Mala Conscientia in Seneca's *Epistula* 97: A Dialogue with Cicero and Epicurus*

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Περίληψη_ **Γεωργία Τσούνη | Mala conscientia στην *Επιστολή* 97 του Σενέκα: μια συνομιλία με τον Κικέρωνα και τον Επίκουρο**

Στο corpus του Σενέκα υπάρχουν αρκετές αναφορές στον τρόπο με τον οποίο η «συνείδηση» (*conscientia*) εγείρει πάθη που συνδέονται με μια «εσωτερική» αξιολόγηση των σκέψεων και των πράξεών μας. Το άρθρο προσφέρει μια ανάγνωση της *Επιστολής* 97 του Σενέκα, που αποτελεί την εκτενέστερη μαρτυρία στο έργο του σχετικά με το φαινόμενο της «ένοχης συνείδησης». Υποστηρίζεται πως ο Σενέκας έχει επηρεαστεί στη διατύπωση των σκέψεών του περί της *mala conscientia* από τον Κικέρωνα και, κυρίως, από το έργο του *Περί Νόμων* (*De Legibus*). Η επιρροή εντοπίζεται όχι μόνο στην κοινή τους αναφορά στην περίπτωση του Κλωδίου αλλά και στη φιλοσοφική εξήγηση του φαινομένου της «ένοχης συνείδησης». Τόσο ο Κικέρωνας όσο και ο Σενέκας, στο πλαίσιο μιας διαλεκτικής αντιπαράθεσης με επικούρειες απόψεις, υποστηρίζουν την άποψη πως η «ένοχη συνείδηση» εδράζεται πρωτίστως σε μια «φυσική» και εγγενή πηγή ηθικής γνώσης και όχι στην επίγνωση των συνεπειών των πράξεών μας. Τέλος, αναδεικνύεται το ιδιαίτερο ενδιαφέρον του Σενέκα για τον τρόπο με τον οποίο η επικούρεια σκέψη ανέδειξε τις ψυχολογικές εκδηλώσεις της «ένοχης συνείδησης».

Introduction

Throughout the Senecan corpus *conscientia* (and cognate words) are used to refer to the second-order ability of the mind to evaluate its own thoughts from a *moral* point of view; this function of 'sharing knowledge' with oneself regarding one's moral worth[1] consists in either a positive or a negative self-eval-

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[1] The idea (or metaphor) of an imaginary witness who 'shares' the content of our thoughts is linked to the original meaning of the verb *conscire* in Latin and σύνοιδα in Greek, which amounts to 'witnessing'. Such a witness is assumed to have direct epistemic access to an event as an eyewitness, more often by virtue of complicity. For this 'literal' meaning of *conscientia* in Seneca, see e.g. *Ep*. 3.4. More often, *conscientia* is depicted as an inner judge who issues a verdict regarding our actions, see especially *De Ira* 1.14.2-3 and *Ep*. 97.15-16. For a detailed discussion of the metaphors linked to *conscientia* in Seneca, see Németh 2023. For literary precedents of the self-referential use of the verb and the rich semantic field of συνοιδ- and cognates, see Cancrini

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uative judgement, deemed *bona conscientia* (in the case of the sage) and *mala conscientia* (in the case of non-sage), respectively.[2] Often this type of mental awareness gives rise to peculiar passions of joy or sorrow, as witnessed by numerous references in the *Epistulae ad Lucilium*.[3] Thus, the sage will experience the passion of joy (*laetitia* or *gaudium*), when forming the belief that virtue is present in him- or herself, whereas the non-sage will experience mental anxiety or fear (*sollicitudo, metus*) as a result of acknowledging the wrongness of his or her deeds.[4]

Seneca's originality seems to consist in introducing *conscientia* into the Stoic philosophical discourse, for which existing early Stoic sources offer no testimony.[5] Furthermore by referring to two forms of *conscientia*, one applying to the state of mind of a virtuous agent (*bona conscientia*)[6] and one applying to that of a vicious agent (*mala conscientia*),[7] Seneca presents the ability of the

