unless our attention is redirected to those features which the work actually does incorporate. One such element is apparent in the very first sentence of the first book.

Exegisti a me, Novate, ut scriberem quemadmodum
posset ira leniri, nec immerito mihi videris hunc
praecipue affectum pertimuisse maxime ex omnibus
taetrum ac rabidum.

(I.1.1)

(You have importuned me, Novatus, to write on the subject of how anger may be allayed, and it seems to me that you had good reason to fear in an especial degree this, the most hideous and frenzied of all the emotions.)

The De Ira is addressed to Seneca's elder brother, Novatus, who is directly named only three additional times; at the opening of the second

²⁹⁰See above, Introduction.

and third books, and near the conclusion of the final book. The third book begins in a manner similar to the first.

Quod maxime desiderasti, Novate, nunc facere temptabimus, iram excidere animis aut certe refrenare et impetus eius inhibere.

(III.1.1)

(We shall now, Novatus, attempt to do what you have especially desired--we shall try to banish anger from the mind, or at least to bridle and restrain its fury.

Novatus is not merely addressed in both passages by Seneca under the guise that he is responding to a request for practical assistance, nor do these introductory statements offer any suggestion that theoretical or philosophical speculation on a Stoic view of *ira* had figured in Novatus' appeal. Taken at face value, the beginning of at least two of the three books supposes a wish for an advisory response and, quite literally, Seneca's reply to that petition is the De Ira.

As it stands, then, the repeated reference to an addressee at the outset of each book--particularly if one ignores the curious lack of setting, characters, or genuine dialogue--more closely and obviously resembles a letter, the apparently common form in which the *Responsa Prudentium* (replies of those experienced in law) were conveyed from the start of the classical period.²⁹¹ Although the epistolary *responsum* had apparently

²⁹¹Schulz, Roman Legal Science, 93, discusses the letter as the form of choice in which to present the *responsa*. Cf. Kunkel, 108. H. F. Jolowicz

not been used by the jurists of the Republic, the *responsa* would easily have been adapted to this form and, beginning with Labeo, the jurist prominent in Horace's Sermones, clear evidence of epistolary *responsa* becomes available.²⁹² Later testimony, as well as actual specimens of the juristic literature of problems which has come down to us, reinforce the view that the *responsa* of the classical period were commonly published originally as letters in reply to questions posed by students, fellow jurists, or other interested parties on all manner of possible legal points or problems.²⁹³ Seneca himself, in fact, indicates his acquaintance with the *responsum* as a type of juristic writing practiced by the jurisconsults in two passages in particular from the De Beneficiis and Epistulae Morales.

...ut dialogorum altercatione seposita tamquam iuris
consultus respondeam: mens spectanda est dantis; bene-
ficio ei dedit, cui datum voluit.

(V.19.8)

(...to lay aside the bickering of dialogue, and to give
a response as a jurisconsult, I should say that the
purpose of the giver must be considered; he gave the
benefit to the one to whom he wished it to be given.)

and Barry Nicholas, Historical Introduction to the Study of Roman Law, 3d. ed. (Cambridge: Cambridge University Press, 1972), 376, also comment on this.

²⁹²Horace, Sermones, I.3.82. Regarding evidence for the epistolary form of the *responsa*, see above, n. 289.

²⁹³Schulz, Roman Legal Science, 91-93.

Quid, quod etiam sine probationibus ipsa monentis auctoritas prodest? Sic quomodo iurisconsultorum valent responsa, etiam si ratio non redditur.

(XCIV.27)

(But cannot the authority of the one providing advice avail even without proofs? It is like the replies of the jurisconsults, which hold good even though the reasons for them are not delivered.)

Although these offhand comparisons reveal Seneca's familiarity with the *responsa* themselves, further analysis of structure and language is necessary to support the conclusion that the epistolary format in which the De Ira seems to have been written actually parodies the very *responsa* to which he alludes in the De Beneficiis and Epistulae Morales.

Much has been concluded by scholars in the past century about the legal literature of problems in general and, more particularly, the letter as a genre in which to convey legal opinion.²⁹⁴ A number of central facts figure critically on the problem at hand and merit discussion, the most important of which seems to be the well-documented process of compilation in the post-classical age by which only those opinions most pertinent to a given legal topic were drawn from an already sizeable body of juristic writing, a process which led to the conciseness of arrangement

²⁹⁴Ibid., 91-93, and 224-26.

characteristic of Justinian's Digest or Gaius' Institutes.²⁹⁵ However useful this practice may have been for the purposes of the compilers, only an abbreviated sense of the complete structure and exact content of legal literature of the archaic and classical ages has survived.²⁹⁶ As one of the more eloquent summaries of the problem and its consequences has it, "abridgement and epitomization led to the statements of the facts of cases being pruned of the colorful actual details which enlivened the classical original; they were stripped of all that was legally irrelevant and made merely typical; the epistolary form was expunged; sometimes the statement of facts was even struck out altogether and the discussion thus reduced to naked abstract rules."²⁹⁷ The final result, then, is a loss of much of what a judicial *responsum* in epistolary form really consisted, including "specific argumentation, particularly when opinions of other jurists were being rejected."²⁹⁸

Despite the abridged and fragmented nature of the evidence, a sufficient number of the elements which comprise an epistolary *responsum* can be cited and used as criteria by which to assess the adaptation of the

²⁹⁵Ibid., 91, 141-44, and 226.

²⁹⁶Ibid. Cf. Lenel, pal. i, *praefatio*, and Wolff, 103.

²⁹⁷Schulz, Roman Legal Science, 226.

²⁹⁸Berger, 681. Cf. Schulz, Roman Legal Science, 226.

De Ira to this form. The surviving fragments do indicate patterns or particularly salient aspects also represented in the De Ira, one of the most notable being the prevalence of a technical or formulaic vocabulary for expressing legal opinion or referring to other legal opinion, including the praetorian edict.²⁹⁹ The verbs *ait* (he says), *respondeo* (I reply), *dixi* (I have ruled), *inquit* (he says) or *inquis* (you say), and *quaero* (I inquire) all have special significance in this regard as legal technical terms to be added to the extensive technical language on *iniuria* cited earlier.³⁰⁰ In short, the legal dimension of the De Ira becomes all the more expansive, as further examination of Seneca's use of these verbal forms will prove. In the same vein, epistolary *responsa* of the classical period were both casuistic and cautelary.³⁰¹ The most difficult and perplexing problems

²⁹⁹Schulz, 224-25. Cf. Berger, 359, under "*Ait.*"

³⁰⁰Berger, 359, notes the following on *ait* and *aiunt*: "In juristic writings, opinions of other jurists are thus introduced in this way, e.g., *Labeo ait*. In the commentaries on the praetorian edict, the words *praetor ait* (*inquit*) precede a literal quotation. Excerpts from statutes, *senatusconsulta* and imperial enactments are also often attached to *ait*." Cf. Schulz, Roman Legal Science, 224-25, on *respondeo*, *quaero*, and *dixi*, and Jolowicz and Nicholas, 95-97. Griffin, 414 n.7, remarks that *inquis* or *inquit* in judicial speech would be attributed to the accuser. Both *ait* and *inquit* alone universally precede a quoted objection on the part of Seneca's adversary, following the pattern observed in the juristic literature. See below, Chaps. 4 and 5. As for the technical vocabulary of *iniuria*, see Chap. 2.

³⁰¹Schulz, Roman Legal Science, 223-24, comments on the casuistic nature of the *responsa*, noting that they "derived from juristic speculation as well as practice" and showed a "Roman predilection for a fully

of every branch of Roman law were scrutinized in the *responsa*, and this required both specific argumentation and a presentation as well as a resolution of cases, often from both a theoretical and practical perspective.³⁰² Likewise, determining the admissibility of a course of action--the cautelary or advisory function of the *responsum*--constituted a most common characteristic of the form.³⁰³ Taken together, the presence of all of these elements in the De Ira emphasizes that its framework is first and foremost legal, not philosophical. Furthermore, these legal aspects provide grounds for considering the work a satire of law as a deficient standard of human conduct and *ira* as a delict in a more exacting ethical

comprehensible concrete case,...professional taste for detail, and...very modest interest in systematization." In his survey of the literary output of the jurists, 226ff., Schulz frequently refers to the casuistic character of the surviving fragments. The cautelary or advisory nature of the *responsa* originates, according to Schulz, 15-17, in the early Republic with the pontifices, who offered advice on the admissibility of a sacral act. David Daube, Forms of Roman Legislation (Oxford: Clarendon Press, 1956), 4-5, lists phrases which substitute for the imperative and iussive, such as "*oportet, necesse est, mos est, fas est, ius est, religio est, piaculum est, licitum est, constitutum est...*" All may be described as cautelary or advisory expressions, whether in a religious or civil context. In a stricter sense, according to Jolowicz and Nicholas, 96 n.5, cautelary referred specifically to a *cautio*, a written stipulation. Cf. Berger, 384-85, on the various types of *cautiones*. By cautelary here, I mean the more general, or advisory, sense by which the *responsa* could be described.

³⁰²Jolowicz and Nicholas, 95-6, and 359-63, comment on these features. Cf. Kunkel, 103-108, and Schulz, Roman Legal Science, 91-93, and 223-26.

³⁰³Schulz, Roman Legal Science, 223-26.

system.³⁰⁴

In particular, most specifically in his use of certain verbs, Seneca closely borrows the vocabulary commonly employed in the *responsa* (1) to denote the question or problem at hand, (2) to introduce a contrary argument or opinion, and (3) to cite a formal ruling dispensed previously by the author or another jurist.³⁰⁵ Variations of the verb *quaero* (I inquire) and its cognate *quaestio* (inquiry) are a case in point. Ambiguity has been said to exist between the *responsum* and the *quaestio*, another type of problematic juristic writing.³⁰⁶ And although the lines between the two forms have been said to blur, the frequency of *quaero* (I inquire) and *quaestio* (inquiry) in the De Ira are to some extent inevitable, since the *responsum* may have been as much a reply to a request or question posed by another jurist as an unsolicited reaction to a prevailing legal view.³⁰⁷

³⁰⁴At II.28.2, approximately midway through the De Ira, Seneca expands his preceding criticisms of *iniuria* to include a general judgment on the limitations of the law.

³⁰⁵Schulz, Roman Legal Science, 224-25.

³⁰⁶Ibid. Cf. Berger, 663 and 681.

³⁰⁷Ibid. The legal context of Seneca's use of *quaeramus* at II.13.1 is a prime example, and clearly bears out Schulz's observations: "*Non est quod patrocinium nobis quaeramus et excusatam licentiam, dicentes aut utile id esse aut inevitabile; cui enim tandem vitio advocatus defuit?*" *Patrocinium* (Berger, 622: "...legal assistance given to a party in a trial by an advocate."), the direct object of *quaeramus*, is a common legal term; *advocatus* (OLD, entries 1a and b: "a professional pleader, advocate, counsel.") completes the thought and makes the legal context indisputable.

The former situation obviously applies to the De Ira, and Novatus' appeal for advice, whether genuine or contrived, remains a request which insists upon a reply. In similar fashion, as the passages of diatribe and the ongoing censure of *iniuria* reveal, Novatus' request also offered Seneca the pretext to oppose the received opinion on *iniuria* as a delict as well.

Nonetheless, the forms *quaesitum est* (it has been asked), *quaerimus* (we ask), *quaerendum est* (it must be asked), and *quaestio* (the question) all appear in the De Ira in a formal context suggestive of Seneca's principal purposes, and each instance where these forms occur is noteworthy, beginning with *quaesitum est* (it has been asked) early in the first book.³⁰⁸ Almost immediately following his acknowledgement of Novatus' request, an exaggerated description of the irate man, and a diatribe on the social consequences of anger, Seneca departs from a graphic depiction of *ira* to a more systematic and rational analysis, which he summarizes in the following passage.

Quid esset ira quaesitum est, an in ullum aliud
animal quam in hominem caderet, quo ab iracundia
distaret, quot eius species essent: nunc quaeramus
an ira secundum naturam sit et an utilis atque ex
aliqua parte retinenda.

(I.5.1)

(Hitherto we have inquired what anger is, whether it belongs to any other creature than man, how it dif-

³⁰⁸I.5.1.

fers from irascibility, and in how many aspects it appears; let us now inquire whether anger is in accordance with nature; whether it is expedient and ought, therefore, in some measure to be kept.)

Seneca thus recapitulates the topics of the two previous chapters and establishes a direction for further discussion; but the excerpt is remarkable for other reasons also. *Quaeramus* (let us inquire) closely follows *quaesitum est* (it has been asked) in a point-by-point agenda; first, of the main topics covered in the two previous chapters; secondly, of themes about to be pursued. The passage is a strikingly succinct, methodical, and systematic piece of prose in comparison with the more extended stretches of diatribe or exaggerated description; in short, its formality is abrupt and uncharacteristic, but all the more striking for this very reason and consequently the more deserving of close attention.

In a brief display of clarity and concision that perhaps many of Seneca's readers would vainly expect to pervade the entire *De Ira*, the essential outline of a program or a statement of purpose is apparent. More interesting, however, is the double occurrence of other forms of *quaero* (I ask or inquire): *quaesitum est* (it has been asked) with which to begin the passage and refer to what ideas have preceded, and *quaeramus* (let us inquire) with which to signal what considerations will follow. Thus, in an ostensible statement of intent, Seneca employs the verb typically used to indicate either doubtful legal issues or cases in casuistic writings such as

the *responsa*.³⁰⁹ Furthermore, Seneca's queries aim to make precise distinctions--between *ira* and *iracundia* (irascibility), animal and human aggression, the natural and unnatural, the expedient and impractical--much in the same fashion as a jurist in pursuit of accurate legal distinctions.

In the second book Seneca has no need to preface a declaration of intent; Novatus' petition for counsel has already been acknowledged and *ira* has been as grotesquely pictured as in some of the most impassioned speeches in his plays.³¹⁰ Nevertheless, *quaestio* (inquiry) still occurs once and *quaerimus* (we inquire) twice within the first two chapters, again to mark the exact refinements necessary to his investigation. The three passages in which these forms are present demonstrate the same formality and systematic concision as in the selection cited earlier, and merit equally close study.

(1) Primus liber, Novate, benigniorem habuit materiam;

³⁰⁹Schulz, Roman Legal Science, 224. Cf. Berger, 662: "The jurists used these locutions to introduce doubtful cases in which "a question arises" ("it has been questioned") about the legal solution of the situation presented. The terms occur not only in collections of so-called *quaestiones*, but also in other writings of the casuistic type. Similar phrases were: *quaestio* (*quaestionis*) *est*, *quaestio in eo constitit* (=the question consists in that)."

³¹⁰Cf. what Wright, 47, calls "a fairly accurate description of the physical appearance produced by anger in its subject" at I.1, II.35, and III.4 with similar descriptions at Medea 380-96, Thyestes 732-43, and Phaedra 360-86.

facilis enim in proclivia vitiorum decursus est.
Nunc ad exiliora veniendum est; quaerimus enim ira
utrum iudicio an impetu incipiat, id est utrum sua
sponte moveatur an quemadmodum pleraque quae intra
nos <non> insciis nobis oriuntur. Debet autem in haec
se demittere disputatio, ut ad illa quoque altiora
possit exurgere....

(II.1.1-2)

(My first book, Novatus, had a more bountiful theme;
for easy is the descent into the downward course of
vice. Now we must come to narrower matters; for we
ask the question whether anger originates from choice or
from impulse, that is, whether it is aroused of its
own accord, or whether it behaves like much else that
does not arise within us without our knowledge.
But the discussion must be lowered to the considera-
tion of these things in order that it may afterwards
rise to the other, loftier themes.)

- (2) Iram quin species oblata iniuriae moveat non est
dubium; sed utrum speciem ipsa statim sequatur et
non accedente animo excurrat, an illo adsentiente
moveatur quaerimus. Nobis placet nihil illam per
se audere sed animo adprobante....

(II.1.3-4)

(There can be no doubt that anger is aroused by the
direct impression of injury; but the question is
whether it follows immediately upon the impression
and springs up without assistance from the mind, or
whether it is aroused only with the assent of the
mind. Our opinion is that it ventures nothing by
itself, but acts only with the approval of the mind.)

- (3) "Quorsus" inquis "haec quaestio pertinet?" Ut
sciamus quid sit ira; nam si invitis nobis nasci-
tur, numquam rationi succumbet.

(II.2.1)

("But," you ask, "what is the purpose of such an in-
quiry?" I answer, in order that we may know what

anger is; for if it arises against our will, it will never succumb to reason.)

All three passages resemble the excerpt from book one (I.5.1) not only in tone and composition, but particularly in the technical insertion of *quaerimus* (we inquire) and *quaestio* (the question) to mark the casuistic nature of the endeavor. In each case a statement of purpose or short overview of Seneca's plan is noticeable; in fact, the brief span in which these sections occur comprise an extended declaration of objectives interrupted only by analogies apparently included to justify the direction his discussion must take before he can arrive at *illa altiora*", those "other, loftier themes" which are contrasted with the objects of *quaerimus* (we inquire).³¹¹ Again, as in the parallel passage in the first book (I.5.1), Seneca systematically addresses problematic issues in need of resolution. The formal distinctions he pursues here are related to his initial question: "*quid esset ira quaesitum est*" (we have inquired what anger is).³¹² Seneca repeats this objective a second time in reply to the impatient interjection of his *adversarius* in the second chapter of book two. The

³¹¹Seneca juxtaposes these technical questions unfavorably with what he vaguely terms "*illa altiora*" (loftier matters), thereby implying a subordinate status to legal analysis. "*Illa altiora*" becomes more apparent later in book two (II.28.2), when he contrasts the narrowness of innocence before the law with the more exacting demands of moral rectitude.

³¹²Cf. I.4-5.

purpose of the *quaestio* (question) is simply "*ut sciamus quid sit ira*" ("in order that we may know what anger is). Seneca thus reiterates the problematic character of *ira* with a substantival variant of *quaesitum est* (it has been asked). More importantly, he emphasizes the significance of establishing appropriate distinctions necessary to a solid understanding of anger, distinctions which he has just framed as indirect questions introduced by *quaerimus* (we inquire), the formal term of legal examination.³¹³

Just as the use of *quaerimus* (we inquire) or *quaestio* (the question) establishes a legal design, Seneca's method of resolving the questions he poses proceeds by way of analysis as easily employed to determine moral culpability according to a Stoic ethical model as to fix legal liability under Roman law. The occurrence of *iniuria* in the second passage, however, makes it more probable that a judgment of legal liability is the more probable goal, especially in view of the prominence given to *iniuria* throughout the De Ira. Although the objects of the initial *quaerimus* (we inquire) in the first passage pertain to *ira*--whether anger originates from choice or impulse on the one hand, and whether it arises of its own accord or with our knowledge on the other--the inextricable association between *ira* and *iniuria* cited in the second passage (and often elsewhere) is so

³¹³Schulz, Roman Legal Science, 224. Cf. Berger, 662.

drawn that the distinctions pursued in both passages serve a similar purpose: a working definition of anger preliminary to any conclusion as to its reduction or outright elimination. If Seneca cannot prove that anger is subject to the will, assented to by the mind, or amenable to reason, the request of Novatus becomes futile and the De Ira pointless. As a consequence, the success or failure of the De Ira depends on how well Seneca settles these issues, a task he begins to achieve in a crucial segment of chapter one, immediately after he has formulated the alternatives introduced by *quaerimus*.