1970 and Sorabji 2014. Orestes may well manifest the earliest example of 'conscience' when he reflects on his deed to kill his mother in the famous line from Euripides' homonymous tragedy, see l.396: ἡ σύνεσις, ὅτι σύνοιδα δείν' εἰργασμένος. The 'colloquial' use of the term *conscientia* in Latin before Seneca in the sense of a 'guilty conscience' is attested in Publilius Syrus' *Sententiae* (194; 490): *etiam sine lege poena est conscientia; O tacitum tormentum animi conscientia!*, as also in Plautus *Mostellaria* 544: *nihil est miserius quam animus hominis conscius*. See also *infra* n. 41.

[2] On an understanding of *conscientia* in Seneca as 'self-evaluative awareness', 'self-evaluative judgement' or 'self-evaluative appraisal' see Németh 2023.

[3] For the connection with joy, see *Ep*. 12.9; 59.16. For the connection with grief or mental pain, see *Ep*. 43.5; 97.15; 105.7; 122.14. For a discussion of passions related to 'moral conscience', see Németh 2023, 274-77.

[4] According to the standard theory of Stoic passions, joy and sorrow arise when one *assents* to the judgement that a good or evil is present *and* that one should experience a related 'affect', namely elation or contraction, respectively. The model of a 'double judgement' in the occurrence of joy and grief is most explicitly stated in Cicero's *TD* 4.14. For the idea that all passions involve 'opinion' and 'assent' (*assensio*, *assensus*) see *TD* 4.14-15 and *De Ira* 4.1.4.

[5] The word *syneidesis*, the Greek equivalent of *conscientia*, features only once in early Stoic sources in a doxographical passage from Diogenes Laertius 7.85 (=*SVF* 3.178), which draws explicitly on the (lost) work of Chrysippus *On Ends* (*Peri Telon*). It is used however there as synonymous with perceptual awareness of one's body and its functions (συναίσθησις), as shown by the fact that it is an ability shared by both animals and humans. In the account it features as the first stage of natural appropriation (*oikeiosis*) for every living organism: πρῶτον οἰκεῖον λέγων εἶναι παντὶ ζῴῳ τὴν αὐτοῦ σύστασιν καὶ τὴν ταύτης συνείδησιν. The most elaborate description of how this mechanism of appropriation operates, in relation to self-awareness, comes from a rather late source, the second century AD Stoic Hierocles, whose work *Elements of Ethics* (*Ethike Stoicheiosis*) is preserved in papyrus fragments (PBerl 9780). Hierocles elaborates on the way self-awareness comes about, which he deems explicitly "self-perception" (*haisthesis heautou* or *synaisthesis*), rather than "self-knowledge" (*syneidesis*). For Seneca's originality in his use of *conscientia*, cf. also Molenaar 1969, 170-71.

[6] See e.g. *De Clementia* 1.1; *De Vita Beata* 19.1; *De Beneficiis* 4.12.4; 21.6; *Epistulae Morales* 23.7.

[7] See e.g. *De Beneficiis* 3.1.4; *Epistulae Morales* 12.9; 105.8; 122.14. For the expression, see already Sallust *Iugurtha* 62.9.

mind to evaluate *correctly* its own thoughts (and retrospectively its own actions) as a universal phenomenon, not restricted to sages.[8] Although, Seneca's views on *conscientia* have attracted considerable attention in recent years,[9] little attention has been given hitherto to the way his views relate to other sources, especially non-Stoic ones, and to the dialectical background against which Seneca develops his views on *conscientia*.[10]

This article offers a discussion of Seneca's *Epistula* 97, one of the most extensive sources on *conscientia* in the Senecan corpus, revealing a hitherto unexplored debt of Seneca to Cicero. From the latter, Seneca inherits not only a historical *exemplum* for his discussion of *mala conscientia* (in the form of Clodius, Cicero's notorious enemy) but also means for a philosophical justification of the phenomenon. These consist a) in the development of a notion of *conscientia* in close dialogue with (and opposition to) Epicurean views, which also address the occurrence of fear in one's soul due to the awareness of one's deeds and intentions and b) in the defense of the natural origin of *mala conscientia* by virtue of the existence of an innate concept of goodness in one's (rational) soul.