...nam species capere acceptae iniuriae et ultionem eius concupiscere et utrumque coniungere, nec laedi se debuisse et vindicari debere, non est eius impetus qui sine voluntate nostra concitatur. Ille simplex est, hic compositus et plura continens: intellexit aliquid, indignatus est, damnavit, ulciscitur: haec non possunt fieri, nisi animus eis quibus tangebatur adsensus est.

(II.1.4-5)

(For to form the impression of having received an injury and to long to avenge it, and then to couple together the two propositions that one ought not to have been wronged and that one ought to be avenged--this is not a mere impulse of the mind acting without our volition. The one is a single mental process, the other a complex one composed of several elements; the mind has grasped something, has become indignant, has condemned the act, and now tries to avenge it. These processes are impossible unless the mind has given assent to the impressions that moved it.)

The context of Seneca's comments earlier in chapter one and in the

three passages previously listed becomes much clearer as a result of these concluding sections of the chapter. The conscious, deliberate, and voluntary basis for anger must be proven before any attempt at curbing it can possibly proceed, and Seneca expeditiously works toward this determination by demonstrating that anger involves a complex process which engages both mind and will. The lucid presentation of each stage of this process--*speciem...acceptae iniuriae* (the impression of having received an injury, *ultionem concupiscere* (the desire for revenge), *nec laedi se debuisse* (the judgment that one ought not to have been wronged, and *vindicari debere* (ought to be avenged)--to a great extent answers the formal questions posed earlier, initiated by the two instances of *quaerimus* (we inquire) and followed by the occurrence of *quaestio* (the question).³¹⁴ Furthermore, Seneca boldly supplies answers to his own questions without any of the conversational give-and-take which is customary in a philosophical dialogue.³¹⁵ More significantly, however, he couches his conclusions in terms which are quite unambiguous, for he systematically describes the course of anger as the identical series of steps necessarily

³¹⁴At II.1-2.1, Seneca questions whether *ira* originates from choice or impulse, and whether it arises with our knowledge or of its own accord. Only by determining what anger is can Seneca conclude that it is--or is not--subject to the will and reason.

³¹⁵Griffin, Appendix B2. Cf. Hirzel, II, 27-34.

undertaken for legal action based on a violation of *iniuria*.

In the course of establishing the intricate cognitive and volitional foundation of *ira*, Seneca begins by stressing the judgment that an injury has been received (*acceptae iniuriae*). Any idea that the sense of *iniuria* he intends possesses no more than a generic meaning stripped of any specialized significance (a corollary to the proposition that the De Ira is foremost and primarily a philosophical work) is quickly dispelled by the immediately subsequent appearance of terms typically descriptive of Roman legal procedure.³¹⁶ This fact, coupled with a recognition that anger advances in a manner indistinguishable from the conduct of litigation, has broad implications. To begin with, Seneca points out that the subjective judgment that one ought to be avenged (*vindicari debere*) is the first stage in the composite process basic to anger (*compositus et plura continens*). He has already introduced an official term for a delict (*iniuria*), and now includes the verb *vindicari*, the formal expression for remedial action approved by law.³¹⁷ In what may conceivably be one of the most

³¹⁶See above, Chap. 2.

³¹⁷Seneca uses this verb throughout the De Ira to mean the act of avenging or exacting reparation for an offense (OLD, entry 5a). The regular occurrence of some form of *vindicare* to signify the ordinary response to various violations of the law, however, is noteworthy. That Seneca widely employs the word to cover legal actions brought as a result of parricide (I.12.1), outrage (III.5.7), and monetary loss (III.33.3) implies a more general application than has been commonly assumed and blurs

the distinction between *actiones in rem* (actions asserting one's right to a thing) and *actiones in personam* (actions asserting a right against a person). Cf. Nicholas, 99-103. Under *vindicatio* (*vindicare*), Berger, 766, notes the following: "In earlier times, the act of avenging an offense, self-defense against the violence of an aggressor. Later, the term was applied to the defense of one's property by seeking its recovery in court. Gaius (*Inst.* 4.5) uses the term *vindicatio* for all *actiones in rem* and Justinian accepted his terminology (*Inst.* 4.6.15)." OLD, entry 1a, concurs with Berger's remarks, and lists the assertion to "one's title to...one's property" as the legal definition of *vindicare*. *Vindicatio*, however, the common legal term denoting an *actio in rem* (claim to a thing), does not appear in the Senecan corpus. To confuse the matter further, OLD, entry 2, cites a more general meaning for *vindicatio* than the primary legal sources would suppose, and offers the following definition by Cicero (*Iny.* 2.66; 2.161): "*vindicationem (eam appellant) per quam vim et contumeliam defendendo aut ulciscendo propulsamus a nobis et nostris, qui nobis cari esse debent, et per quam peccata punimur...*" This contrasts sharply with the legal definition given (OLD, entry 1) for *vindicatio*, and the examples provided are taken from later legal sources (e.g., Gaius, *Inst.* 4.5: "*appellantur...in rem quidem actiones vindicationes, in personam vero actiones...condictiones...*"). Cicero cites *vis* (force/violence) and *contumelia* (insult), terms normally associated with *iniuria*, in connection with *vindicatio*, which refers to an *actio in rem* (action asserting one's right to a thing) in the primary legal sources. The term *condictio*, which Gaius (*Inst.* 4.5) uses and Berger, 346, elaborates on regarding *actiones in personam*, is strangely absent from the *De Ira* in particular, and Seneca's works in general. Remarkably, neither *vindicatio* nor *condictio*, the two nouns used in the primary legal sources to separate the two most fundamental classes of legal action in Roman law, *actiones in rem* and *actiones in personam*, are present in the *De Ira*, despite Seneca's thoroughgoing references to other technical terms ordinarily associated with *iniuria* (e.g., *contumelia*, *convicium*, and *percutere*) and despite his well-attested legal background and career (See above, p., n.). That Seneca introduces *vindicare* in a legal context is clear based on the topics at hand in the passages where the verb appears (e.g., I.12.1, II.4.1, II.32-33, and III.32-33); why he misappropriates a verb describing one course of legal actions (with the exception of III.32.2) which the sources reserve for a different class of actions is not. Nonetheless, some conclusions can be reached from the facts at hand. David Daube, *Roman Law: Linguistic, Social, and Philosophical Aspects* (Edinburgh: Edinburgh University Press,

critically telling sections in the entire work, Seneca not only employs two more legally significant terms, *indignatus* (outraged or offended) and *damnavit* (has found guilty or sentenced), but demonstrates convincingly that two processes are simultaneously at work.³¹⁸ *Intellexit* (understanding), *indignatus* (personal affront), *damnavit* (judicial condemnation), and *ulciscitur* (revenge)--the four phases which constitute the necessary stages of a successful suit based on *iniuria*--are the same

1969), 11-63, examines the process whereby a pattern becomes evident in the history of language: nouns which refer to actions appear much later than the verbs from which they are formed. This would account for the use of *vindicatio* and *condictio* in Gaius and Justinian to distinguish an *actio in rem* from an *actio in personam* and suggest that these distinctions were officially observed later than the first century A.D. Secondly, Seneca's use of *vindicare* to describe legal action as such, but especially *iniuria*, would not only offer an important example demonstrating Daube's theory; it would indicate that the sense of *vindicatio* as a means of redressing violence and insult--the definition provided by Cicero--still prevailed in Seneca's time as evidenced by his use of the cognate verb, *vindicare*, to describe this type of legal action. Finally, *vindicare*, although initially referring to general legal action, most probably acquired the more specialized sense as described in the post-classical sources and as defined in the lexica and the most recent surveys of Roman law.

³¹⁸*Indignor* (OLD, entry 1: "To regard with indignation, take offense at...") implies the recognition that one has been the victim of an offense against either one's person or reputation. Cf. *contumelia* (OLD, entry 1). *Indignor* asserts that one is in the state of having been affronted or outraged as a result of the commission of *iniuria*, and is necessary prior to a legal judgment or penalty denoted by *damno* (OLD, entry 1: "To pass judgment against <in a civil or criminal case>, condemn.") Cf. OLD, entry 4: "To deliver by judicial sentence, consign." Cf. Gaius, *Inst.* 3.224 for *damno* in cases of *iniuria*.

four phases which comprise the course of *ira*.³¹⁹ As a consequence, *quaerimus* (we inquire) and *quaestio* (the question), terms which commonly appear in epistolary *responsa* of the classical period to identify the legal issues at hand, identify a legal issue here as well.

If, as Seneca certainly implies, the conduct of an *iniuria* case from onset to conclusion exactly parallels the duration of anger from the first assessment of wrongdoing to the exacting of revenge, a number of apparently unrelated facts reveal new associations which compel an extensive reinterpretation of the De Ira. First, Seneca's recurrent references to *iniuria*, whether straightforward or oblique, cannot be construed as a merely coincidental occurrence of allusions or off-hand metaphors derived from the law in an otherwise philosophical context. The evidence by now is sufficiently clear-cut: to address the problem of *ira* is to examine the enigma of law, not as the *ars boni et aequi* (the art of the good and the fair), but as *ars irae et ultionis* (the art of anger and

³¹⁹*Intellexit*, the first word of the series, occurs commonly in the primary legal sources, and in its most general sense means to "grasp mentally, understand, realize..." (OLD, entry 1). Cf. Gaius, Inst. 4.178: "*nemo damnatur nisi qui intellegit non recte se agere...*" It may also mean to "understand, regard (as being..." or "(a term) to mean..." (OLD, entries 6a and b). Cf. Gaius, Inst. 3.224: "...*nulla iniuria intellegitur fieri...*" or Justinian, Inst. 4.4.3: "...*nulla iniuria fieri intellegitur...*" *Intellexit* in the passage under discussion = *iniuria fieri intellegitur*. Cf. Berger, 506. See above, p., n., for *ulcisci* in connection with *iniuria*.

revenge).³²⁰ Seneca's insight that *ira* is as much a legal issue as *iniuria* is a moral one--a paradox which serves as the focus of the following chapter--thus supplies the raw material for his parody of an epistolary *responsum*, given the inability of the legal process itself to deal with moral issues or the higher good is to be thoroughly exposed and satirized. Seneca has chosen his terms well: *iniuria* (injury), *vindicari* (legal redress), *indignatus* (personal affront), and *damnavit* (legal condemnation). Anger is described in the language of the law, as any jurist would treat a debatable legal point. An epistolary *responsum* would have been Seneca's most appropriate form of choice in which to draw the connections he recognized between *iniuria* and *ira*. His choice became all the more ironic in that Roman law could neither acknowledge *ira* as illegitimate, nor *iniuria* as immoral.

All this considered, there is yet more to suggest that the De Ira structurally and thematically merits comparison to an epistolary *responsum* besides the calculated use of *quaesitum est* (it has been asked), *quaerimus* (we inquire), or *quaestio* (the question), terms conventionally associated with legal inquiry. Other examples of the formulaic expression which mark the surviving legal literature of problems occur with regularity throughout the entire work. Of these, one of the most

³²⁰Digest 1.1.

noteworthy is the omnipresent *inquit* (he says), upon whose precise import and frequency there has been both attention and speculation.³²¹ The now commonplace observation that the De Ira lacks the setting, characters, or conversation formally present in a typically representative dialogue is often accompanied by the observation that *inquit* (he says) or a variant thereof--such as *inquis* (you say) or *ait* (he says)--is the sole feature of the De Ira which approximates the conversational element or technique of the dialogue.³²² Apart from Senecan scholarship on the incidence and function of its use, however, at least one study of the legal literature cites a more specialized meaning for *inquit*.³²³ Rather than signal the comments or objections of one of the participants in a dialogue, *inquit* has been noted to introduce the opinions of another (often unnamed) jurist or the guidelines from the praetor's edict.³²⁴ Given the evidence of legal usage thus far, the purpose *inquit* serves as a transitional device marking an objection or a new direction deserves another look as a convention of Roman legal writing.

As observed earlier, Seneca perceptively identifies the process of

³²¹Griffin, 414-15.

³²²Ibid., 413-15.

³²³Berger, 359, mentions *inquit* under the heading "*ait (aiunt)*." Cf. Digest 47.2.21, e.g.: "...*inquit Trebatius*..."

³²⁴Ibid. Cf. *inquam* (OLD, entries 1a and 1b) and *ait* (OLD, entry 7).

anger with that of an *iniuria* suit in every phase, a connection which not only underscores his references to the delict, but influences his choice of historical anecdotes as models for emulation or avoidance. The ubiquity of *inquit*, however, plays at least as important a role in Seneca's overall design, as a few representative passages will indicate. Its first occurrences, in the third chapter of book one, not only supply the necessary context for connecting *ira* and *iniuria*, but they inaugurate the continuous association of the two ideas.

"Irascimur" inquit "saepe non illis qui laeserunt, sed iis qui laesuri sunt; ut scias iram non ex iniuria nasci." Verum est irasci nos laesuris, sed ipsa cogitatione nos laedunt, et iniuriam qui factorus est iam facit. "Ut scias" inquit "non esse iram poenae cupiditatem, infirmissimi saepe potentissimis irascuntur nec poenam concupiscunt quam non sperant."
(I.3.1-2)

("We often get angry," someone rejoins, "not at those who have hurt us, but at those who intend to hurt us; you may, therefore, be sure that anger is not born of injury." It is true that we do get angry at those who intend to hurt us, but by the very intention they do hurt us; the man who intends to do injury has already done it. "But," he says, "that you may know that anger is not the desire to exact punishment, the weakest men are often angry at the most powerful, but hardly desirous of a punishment which they have no hope of inflicting.")

The most obvious point of contention between Seneca and his adversary curiously concerns the part *iniuria* plays in fixing the origin of *ira*. The

passage is crucial for other reasons also, chief among which is that it establishes a pattern and tone for other passages of the same kind.³²⁵

First of all, the exchange appears unexpectedly in the aftermath of Seneca's acknowledgement of Novatus' request and a lengthy diatribe on the baneful social and legal effects of anger. The inclusion of legal consequences, however, provides a prelude to subsequent references to *iniuria*, the first of which takes place in the course of Seneca's description of the spectators at the games who are offended by a gladiator's unwillingness to die.³²⁶ In the two sections immediately preceding the initial disagreement between Seneca and his adversary, *iniuria* figures three times, effectively becoming the operative term seized upon by Seneca's opponent to distinguish their differences and indeed fundamental points of view.³²⁷ Significantly, this first occasion of *inquit* (he says) represents an attempt to disassociate *ira* from *iniuria*--to dissociate the ethical from the legal, that is--a position Seneca disputes repeatedly and successfully counters in the legally phrased description of the course of anger in book two.³²⁸ Nonetheless, the implications of this leading

³²⁵Cf. II.26.1, just one of many examples.

³²⁶I.2.4

³²⁷I.2.4-5.

³²⁸See especially II.1.3-5.

conversational interlude are clear: *ira* and *iniuria* have become formally connected as principal concepts which either must logically relate or else have no affinity. More importantly, a legal notion and a legal manner of disagreement are given considerable weight at the very outset of the work.

Although the objections of Seneca's unnamed opponent vary widely, the manner of objecting remains the same: quoted comments accompanied by an unadorned and undistinctive "*inquit*." Of the numerous arguments his *adversarius* presents, every conceivable attempt is made to give some semblance of justification and respectability to anger, whether on serious or trivial grounds. The necessity and utility of *ira*-conditions applied legally in a variety of circumstances--are addressed from different perspectives (the soldier and orator, for example), but when these grounds fall short, more emotional pretexts--the nobility of savage beasts or the languor of a peaceful spirit--prevail and are given due regard, since such commonplaces and constituted real evidence for Seneca and his *adversarius*.³²⁹ Toward the conclusion of book two, however, his rival returns to the original association between *ira* and *iniuria* proposed by

³²⁹Both Seneca and his *adversarius* introduce *exempla* from the animal world for the sake of argument. Cf. I.1.6-7 and II.15.4-16.2. See Wright, 55, for a brief analysis of this argument. Animal parallels for human action and emotion were common and were taken as genuine evidence from Homer on. Pliny Natural History 7-11, *passim*, offers an exhaustive survey of animals and their distinctive traits.

Seneca in the early chapters of the first book. The interchange between the two adversaries at this point in the De Ira is noteworthy.

"Minus" inquit "contemnemur, si vindicaverimus iniuriam." Si tamquam ad remedium venimus, sine ira veniamus, non quasi dulce sit vindicari, sed quasi utile; saepe autem satius fuit dissimulare quam ulcisci.

(II.33.1)

("If we avenge an injury, "he says," we shall be less subject to contempt." If we must resort to a remedy, as it were, for contempt, let us do so without anger--not with the plea that revenge is sweet, but that it is expedient; it is often, however, better to feign ignorance of an act than to take vengeance for it.)

As already noted, Seneca's anonymous adversary insists early on that anger does not originate with *iniuria*, a notion with which Seneca completely disagrees. By well into the second book, Seneca's opponent introduces *iniuria* once again as a term apropos to the discussion; this time, however, with a telling difference. Here, the reference to *iniuria* is unequivocally legal in the context of what has preceded and what follows. The famous *exemplum* in which Seneca invokes Marcus Cato's refusal to vindicate the assault in the public bath occurs just before this excerpt, and Seneca's use of the incident to illustrate his point heralds the adversarial opinion that avoiding contempt (saving face, in other words) demands the

vindication of *iniuria*.³³⁰ More importantly, however, Seneca's opponent's rejection of the standard proposed in the anecdote assumes a dismissal of the legal as well as the moral recommendation being introduced, since both elements are essential to Seneca's argument and presentation.³³¹ Cato's grounds for litigation are indisputable at law, as both the facts which Seneca presents and his choice of the verb *vindicare* (to assert a legal claim) in the anecdote clearly demonstrate.³³² Obviously not convinced by Seneca's recourse to Cato's exceptional restraint as a norm, the *adversarius* uses *vindicaverimus* (if we avenge)-with *iniuriam* as its object-as being essential to avoiding scorn and in consequence to preserving one's personal dignity. Seneca's reply not only repeats *vindicari* (to be avenged), but adds *remedium*, a term often employed to denote legal redress.³³³

The *adversarius* has by now either accepted Seneca's initial claim that *ira* and *iniuria* are intimately connected or has at least given up

³³⁰II.32.2-3.

³³¹For the legal sense of *percussum* and *atrox iniuria* contained in the anecdote, see Chap. 2, 94-95.

³³²See above, n. 317.

³³³Berger, p.674, comments on *remedium* as follows: "Legal procedural measures introduced by praetorian law, *senatusconsulta*, or imperial legislation, such as *actio*, *interdictum*, *exceptio*, *restitutio in integrum*, *appellatio*, etc."

attempting to refute Seneca's arguments.³³⁴ He not only accepts Seneca's use of the term *iniuria*, but actively defends legal retaliation for the delict of *iniuria*.³³⁵ Just as important, however, are Seneca's opposing remarks, which grant some value to the usefulness of litigation, but with a caveat that it be undertaken "*sine ira*."³³⁶ But whether in

³³⁴I.3.1 provides the first connection between the two notions.