The Ciceronian background: *De Legibus* and *conscientia*

Seneca's *Letter* 97 departs from a reflection on the phenomenon of moral corruption. Whereas his addressee, Lucilius, appears to defend the view that moral corruption is particularly related to their contemporary times, Seneca, by contrast, presents it as a universal phenomenon existing in all times and rooted in human nature (*hominum sunt ista, non temporum*).[11] In order to show this, he alludes to an *exemplum* of virtue in the Roman republican tradition, that of Cato the Younger,[12] and contrasts it with a blatant example of corrup-

[8] Cf. Németh 2023, 276-77.

[9] Thus Asmis 2015 counts Seneca's views on *conscientia* among his most important philosophical innovations and an integral part of his moral pedagogy. Cf. Sorabji 2014, 25-29, Colish 2014 and, more recently, Németh 2023. Earlier scholarly attempts have focused on placing Seneca's views on *conscientia* in the context of previous philosophical developments, and especially Stoic theory, see Molenaar 1969. Seneca's views on *conscientia* have also been discussed in the context of studies focusing on ancient conceptions of the 'self', see especially, Sorabji 2006 and Bartsch & Wray 2009, as also the seminal 1969 study of I. Hadot *Seneca und die griechisch-römische Tradition der Seelenleitung*.

[10] Molenaar's 1969 article contains starting-points for understanding Seneca's views on *conscientia* in conjunction with Epicurean views (highlighting in particular the importance of *Ep*. 43 and *Ep*. 97) but it does not attempt a close reading of relevant evidence. Graver 2015 also offers a brief comment on Seneca's anti-epicurean stance in *Ep*. 97.

[11] *Ep*. 97.1: *Erras, mi Lucili, si existimas nostri saeculi esse vitium luxuriam et neglegentiam boni moris et alia quae obiecit suis quisque temporibus: hominum sunt ista, non temporum.*

[12] Cato's notorious *gravitas* and his status as a moral paragon is exemplified at *Ep*. 97.8, through the reference to the story that his presence led people to refrain from demanding nude

tion, that of his contemporary Publius Clodius Pulcher. Clodius was accused of committing adultery with the wife of Julius Caesar during the *Bona Dea* religious celebrations; while the celebrations were strictly forbidden to men, Clodius participated dressed as a woman thus violating religious law.[13]

Seneca does not focus on the religious sacrilege involved in Clodius' action but on further unlawful deeds on Clodius' part which took place during his subsequent trial in 61 BCE, in which Cato was present. Seneca focuses in particular on the allegation of bribery and Clodius' offer of 'sexual gifts' to the judges, which made his case even more 'disgraceful' (*turpius*). For, as Seneca mentions, Clodius' accusation of adultery was, through his actions, followed by a proliferation of adulterous acts (those offered to the judges) which aimed at his acquittal, in such a way that 'the charge was less wrongful than the acquittal' (97.3: *minus crimine quam absolutione peccatum est*).[14] Seneca's source for these allegations is Cicero, who in one of his *Letters to Atticus* (1.16.5) from 61 BCE claimed that Clodius' acquittal by the court was not only restricted to the bribery of the judges, but also involved the offer of sexual gifts.[15] The first passage from *Ad Att*. 1.16.5 that Seneca quotes verbatim at *Ep*. 97.4 reads as follows:

> *arcessivit ad se, promisit, intercessit, dedit. iam vero (o di boni, rem perditam!) etiam noctes certarum mulierum atque adulescentulorum nobilium introductiones non nullis iudicibus pro mercedis cumulo fuerunt.*
>
> (*Ad Att.* 1.16.5.15-18[16])

> (He, sc. Clodius) called them to his house, made promises, backed bills, or paid cash down. On top of that (it's really too abominable!) some jurors actually received a bonus in the form of assignations with certain ladies or introductions to youths of noble family. (Trans. Shackleton Bailey 1999)

The passage presents Clodius' 'offer' as a fact, accentuating his base behaviour through the use of rhetorical means, such as asyndeton (*arcessivit ad se, promisit, intercessit, dedit*) and exclamations (*o di boni, rem perditam!*); further on, Catulus' alleged 'ironic' reaction towards the bribed judges mentioned at *Ad*

performances of dancers during the festival of the *Floralia*. Cato is mentioned often as *exemplum* in Seneca, e.g. at *Ep*. 7.6; 11.10; 64.10; 70.22.

[13] The events surrounding Clodius' scandal are recounted in Plutarch's *Life of Caesar* 9-10 and *Life of Cicero* 28.

[14] Cf. *Ep*. 97.9-10: *Qui damnabatur uni adulterio, absolutus est multis*.

[15] Plutarch gives another account of Clodius' acquittal in his *Life of Caesar*, giving as an explanation for the judges' decision the fear incited to them by the 'multitude' which was supporting Clodius (ἐκπεπληγμένους καὶ δεδοικότας τὸ πλῆθος), see *Caes*. 10.7. Next to this explanation for the acquittal, Plutarch also reports Cicero's version (without any reference to sexual gifts) in his *Life of Cicero* 29.6-8 where he mentions (albeit with some reservation) that 'some bribery also was said to have been used' (καί τις ἐλέχθη καὶ δεκασμὸς διελθεῖν).

[16] The text from *Ad Att.* 1.16 follows the punctuation of Shackleton Bailey 1999.

Att. 1.16.5.22-6.2 is also quoted.[17] Seneca adds further 'dramatisation' to the negative characterization of Clodius, already present in Cicero, by presenting the indecent offers made by him to the judges at *Ep*. 97.5.2-7 by means of a succession of a series of fictive, first-person questions and succinct assertions, conveying Clodius' 'promises' and 'reliability' of delivering the 'gifts' to the judges:

> *'Vis severi illius uxorem? dabo illam. Vis divitis huius? tibi praestabo concubitum. Adulterium nisi feceris, damna. Illa formonsa quam desideras veniet. Illius tibi noctem promitto nec differo; intra comperendi nationem fides promissi mei extabit.'*
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> "That straitlaced fellow—would you like to have his wife? I will give her to you. That rich man, how about his? I'll see to it that she sleeps with you. If you don't get somebody's wife, then vote to convict me! That beauty you desire—she'll come to you. I promise you a night with her, and I'll be quick about it. My promise will be fulfilled within the two-day court recess." (Trans. Graver & Long 2015)

While *Ad Att.* 1.16.5 is the only explicit Ciceronian source in *Ep*. 97, the subsequent connection of the case of Clodius with the topic of a 'guilty conscience' seems to relate to another Ciceronian subtext which has remained hitherto underexplored.

In the first book of Cicero's *De Legibus*, *conscientia* is referred to in order to show that, even if human courts are corrupted, real punishment comes in the form of an inner anguish caused by the *conscientia* of one's own deeds. The relevant passage reads as follows:

> *At vero scelerum in homines atque in deos inpietatum nulla expiatio est; itaque poenas luunt, non tam iudiciis (quae quondam nusquam erant, hodie multifariam nullasunt, ubi sunt tamen, persaepe falsa sunt) sed eos agitant insectanturque furiae, non ardentibus taedis sicut in fabulis, sed angore conscientiae fraudisque cruciatu.* (Cicero, *De Legibus* 1.40[18])
>
> But there is no expiation for the crimes against humans and the impiety towards the gods; and thus they serve their sentence not so much in the lawcourts (which once did not exist anywhere, nowadays they do not exist in many places, and where they exist they are often unreliable), but they are chased and persecuted by the Furies, not with burning torches as in the myths, but with the anguish of conscience and the torture which follows upon the fraud.[19]

[17] The way Cicero is used as a literary source by Seneca in *Ep*. 97 has recently been discussed by Torre 2021.