³³⁵II.33.1 seems to make this clear, given the terminology: "*Si tamquam ad remedium venimus, sine ira veniamus, non quasi dulce sit vindicari, sed quasi utile...*"

³³⁶Cf. the disclaimer "*sine ira*" here with a similar expression at the opening of the Apocolocyntosis: "*Quid actum sit in caelo ante diem III idus Octobris anno novo, initio saeculi felicissimi, volo memoriae tradere. Nihil nec offensae nec gratiae dabitur.*" Knoche, 107-108, comments on similarities between parts of the Apocolocyntosis and the rules for a Roman will. The formulaic language includes an official disavowal ("*nec offensae nec gratiae*") which parallels the "*sine ira...non dulce*" at II.33.1. Although Knoche, 104, interprets the beginning of the Apocolocyntosis as the parody of a standard introduction to historical treatises, the famous "*sine ira et studio*" (Annals I.1) or "*neque amore...et sine odio*" (Histories I.1) of Tacitus bear striking resemblance to the two Senecan passages in structure, tone, and meaning, amounting to formulaic judicial disclaimers of what J. M. Kelly, Roman Litigation (Oxford: Clarendon Press, 1966), 31-68, calls improper influences in Roman litigation on the part of the judge. Thus, rather than Seneca parodying the introductions of historical treatises, both Tacitus and Seneca may in fact have been employing the standard formulaic language of the law. In addition, Tacitus himself (with heretofore unrecognized, but characteristic irony) may have been using the phraseology of the Roman will which ensured the exile of L. Fabricius Veiento (Annals 14.50). Tacitus, Annals XIII-XVI, ed. John Jackson (Cambridge: Harvard University Press, 1937), 186 n.2, contains the following remark about the literary activity of this figure of the Neronian age: "His libels were embodied in an imaginary will. For as candour, under the empire, was safest when posthumous, this was a favorite vehicle for attacks on the great." Knoche, 107-108, dates the parodying of the rules for a Roman will to Varro, and comments that parodies which made

the adversarial plea for vindication or in Seneca's appeal to *utile* (expedience) as the only acceptable condition upon which litigation for *Iniuria* be pursued, the context of the passage is unmistakably legal.³³⁷ Both content--a legal case accompanied by legal distinctions and terms--and form--objections prefaced only by *inquit* (he says)--in each of the excerpted sections presumably typify various classical epistolary *responsa* in their original unexpurgated versions.³³⁸ Colorful case presentations, extensive and copiously detailed legal analyses, and an often casual or colloquial manner of speaking expected in a letter--elements readily observable in the De Ira--all suggest the unabridged and unepitomized structure of the *responsa* only surmised from the evidence available from the fragments.³³⁹

One final and significant attribute of the *responsum* appears

use of legal formulae were also circulating in imperial times as separate brochures in prose. Knoche also makes passing mention of the will of the little pig, the Testamentum Porcelli, as a legal parody which circulated in late antiquity. F. Buecheler, Petronii Saturae (Berlin: Weidmannsche Verlagsbuchhandlung, 1968), 346-47, includes a copy of this parody.

³³⁷Berger, 756, notes the legal meaning of *utilis*: "Used of legal acts, transactions, and procedural steps which have been, or can be, successfully accomplished in a given situation." Cf. OLD, entry 2b.

³³⁸Digest excerpts, themselves excerpted at times from *responsa* seem to establish this. Frier, 177-200, offers various examples drawn from the primary legal sources which demonstrate this point.

³³⁹Schulz, Roman Legal Science, 223-26.

frequently in the De Ira. The casuistic nature of the work comes in full view when Seneca's legal vocabulary becomes apparent: specific arguments acquire an altogether different sense, anecdotes once thought to be overstated and extreme examples of Stoic *virtus* (virtue) in fact represent concrete cases at law, and a particular problem or issue (*iniuria*) obtains the sort of exhaustive examination it would at the hands of the jurisconsults.³⁴⁰ The cautelary character of many of the *responsa*--an early and persistent aspect of the genre--is also present in the De Ira, and closely parallels the reformative element of satire intimated by the numerous advisory passages which recur.³⁴¹ As mentioned before, the term cautelary refers to one of the essential functions of the Roman legal expert: estimating the legitimacy or propriety of a particular act that is contemplated by the inquirer.³⁴² As to the De Ira, Seneca's ostensible subject is anger, but his concern with the delict *iniuria* invariably compels a legal look at a problem otherwise deemed exclusively moral. Seneca

³⁴⁰Ibid.

³⁴¹See above, Chap. 3, on the reformative aspect of satire. The intentions of the jurist and the satirist merge at this point. The advisory elements of the De Ira are in keeping with a satiric insistence on reform or a juristic proposal consisting of sound advice, but inappropriate to a philosophical demonstration of proofs. This advisory feature has thus produced the hypothesis that Seneca's dialogues are more akin to the informal Hellenistic diatribes. Cf. Weber, *passim*.

³⁴²Schulz, Roman Legal Science, 19-22.

disparages *ira* and especially inveighs against actions for *iniuria* as its accepted social expression; even more disapprovingly, he calls to account the least hint of anger in anyone charged with dispensing justice. It is this insistence that a judge restrain his own anger, perhaps more than any other aspect of the De Ira, which furnishes a secure context for Novatus' query and Seneca's reply, since our author offers no other clue to the background or circumstances which gave rise to his brother's petition.

Seneca's opening charge, though examined earlier at some length, bears repeating, since it provides a suitable point of for comparison with later passages of an explicitly cautelary nature.

aeque enim impotens sui est, decoris oblita, necessitudinum immemor, in quod coepit pertinax et intenta, rationi consiliisque praeclusa, vanis agitata causis, ad dispectum aequi verique inhabilis, ruinis simillima, quae super id quod oppressere franguntur.

(I.1.2)

(For it is equally devoid of self-control, forgetful of decency, unmindful of ties, persistent and diligent in in whatever it begins, closed to reason and counsel, excited by trifling cases, unfit to discern the fair and true--the very counterpart of a ruin that is shattered to pieces on what it overwhelmed.)

As discussed earlier, Seneca's choice of terms appears oddly unsuited for general application and more closely tailored to describe the consequences of anger among those in positions of civic responsibility and authority.³⁴³

³⁴³See above, Chap. 3.

The comments which bracket this description are yet more intriguing, since they narrow the focus of Seneca's remarks and specify the grounds on which he will continue. As he says before listing the results of anger:

Quidam itaque e sapientibus viris iram Dixerunt
brevem insaniam....
(I.1.2)

(Certain wise men, therefore, have ruled that anger is temporary madness...)

And concluding the survey, he states:

Ut scias autem non esse sanos quos ira possedit,
ipsum illorum habitum intuere.
(I.1.3)

(But you have only to behold the aspect of those possessed by anger to know that they are insane.)

Anger produces the personal effects he cites, then, since it either indicates or resembles madness, whose physiological manifestations he soon begins to detail. More importantly, however, Seneca's terms deserve notice, for they correspond to a standard manner of speaking noted in the *responsa*.³⁴⁴ Secondly, and even more remarkable, the connection of *ira* with *insania* unquestionably raises a legal issue, since insanity involved

³⁴⁴Schulz, Roman Legal Science, 225, notes the following with regard to the occurrence of *dixi* in the *responsa*: "Many of our *responsa* may have come from this source; they may even be presumed to have done so when the jurist introduces his answer by "*dixi*." And: "The use of the word *dixi* is proof enough, since it would have been sheer affectation for a jurist to use the past tense in reference to an opinion which he was reaching at the moment of writing."

restrictions on personal freedom according to Roman law.³⁴⁵ To start with, the verb *dixerunt* (they have said/ruled) and the connective *ut* in combination with *scias* (so that you may know) have legal overtones. The former became a common formulaic expression by which jurists would refer to an earlier opinion or ruling, whereas the latter--found at critical points throughout the De Ira--has almost the approximate sense of *sciendum est* (it must be understood), "a favorite locution of many jurists to introduce an important, general legal rule," as Berger observes.³⁴⁶ Seneca's reliance on *sapientibus viris* (wise men) can be quite misleading, however, and been taken to mean philosophers generally, or, in a more confined sense, the wise (i.e., the virtuous) according to the tenets of the Stoic school.³⁴⁷ Yet another possible (and more likely) meaning of

³⁴⁵Although *insania* remains the general term for mental disease (Berger, 503), forms of *furor*, *furere*, or *furiosus* are the terms of choice in the primary legal sources (Cf. Digest 50.17.124.1 and 50.17.40). Seneca uses these terms repeatedly in connection with *ira*, as, for example, at II.36.5: "...*irasci se negant non minus quam insanire furiosi*." Cf. Berger, 480, on the legal restrictions placed on the *furiosi*.

³⁴⁶Schulz, Roman Legal Science, 225, 230, 234. Cf. Berger, 691. Busa and Zampolli, 1194-97, list the frequency of *scire* and its variants as spoken by both Seneca and his *adversarius* in the De Ira.

³⁴⁷OLD, entries 1a and 1b, provide the general meaning: "A wise man (esp. as implying a virtuous man);...a teacher of wisdom, sage, philosopher." By itself, then, the phrase may refer to earlier philosophers of the Stoic school, such as Panaetius, Posidonius, or Chrysippus, a plausible interpretation in that the thought conveyed appears doctrinal. It is less likely that the phrase alludes to the Stoic "sage," or virtuous man (Cf. Sandbach, 22, 28, 43-45, 126), since this sense of *sapiens* is generally

sapiens (wise man) pertains to the epithet awarded certain eminent jurists known for their perspicacity of judgment, among whom would be included Sempronius in the late fourth century B. C. and Lucius Acilius in the late Republic.³⁴⁸ If for no other reason, the context would seem to call for this interpretation given the absence of any qualification limiting *sapientibus viris* (wise men) to notable Stoic figures by direct citation or indirectly by the use of a possessive adjective (e.g., *nostris*), methods he employs elsewhere to designate Stoic affiliation.³⁴⁹

Though brief, this entire passage (I.1.2-3) illustrates Seneca's legal aims in several ways: the nature of the description of anger, the association of *ira* and *insania*, and the deliberate use of both legal terms

applied to someone whose specific conduct is exemplary, such as Cato in *De Constantia Sapientis*. In short, the difference of interpretation recalls the Aristotelian distinction between practical and intellectual virtue in the *Nicomachean Ethics*.

³⁴⁸Berger, 694, cites these two figures in particular as having acquired the agnomen "*Sapiens*" because of their extensive knowledge of the law, a use that presupposes the general use of *Sapiens* as equivalent to "wise in the law," as in the *De Ira*. Justus Lipsius apud Joh. Frid. Gronovius, 2, while commenting on the passage and the notion that *ira* implies *brevis insania*, cite parallel statements by both Greek and Roman authors who predate Seneca.

³⁴⁹Cf. II.19.3: "*Volunt itaque quidam ex nostris iram in pectore moveri effervescente circa cor sanguine..*" Justus Lipsius apud Joh. Frid. Gronovius, 64 n.3, identify *nostris* as being the Stoics. Cf. OLD, entry 6b: "of our sect or philosophy; (masc. pl. as sb.) those who hold our views." Seneca thus appears to be making a distinction between *sapientes* generally, and *nostris*, or those belonging to the Stoic school.

and the formulaic expressions found in the *responsa*. Appearing as early in the De Ira as they do, the inclusion of these elements sets the pattern for the legal dimension of what follows. Even more to the point, Seneca's fundamental approach is presented: the nature of his study will be legal. The formulaic *dixerunt* (they have said/ruled) and *ut scias* (so that you may know), coupled with a short catalogue of anger's ill effects, underscore the cautelary aspect which marks much of the De Ira. Seneca not only views anger as a legal issue, he repeatedly refers to it as a particularly destructive judicial problem as well, paying special attention to the conduct of the *iudex* (judge) in the discharge of his duties. Taken together, the anecdotes or *exempla* in the third book in fact comprise a contrasting set of judicial practices which illustrate Seneca's point. Generally speaking, *iudex* (judge), and (to judge), and other words which specify aspects of the judicial process regularly occur in a cautelary context. Following a very general series of suggestions on preventing anger in various circumstances, Seneca begins a sequence of explicitly legal recommendations.

De parvola summa iudicaturō tibi res sine teste non probaretur, testis sine iureiurando non valeret, utri- que parti dares actionem, dares tempus, non semel audires; magis enim veritas elucet quo saepius ad manum venit: amicum condemnas de praesentibus? Antequam audias, antequam interrogas, antequam illi aut accusatorem suum nosse liceat aut crimen, irasceris? Iam enim, iam utrimque <quid> diceretur audisti? Hic

ipse, qui ad te detulit desinet dicere, si probare debuerit: "non est" inquit "quod me protrahas; ego productus negabo; alioqui nihil umquam tibi dicam." Eodem tempore et instigat et ipse se certamini pugnaeque subtrahit. Qui dicere tibi nisi clam non vult, paene non dicit: quid est iniquius quam secreto credere, palam irasci?

Quorundum ipsi testes sumus: in his naturam excutiemus voluntatemque facientium.

(II.29.3--30.1)

(If the question of even a small payment should come before you to be judged, you would require a witness to prove the claim, the witness would have no weight except on oath, you would grant legal action to both parties, you would allow them time, you would give more than one hearing; for the oftener you come to close quarters with truth, the more it becomes manifest. Do you condemn a friend on the spot? Will you be angry with him before you hear his side, before you question him, before he has a chance to know either his accuser or the charge? What, have you already heard what is to be said on both sides? The man who gave you the information will of his own accord stop talking if he is forced to prove what he says. "No need to drag me forward," he says; "if I am brought forward I shall make denial; otherwise, I shall never tell you anything." At one and the same time he both goads you on and withdraws himself from the strife and the battle. The man who is unwilling to tell you anything except in secret has, we may almost say, nothing to tell. What is more unfair than to give credence secretly but to be angry openly?

To some offences we can bear witness ourselves; in such cases we shall search into the character and the intention of the offenders.

Although Seneca's opening protasis specifies a trivial issue of the sort which might be summarily treated in a modern small claims court, his diminution of the offence--*parvola summa* (a minimal amount)--is deliberate

and worthy of notice. First and foremost, the legal context of the passage is immediately apparent from Seneca's choice of terms. *Iudicaturus* (about to judge), *teste* and *testis* (witness), *probaretur* (given official approval), *iureiurando* (on oath), and *dares actionem* (grant of legal action) evince an unequivocally judicial setting; *condemnas* (pass sentence), *accusator* (accuser or plaintiff), and *crimen* (crime) in the succeeding sentences sustain the effect.³⁵⁰ Most unusual, however, is the scope of Seneca's advisory comments and prescriptions compared with so negligible a problem. Even a pittance warrants great thoroughness and caution, and Seneca considers every conceivable angle and each step necessary for arriving at a conclusion untainted by *ira*, the topic with which he begins the chapter. But here too, his remarks are clearly confined to *ira* as it bears on judicial propriety.

Maximum remedium irae mora est. Hoc ab illa pete
initio, non ut ignoscat, sed ut iudicet...

³⁵⁰Given the judicial setting, it should come as no surprise that in much of Seneca's vocabulary here the legal sense is the primary sense. Note the following terms: *iudico* (OLD, entry 1: "To judge, try, or decide <a case>..."); *testis* (OLD, entry 1: "One present at a legal transaction to give the proceedings validity, a witness."); *probo* (OLD, entry 1c: "<leg.> to give official approval to..."); *ius iurandum* (OLD, entry 5: "A binding formula to be sworn to, an oath <whether or not in legal contexts>..."); *actionem dare* (OLD, entry 2c: "...to grant <the right to take a legal action>..."); *condemnas* (OLD, entry 1: "<leg.> To pass sentence of condemnation on, condemn <whether in a criminal or civil case>..."); *accusator* (OLD, entry 1: "The prosecutor in a public trial, accuser, plaintiff."); *crimen* (OLD, entry 1: an indictment, charge, accusation...").

II.29.1

(The best remedy for anger lies in delay. Beg this of anger at the first, not in order to pardon, but in order to judge.)

Judgment without anger, then, is Seneca's stated ideal; but judgment in a technical sense, as the passage soon discloses. The small size of the contested amount only further stresses the great care needed to circumvent the influence of anger in decisions over seemingly negligible matters. The *aequus iudex* (fair judge) or *bonus iudex* (good judge) is a figure to whom Seneca makes repeated mention, either in passing or with greater detail.³⁵¹ A few of the exceptional cases are noteworthy.

- (1) Si volumus aequi rerum omnium iudices esse...
(II.28.1)

(If we wish to be fair judges in all matters....)

- (2) Neque enim aequus iudex aliam de sua, aliam de aliena causa sententiam fert.
(I.14.2)

(For no just judge will pronounce one sort of judgment in his own case and a different one in the case of others.)

³⁵¹Kelly, 102-117, examines the problem of "the misbehaving judge," the "*iudex qui litem suam facit*" (Digest 5.1.15.1), and a related matter, improper influences in Roman litigation (31-68). Kelly, 33, quotes Cicero's ideal of the *ius civile* (Pro Caecina, 71): "*Quod enim est ius civile? quod neque inflecti gratia neque perfringi potentia neque adulterari pecunia possit.*" The Senecan passages below add a fourth corrupting influence--*ira*--to Cicero's tricolon, and insist on the ideal of the *aequus* or *bonus iudex*.

- (3) Deinde ad condicionem rerum humanarum respiciendum est, ut omnium accidentium aequi iudices simus....
(III.26.3)

(Again, we must consider the limitations of our human lot if we are to be fair judges of all that happens.)

- (4) ...bonus iudex damnat improbanda, non odit.
(I.16.6)

(...a good judge condemns wrongful deeds, but he does not hate them.)

Each of these instances calls attention to an important aim of the De Ira: the presentation of a standard of judicial propriety untainted by anger. Such an emphasis is at bottom juristic and in keeping with the spirit of the *responsa* in accent and design. Nowhere does Seneca display this better than at the center of a sustained critique of punishment accompanied by anger in Book One.

Itaque etsi perversa induenda magistratui vestis et convocanda classico contio est, procedam in tribunal non furens nec infestus sed vultu legis et illa solemnia verba leni magis gravique quam rabida voce concipiam et agi lege iubebo non iratus sed severus; et cum cervicem noxio imperabo praecidi et cum parricidas insuam culleo et cum mittam in supplicium militare et cum Tarpeio proditorem hostemve publicum imponam, sine ira eo vultu animoque ero, quo serpentes et animalia venenata percutio.

(I.16.5)

(Accordingly, even if as a magistrate I must put on my robe awry and summon the assembly by the trumpet, I shall advance to the high tribunal, not in rage nor in enmity, but with the visage of the law, and

as I pronounce those solemn words my voice will not be fierce, but rather grave and gentle, and not with anger, but with sternness, I shall order the law to be enforced. And when I command a criminal to be beheaded, or sew up a parricide in the sack, or send a soldier to his doom, or stand a traitor or a public enemy upon the Tarpeian rock, I shall have no trace of anger, but shall look and feel as I might if I were killing a snake or any poisonous creature.)