[18] The text follows the edition of Powell 2006. The citations from Seneca's *Epistulae Morales* follow the 1965 edition of Reynolds.

[19] Unless otherwise stated, the translations stem from the author of this article.

Clodius' case seems to be alluded to in the above text not only through the reference to *falsa iudicia* but also through Cicero's reference to both crimes committed against humans and the impiety towards the gods, since Clodius' act in the Bona Dea scandal falls under both categories. The inner awareness of one's bad deeds and its negative manifestations (*angore, cruciatu*) substitutes in *Leg.* 1.40 the mythological punishment of the Erinyes (whose Latin equivalent are the *Furiae*), as already prefigured in Euripides' *Orestes*.[20]

While Cicero mentions *conscientia* also in his rhetorical speeches as part of his argumentative strategy to prove either the guilt or innocence of different parties,[21] his reference to *conscientia* in the first book of *De Legibus* forms part of a philosophical line of argument which attempts to counter the view that justice is merely conventional and not natural. In the context of his account, Cicero (the speaker) presents 'right reason' (*recta ratio*) as a law which is founded in nature and has a prescriptive force, issuing commands and prohibitions.[22] This cosmic 'law' is valid independently from a written formulation or a political validation and may conflict with the particular written legislation or with the judgement of a political court. Furthermore, every human being by virtue of his or her reasoning capacity has access to the principles of this universal law. The extensive argument for the existence of a natural law presented by (the character) Cicero in *De Legibus* 1 serves as a guarantee of justice against a corrupted legal and political order but also introduces the idea that the transgression of the cosmic law has 'internal' consequences which are independent from external coercion.

In line with this, in a passage from *De Legibus* 2 (2.43), a book devoted to the discussion of religious laws for an optimal state, Cicero makes reference to a 'divine punishment' (*poena divina*), which is imposed to those who have committed sacrilegious acts, independently from the punishment imposed by

[20] Cicero refers to the same idea in *Pro Roscio Amerino* 67, where again the mythical pursuit of the *Furiae* is likened to the fear caused by the 'bad thoughts and conscience' (*malae cogitationes conscientiaeque animi terrent*); cf. *In Pisonem* 46. Cicero may be reflecting here Aischines *Against Timarchus* 190.

[21] The word is particularly prominent in the Catilinarian orations, see e.g. 1.17; 2.13; 3.11; 3.27. For its use as evidence of both guilt and innocence, see *Pro Milone* 61.15: *Magna vis est conscientiae, iudices, et magna in utramque partem, ut neque timeant qui nihil commiserint et poenam semper ante oculos versari putent qui peccarint*.

[22] See *Leg.* 1.42: *lex est recta ratio imperandi atque prohibendi*. The views expressed here seem to reflect Stoic ideas, see e.g. D.L. 7.88: οὐδὲν ἐνεργοῦντας ὧν ἀπαγορεύειν εἴωθεν ὁ νόμος ὁ κοινός, ὅσπερ ἐστὶν ὁ ὀρθὸς λόγος. The idea of a natural law, in the form of a divine law, appears however already in Plato's *Laws* 10, and it is possible that Cicero (possibly under the influence of Antiochus of Ascalon) perceived the Stoic views as in agreement with the views expressed in the *Laws*, which is his literary model for the *De Legibus*. For the Platonic precedents of the idea, see Horn 2017, 157-62. Cf. Sorabji 2014, 19-20. Dyck 2004, 50-51 detects in *Leg.* 1 a combination of theses from the Stoic tradition and the 'old Academic' teaching of Antiochus.

the courts:[23]

> *Vidimus eos qui nisi odissent patriam numquam inimici nobis fuissent, ardentes tum cupiditate, tum metu; conscientia quid agerent modo timentes, vicissim contemnentes religiones; perrupta ab eis quidem iudicia hominum, non deorum.*
>
> We have seen those, who would never have been our enemies if they had not hated their fatherland, inflamed either through greed or fear, and because of a 'guilty conscience' for their actions in turn fearing and scorning religion: it was human justice, not divine, that they overturned and corrupted. (Trans. Zetzel 1999, with alterations)

In this passage, Cicero counters the popular view that punishment consists solely in death, bodily pain or other consequences of punishment (*eos eventus qui sequuntur*), mentioning *conscientia* as what is in its own right the maximal punishment (*per se ipsa maxima poena*) befalling someone who has committed an impious act.[24] Cicero addresses here people who became his personal enemies (*inimici*) because they hated the state (*eos qui nisi odissent patriam numquam inimici nobis fuissent*), presenting their state of mind as vacillating between fear for their actions caused by *conscientia* (*conscientia quid agerent modo timentes*) and excessive desire (*cupiditas*), which also leads to the disdain of religion (*contemnentes religiones*).

The further reference in *Leg.* 2.43 to those who 'escape the human courts' (*perrupta ab eis iudicia hominum*) points directly to Clodius as an addressee of Cicero's comments,[25] suggesting that the notorious trial in which Clodius was acquitted forms the historical background of the discussion in *De Legibus*. A reference to Clodius would also fit the chronological context of the work, which is assumed to have been written around 52 BCE.[26] In the rhetorical speech *Pro Milone* which was delivered in 52 BCE, Cicero (in the published version of the speech) referred to Clodius in similar terms in order to justify Milo's attack against him.[27] Thus, the link between Clodius' case and the psy-

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[23] *Non enim, Quinte, recte existimamus quae poena divina sit, sed opinionibus vulgi rapimur in errorem, nec vera cernimus.*

[24] *Sceleris est poena tristis et, praeter eos eventus qui sequuntur per se ipsa maxima est.*

[25] See Dyck 2004, 243; 370. Cf. Dyck 2004, 371: 'the concluding clause suggests that Cicero would have been content with a judicial verdict forcing Clodius into exile, which was, however, frustrated'.

[26] Dyck 2004, 7 suggests that '*Leg.* seems likely to have been written mostly in tandem with *Rep.*', i.e. in 53/52 BCE.

[27] See e.g. *Pro Milone* 43. The religious *scelus* of Clodius is mentioned at 85-87, for which his death appears the right punishment, after he has escaped the punishment of the human courts: *quo taeterrimam mortem obiret, ut non absolutus iudicio illo nefario videretur, sed ad hanc in-*

chological phenomenon of *conscientia* is already firmly established in Cicero and philosophically explored in the first book of *De Legibus*. This appears to form the background for Seneca's transition from the exposition of Clodius' paradigmatically base actions to the topic of a 'guilty conscience'.

Conscientia in Seneca's *Epistula* 97 and the dialogue with Epicurus

Seneca develops his views on a 'guilty conscience' in *Ep*. 97 in a close dialogue with Epicurean views, which also address the way fear in one's soul comes about through reflection on one's deeds and intentions. The engagement with Epicurean views becomes explicit at *Ep*. 97.13, where Seneca quotes what he deems a 'well expressed' (*eleganter*) Epicurean statement, showing his appreciation for the pithy style of Epicurean sayings:[28]

> *Eleganter itaque ab Epicuro dictum puto: 'potest nocenti contingere ut lateat, latendi fides non potest'* (*Ep.* 97.13)
>
> That is why I think Epicurus put it well when he said: "A wrongdoer may happen to remain concealed, but he cannot be confident of concealment." (Trans. Graver & Long 2015)

The precise Greek original of the dictum that Seneca cites is missing but its meaning bears a close resemblance to Epicurus' *Principal Sayings* (*Kyriai Doxai*) 35:[29]

> Οὐκ ἔστι τὸν λάθρα τι ποιοῦντα ὧν συνέθεντο πρὸς ἀλλήλους εἰς τὸ μὴ βλάπτειν μηδὲ βλάπτεσθαι πιστεύειν ὅτι λήσει, κἂν μυριάκις ἐπὶ τοῦ παρόντος λανθάνῃ· μέχρι γὰρ καταστροφῆς ἄδηλον εἰ καὶ λήσει.
>
> (Epicurus *RS* 35=*Sent. Vat*. 6)
>
> It is not possible for one who acts in secret contravention of the terms of the compact not to harm or be harmed, to be confident that he will escape detection, even if at present he escapes a thousand times. For up to the time of death it cannot be certain that he will indeed escape. (Trans. Bailey 1926)