These comments feature the author himself, unlike similar passages where Seneca's discussion of judicial practice remains one of detached observation and advice; no longer in the background, Seneca states emphatically how he is determined to conduct himself as a magistrate. In sum, his comments are a profession of personal resolve to be the *aequus iudex* (fair judge) he proclaims as the figure to be emulated. More broadly, however, Seneca's personal declaration of impartiality in the exercise of judicial office contains much more of note. Not surprisingly, as in other sections of this type, he singles out *ira* as the vice least tolerable in a judge and introduces his own avowal of equanimity as a more intense personal recognition of the problem as well as his own responsibility as a public official to ensure that anger does not impair his judgment. The examples he uses to illustrate the difficulty of sustaining the desired attitude are deliberately extreme--the parricide, the traitor, the public enemy--so as to emphasize his objective even more. As a consequence, he replies to the earlier examples of his *adversarius*--the robber and poisoner--with the most

dire cases he can imagine, thereby heightening the contrast between judge and criminal, justice and crime.³⁵²

That Seneca so naturally places himself in the role of *iudex* (judge) or *praetor* (praetor) with authority to pass sentence for capital offenses clearly reveals a familiarity with the office and its processes he can easily assume in collegial correspondence with a fellow magistrate. Likewise, he can readily refer to or advise on matters of magisterial or judicial conduct in general on similar grounds, as one jurist writing to another, a circumstance the representative passages quoted illustrate so well. More than this, however, Seneca's not infrequent insistence on the absence of anger in one who aspires to be considered, as he so often says, an *aequus iudex* (fair judge), simply redirects attention to the overall legal aspect of the De Ira, of which his remarks on judicial conduct constitute only a part. Together with other key features, such as the formulaic terms found in the legal literature of problems, for example, Seneca's advisory comments on the deportment of a judge add one more element among several which parallel elements known to have distinguished epistolary *responsa* in the classical era. At the same time, the coexistence of elements in the De Ira that are found in the *responsa* help, at least in part, to explain the

³⁵²At I.16.1, the *adversarius* asks: "*Quid ergo? Non irascar latroni? Quid ergo? Non irascar venefico?*"

puzzling absence of conventions which mark the philosophical dialogue: the lack of definite setting, organized conversation, and named characters.

In terms of both structure and content, then, the De Ira resembles both a literary epistle and a legal *responsum*; its addressee is stated and the sum of Seneca's observations comprise a lengthy reply to an apparently sincere ethical question. *Ira*, the subject of Novatus' inquiry, is not solely a moral issue: this Seneca clearly believes, given the way that he associates each aspect of anger with the stages of litigation for *iniuria*.³⁵³ But even if Seneca constructed the De Ira with the *responsum* of his age as a model, his basic position regarding anger suggests a further possibility, since he so closely links the two notions of *ira* and *iniuria*. Not merely one vice among the usual roster of Stoic sins to be avoided, *ira* is a *delictum animi* (delict of the mind), and he discusses it correspondingly--as a jurist rather than a philosopher. The consideration of anger as a delict produces a curious paradox whereby *iniuria*, a delict *de iure* almost by definition becomes a *de facto* philosophic vice as well. Thus, the De Ira, which seems to share so many features with an epistolary *responsum*, may well reproduce the form while concealing a more elusive purpose--taking the law itself to task for encouraging *ira* through sanctioning *iniuria*--by means of the very genre enlisted in the

³⁵³II.1.3-5.

service of legal clarity. If *ira* is, as Seneca seems to claim, a genuine legal ill and *iniuria* an avoidable vice, the *responsum* furnishes the consummate form by which to parody the artificial and ineffective claims of the law, a form which enables him to speak not solely as a jurist, but as a satirist.

CHAPTER FIVE

THE DE IRA AS PARODY

Although the recognized features of the epistolary *responsum* clearly correspond to the form of the De Ira, Seneca does not merely use the *responsum* as a model; he parodies it. A typical *responsum* of the classical period might discuss any problematic point of law, such as a particular delict, for example. The ostensible theme of the De Ira is moral, however, not legal, and Seneca uses the form of the *responsum* to discuss the delict *iniuria* only as it pertains to *ira*, thereby diminishing the importance of the delict as part of the discussion. By giving the delict lesser status, Seneca "insults" the legal dignity of *iniuria* and misappropriates the form of the *responsum* for the analysis of a moral problem, an irony which would not be missed by his addressee or a contemporary audience. A later audience, however, neither attuned to the technical nature of Seneca's vocabulary nor familiar with the unabridged writings of the Roman jurists, could hardly be expected to understand the De Ira as anything other than a discussion on the morality of anger and a dialogue of inferior quality when held up to earlier standards of composition. A parody of the

responsum to censure a moral ill and discourage the legitimate use of the delict both mocks the legal genre and is an affront to the seriousness of *iniuria*, details a Roman audience would have immediately noticed.

The epistolary *responsum* was by nature as serious an effort as a philosophical dialogue, and could be distorted by parody only at the hands of an author skilled at adapting a serious genre to a far different and more subtle end. As his works reveal, Seneca was a multi-talented author, capable of serious philosophical works and tragic drama, but of satire as well, as we know because of a single work which may offer the best clue for understanding Seneca's purpose in choosing the *responsum* as the most suitable model for the De Ira.

Perhaps the most intriguing work of the Senecan corpus which has been handed down by tradition, the Apocolocyntosis, represents an excellent example of Menippean satire, a genre in which prose was intermixed with various verse forms in order to "enhance a moment of the story or to illustrate the argument," as one critic puts it.³⁵⁴ Long considered an anomaly among Seneca's writings, the Apocolocyntosis demonstrates the extent to which its author was capable of adding satire

³⁵⁴Coffey, 149.

to a repertoire composed primarily of tragic drama and philosophy.³⁵⁵

Written early in the reign of the emperor Nero by most accounts, it is a few years later than the De Ira.³⁵⁶ Consequently, it bears comparison with the De Ira; Seneca had already satirised the law there, and the Apocolocyntosis continues the practice.³⁵⁷ The recognizable legal trappings which it features--the formulaic dating and disclaimer (1), the

³⁵⁵Knoche, 99-108, offers an excellent discussion of the exceptional nature of the Apocolocyntosis among the writings of Seneca, and includes a brief synopsis of the MSS tradition and the questioning of authorship. According to Coffey, 166, the title *ludus* is not found in the MSS, but rather in "the epitome of Cassius Dio (60...35)...among the jokes and frivolities that followed the death of Claudius..."

³⁵⁶K. Abel, Bauformen in Senecas Dialogues (Heidelberg: C. Winter, Universitätsverlag, 1967), 155-70, surveys the evidence for the dating of Seneca's works. Cf. F. Giancotti, Cronologia dei "Dialoghi" di Seneca (Turin: Loescher, 1957), 93-150.

³⁵⁷Knoche, 107-108, makes a number of interesting observations about the Apocolocyntosis as a political pamphlet and a parody of a Roman will, remarking that the latter enjoyed a lengthy tradition which begins with Varro's Menippean satires (543) and continues well into the imperial age. Cf. Suetonius Augustus 56 and Tacitus Annals 14.50 for examples of political pamphlets and parodies of this sort. Knoche also notes that parodies "which made use of legal formulae were...circulating in imperial times as separate brochures in prose, but since here it was only a case of quite modest writings serving the purpose of amusement, our knowledge of them is both casual and incomplete." Horace Sermones 2.1 offers a parody of a legal discussion between the poet and the jurist Trebatius which demonstrates Knoche's point. Lines 82-86 are especially relevant here, since defamatory poems (*carmina mala*), one of the offences included within the scope of *iniuria*, is the issue discussed. Horace's "*Esto, si quis mala...*" (line 83) parodies the formulaic language of the Twelve Tables as well as later legal writings. See Berger, 381, on *carmen malum*, or *carmen famosum*.

senatorial deliberations (8-11), and the scene from the Roman court (14-15)--indicates how very comfortable (and masterful) Seneca was with parody.³⁵⁸

Undeniably the difference of genre makes comparison difficult at first glance; as transmitted, the De Ira is classified a *dialogus* (dialogue) and the Apocolocyntosis a *ludus* (play/skit/) or *satura* (satire).³⁵⁹ On the face of it, the Menippean form of the Apocolocyntosis is unmistakable, and the parodies present are obvious. Seneca's adroit ridicule of the funeral and deification ceremonies, however, is apparent because of his revealing use of the familiar Menippean form and an unconcealed distortion of the formalities he describes; the Menippean form, however, was not the genre on which the De Ira was based, and herein lies a frequently cited obstacle to the acknowledgement that a parody is taking place, a difficulty which has been overlooked by scholars attempting to

³⁵⁸Cf. Petronius and Seneca, Apocolocyntosis, trans. Michael Haseltine and W.H.D. Rouse, rev. E.H. Warmington, Loeb Classical Library (Cambridge: Harvard University Press, 1987), 436-39, 456-69, and 478-83, for text and translation. Seneca describes the Roman courts and their environs in unflattering terms at De Ira II.7-9..

³⁵⁹See above, Introduction, on the classification of the De Ira as a dialogue. Knoche, 99-100, and Coffey, 166-67, discuss the Apocolocyntosis and the problem of attribution.

understand the structural irregularities in the De Ira.³⁶⁰ The terms *ludus* (play/skit/joke) and *satura* (satire) at least suggest the possibility that parody--one of the most attractive and effective forms of satire--will, of course, be found upon even an initial reading. Absent such a title, the De Ira can be parodying a whole genre (i.e., Roman legal procedure as such) and go entirely unnoticed; especially so the more cleverly and skilfully an author succeeds in concealing the original form upon which he bases his imitation.³⁶¹ In the case of the Apocolocyntosis, then, no such problems arise; it is the De Ira, if it is to be understood as parody, that poses all the problems.

Although nothing in the title or its traditional generic designation would prompt any conclusion other than the most widely accepted--that the De Ira is a philosophical work--its failure to meet the previous standards of the genre ever since the dialogues of Plato have persuaded most critics

³⁶⁰Highet, 72, remarks that skillful parody "almost coincides with reality..." and is such that it "might, by the unwary, be accepted as genuine work of the original author or style parodied." Princeton Encyclopedia of Poetry and Poetics (Princeton: Princeton University Press, 1993), s.v. "Parody," by R. P. Falk and Frances Teague, enlarges on Highet's observations: "Because the success of parody depends not only on the reader's understanding of the text, but also on the recognition of the source-text it is based on and the comical twist or reversal of those cultural values embedded in the source-text, the readerly transaction is complex. And the parody itself of course instantiates the source at the same time that it subverts it."

³⁶¹Ibid.

that Seneca's methods were unsatisfactory.³⁶² In light of the outright ridicule of Claudius in the Apocolocyntosis, the one work which certainly reveals a facility with satire on Seneca's part, both critics and admirers overlook the more subtle *Etwas fehlt* of which he was capable. The versatile Seneca, after all, penned this caustic mockery of Claudius at precisely the same time he publicly eulogized the safely dead god in a speech written for the young Nero to deliver.³⁶³ Not even that panegyric, however, could remain free from the irony that survival had cultivated in Seneca under the reigns of Gaius and Claudius, as a well-known observation of Tacitus testifies.

...postquam ad providentiam sapientiamque flexit, nemo risui temperare, quamquam oratio a Seneca composita multum cultus praeferret, ut fuit illi viro ingenium amoenum et temporis eius auribus adcommodatum.

(Ann. XIII.3)

(...after he shifted to the foresight and wisdom < sc., of Claudius >, no one could keep from laughing, although the speech, written by Seneca, displayed much care, as the man possessed a talent congenial and suitable for the listeners of his age.)

Noted mostly for the seriousness of the Dialogi or Epistulae Morales and the grimness of his Tragoediae, the Seneca of the Apocolocyntosis is too easily dismissed, an oversight resulting in a failure to appreciate the

³⁶²See Wright, 39-40. Cf. Griffin, Introduction.

³⁶³Tacitus Annales 13.3. contains a description of the event.

not inconsiderable gift for satire hinted at by Tacitus. Despite the slim bulk of the Apocolocyntosis in the Senecan corpus, the talent for parody evidenced is quite as remarkable as the attested sense of irony displayed in the ghost-written eulogy for Claudius, whose reputation for unwisdom and improvidence is well-documented.³⁶⁴ Such facility for satiric technique, although observed in the philosophical works and letters by some scholars, undercuts an assumed seriousness of intent in those writings and occasions an understandable disregard for the degree to which Seneca could indeed shift from philosopher to satirist and back again.³⁶⁵

Non-fiction parody had enjoyed a tradition at least as far back as Plato's Menexenus, with its mockery of the sophists: Plato's knack for parody remains one of his more memorable gifts.³⁶⁶ Yet Seneca had a Roman tradition on which to rely as well. Prose parodies of Roman legal formulae can be found in Varro, and similar efforts have been attested in the imperial age, though our knowledge of them is scanty.³⁶⁷ In addition to the satiric elements already noted in the De Ira, the above factors

³⁶⁴Suetonius Claudius *passim*.

³⁶⁵See Weber, 1-6.

³⁶⁶Hight, 137-8, examines Plato's parody of Lysias' style at the beginning of the Phaedrus and his parodies of speeches in the Menexenus.

³⁶⁷See above, n. 357.

suggest that there is a scheme in the De Ira far different from the ethical purpose that it has been assumed to exhibit, a design in which the satirist of the Apocolocyntosis presupposes the satirist of the De Ira.

Whereas the parodies in the Apocolocyntosis--including the self-parody of the Hercules Furens--point to the models on which they are founded, the structure of the De Ira, possessing little formal resemblance to earlier philosophical dialogues, suggests no source-text or original upon which to establish a comparison.³⁶⁸ But if Seneca's legal emphasis is kept in mind, it becomes clear that the legal literature provides the source-text for the De Ira. The most likely candidate in this regard are the legal briefs discussed in the preceding chapter--the *responsa*; unfortunately, not a single complete example survives, but there are enough surviving fragments of the genre which the De Ira may well illustrate if not entirely exemplify.³⁶⁹ If this is the case, many of the unsettling problems of form and content in the De Ira find a solution and Seneca's underrated abilities

³⁶⁸Knoche, 104-08, elaborates on the various parodies within the Apocolocyntosis, including the funeral eulogy (*laudatio funebris*) and even self-parody--the figure of Hercules here, based on the Hercules Furens. Cf. O. Weinreich, Senecas Apocolocyntosis, die Satire auf Tod, Himmel- und Höllenfahrt des Kaisers Claudius: Einführung, Analyse, und Untersuchungen (Berlin: Weidmannsche Buchhandlung, 1923), *passim*.

³⁶⁹See Schulz, Roman Legal Science, 223-61, on the state of the evidence. Lenel, *passim*, remains the most complete attempt at reconstructing portions of the *responsa* and other forms of the literature of legal problems.

as a satirist--and a parodist--assume a new prominence. The humor and sense of the ridiculous necessary to the best of parodies depend on an accuracy of imitation in which the parody and its source become indistinguishable the more aware the reader is of the style and thought of the text or tradition being parodied.³⁷⁰ Since only fragments of the *responsa* and references to their general shape and content survive, evidence must be confined to these sources and what Roman legal historians have been able to adduce about them. Nonetheless, enough parallels exist between what is known of the *responsa* and internal data from the text to support the idea that the De Ira is a parody of a *responsum*.

Pedantry, dullness, pomposity, and self-importance have been listed as some of the more obvious targets of parody which, when successful, provides the most trenchant criticism of its subject by attacking it on its own grounds.³⁷¹ As chance would have it, these are precisely the qualities that critics of the De Ira have not merely cited as characteristic of the work, but even turned into judgments long detrimental to Seneca's

³⁷⁰See Princeton Encyclopedia of Poetry and Poetics, 1972 ed., s.v. "Parody," by R.P. Falk and William Beare.

³⁷¹Ibid.

reputation.³⁷² It is hardly in character for the author of so lively a piece as the Apocolocyntosis or so ironic a speech as that which he wrote for Nero on the occasion of Claudius' funeral to pen a deliberately tedious and unphilosophic "dialogue" when outstanding models of the dialogue in both Greek and Roman traditions were still well-known. The greater probability is that the juristic writing availed Seneca the opportunity to apply his talent for parody toward illuminating the legalistic absurdities of the age in a style all too common in the legal writing in any era--dull, pedantic, and pompous.³⁷³ Combining legal expertise with a satiric sensibility, he could mimic the jurists *and* Claudius, whose mania for legal pronouncements is amply attested and seems to have stamped his reign.³⁷⁴ It is the selfsame Seneca who decried the way people resorted to actions for *iniuria* in the De Ira who later envisions Claudius in the underworld, accused of transgressing the very *Lex Cornelia* to which he

³⁷²Michele Coccia, I problemi del De ira di Seneca alla luce dell'analisi stilistica (Rome: Edizioni dell'Ateneo, 1957) addresses many of these issues. Cf. Giovanni Cupaivolo Introduzione al De Ira di Seneca (Naples: Societa Editrice Napoletana, 1975), provides a more recent survey of the problems.

³⁷³The pronouncements of Judge Bridlegoose in Rabelais' Gargantua and Pantagruel are examples of what would now be called "legalese."

³⁷⁴Villy Sorensen, Seneca: The Humanist at the Court of Nero trans. W. Glyn Jones (Edinburgh and Chicago: Canongate Publishing Ltd. and The University of Chicago Press, 1984), 110, casually comments on this trait of Claudius. Cf. Tacitus Annales 13.4, and Suetonius Claudius 14-15.

had apparently resorted so often in life.³⁷⁵

Ducit illum ad tribunal Aeaci: is lege Cornelia
 quae de sicariis lata est, quaerebat. Postulat,
 nomen eius recipiat; edit subscriptionem: occisos
 senatores XXXV, equites R. CCXXI, ceteros ὄσα
 ψᾶμαθος τὲ κοινὸς τε. Advocatum non venit.

(Apocolo. 14)

(Pedo brings him before the judgment seat of Aeacus, who was holding court under the Lex Cornelia to try cases of murder and assassination. Pedo requests the judge to take the prisoner's name, and produces a summons with this charge: Senators killed 35, Roman knights, 221; others, as many as the grains of sand and dust. Claudius finds no counsel.)

The roughshod misuse of the law depicted here is of the same sort recounted over and over in the De Ira, especially in the *exempla* of book three.³⁷⁶ Seneca's protests about the condition of the courts and those who frequent them, or his unrelenting condemnation of *iniuria* as little more than legitimized anger, are straightforward and conspicuous satiric features with origins in the diatribe.³⁷⁷ Aside from the reasons already

³⁷⁵Berger, 549-50, lists the various Cornelian Laws (*Leges Corneliae*) enacted under the dictator Sulla during the years 82-79 B.C., which included the *Lex Cornelia de sicariis et veneficiis* mentioned by Seneca here. Berger notes that although some of these laws were repealed, the *Lex Cornelia de sicariis et veneficiis* remained in force under Justinian. Cf. Digest 48.8. Suetonius Claudius 14-15 and 34-38 details many of the emperor's misdeeds.

³⁷⁶Cf. III. 14-21.

³⁷⁷Cf. Horace Sermones 1.1.28 ff. and 1.1.1 ff. with De Ira III.33 and III.31 respectively, parallels observed in the last century by Weber, 3.

given, the element of parody in the De Ira remains hard to recognize precisely because it too closely resembles a philosophical line of reasoning. Yet one of the most effective weapons at the disposal of the parodist is the slight distortion which compels a novel, cutting, but ultimately accurate recognition of the object of parody--in this case, Roman law and the bloated pronouncements of the imperial jurists.³⁷⁸ There may be very little which distinguishes an ethical from a legal line of argument, and Seneca has brilliantly blurred the lines separating morality and law early in Book Two by representing anger as a process identical to the stages of litigation for *iniuria*.

...intellexit aliquid, indignatus est, damnavit, ul-
ciscitur: haec non possunt fieri, nisi animus eis
quibus tangebatur adsensus est.

(II.1.5)

(He has formed a judgement, become outraged, has passed sentence, and achieves vengeance. These processes are impossible unless the mind has given assent to the impressions that moved it.)