The Epicurean saying makes no explicit reference to *conscientia* (or its Greek equivalent). It focuses on the consequences of an unjust action, i.e., in Epicurean terms, of an action which violates the 'social contract' prescribing

signem poenam reservatus (86). In other contexts, such as in *De Haruspicum Responso* 38-39, Cicero mentions the *furor* of Clodius as a divine punishment inflicted on him for his deeds. See also Torre 2021, 85-86.

[28] On the power and didactic value of Epicurean *sententiae*, see *Ep*. 108.8-9. Cf. Schiesaro 2015, 243-44.

[29] On Seneca's access to Epicurean writings, see Setaioli 1988, 171–82. Cf. Graver 2020.

the avoidance of reciprocal harm among the members of a society,[30] suggesting a rationale as to why one should avoid it. That this constitutes a rationale for abstaining from injustice becomes clearer in Seneca's reformulation of the Epicurean dictum at *Ep*. 97.13,[31] which makes explicitly reference to what 'does not bring advantage':

> *aut si hoc modo melius hunc explicari posse iudicas sensum: 'ideo non prodest latere peccantibus quia latendi etiam si felicitatem habent, fiduciam non habent'.*
>
> A better way to express this thought would be "Wrongdoers gain nothing from concealment, because even if they have the good fortune to be concealed, they don't have the confidence of remaining so." (Trans. Graver & Long 2015)

Similarly in Epicurus' *RS* 35, even if one commits an unjust act 'in secret' (λάθρα), one can never have confidence (πιστεύειν) that his or her action will remain hidden. The insecurity caused by this lack of confidence cannot be remedied even if one has managed to keep their actions secret 'ten thousand times until the present moment' (μυριάκις ἐπὶ τοῦ παρόντος); for the insecurity springs from the ability of the mind to make a projection in the future and from the ensuing realization that there is no guarantee that one will escape punishment until the moment of one's death (μέχρι… καταστροφῆς). Seneca's Epicurean quote in *Ep*. 97 reflects the same argument: one may escape punishment in the present (the verb *contingere* underlying the 'accidental' character of this safety) but one is not able to acquire the 'confidence of concealment' (*latendi fides*). The latter expression is an original Epicurean one, as it features in *Sent. Vat.* 7 as πίστις ὑπὲρ τοῦ λαθεῖν:[32]

> Ἀδικοῦντα λαθεῖν μὲν δύσκολον, πίστιν δὲ λαβεῖν ὑπὲρ τοῦ λαθεῖν ἀδύνατον.
>
> It is hard for the one who commits injustice to escape detection, but to have the confidence of escaping is impossible.

The notion of 'confidence' offers a psychological justification for the avoidance of injustice: since no one can ever be sure that his or her actions will have no bad consequences *in the future*, committing an unjust act is irrational, since it compromises the biggest good in Epicurean ethics, which is at the same time the sole component of *eudaimonia*, namely pleasure (in the form of absence of

[30] For the idea of a 'social contract' in Epicurus, see *RS* 31: Τὸ τῆς φύσεως δίκαιόν ἐστι σύμβολον τοῦ συμφέροντος εἰς τὸ μὴ βλάπτειν ἀλλήλους μηδὲ βλάπτεσθαι. Cf. *RS* 33.

[31] Graver 2015, 203, n.27 takes the citing of a second version of the Epicurean dictum as a sign that Seneca had struggled in *Ep*. 97.13 with his translation of Epicurus's Greek.