³⁷⁸Highet, 68-70, remarks that satiric parody "wounds the original (however slightly), pointing out faults, revealing hidden affectations, emphasizing weaknesses and diminishing strengths..." In addition, he observes that there are satiric parodies "in which the form is maintained virtually unaltered, without exaggeration, without distortion, while the thought within it is made hideously inappropriate to the form, or inwardly distorted, or comically expanded." Seneca uses the *responsum* to his advantage in the De Ira and achieves many of effects which Highet lists, ironically employing a legal form to criticize legal principles--most prominently *iniuria*--considered worthwhile from the time of the Twelve Tables.

On first glance, Seneca's concise account of this process looks like a standard philosophical treatment in which anger is treated as a moral problem involving an acknowledged course of action freely chosen; his ostensible topic is an ethical malaise, not a statutory offense, unless one examines the language and context of the chapter and recalls a revealing remark from Book One which bears further examination:

...nam cum ira delictum animi sit, non oportet peccata corrigere peccantem. "Quid ergo? Non irascar latroni? Quid ergo? Non irascar venefico?" Non; neque enim mihi irascor, cum sanguinem mitto. Omne poenae genus remedi loco admoveo.
(I.16.1)

(...For since anger is a delict of the mind, it is not right to correct wrong-doing by doing wrong. "What then," you exclaim; "shall I not be angry with a robber? Shall I not be angry with a poisoner?" No; for I am not angry with myself when I let my own blood. To every form of punishment will I resort, but only as a remedy.)

Here, in unequivocal terms, Seneca boldly employs the legal metaphor "*delictum animi*" (delict of the mind) to characterize anger.³⁷⁹ In doing

³⁷⁹Cf. the legal contexts of Seneca's use of *delictum* at I.14.2, II.6.2-4, and I.19.6. There are, however, other significant aspects about the passage that are worthy of mention. First of all, the question asked by Seneca's *adversarius* suggests that *ira* is an appropriate response to the robber (*latro*) or the poisoner (*veneficus*). By referring to anger as a delict of the mind, Seneca has criminalized *ira* and places it in relationship with the criminal offences introduced by his *adversarius*. Secondly, there is a legal nuance to Seneca's use of *non oportet* (it is not right). David Daube, Forms of Roman Legislation (Oxford: Clarendon Press, 1956), 8-23, closely examines the substitutes for the imperative which express necessity or

so, Seneca's emphasis and intent is to establish a context which "*poena*" (penalty) can be exacted, but fairly. *Delictum* (delict) denotes a statutory offense, and *poena* (penalty) is the generic term for a legal fine or judgment.³⁸⁰ With this in mind, Seneca's later discussion on the nature and the course of anger (II.1.1-5) assumes a direction not unlike that of a juristic analysis of some particular crime or offense, and reaches a crescendo delivered as though it were the final statement of a judge's verdict of guilt: *intellexit* (he formed a judgment), *indignatus est* (became outraged), *damnavit* (passed sentence), *ulciscitur* (achieves revenge)--a succinct and powerful summation of the facts essential for Seneca to secure a verdict *in iram* (against anger) in the "court" of public opinion. That Seneca has concluded his condemnation of *ira* by enlisting terms which express an approved procedure of the law achieves an irony pleasantly reminiscent of the satiric subtleties of Horace, not the philosophical sobriety of Cicero.

Repeatedly and consistently, legal metaphor and analysis recur in

obligation, such as *oportet* and *nesesse est*, to present a recognized legal standard or juristic interpretation of what is required by law. For the frequency of *oportere* or its forms in the *De Ira*, see Busa and Zampolli, 924.

³⁸⁰Berger, 430, comments thus on *delictum*: "...the source of one group of obligations (*obligationes ex delicto*) which in the fundamental division of obligations is opposed to the contractual ones (*obligationes ex contractu*). Cf. Nicholas, 207-09.

the De Ira, most noticeably where the ethical analysis seems to be plodding along precisely because Seneca has adopted the airs (or rather long-windedness) of a jurist so faithfully that his very skill at imitation has been taken for a genuinely unskillful effort on his part.³⁸¹ The result has been that critics fail to recognize the tone the significance of precisely those stretches of the work where parody of a *responsum* is often most successfully achieved. Seneca's continuous handling of *ira* as a delict conforms to an observed feature of the *responsa* so far as can be drawn from fragments or *testimonia*: the exhaustive legal analysis of a single problematic legal question or issue.³⁸² In addition to the specialized terminology of *iniuria*, to the advice specific to the activities of a judge, and to the number of anecdotal *exempla* which double as either legal cases or trial settings, Seneca's treatment of *ira* as delict presents a still more persuasive argument for the De Ira as parody of a jurist's *responsum*. The

³⁸¹Suetonius Claudius 38.1, refers to an edict of Claudius which may well have been Seneca's inspiration for writing the De Ira: "*Irae atque iracundiae conscius sibi, utramque excusavit edicto distinxitque, pollicitus alteram quidem brevem et innoxiam, alteram non iniustam fore.*" (He was aware of his tendency to anger and irascibility and excused both in an edict; he also drew a distinction between them, promising that the former would be short and harmless and the latter not unjust.)

³⁸²Schulz, Roman Legal Science, 223, characterizes the literature of legal problems as "...works devoted exclusively to problems, to the most difficult and perplexing questions of law...The problems are discussed individually, at varying length..."

implications of this conclusion and a more detailed account of just how Seneca's parody unfolds require additional discussion, however, before a final assessment can be ventured as to the status of the De Ira as legal parody in particular and as satire in general.

With regard to Seneca's idiosyncratic view of *ira*, one must begin by examining some of the common characteristics and effects of parody and the ways they function in the De Ira. One of the hallmarks of parody is distortion of a style, author, or work by as close an imitation as possible in order to heighten the intended ridicule of what is being parodied.³⁸³ Whether Seneca had an individual jurist in mind can hardly be determined at this late date--their works are mostly lost, in any case--but the content and structure of the De Ira certainly appear to mimic the style and format of a *responsum* in so far as the available evidence allows. The distortion occurs as a result of Seneca's equation of anger with a legally actionable delict. He thus fashions both a reversal of social priorities--morality taking precedence over law--and infers the moral and legal equivalence of *ira* and *iniuria*. At this point, law turns into a universal collusion to legalize acts malign by nature. Accordingly, Seneca strips the pretense of innocence from the victims of *iniuria* in their pursuit of justice

³⁸³Princeton Encyclopedia of Poetry and Poetics, 1972 ed., s.v. "Parody," by R.P. Falk and William Beare.

and exposes the delict as merely an opportunity for the aggrieved to satiate their desire for revenge. In much the same fashion as the tragic cliché that suffering brings wisdom, for the parodist, distortion yields a clarity which also produces wisdom.³⁸⁴

Well-versed in Stoic thought and an innovator in tragic drama, Seneca understood the power and importance of paradox in each tradition.³⁸⁵ Indeed, the epigrammatic point for which he is both blamed and praised is often no more than a terse truth consisting of an elegant paradox, and although the De Ira has its share of these pithy aphorisms, the overriding paradox of *ira* as delict, and delict as vice, suffuses the work.³⁸⁶ Much like the realization in the tragedy of Oedipus that vision

³⁸⁴See Aeschylus Agamemnon 171-78. Aristotle Poetics 4 briefly comments on the distorted mask of comedy.

³⁸⁵The Stoic paradoxes were well known in the Republic. Cicero (Paradoxa Stoicorum) lists and discusses the six most common paradoxes. These paradoxes were at times the object of satire, perhaps because of the unattainable moral standards they established. Horace Sermones 1.3, 2.3, and 2.7 criticizes those which he finds extreme and incompatible with sensible living. D. and E. Henry, 13, cite paradox as one of the most important elements of Seneca's tragedies. G.K. Hunter, "Seneca and English Tragedy," in Seneca, ed. C. D. N. Costa (London and Boston: Routledge and Kegan Paul, 1974), 166-204, primarily examines Seneca's influence on Elizabethan drama, but often comments on his importance for continental drama as well.

³⁸⁶J. R. G. Wright, 39, remarks on "the straining for 'point' and rhetorical effect" in Seneca's writings. R. Pfennig, De librorum quos scripsit Seneca de ira compositione et origine (diss. Greifswald, 1887), attempts to be a comprehensive survey of Seneca's stylistic "flaws." II.28.7 provides a typical epigram: "...et fidei acerrimus exactor est

itself possesses both a physical and a moral dimension, the recognition that law may as easily contribute to vice or virtue and is not one-dimensional forms the central theme of the De Ira. Paradox thus lies as much at the core of the effective parody as at the heart of tragedy. The end result is also similar: a serious idea arrived at from different directions--the one tragic, the other comic. Seneca's legal examination of *ira* combines with a moral analysis of *iniuria* to diminish the dignity of Roman law and emphasize its moral bankruptcy. That he uses the idiom of the law to mock the solemn and portentous *auctoritas* (authority) behind the jurist's own medium--the *responsum*--only intensifies the incongruities of the law as well as maximizing the satiric effect.

Parody and paradox, the operative form and principal figure of the De Ira, offer but a general sense of Seneca's purpose and intended meaning. In order to appreciate the overall effect, it is necessary to examine his imitation of a *responsum* as well as the legal paradox he constructs in more detail. As discussed earlier, Seneca clearly sets *iniuria* in a legal context, a tactic which substantially alters the nucleus of his design; particularly so when one appraises the importance of the concept in relation to his definition of *ira* and the regularity with which *iniuria* perfidus..." (...the strictest enforcer of loyalty is the traitor...)

appears throughout.³⁸⁷ Likewise, the fact that Seneca devotes large portions of the De Ira to *iniuria* seems odd.

Despite his stated topic, analysis of what does or does not constitute the delict of *iniuria* and of the various acts which fall within its compass comprises a large proportion of a work supposedly devoted to *ira*.³⁸⁸ Additional emphasis also results from the numerous *exempla* which serve as much to illustrate *iniuria* or represent a court proceeding as to promote a Stoic ethic.³⁸⁹ However out of keeping or tangential Seneca's concern with *iniuria* may initially appear, his preoccupation with the delict is paramount for understanding *ira*, and without it, neither the parody nor the paradox can prevail.

Precise and impressive legal analysis is perhaps the central feature of Seneca's treatment of *iniuria*, but a feature his examination of *ira* shares. He refers to anger as a *delictum animi* (delict of the mind) and

³⁸⁷See above, Chap. 2.

³⁸⁸Busa and Zampolli, 648-9, list seventy occurrences of the word in the De Ira. *Iniuria* appears with any frequency only in the De Ira, De Constantia Sapientis, De Beneficiis, and Ad Lucilium Epistulae Morales. References to the delict are both explicit, as at II.1-5 and 25-33, and implicit. The frequent and obviously legal use of the term in these works (particularly in the De Ira), coupled with Seneca's characterization of *ira* as the desire for revenge (II.1.4), underscore the Senecan influence on Nero's promise "to bring neither outrages nor a desire for revenge" (*nullas iniurias nec cupidinem ultionis adferre*) on the occasion of his initial speech to the Roman senate (Tacitus Annales 13.4).

³⁸⁹See II.32-33 and III.14-24.

evaluates it accordingly by applying all the rigor one would expect of a jurist interested in every conceivable side of a problem and hopeful of composing the definitive and comprehensive *responsum* on the question. As a consequence, Seneca makes the same sort of investigation of *ira* that he does in his exploration of *iniuria*: what it is, what distinguishes it or sets it apart, what its effects are, and what can be done to curtail it are taken up in turn and explored. But more than this, it becomes apparent that Seneca does not castigate the delict in the same manner in which he addresses and faults the justification and expression of anger; he must of necessity grapple with *iniuria* as the social outlet of *ira* and a widely abused legal safeguard originally conceived in order to offer protection against very basic antisocial behavior, such as assault, battery, libel, and defamation.³⁹⁰ It is clear, however, from Seneca's intermittent diatribes on the courts that *iniuria*, driven by *ira*, had become a pretext rather than a protection--a convenient resource for avenging even trivial dissatisfactions.³⁹¹ If Seneca's portrait of the courts and their irate

³⁹⁰That there should be legal redress for these basic violations to one's person developed early in Roman law and continued throughout Roman legal history. See Warmington, 474-77, and *Digest* 47.10-25; also Frier, 177-200, and Nicholas, 215-17. As such, Seneca's plea for restraint in resorting to litigation for *iniuria* constituted a radical departure from accepted practice.

³⁹¹E.g., II.6-9.

denizens are any guide, the anger resulting could even be worse than the acts that purportedly warranted the anger to begin with. The De Ira, modelled on the epistolary *responsum*, could most effectively convey this insight--and with all the sharpness and force of which parody is capable. Point by point, Seneca considers *ira* as a delict--its nature, its characteristics, and its consequences--using the language of the law and the art of legal reasoning. Immediately prior to identifying the processes of anger and litigation cited earlier, Seneca begins by questioning the nature of anger as a Roman jurist would question what would constitute violation of a delict.³⁹²

- (1) quaerimus enim ira utrum iudicio an impetu incipiat, id est utrum sua sponte moveatur an quemadmodum pleraque, quae intra nos < non > insciis nobis oriuntur.

(II.1.1)

(...for the question is whether anger originates from choice or impulse, that is, whether it is aroused of its own accord, or whether, like much else that goes on within us, it does not arise without our knowledge.)

- (2) Iram quin species oblata iniuriae moveat non est dubium; sed utrum speciem ipsa statim sequatur et non accedente animo excurrat, an illo adsentiente moveatur quaerimus. Nobis placet nihil illam per se audere sed animo adprobante; nam speciem capere acceptae iniuriae et ultionem eius concupiscere et utrumque coniungere, nec laedi se

³⁹²See II.1.4-5, where Seneca identifies the two processes.

debuisset et vindicari debere, non est eius impetus,
qui sine voluntate nostra concitatur.

(II.1.3-4)

(There can be no doubt that anger is aroused by the direct impression of injury; but the question is whether it follows immediately upon the impression and springs up without assistance from the mind, or whether it is aroused only with the assent of the mind. Our opinion is that it ventures nothing by itself, but acts only with the approval of the mind. For to form the impression of having received an injury and to long to avenge it, and then to couple together the two propositions that one ought to be avenged--this is not a mere impulse of the mind acting without volition.)

The significance of *quaerimus* ("we inquire" or, better, "for the question is") as a key legal term in the *responsa*, and of *iniuria* ("injury/outrage") as an important delictal classification are by now apparent from our earlier analyses.³⁹³ The passages are still more useful with respect to the Senecan paradox that *ira* is a delict. On the surface, his inquiry may easily be taken for a standard ethical query, since a common method of determining the moral basis of an action consists in evaluating the part played by knowledge and the will. Seneca's approach and position here are more in keeping with a presumption of wrong than a neutral investigation of the nature of anger. The alternate indirect questions in which *sua sponte* (of its own accord) and *in sciiis nobis* (without

³⁹³See above, Chaps. 2 and 4.

our knowledge) occur in the first section and *non accedente animo* (without assistance of the mind) appear in the second section, particularly followed by *voluntate* (volition) in the final sentence, provide a structure which more closely parallels a legal question posed for the purpose of establishing innocence or guilt. In fact, Seneca's concern with knowledge and volition as the necessary conditions for anger anticipate the formula "knowingly and willfully" in a common-law verdict of guilt.³⁹⁴ This is precisely the ruling he passes on *ira*, and, with great irony, as a reaction to *iniuria*, since his criteria for assessing a violation of the delict are the same. Later in the second book, Seneca discusses what cannot constitute *iniuria* and why it cannot.

- (1) **Irascimur aut iis a quibus ne accipere quidem potuimus iniuriam, aut iis a quibus accipere iniuriam potuimus. Ex prioribus quaedam sine sensu sunt, ut liber quem minutioribus litteris scriptum saepe proiecimus et mendosum laceravimus, ut vestimenta quae, quia displicebant, scidimus....**
(II.26.1-2)

(Our anger is stirred either by those from whom we could not have received any injury at all, or by those from whom we might have received one. To the former class belong certain inanimate things, such as the manuscript which we often hurl from us because it is written in too small a script or tear up because it is full of mistakes, or the articles of clothing which we pull to pieces because we do not like them....)

³⁹⁴Black's Law Dictionary, 3d ed., s.v. "Knowingly and willfully." "This phrase, in reference to violation of a statute, means consciously and intentionally. *United States v. Lehigh Valley R. Co.* (C.C.A.) 204 F.705, 708."

- (2) **Atqui ut his irasci dementis est quae anima carent, sic mutis animalibus, quae nullam iniuriam nobis faciunt, quia velle non possunt; non est enim iniuria nisi a consilio profecta. Nocere itaque nobis possunt ut ferrum aut lapis, iniuriam quidem facere non possunt.**
(II.26.4)

(But as it is the act of a madman to become angry at things without life, it is not less mad to be angry at dumb animals, which do us no injury because they cannot will to do so; for there can be no injury unless it arises from design. Therefore they can harm us just as the sword or stone may do, but they cannot injure us.)

Seneca's analysis of *iniuria* in these passages culminates in the same judgment that he passes on anger. The two key words that mean to decide, *velle* (to intend) and *consilio* (by design), parallel his use of *voluntate* (in accord) and *animo adprobante* (with the approval of the mind) in the previous passages.³⁹⁵ And as considered earlier, the distinction Seneca makes between *nocere* (to harm) and *iniuriam facere* (to cause an injury) makes it plain that he is differentiating legal culpability from harm caused by no human agent and outside the purview of the law.³⁹⁶ Overall, comparison of the two passages emphasizes the close link between *ira* and *iniuria* by providing examples for which the same standards are applied. Seneca concludes (II.1.4) that anger cannot occur without

³⁹⁵See II.1.1-4.

³⁹⁶Daube, *Forms of Roman Legislation*, 5, 38-9, 45, and 73, examines the legal sense of *facere* (OLD, entries 21a and b: "To do, perform <an action> ..." and "to commit <a crime>"). *Iniuria* as the direct object of *facere* occurs throughout the *De Ira* in a clear-cut legal context. See I.3.1 and 18.6; II.26.4, 28.5, and 32.2; III.8.4.

knowledge and volition and later (II.26.4) establishes that *iniuria* requires recognition and intent: in other words, he evaluates anger on legal grounds and subsequently clarifies the legal scope of the delict on the legal grounds that one would expect. For Novatus or, for that matter, any jurist, to characterize anger as a delict would be shocking, since according to the legal texts, as well as the De Ira, the commission of *iniuria* is actionable for redress.³⁹⁷ From the very beginning, however, Seneca refers to *ira* as an *affectus* (passion/emotion), a determination outside the scope of the law.³⁹⁸ Nonetheless, he pursues this approach throughout,

³⁹⁷E.g., Gaius Inst. 3.220: "*Iniuria autem committitur non solum cum quis pugno puta aut fuste percussus vel etiam verberatus erit, sed...*" (Outrage is committed not only when someone is struck with a fist or a club, or even flogged, but...) Cf. II.32.2: "*M. Catonem ignorans in balineo quidam percussit imprudens; quis enim illi sciens faceret iniuriam? Postea satis facienti Cato: "Non memini," inquit, "me percussum." Melius putavit non agnoscere quam vindicare.*" (Once when Marcus Cato was in the public bath, a certain man, not knowing him, struck him; for who would knowingly have committed outrage against that man? Later, when the man was making an apology, Cato said, "I do not recall that I was struck." He thought it better to ignore the incident than take it to court.)

³⁹⁸At I.1.1, Seneca calls *ira* "...*hunc...adfectum...maxime taetrum ac rabidum...*" (...this...most hideous and frenzied...of emotions...). Although generally translated "emotions" (Basore, *passim*), *affectus* (OLD, entry 8) can also signify an intention or purpose (based on emotional not rational grounds), thus implying a close connection between emotion and a disposition toward action. *Affectus* is, in fact, used in the legal sources to mean "intent;" so, Digest 47.10.3.1: "*Cum enim iniuria ex affectu facientis consistat...*" (For since outrage arises from the offender's intent...). Cf. Gaius Inst. 4.178: "*calumnia enim in adfectu est, sicut crimen furti...*" (for calumny, like the crime of theft, lies in the intention...). Seneca uses *motum animi* (II.3.4), *agitatio animi* (II.3.5), and *concitatio animi* (II.3.5) as

and refines the legal nuances even more, as the following passage illustrates.

Nam si quis poenam exigit non ipsius poenae avidus
sed quia oportet, non est adnumerandus iratis.

(I.9.4)

(For if someone exacts punishment, not because he desires punishment for its own sake, but because it is proper to exact it, he ought not to be counted as an angry man.)

Perhaps the most striking feature of this sentence is its remarkable resemblance to the language of the statutes. *Nam si quis* (for if someone) is a familiar introduction in any number of sections from the Institutes of Gaius or Justinian's Digest.³⁹⁹ In context, the phrase normally occurs immediately prior to stating the conditions which constitute a violation of the law, or an exception constituting compliance, as this excerpt shows.

Si quis alienum vinum vel frumentum consumpserit,
non videtur damnum iniuria dare ideoque utilis danda
est actio.

(D. 9.2.30.2)

(If someone consumes another's wine or grain, he is not understood to cause a wrongful loss, and so the analogous

equivalent to the noun "affect" as meaning visible emotion, which he carefully distinguishes from *adfectus animi* (II.3-4). It is clear in both chapters that by *adfectus* Seneca means a state of mind intent upon action.

³⁹⁹See Berger, 707, and Digest 50.16.1 on the use of the indefinite pronoun in the protasis of conditional statements in the legal sources.

action should be given.)⁴⁰⁰

Seneca's phraseology plainly approximates this passage from the Digest, but with an important difference: the Digest segment unequivocally pertains to liability under the *Lex Aquilia*.⁴⁰¹ The sentence from the De Ira (I.9.4) relates to anger, but in the familiar formulaic language of Roman jurisprudence. The former states a condition under which wrongful loss does not occur, but under which another course of action applies; the latter states a condition under which a penalty may be exacted and one in which it may not. Seneca makes the same distinction elsewhere, insisting that duty (*oportet*) or expedience (*utile*) are the only appropriate intentions whereby the exacting of punishment is acceptable.⁴⁰² The structural

⁴⁰⁰Cf. the use of *actionem dare* (to grant the right of process/ an action) in the De Ira at II.29.3: "*De parvula summa iudicaturus tibi res sine teste non probaretur, testis sine iureiurando non valeret, utrique parti dares actionem, dare tempus, non semel audires...*" (If the question of even a small sum should come before you to be judged, you would require a witness to prove the claim, the witness would have no weight except on oath, you would grant to both parties the right of process, you would allow them time, you would give more than one hearing...). The legal context here is plain, yet Seneca begins the chapter by recommending a remedy (*remedium*) for *ira*, as though it were a legal offence.

⁴⁰¹Frier devotes much of his Casebook to a detailed and systematic examination of the *Lex Aquilia*, the statute enacted in the 3rd century B.C. to set broad rules of liability for damage to property. Cf. Nicholas, 218-33, and Buckland, 585-89.

⁴⁰²See above, n.377, on the legal use of *oportet* (it is right/necessary) to advise necessity or obligation by some principle or standard in various circumstances (OLD, entry 1a). At II.33.1, Seneca sets the condition under which *iniuria* may be justifiably vindicated at law: "*Si tamquam ad*

parallels between these passages and legal terms they contain reveal a surprisingly juristic spirit and tone in the De Ira, a spirit and tone which appear frequently, and regarding a topic, *ira*, not generally considered legally problematic.

Seneca's parody of the form of the *responsum*, while requiring this extraordinary view of *ira* as a delict, still depends heavily on a satiric censure of *iniuria* which is inspired by *ira* for the paradox to succeed. As a consequence, it is no accident that, just as his reflections on *ira* imitate the idiom of the law, Seneca's more detailed analyses of *iniuria* resemble sections of the Digest excerpted from various jurists. His insistence in book two that knowledge and volition are necessary for *iniuria* to have occurred precede a passage in which he argues against resorting to legal recourse for the delict, even when it may in fact have been committed.

Cogitemus, inquam, alios non facere iniuriam sed reponere, alios pro nobis facere, alios coactos facere, alios ignorantes, etiam eos, qui volentes scientesque faciunt, ex iniuria nostra non ipsam iniuriam petere; aut dulcedine urbanitatis prolapsus est, aut fecit aliquid, non ut nobis obsesset, sed quia consequi ipse non poterat, nisi nos repulisset....

remedium venimus, sine ira veniamus, non quasi dulce sit vindicari, sed quasi utile..." (If we resort to a remedy (for outrage), let us do so without anger--not with the view that revenge is sweet, but that it is expedient...). See above, n. 317, on *vindicare*. Berger, 756, gives the concise legal sense of *utilis*: "Used of legal acts, transactions, and procedural steps which have been, or can be, successfully accomplished in a given situation."

(II.28.5)

(Let us consider, I say, that some are not doing us an injury but repaying one, that others are acting for our good, that some are acting under compulsion, others in ignorance, that even those who are acting intentionally and wittingly do not, while injuring us, aim only at the injury; one slipped into it allured by his wit, another did something, not to obstruct us, but because he could not reach his own goal without pushing us back....

Although he cites instances where the delict *iniuria* has admittedly been committed according to criteria--*volentes scientesque* (intentionally and wittingly)--which he has already established, Seneca plays devil's advocate here, cautioning against too strict or legalistic a judgment when a *prima facie* case exists, a position certainly consistent with his criticism of the courts and his numerous anecdotes depicting historical figures--such as Cato--who ignored flagrant offenses.⁴⁰³ Appearing in the middle of a long chapter whose purpose is primarily to advise, Seneca's recommends leniency and extols the superior authority of *pietas* (duty) and *fides* (integrity) "*quae omnia extra publicas tabulas sunt*" (all of which lie outside the statute books).⁴⁰⁴ Oddly enough, however, and with an amusing irony, there is a decidedly legal ring to his counsel here as well

⁴⁰³Cf. II.32 for the Cato anecdote, and III.22-24 for other instances of restraint or clemency.

⁴⁰⁴See II.28.2.

as in the passage quoted earlier in which he discusses the conditions essential to *iniuria*. A similar tone is discernible in the following excerpt from the Digest.

Illud relatum peraeque est eos, qui iniuriam pati possunt, et facere posse. (1) Sane sunt quidam, qui facere non possunt, ut puta furiosus et impubes, qui doli capax non est: namque hi pati iniuriam solent, non facere. cum enim iniuria ex affectu facientis consistat, consequens erit dicere hos, sive pulsent sive convicium dicant, iniuriam fecisse non videri. (2) Itaque pati quis iniuriam, etiamsi non sentiat, potest, facere nemo, nisi qui scit se iniuriam facere, etiamsi nesciat cui faciat. (3) Quare si quis per iocum percutiat aut dum certat, iniuriarum non tenetur.

(D. 47.10.3 pr.-3)

(It is equally held that those who can suffer *iniuria* can also inflict it. (1) To be sure, there are some who cannot inflict it, e.g., a lunatic and a minor not capable of *dolus*; for these persons may suffer *iniuria*, not inflict it. For since *iniuria* arises from the offender's intent (*affectus*), the logical consequence is that they (lunatics and minors) are not held to inflict *iniuria*, whether they strike (another) or raise a clamor. (2) And so a person can suffer *iniuria* even if he does not feel it, but no one can do it except a person who knows that he inflicts *iniuria*, even if the one to whom it is done is unaware. (3) Therefore if someone strikes (another) as a joke or during a contest, he is not liable for *iniuria*.)⁴⁰⁵

Many comparable excerpts from the Digest on the full range of the

⁴⁰⁵The translation is that of Frier, Casebook, 192. By *dolus* the classical lawyers meant "fraud" or "bad faith" (Nicholas, 170), evidence of which established liability in contractual law (Nicholas, 176) and the law of delicts (Nicholas, 223).

Roman law of delicts would only add to the impression of the similarity between a typical legal discussion and Seneca's discourse on *ira* and *iniuria*. The above passage is of more than passing interest, however, since its theme is *iniuria*. The obvious parallels to previously quoted sections from the De Ira are noteworthy in that they accurately demonstrate not only the legal nuances of the De Ira, but reveal how precisely Seneca parodies the substance and tone of Roman legal writing in his criticism of a moral failing, an achievement which is noticeable only on comparison with the literature of the law.⁴⁰⁶ The Digest excerpt offers the exact conditions or requirements under which *iniuria* applies by law, as do the aforementioned passages from the De Ira.⁴⁰⁷ Although Seneca concurs with the later opinion of Ulpian on *iniuria*, his method of determining *ira* is also in harmony with Ulpian's (and his own) position on *iniuria*.⁴⁰⁸ As the Digest shows, the offender's intent (*ex affectu facientis*) and knowledge that he has committed *iniuria* (*nisi qui scit se iniuriam facere*) are the necessary conditions which determine violation of the

⁴⁰⁶Cf. II.1-4, 26.1-2, and 28.5.

⁴⁰⁷Ibid.

⁴⁰⁸Digest 47.10.3 pr.-3 is selected from Ulpian, *Libro quinquagesimo sexto ad Edictum* (the fifty-sixth book on the Edict).

delict.⁴⁰⁹ Likewise, Seneca stipulates decision (*velle*) and design (*nisi a consilio profecta*) as requirements for *iniuria*, in agreement with the general legal opinion as expressed by Ulpian and the editors of the Digest.⁴¹⁰ However, the crucial elements in Seneca's analysis of *ira* are the legal methods or criteria used to distinguish it. The will (*voluntate*) and the approval of the mind (*animo adprobante*) are the standards to be employed in determining *ira*, the identical standards he uses to establish *iniuria*.⁴¹¹ The moral criteria which Seneca recommends not only supersede the particular measures of legal analysis mentioned above, but even the most general or universally accepted principles of law (*iuris*

⁴⁰⁹See nn. 398 and 396 on *adfectus* (intent) and *iniuriam facere* (to commit outrage/insult). That Seneca uses *adfectus* to describe *ira* (I.1.1) rather than the neutral *sensus* (feeling) is noteworthy, as is the distinction he makes between what is called "affect," or the visible sign of an emotion, and intent (II.3.2-5 and 4.1), which he discusses unequivocally in legal terms: "*Et ut scias quemadmodum incipiant adfectus aut crescant aut efferantur, est primus motus non voluntarius, quasi praeparatio adfectus...; alter cum voluntate non contumaci, tamquam oporteat me vindicari, cum laesus sim, aut oporteat hunc poenas dare, cum scelus fecerit.*" (That you may know, further, how intentions begin or become stronger or uncontrollable, the first prompting is involuntary, as though a preparation for an intention...; the next is combined with an act of volition, not unyielding, which assumes that it is right for me to seek legal action because I have been offended, or that he ought to pay a penalty, since he has committed a crime.)

⁴¹⁰Cf. Digest 47.10.3.

⁴¹¹Cf. II.1.3-4. and II.28.5.

regula).⁴¹² Thus, Seneca's incisive comparison between the ideal virtues--duty (*pietas*), humanity (*humanitas*), generosity (*liberalitas*), justice (*iustitia*), integrity (*fides*)--and the impoverished statutes of Roman law--the very lifeblood of Roman civilization--best summarizes the aim of the De Ira and marks the culmination of his juristic analysis.

The contrast between Roman ideals and Roman law is clear and straightforward for the short stretch just mentioned, but this is as close as Seneca comes to a straightforward statement of his position. Elsewhere, he consistently applies the methodology of legal analysis recognizable from the primary sources of Roman law to *ira* as *delictum animi* (delict of the mind). To support this view, Seneca even seems to draw on areas of law completely separate from the law of delicts--a regular practice in both Roman and modern legal systems--in order to find the metaphors adequate to demonstrate the severity of anger. For example:

Primum facilius est excludere perniciosam quam re-
gere et non admittere quam admissa moderari; nam
cum se in possessione posuerunt, potentiora rectore
sunt nec recidi se minuere patiuntur.

(I.7.2)

(In the first place, it is easier to exclude harmful passions than to rule them, and to deny them admittance than, after they have been admitted, to control them; for when they have established themselves in

⁴¹²See II.28.2-3.

possession, they are stronger than their ruler and do not permit themselves to be restrained or reduced.)

In what might seem a casual or offhanded analogy to illustrate the harmfulness of anger, Seneca resorts to a practice familiar to anyone acquainted with legal argument: reasoning by example, or from case to case.⁴¹³ In this instance, he alludes to a commonplace of Roman property law--the distinction between ownership and possession--to underpin his case, even though the law of delicts and property law at first glance appear to be quite unconnected and dissimilar.⁴¹⁴ Seneca's example and, more specifically, his use of *possessio* (possession) introduces a basic legal concept: namely, that possession is the foundation of ownership and has both a privileged and protected status.⁴¹⁵ By appropriating the concept of *possessio* (possession) from property law for his analysis of *ira*, Seneca merely follows the usual process whereby similarity is observed between cases, the rule of law inherent in the first case is

⁴¹³Edward H. Levi, An Introduction to Legal Reasoning (Chicago: University of Chicago Press, 1948; rep. Phoenix Books, 1961), 1-8, discusses the mechanics of legal argument, which is based on reasoning by example.

⁴¹⁴Nicholas, 107-115, notes the differences between the concepts of ownership and possession and their applications in Roman law. Cf. Buckland, 180-208.

⁴¹⁵*Ibid.*, 107.

cited, and this legal ruling is made suitable for the second case.⁴¹⁶

So here Seneca applies the leading principle of the "delict" of *ira*. Just as adverse possession by one party may defeat a claim of ownership by a second party, so anger denies a claim to self-rule or the undisputed claim to control of one's actions. Seneca notes the similarities, refers to precedent, and extends the precedent to *ira* to establish a legal basis for his position, an end he pursues by availing himself of still another province of the law. At various times he speaks of *potestas* (legal authority or control) in the context of anger.⁴¹⁷ For example:

Commota enim semel et excussa mens ei servit quo
impellitur. Quarundam rerum initia in nostra
potestate sunt, ulteriora nos vi sua rapiunt nec
regressum relinquunt.

(I.7.3-4)

(For when once the mind has been aroused and shaken,

⁴¹⁶Levi, 2, describes this process, as valid in Roman law as in the historical development of modern liability law which he meticulously traces in succeeding chapters. The practice is most apparent in analogous actions (*actiones utiles*) or actions based on the facts (*actiones in factum*), whereby modifications of an existing formula are employed "to cover legal situations and transactions for which the original formula did not suffice," as Berger, 347, maintains. Cf. Frier, 3. Such case analysis becomes necessary because the general language of legal statutes precludes mention of every conceivable situation which may arise.

⁴¹⁷Berger, 640, maintains that in "its broadest sense *potestas* means either physical ability (= *facultas*) or the legal capacity, the right (= *ius*) to do something." More narrowly, it referred to magisterial power in public law and power over a family or things in private law. Cf. Digest 1.12 and OLD, entries 1c and 3.

it becomes the slave of the disturbing agent.
 There are certain things which at the start are under our authority, but later hurry us away by their force and leave us no retreat.)

And in the final book, Seneca once again makes reference to *potestas* (legal authority or control), but on this occasion while providing a distinctively Roman and legal interpretation to remarks made by Plato, who refused to exercise domestic rule when angry.

Itaque abstulit sibi in suos potestatem et ob peccatum quoddam commotior: "Tu," inquit "Speusippe, servulum istum verberibus obiurga; nam ego irascor." Ob hoc non cecidit, propter quod alius cecidisset. "Irascor" inquit; "plus faciam quam oportet, libentius faciam: non sit iste servus in eius potestate qui in sua non est."

III.12.6-7

(He therefor denied himself all authority over his own household, and once, when he was deeply provoked at some fault, he said, "Do you, Speusippus, punish this young slave with a whip, for I am angry." His reason for not striking was the very reason that would have caused another to strike. "I am angry," said he; "I should do more than I ought, and with too much satisfaction; this slave should not be under the authority of a master who is not master of himself.")

In both passages Seneca resorts to the terminology of the law to strengthen his position, but this time he uses *servus* (slave) and *potestate* (legal authority or control)--terms included in the law of persons--to argue

by example.⁴¹⁸ Referring chiefly to the rights and privileges enjoyed by the senior male in the Roman family, the *paterfamilias*, *potestas* (legal authority or control) represented the highest ordinary legal status as compared to the *servus* (slave), for whom there were no legal rights.⁴¹⁹ In the first selection Seneca describes the initial disturbances of the mind which may result in anger as enslaving (*servit*), although control (*potestate*) is still retained.⁴²⁰ In the subsequent passage he employs the same legal nomenclature to characterize Plato's refusal to discipline a slave while angry. Quite cleverly, Seneca utilizes both paranomasia and anachronism to embellish the anecdote, thereby providing a Roman twist to the tale. The idea of "control" (*continentia*, *moderatio*, or *dictio*) would have sufficed for the point Plato intended, but Seneca further adorns the incident not only by introducing a Roman legal term unfamiliar to Plato (thus the

⁴¹⁸Joh. Frid. Gronovius *apud* Justus Lipsius, 114, cites Xenocrates, Diogenes, Stobaeus, and Plutarch for other instances of this anecdote. As in other anecdotes which originally occur in the works of Greek authors, Seneca cleverly alters the tale to suit his legal purpose and his Roman audience, using a legal vocabulary consistent with the Roman law of persons as it applies to masters and slaves. He confers on Plato the benefits of Roman legal status, that of *patria potestas*, which Plato could not have enjoyed.

⁴¹⁹Nicholas, 60-75, surveys these legal categories. Cf. Gaius Inst. 1.48-54.

⁴²⁰See above, nn. 398 and 409, on Seneca's distinction between an initial reaction to an event, which is involuntary, and an intention, which is voluntary and involves interpretation of the event.

anachronism), but also by using this term to suggest the double significance of *potestate*: as legal authority and as self-control.

In short, both excerpts contain status designations from the law of persons, yet display them in a new context, much as the notions of ownership and possession. Despite belonging to separate domains of Roman law, however, *possessio* (possession) and *potestas* (legal authority) share a logical kinship which in turn connects them with Seneca's denunciation of *ira*. Each in its own fashion denotes control, whether of property or family and slaves, and each consequently forms a partial basis for Seneca's case against *ira* as delict. It is clear that *possessio* (possession) constitutes a claim of ownership just as *potestas* (legal authority or control) establishes a claim of status; both confer legal governance of either things or persons, a principle that enables Seneca to infer a certain similarity between such precedents and his legal treatment of *ira*. The irate man, having knowingly and voluntarily decided upon a vindictive course of action, relinquishes his self-possession and status to *ira*, thereby violating the principle of self-control inherent in Roman property law as well as the law of persons or status.

A number of observations can be made about Seneca's line of reasoning, the first being that he gives legal precedents for his delictal analysis of *ira*. Secondly, the methodological consistency of Roman legal

analysis and Stoic moral analysis allows us to comprehend why the latter, stripped of legal nuance, could conceal the former, especially since autonomy and personal liberty, the idealized goals of Stoic moral philosophy, are themes expected of a Stoic philosopher. These ideals, however, have their counterparts in autonomous ownership of property and the full citizen rights of the *paterfamilias* (oldest male), important features of the Roman legal landscape in which Seneca's mention of *possessio* (possession) and *potestas* (legal authority or control) are set. Finally, and most significant of all, these terms and the case-to-case arguments in which they occur contribute further evidence that the De Ira parodies a jurist's *responsum*.

One further parallel between the De Ira and the legal texts underscores his parody of the *responsum* and needs to be examined: the comparison between citations of certain philosophers in the De Ira and the opinions of notable jurists regularly invoked in the primary legal sources, including those who antedate Seneca. References to jurists from the classical age of Roman law--the period extending from Augustus to Diocletian--are abundant in the Digest, especially those jurists renowned for noteworthy or innovative contributions, such as Labeo or

Pomponius.⁴²¹ Mention of classical jurists does, in fact, appear to be typical of Roman legal writing and functions not unlike the case to case reasoning just discussed.⁴²² Judicial thought no less than case precedent serves to either reinforce and refine an issue or differentiate opposing views, as this sample on *convicium* (clamor) indicates.

Convicium iniuriam esse Labeo ait...(5) Sed quod adicitur a Praetore "adversus bonos mores" ostendit non omnem in unum collatam vociferationem Praetorem notare, sed eam, quae bonis moribus improbatur quaeque ad infamiam vel invidiam alicuius spectaret. (6) Idem ait 'adversus bonos mores' sic accipiendum non eius qui fecit, sed generaliter accipiendum adversus bonos mores huius civitatis...(8) Fecisse convicium non tantum is videtur, qui vociferatus est, verum is quoque, qui concitavit ad vociferationem alios vel qui summisit ut vociferentur...(11) Ex his apparet non omne maledictum convicium est....

(D. 47.10.15.3, 5-6, 8, 11.)

(Labeo says that a clamor is an iniuria...(5) But the Praetor's qualification "contrary to good morals" shows that the Praetor does not censure every outcry directed at a person, but (only) one that offends against good morals and looks to someone's disgrace or odium. (6) He (Labeo) also says that "contrary to good morals" should be interpreted not with respect to (the morals of) the offender, but generally: contrary to the morals of this community...(8) Not just the person who cried out is held to have raised a clamor, but also a person

⁴²¹Schulz, Roman Legal Science, 99 and n.2, provides these terminal points and surveys a number of differing scholarly opinions on the dating of this period, the most generous of which includes both the entire republican and imperial ages.

⁴²²See above, n. 416.

who roused others to cry out, or who brought about the outcry...(11) From this it is clear that not all abusive language is clamor.)

Ulpian systematically lays out the problem of *convicium* (clamor) here as a category of *iniuria* by summoning the testimony of the late Republican jurist, Labeo, who no doubt significantly advanced legal thought regarding the matter by proposing more prescribed and carefully distinguished conditions.⁴²³ Ulpian thus gives due credit in mentioning the earlier jurist's views by name, first of all, and inserting the familiar and formulaic *ait* (he says), before briefly citing Labeo's additions to the legal scope of the delict.⁴²⁴

In much the same spirit, Seneca pays tribute to the philosophers, most notably Aristotle and Plato, but chiefly the former, since he presents a contrary opinion of *ira*.

Atqui, ut in prioribus libris dixi, stat Aristoteles defensor irae et vetat illam nobis exsecrari: calcar ait esse virtutis, hac erepta inermem animum et ad conatus magnos pigrum inertemque fieri.

⁴²³The Digest selection is taken from the 57th book of Ulpian's commentary on the edict (*Ulpianus, Libro quinquagesimo septimo ad Edictum*).

⁴²⁴See above, Chap. 4, on the regular and formulaic use of *ait* in the legal literature. Horace Sermones 2.1.4-6, in an imaginary dialogue with the jurist Trebatius, parodies a legal dialogue: "*Trebatii, quid faciam, praescribe. "Quiescas." Ne faciam, inquis, omnino versus? "Aio." "*" (Trebatius, give me counsel. What am I to do? "Be quiet." I am not to write verses at all, you say?" "That is what I say.")

(III.3.1)

(And yet, as I said in earlier books, Aristotle stands forth as the defender of anger, and forbids us to cut it out; it is, he claims, a spur to virtue, and if the mind is robbed of it, it becomes defenseless and grows sluggish and indifferent to high endeavor.)⁴²⁵

And toward the very beginning of the De Ira, Seneca provides a similar commentary.

Primum diximus cupiditatem esse poenae exigendae, non facultatem; concupiscunt autem homines et quae non possunt. Deinde nemo tam humilis est qui poenam vel summi hominis sperare non possit; ad nocendum <omnes> potentes sumus. Aristotelis finitio non multum a nostra abest; ait enim iram esse cupiditatem doloris reponendi.

(I.3.2-3)

(In the first place, I gave my opinion on the desire to exact punishment, not of the power to do so; moreover, men do desire even what they cannot attain. In the second place, no one is so lowly that he cannot hope to punish even the loftiest of men; we all have power to do harm. Aristotle's definition differs little from mine; for he says that anger is the desire to repay suffering.⁴²⁶

The most obvious parallels between the passage from the Digest and these selections from the De Ira are the naming of those whose viewpoints are either at variance with or useful for clarifying the problem at hand, in

⁴²⁵I.3.2, 9.2, 17.1, and II.13.1. are the other chapters in which the authority of Aristotle is introduced as an outside or contrary opinion.

⁴²⁶Cf. *De Anima*, 403 a 30.

particular using the formulaic *ait* (he says) to set off the officially noted opinion by another expert on the issue. More to the point, however, this pattern introduces a decidedly casuistic analysis of *ira* which bears immediate resemblance to Ulpian's comments on *convicium* (clamor) into which Labeo's thoughts on the delict are admitted. Aristotle's name likewise occurs as a quasi-legal authority whose advocacy of *ira* is markedly opposed to Seneca's condemnation. In the first excerpt, which appears rather late in the De Ira, Seneca recalls his fundamental opposition to Aristotle's position on *ira* as initially cited in Book One.⁴²⁷ The sequence in each case is remarkably formulaic and closely follows the pattern in the Digest selection: either a definition or further distinction of a previous definition takes place.⁴²⁸ In this case, Seneca carefully

⁴²⁷I.3.2 contains Seneca's introductory statement of the two views. For discussion of the legal nature of Seneca's definition, see above, Chap. 2.

⁴²⁸Digest 47.10.15.3, 5-6, 8, 11 is quite typical of the style and tone of the work and evokes comparable passages in the De Ira. Digest 47.10.13.3-4, also on *iniuria*, is an equally representative passage: *Si quis per iniuriam ad tribunal alicuius me interpellaverit vexandi mei causa, potero iniuriarum experiri. (4) Si quis de honoribus decernendis alicuius passus non sit decerni ut puta imaginem alicui vel quid aliud tale: an iniuriarum teneatur? et ait Labeo non teneri, quamvis hoc contumeliae causa faciet: etenim multum interest, inquit, contumeliae causa quid fiat an vero fieri quid in honorem alicuius quis non patiatur.* ("If, to obstruct me, a person outrageously interrupts me before someone's tribunal, I will be able to sue on *iniuria*. (4) If, with regard to decreeing honors for someone, a person did not allow that, for instance, a statue or something similar be decreed in someone's honor, should he be liable for *iniuria*? Labeo says he is not liable, even though he did this to be insulting. For, he says, there

distinguishes between exacting punishment (*poenae exigendae*) and repayment of suffering (*doloris reponendi*), considering the former an eagerness for the legal action that a penalty or punishment (*poena*) requires and a foundation on which to build his vehement objections to the crowded dockets (II.7-9) and his thoroughgoing denunciation of capricious and arbitrary claims of *iniuria*.⁴²⁹

Perhaps just as significant, however, in light of the similarities noted above and the scholarship on the *responsa*, is the use of the perfect tense with *dixi* and *diximus* (I have said=ruled/given an opinion) rather than *dico* or *dicimus* (I say=rule/give an opinion) as evidence of a *responsum*. His use of the perfect tense in an already familiar legal context is sufficient proof that a jurist is responding to a formal legal question in a *responsum*, as Schulz has mentioned, since "it would have been affectation for a jurist to use the past tense in reference to an opinion which he was reaching at the moment of writing."⁴³⁰ Although *dixi* (I have ruled/given an opinion) in the first passage (III.3.1) clearly refers to an earlier section of the De Ira, *diximus* (I have ruled/given an opinion) as

is a great difference between what is done to insult and what someone does not allow to be done to honor another.")

⁴²⁹See above, Chaps. 1 and 2, for more detailed analyses of these passages.

⁴³⁰Schulz, Roman Legal Science, 224-25.

it initially appears (I.3.2-3) has no prior reference in the work itself, and precisely exemplifies Schulz's observation.⁴³¹ The legal vocabulary and tone of the work becomes increasingly obvious by comparison with fairly typical samples from the Digest, and therefore adds yet another element common to the De Ira and the *responsa*.

In closing, then, Seneca's remarkable assertion that anger is a delict of the mind (*delictum animi*) is neither a rhetorical exaggeration nor a casual metaphor. To the contrary, this assertion directs and informs the entire work and is the key to Seneca's legal design. Without such an overtly legal statement, this most comprehensive of the Dialogi would remain, as critics of Seneca have complained, a long-winded moral treatise undeserving of serious regard, if only because it propounds what to many is an untenable and unattainable moral ideal.⁴³² The evidence, however, suggests quite another conclusion and a Senecan purpose quite different from what is usually supposed. From the very beginning he has associated *ira* with *iniuria* and leaves no doubt thereafter that he has been referring to the delict *iniuria* as the Digest or the Institutes of Gaius have

⁴³¹Other examples of *diximus* and *dixi* (I have ruled/given an opinion) in a similar context occur at I.5.3. and 8.3; II.4.2, 27.3, and 31.1; III.6.6.

⁴³²See Pfennig, *passim*, for one of the most critical evaluations of Senecan style generally, and the De Ira in particular.

characterized it.⁴³³ Furthermore, Seneca surveys and evaluates the two notions on the same grounds, denouncing *ira* in all its manifestations while grudgingly offering assent to the process for *iniuria* only in cases where expedience is the determining issue.⁴³⁴ Add to these factors a remarkable frequency of legal terms, numerous parallels to legal formulae and discourse, or the many anecdotes which do the work of legal precedents, and the De Ira begins to assume an unexpected intent and significance.

The extent to which elements of Roman law recur in the work should come as no surprise, given what we know of Roman education among the aristocracy, Seneca's rhetorician father, and more relevant still, the careers of both Novatus and Seneca.⁴³⁵ Though the occasion of the De Ira remains open for conjecture, the rationale for the presence of these legal features in it has not been suspected--and for good reason.⁴³⁶ Stoic

⁴³³See Digest 47.10-25, Gaius Inst. 3.220-25, and Justinian Inst. 4.4.

⁴³⁴While conceding an acceptable vindication for *iniuria* at II.33.1, Seneca uses *utile* in the legal sense, meaning "actionable" or "valid" (OLD, entry 6). Although generally translated "expedience" (Basore, 239), the legal emphasis and terminology in the chapter would support "actionable" or "valid" as more appropriate to the context.

⁴³⁵See above, nn. 78 and 144 on the legal character of Roman education and the careers of Novatus and Seneca.

⁴³⁶Aside from the obvious desire to present a detailed Stoic position on *ira*, speculation on what prompted Seneca to write the De Ira has inevitably accompanied attempts to interpret the work. His criticisms of

ideas still prevail throughout the De Ira, to be sure, yet they obscure a formal design available only by close comparison with the primary sources of Roman law and whatever general characteristics legal scholars have been able to assemble from the fragments and *testimonia* of *responsa*. Once the comparison is made, however, Seneca's intent becomes clear: the De Ira is an epistolary *responsum* underneath it all, and appears out of the fog of philosophical assumptions to match the descriptions of *responsa* provided by commentators and scholars of Roman jurisprudence. Seneca's judicial recommendations, case narratives, and his treatment of *ira* as delict comprise three of the most salient features known to have marked a *responsum* in its original form.

Taken alone, the structural correspondences between the De Ira and attested *responsa* fail to account for Seneca's condemnation of anger in his highly peculiar reworking of a legal genre. That he introduces a moral failing into the list of actionable delicts in much the same way Ulpian or Labeo discourse on clear-cut offences to public order leads, finally, to several observations or conclusions as to the intended meaning of the De Ira. Whereas no Roman of Seneca's education or standing could have

Caligula (II.33 and III. 18-19) have suggested (Sorensen, 98) that it was written as a denunciation of that emperor's conduct and the character of his regime. Griffin, 319 n.5 points to Seneca's mention of Novatus' fear of anger (Naturales Quaestiones 4, pref. 10 ff.) as a likely pretext for making Novatus his addressee.

seriously construed anger as an actual delict, this is the Seneca who later parodies elements of Roman law in the Apocolocyntosis: Seneca the satirist. And it is the satirist, exiled and impatient, who could attempt what no jurist would do: an obloquy on the vice of *iniuria*, the principal remedy protecting Roman dignity from the time of the Twelve Tables to Justinian's Digest, in a legal genre appropriated for a clever parody of the law itself.

CONCLUSION

Despite the insights of scholars during the past century that the De Ira possessed features of the Hellenistic diatribe and that the work lacks important formal elements which distinguished the philosophical dialogue, students of Seneca's prose works and philosophical positions have continued to view the De Ira as a Stoic condemnation of anger added to a tradition of similar dialogues on the subject which are known only from *testimonia* and have passed into obscurity. Flawed though it may be compared to earlier specimens of the genre, the De Ira nonetheless includes a sufficient enough moral and philosophical emphasis to be considered a philosophical essay, if not a poorly crafted dialogue, by many students of Seneca's works. However inelegant in execution and radical in viewpoint as some have regarded it, the De Ira proceeds by way of argument, rebuttal, and recommendation toward the aim which Seneca directly announces at the outset: the reduction or elimination of anger.

Seneca's goal presupposes that anger as generally defined is morally unacceptable and must be categorically disallowed, a task that requires a thorough rejection of any effort to mitigate its harmfulness or to propose that anger may have some ethical value relative to circumstances. As in

the philosophical dialogues of earlier writers, the case develops largely through the systematic refutation of objections raised by one of the characters; unlike earlier dialogues, however, there are no named characters and Seneca's interlocutor remains anonymous throughout. Added to these exceptional departures from the *lex operis* of a dialogue, the De Ira contains no prologue or setting and, therefore, no occasion for the dramatic exchange of conversation which allows for the transition from small talk to the discussion of a philosophical problem.⁴³⁷ Instead, the work opens atypically: Seneca quickly cites the request of his addressee for advice as a pretext for what is to follow. Furthermore, Seneca does not avail himself of a famous figure to present his views, an odd omission which also breaks with convention. Marcus Cato, whom Seneca extols in the De Constantia as a worthy example of someone who consistently remained unaffected by injury and insult, would have been a natural candidate for such a role. In fact, Seneca represents his own positions, an expected epistolary convention, but one foreign to the dialogue tradition.

Whereas the De Ira, however classified, omits important elements of the philosophical dialogue, the work does, however, include far too numerous an array of devices common to the satiric monologues and

⁴³⁷Cf. Plato's Symposium and Cicero's De Amicitia. Discussions of the central topics, love and friendship, begin after several chapters of casual conversation.

epistles of Horace to dismiss. As we have seen, the De Ira is in fact a sort of epistle--the judicial *responsum*. In any case, despite its prose medium, the De Ira adheres to both ancient and modern standards of what constitutes a satiric programme. Seneca denounces a specific vice, offers exaggerated descriptions of angry men, and presents horrifying accounts of cruel autocrats; in short, he casts *ira* in the worst possible light by employing the sustained hyperbole typical of satire. Also in the satiric mode, Seneca proposes a radical ideal of restraint in counterpoint to his criticism of anger. Satire demands vivid comparisons and contrasts between virtue and vice, not just the progressive series of objections and rebuttals characteristic of philosophy, for which the argument is all that matters. For Seneca, anger must be avoided not only because it is logically indefensible, but because it is ugly.

A survey of the elements of satire in the De Ira still does not explain the structural irregularity of the work; in point of fact, the presence of these elements complicates the problem. At various intervals in the work, Seneca very carefully defines his terms. He describes anger as the desire to exact punishment (*poenae exigendae cupiditas*) and maintains that it originates with the appearance of injury (*species iniuriae*). However generic Seneca's use of these phrases may appear at first glance, closer inspection reveals a more technical significance: *iniuria* happens to be the

term under which a number of legal offenses are classified in the Roman law of delicts. More importantly, Seneca continually refers to *iniuria* in his discussion of anger, and in each instance the legal case is clear. Furthermore, the legal context of Seneca's remarks widens once it becomes plain that by *iniuria* he means the delict and by *poena* the assignment of a legal penalty. Thus, it becomes increasingly apparent that the De Ira was written to address legal issues with which Seneca considered anger to be inseparably connected, and a more detailed analysis of the structure and vocabulary of the work support this conclusion.

Enough evidence is supplied by the primary sources and the work of modern scholars of Roman law to substantiate the legal meaning of many of the terms which Seneca uses and the anecdotes he presents for Novatus' benefit. Moreover, the instances of these legal terms in the Senecan corpus often occur only or predominantly in the De Ira.⁴³⁸ The pattern which now emerges in the work discloses a criticism of and a satiric approach to *iniuria* and litigation which parallels the denunciation of *ira* from start to finish. Seneca's satiric treatment of anger doubles as a satire of the legal machinery that enables the easily affronted Roman

⁴³⁸*Conviciator* (OLD, entry 1: "one who utters abuse") and *advocatio* (OLD, entries 2 and 3: "pleading in the courts" and "postponement [of a trial]") are two such instances of legal terms used only in the De Ira. At the same time, there are seventy occurrences of forms of *iniuria* in the work, far more than in any other of Seneca's works.

citizen to justify his ire. The intent of Seneca's diatribe on the crowded courts, the base lawsuits, and baser attorneys contributes to the overall design and is not the aimless and exaggerated digression of which it initially appears to consist. So also his numerous anecdotes and advisory comments on the appropriate conduct for judicial magistrates: the former not only describe contrasting approaches to anger, but contrasting styles of judicial conduct; the latter refer to the elimination of anger Seneca advocates throughout, but especially its elimination in anyone who dispenses justice.

Although some have noted legal aspects of the work, such as the judicial recommendations just cited, the overall emphasis on law in the De Ira discloses a legal agenda of perhaps as great a significance as Seneca's moral agenda. If so, the usual format in which to exhaustively argue a point of law would be a legal genre such as the epistolary *responsum*, not a philosophical dialogue. Inasmuch as the De Ira lacks many of the conventions of the dialogue, it does possess enough of the formal features of the epistolary *responsum* to conclude that this was the genre on which Seneca relied for making his case against *ira* and *iniuria*. Furthermore, since nothing more than fragments of the *responsa* have survived, the De Ira may be of inestimable value for both Seneca's apologist's and Roman legal historians: first, as a piece more carefully and deliberately crafted

than considered by detractors of the work; second, as the only complete example of this type of legal analysis which survives; and last, as an important source of evidence for the prominence of *iniuria* during Seneca's age.

Finally, the De Ira provokes further interest as a literary work, since it unites the formality and seriousness of the *responsum* with the less weighty features of satire: an uncommon combination, but one that reveals an unsuspected originality and a more subtle purpose than has been supposed. Passages from the satires of Horace and the attested circulation of parodies of legal formulae in the early empire support a tradition of legal parody, and Seneca's masterful parody of legal formulae in the Apocolocyntosis demonstrates his participation in that tradition. Nonetheless, Seneca's use of the *responsum* as a model for the De Ira still fails to explain elements of satire present in the work; the elements of an epistolary satire, however, may account for his use of the equally epistolary *responsum*. As a genre typically employed by jurists to discuss issues of law, Seneca's purpose throughout is to criticize a legitimate delict and a vice--hardly aims one would expect to find in such a genre. He parodies the format of the *responsum* so closely that one might assume his purpose to be legal, yet everywhere he censures the law and its role in the justification of *ira*. The moral ideals of the satirist are unmistakable:

Quanto latius officiorum patet quam iuris regula!
Quam multa pietas, humanitas, liberalitas, iustitia,
fides exigunt, quam omnia extra publicas tabulas sunt!

APPENDIX

SENECAN LEGAL VOCABULARY

[Note: The following is an alphabetical list of the legal vocabulary identified in the De Ira. The definition, one or two citations representing the legal use of the term, and the listing from the *Oxford Latin Dictionary* (OLD) or Justinian's *Digest* corresponding to the definition follows each word.]

absolvo: acquit (3.29.2 and 1.14.3) OLD 2.

accedo: assent to (2.1.3) OLD 8.

accusator: an informer, prosecutor (2.29.3) OLD 2b.

accuso: bring a charge, accusation (2.7.3 and 3.5.3) OLD 2a.

actio: legal action (1.8.4 and 2.29.3) OLD 2c.

affectus: an intention, motive (1.12.3) OLD 8.

adprobare: to assent to (2.1.4) OLD 1b.

advocatio: pleading in the law-courts (3.9.3) OLD 2; postponement of a trial (1.18.1) OLD 3.

advocatus: one who advises a party to a lawsuit (2.7.3 and 2.13.1) OLD 1.

aestimatio: the assessment of a penalty, damages (3.12.3) OLD 2.

aestimo: assess, judge (2.27.4 and 3.32.2) OLD 4.

aio: prescribe, lay down (1.17.1) OLD 7 and Digest 23.2.45.5.

caedes: the crime of murder (1.2.1 and 1.12.2) OLD 1.

causa: case (1.2.5 and 2.22.4) OLD 1.

causam agere: to conduct a case (1.38.2) OLD 3a.

condemno: pass sentence on (2.29.3) OLD 1.

consilium: deliberate or rational action, choice (2.26.4) OLD 6.

contemno: treat with contempt in word or action (2.26.5) OLD 1c.

contendo: contend in a lawsuit (2.34.1) OLD 8c.

contumelia: insulting language or behavior (3.8.4 and 3.38.1) OLD 1

contumeliosus: insulting (3.20.2) OLD 1.

conviciator: one who utters abuse (3.24.1) OLD 1.

convicium: insulting talk, abuse (2.25.4) OLD 2.

crimen: an indictment, charge (3.29.3) OLD 1.

criminari: to make charges against (2.22.3) OLD 1.

damno: pass judgment against (2.1.5 and 2.7.3) OLD 1.

damnum: sum to be paid in retribution or as a penalty (3.43.4) OLD 4.

delator: an informer, accuser (2.7.3) OLD 1.

delictum: misdeed, offense (2.6.4) OLD 1.

delinquo: commit an offense (3.24.4) OLD 3a.

dico: declare, prescribe, state a rule (1.3.2) OLD 10a.

dignitas: rank, status (2.6.2) OLD 3.

excusatio: the action of excusing or pardoning (2.26.3) OLD 4 and Digest 47.4.2.

facio: commit (a crime) (2.26.4 and 2.28.5) OLD 21b.

furiosus: lunatic, raving mad (2.34.4) OLD 1.

furio: rage with anger, hatred, or similar passions (1.16.5) OLD 3.

furor: hostile rage, fury, anger (1.13.3) OLD 2b.

indignor: take offense at (2.1.5) OLD 1.

infamia: official disgrace (3.41.3) OLD 2b.

iniuria: any act, insulting in kind and intention, calculated to injure a person's reputation or outrage his feelings (ranging from physical assault to defamation of character). (2.1.3 and 3.26.1; used 70 times) OLD 4.

inquam: say (used in presenting a real or imaginary objection (1.3.1) OLD 1a and b and Digest 47.2.21.

intellego: grasp mentally, understand (2.1.5) OLD 1.

iudex: a judge (1.12.3 and 2.26.6)

iudicium: legal proceedings before a *iudex* (3.12.4) OLD 1.

iudico: judge a case (3.29.2) OLD 1.

ius: a legal code, oath (2.28.2) OLD 2.

iusiuro: swear to a binding formula (2.29.3) OLD 5.

laedo: offend (3.32.3) OLD 2b.

latro: a robber (1.16.1 and 2.17.2) OLD 2

lex: law (1.16.1) OLD 1.

(st)lis: a dispute at law (2.27.4 and 3.32.2) OLD 1.

litigo: go to law (3.23.3) OLD 1.

magistratus: an officer of the state (1.16.5) OLD 2.

maledictum: an insult (1.19.1) OLD 1.

mancipium: a slave (3.14.3) OLD 3.

manifestus: detected in the act, flagrant, plain (2.7.3) OLD 2.

obiurgatio: the act of reproving (1.16.2) OLD 1.

obiurgator: one who reproves or rebukes (3.14.2) OLD 1.

obiurgo: find fault with, censure (2.28.4) OLD 1b.

offendo: offend against, wrong (2.25.4 and 2.26.3) OLD 6.

offensum: offense committed against a person, injury (2.33.3 and 2.34.2) OLD 4a.

oportet: it is demanded by some principle or standard (1.16.1) OLD 1.

percussus, -us: a blow (2.32.2) OLD 1.

percutio: land a blow on, strike forcibly (2.32.2) OLD 1.

poena: the penalty paid in satisfaction for an offence (2.3.4) OLD 1a.

poenam dare: to pay the penalty (2.4.1 and 3.40.1) OLD 1b.

possessio: occupancy (1.7.2) OLD 1.

potestas: possession or control (3.12.7) OLD 1c.

probo: give official approval to accuser, plaintiff (2.29.3) OLD 1c.

quaero: hold a judicial inquiry into (1.16.1) OLD 10.

quaestio: a judicial investigation (2.2.1) OLD 3.

remedium: legal remedy (2.33.1) Digest 12.6.23.1.

reus: a defendant (1.18.2 and 2.7.3) OLD 2.

scelus: a crime (2.4.1) OLD 2a.

scire: to be aware of a fact stated (2.2.1) OLD 6a and c.

servus: a slave (2.31.4) OLD 1.

species: a specific legal situation or case (2.1.3 and 2.28.6) OLD 11.

sui iuris: one's own master, independent (2.12.3) OLD 13c.

supplicium: the extreme penalty, death (3.32.2) OLD 3b.

talio: exaction of compensation in kind (2.32.1) OLD 1.

testis: a witness (2.29.3) OLD 1.

ulciscor: exact retribution for (2.3.4 and 2.4.1.) OLD 1b.

ultio: the act of taking vengeance, revenge, retribution (2.32.1) OLD 1.

utilis: (of legal processes) applicable (2.33.1) OLD 2b.

velle: to take voluntary action (2.26.4) OLD 5c.

veneficus: a poisoner (1.16.1) OLD 2.

vindico: exact reparation for an offense (1.12.1 and 3.33.3) OLD 5a.

vindicta: revenge, punishment (3.30.4) OLD 2.

voluntas: one's decision or intention (2.1.4 and 2.2.1) OLD 5.

WORKS CITED

- Abel, K. Bauformen in Senecas Dialogen. Heidelberg: C. Winter, Universitätsverlag, 1967.
- Anderson, William S. Essays on Roman Satire. Princeton: Princeton University Press, 1982.
- Berger, Adolf. Encyclopedic Dictionary of Roman Law. Philadelphia: American Philosophical Society, 1953.
- Black, Henry Campbell. Black's Law Dictionary. St. Paul, Minnesota: West Publishing, 1933.
- Boal, S. J. "Seneca's Dialogues." Hermathena 114 (1979): 65-69.
- Buckland, W. W. A Textbook of Roman Law: From Augustus to Justinian. 3d ed., rev. Peter Stein. London: Cambridge University Press, 1971.
- Cicero: Paradoxa Stoicorum. ed. A. G. Lee. London: Macmillan and Co. Ltd., 1953.
- Clarke, M. L. The Roman Mind. Cambridge: Harvard University Press, 1956.
- Coccia, Michele. I problemi del De Ira di Seneca alla luce dell'analisi stilistica. Rome: Edizioni dell'Ateneo, 1957.

Coffey, Michael. Roman Satire. London and New York: Methuen, 1976.

Concordantiae Senecanae. 2 vols. eds. R. Busa, S. J., and A. Zampolli. Hildesheim and New York: Georg Olms Verlag, 1975.

Courtney, E. A Commentary on the Satires of Juvenal. London: The Athlone Press, 1980.

Crook, John. Law and Life at Rome. Ithaca: Cornell University Press, 1967.

Cupaivolo, Giovanni. Introduzione al De Ira di Seneca. Naples: Società Editrice Napoletana, 1975.

Daube, David. Forms of Roman Legislation. Oxford: Clarendon Press, 1956.

_____. Roman Law: Linguistic, Social, and Philosophical Aspects. Edinburgh: Edinburgh University Press, 1969.

Fraenkel, Eduard. Horace. Oxford: Clarendon Press, 1957.

Freudenburg, Kirk. The Walking Muse. Princeton: Princeton University Press, 1993.

Frier, Bruce W. A Casebook on the Roman Law of Delict. Classical Resource Series. Atlanta: Scholars Press, 1989.

Giancotti, F. Cronologia dei "Dialoghi" di Seneca. Turin: Loescher, 1957.

Griffin, Miriam T. A Philosopher in Politics. Oxford: Clarendon Press, 1976.

_____. "*Imago Vitae Suae*." in Seneca, Greek and Latin Studies: Classical Literature and its Influence Series, ed. C.D.N. Costa, 1-38. London: Routledge & Kegan Paul Ltd., 1974.

Henry, D. and E. The Mask of Power: Seneca's Tragedies and Imperial Rome. Warminster, Wilshire, and Chicago: Aris and Phillip Ltd. and Bolchazi-Carducci, 1985.

Highet, Gilbert. The Anatomy of Satire. Princeton: Princeton University Press, 1962.

_____. Juvenal The Satirist. Oxford: Clarendon Press, 1954.

Hirzel, R. Der Dialog. 2 vols. repr. Hildesheim: Georg Olms, 1963.

Hunter, G. K. "Seneca and English Tragedy," in Seneca. ed. C. D. N. Costa. London and Boston: Routledge and Kegan Paul, 1974.

Jolowicz, H. F. and Nicholas, Barry. Historical Introduction to the Study of Roman Law. 3d. ed. Cambridge: Cambridge University Press, 1972.

Jones, A. H. M. The Criminal Courts of the Roman Republic and Principate. Totown, New Jersey: Rowan and Littlefield, 1972.

Justinian's Institutes. Latin Text ed. Paul Krueger; English trans. by Peter Birks & Grant McLeod. Ithaca: Cornell University Press, 1987.

Keil, H. Grammatici Latini. Leipzig, 1857; repr., Hildesheim and New York: Georg Olms Verlag, 1981.

Kelly, James. Roman Litigation. Oxford: Clarendon Press, 1966.

Kindstrand, Jan Fredrik. Bion of Borysthenes: A Collection of the Fragments with Introduction and Commentary. Studia Graeca Upsaliensa. Stockholm: Almqvist & Wiksell International, 1976.

Knoche, Ulrich. Roman Satire. trans. Edwin S. Ramage. Bloomington: Indiana University Press, 1975.

Kunkel, Wolfgang. An Introduction to Roman Legal and Constitutional History. trans. J. M. Kelly. Oxford: Clarendon Press, 1966.

L. Annaei Senecae: Opera Quae Exstant. edd. Justus Lipsius & Joh. Frid. Gronovius. Amsterdam: Daniel Elsevir, 1672.

Lenel, Otto. Palingenesia Iuris Civilis. 2 Vols. Leipzig, 1889. repr. with Supplement by Lorenz E. Sierl. Graz, Austria: Akademische Druck- u. Verlagsanstalt, 1960.

Levi, Edward H. An Introduction to Legal Reasoning. Chicago: University of Chicago Press, 1948.

Livy I: Books I and II. ed. & trans. B. O. Foster. Cambridge: Harvard University Press, 1919.

Marrou, H. I. A History of Education in Antiquity. trans. George Lamb. Madison: University of Wisconsin Press, 1982.

- Nicholas, Barry. An Introduction to Roman Law. Oxford: Oxford University Press, 1962.
- Paschall, Dorothy May. "The Vocabulary of Mental Aberration in Roman Comedy and Petronius." Language 15, supplement (Jan.- March, 1939).
- Petronius and Seneca, Apocolocyntosis. trans. Michael Haseltine and W.H.D. Rouse; rev. ed. E. H. Warmington. Cambridge: Harvard University Press, 1987.
- Pfennig, R. "De librorum quos scripsit Seneca de ira compositione et origine." Ph.D. diss., Greifswald, 1887.
- Preminger, Alex, and Brogan, T. V. F., eds. The New Princeton Encyclopedia of Poetry and Poetics. Princeton: Princeton University, 1993. S.v. "Parody," by R. P. Falk and Frances Teague.
- Preminger, Alex, Warnke, Frank J., and Hardison, Jr., O. B., eds. Princeton Encyclopedia of Poetry and Poetics. Princeton: Princeton University Press, 1972. S.v. "Satire," by R. C. Elliott.
- Quintilian: Institutio Oratoria. trans. H. E. Butler. Cambridge: Harvard University Press, 1979.
- Ramsay, G. G. Juvenal and Persius. rev. ed. Cambridge: Harvard University Press, 1940.
- Remains of Old Latin III: Lucilius and Laws of the Twelve Tables. ed. and trans. E. H. Warmington. rev. ed. Cambridge: Harvard University Press, 1967.

- Reynolds, L. D. L. Annaei Senecae: Dialogorum Libri Duodecim. Oxford: Oxford University Press, 1977.
- Rist, J. M. Stoic Philosophy. Cambridge: Cambridge University Press, 1969.
- Rudd, Niall. The Satires of Horace. Berkeley and Los Angeles: University of California Press, 1982.
- Sandbach, F. H. The Stoics. 2d. ed. London and Indianapolis: Gerald Duckworth & Co. Ltd. and Hackett Publishing Company, Inc., 1989.
- Schulz, Fritz. Classical Roman Law. Oxford: Clarendon Press, 1951.
- _____. History of Roman Legal Science. Oxford: Clarendon Press, 1946.
- Seneca: Moral Essays I. Ed. and trans. by John W. Basore. Cambridge: Harvard University Press, 1928.
- Sorensen, Villy. trans. W. Glyn Jones. Our Seneca. Edinburgh and Chicago: Canongate Publishing Ltd. and University of Chicago Press, 1984.
- Suetonius. ed. & trans. J. C. Rolfe. 2 Vols. Cambridge: Harvard University Press, 1979.
- Syme, Ronald. The Roman Revolution. Oxford: Clarendon Press, 1939.
- Tacitus: Annals XIII-XVI. ed. and trans. John Jackson. Cambridge: Harvard University Press, 1937.

The Institutes of Gaius. Latin Text eds. Seckel and Kuebler; English trans. by W. M. Gordon and O. F. Robinson. Ithaca: Cornell University Press, 1988.

The Digest of Justinian. Latin Text ed. Theodor Mommsen, with the aid of Paul Krueger; English trans. ed. Alan Watson. Philadelphia: University of Pennsylvania Press, 1985.

The Oxford Companion to Ancient Literature. ed. Sir Paul Harvey. Oxford: Clarendon Press, 1962.

Thomas III, John W. "Roman Criminal Law and Legal Narrative in the Neronian Books of the Annals of Tacitus." Ph. D. diss., Loyola University of Chicago, 1993.

Vocabularium Iurisprudentiae Romanae. 5 vols. Berlin: Walter de Gruyter, 1903.

von Wilamowitz-Möllendorff, U. Griechische Verskunst. Berlin, 1921.

Waltz, René. Vie de Sénèque. Paris: Librairie Académique, 1909.

Watson, Alan. Roman Law and Comparative Law. Athens and London: University of Georgia Press, 1991.

Weber, Henricus. "De Senecae Philosophi Dicendi Genere Bioneo." Ph.D. diss., Marburg, 1895.

Wegehaupt, H. "*Die Bedeutung von dignitas in den Schriften der republikanischen Zeit.*" Ph. D. diss., University of Breslau, 1932.

Weinreich, O. Senecas Apocolocyntosis, die Satire auf Tod, Himmel-und Höllenfahrt des Kaisers Claudius: Einführung, Analyse, und Untersuchungen. Berlin: Weidmannsche Buchhandlung, 1923.

Wolff, Hans Julius. Roman Law: An Historical Introduction. Norman, Oklahoma: University of Oklahoma Press, 1951.

Wright, J. R. G. "Form and Content in the Moral Essays." In Seneca, Greek and Latin Studies: Classical Literature and its Influence Series, ed. C. D. N. Costa, 39-69. London: Routledge & Kegan Paul Ltd., 1974.

WILLIAM E. WYCISLO

William E. Wycislo was born on June 30th, 1947, in Chicago, Illinois. He studied at Saint Meinrad College and Saint Louis University, where he received his B.A. in 1969. From 1983 until 1986 he attended the University of Illinois at Chicago, where he was awarded the Theodore Tracy, S.J., prize in Classics and membership in the Golden Key National Honor Society. During his graduate career at Loyola University of Chicago, he received a Condon Fellowship, Graduate Teaching Assistantships, and a University Teaching Fellowship. After completing his doctoral coursework, he received his M.A. in 1993 and was awarded a University Dissertation Fellowship in the same year. As a Lecturer in Classical Studies, he has taught a variety of courses in Latin, Greek, and Classical Civilization. In 1993, The Learning Assistance Program at Loyola University named him as one of the Teachers Who Make A Difference. A member of the American Philological Association, The Classical Association of the Midwest and South, The Illinois Classical Conference, and the Executive Committee of the Chicago Classical Club, he is currently a Visiting Lecturer at the University of Illinois at Chicago.

APPROVAL SHEET

The dissertation submitted by William E. Wycislo
has been read and approved by the following committee:

Dr. John F. Makowski, Director
Associate Professor, Classical Studies, Loyola

Dr. Alexander MacGregor, Jr.
Associate Professor, Classics, University of Illinois at Chicago

Dr. Edwin P. Menes
Assistant Professor, Classical Studies, Loyola

The final copies have been examined by the director of the dissertation and the signature which appears below verifies the fact that any necessary changes have been incorporated and that the dissertation is now given final approval by the Committee with reference to content and form.

The dissertation is therefore accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

llllllll

30 November 1995

Date

John F. Makowski
Director's Signature