[32] For another occurrence of πίστις in the Epicurean sayings, see *Sent. Vat.* 34.

bodily and psychic pain). In *Principal Sayings* (*RS*) 34 the prospective of not avoiding punishment is explicitly linked to the passion of fear which results from 'suspicion' (ἐν τῷ κατὰ τὴν ὑποψίαν φόβῳ), i.e. from the awareness that a punishment is always incumbent. In the same saying, the conclusion is drawn that injustice is not a bad thing in its own right (ἀδικία οὐ καθ' ἑαυτὴν κακόν), independently from the consequences it brings about:[33]

> Ἡ ἀδικία οὐ καθ' ἑαυτὴν κακόν, ἀλλ' ἐν τῷ κατὰ τὴν ὑποψίαν φόβῳ, εἰ μὴ λήσει τοὺς ὑπὲρ τῶν τοιούτων ἐφεστηκότας κολαστάς.
>
> Injustice is not an evil in itself, but only in consequence of the fear which attaches to the suspicion of being unable to escape those appointed to punish such actions. (Trans. Bailey 1926, with alterations)

The emphasis put on mental awareness and its link to negative passions in Epicurean thought is also reflected in the words of the Epicurean speaker Torquatus in the first book of Cicero's *De Finibus*;[34] there, the reflection upon dishonesty in one's mind (*quod, cuius in animo versatur*), which does not allow one 'neither to breathe, nor to find peace' (*numquam sinit eum respirare, numquam adquiescere*) is specified as the most important reason to avoid injustice, beyond any other consequences which befall one. Seneca encapsulates the Epicurean idea at *Ep*. 97.13 by drawing an opposition between *tutus* ('secure') and *securus* ('free from care'): thus, crimes can be secure (from detection) but they cannot be free from care (in the mind of the perpetrator): *tuta scelera esse possunt, secura esse non possunt*. The differentiation draws on a distinction between external (or social) security (ἀσφάλεια)[35] and internal 'carefreeness' (ἀταραξία)[36] in Epicurean thought. The differentiation is directly linked by Seneca to the case of Clodius as in the previous account of his deeds in *Epistula* 97 the offering of the adulterous acts on his part aimed at making him 'secure' (whereby in his case the words *tutus* and *securus* appear to be undifferentiat-

[33] Cf. *Sent. Vat.* 70: Μηδέν σοι ἐν βίῳ πραχθείη ὃ φόβον παρέξει σοι εἰ γνωσθήσεται τῷ πλησίον.

[34] *Fin*. 1.53: *itaque non ob ea solum incommoda, quae eveniunt inprobis, fugiendam inprobitatem putamus, sed multo etiam magis, quod, cuius in animo versatur, numquam sinit eum respirare, numquam adquiescere.*

[35] The security from other human beings (ἐξ ἀνθρώπων ἀσφάλειαν) is mentioned at *RS* 7 and 14; cf. *RS* 13: τὴν κατὰ ἀνθρώπους ἀσφάλειαν. On ἀσφάλεια in Epicurean political thought, see Schofield 1999, 748-56.

[36] Seneca uses here the word *securitas* in its pre-Augustan sense, as synonymous with *tranquillitas animi*, see e.g. Cic. *Off*. 1.69. The term is also used by Cicero to translate the Democritean εὐθυμία, see *Fin*. 5.23: *Democriti autem securitas, quae est animi tamquam tranquillitas, quam appellant εὐθυμίαν*. That the unjust person lacks 'carefreeness' is stated e.g. at *RS* 17 (= *SV* 12): Ὁ δίκαιος ἀταρακτότατος, ὁ δ' ἄδικος πλείστης ταραχῆς γέμων.

ed).[37] Seneca suggests thereby that, although acquitted, the real punishment for Clodius consists in the loss of his (inner) *securitas*.

While quoting the Epicurean *sententia* approvingly, Seneca also goes on at *Ep*. 97.14 to offer a qualification to the Epicurean views.[38] The qualification addresses his own (Stoic) philosophical identity, alluded to through the reference to 'our own school' (*secta nostra*). In the part of the *Epistula* which follows, Stoic views are explicitly said to be compatible with the Epicurean saying quoted, if elucidated in a certain way (*si sic expediatur*):[39]

> *Illic dissentiamus cum Epicuro ubi dicit nihil iustum esse natura et crimina vitanda esse quia vitari metus non posse: hic consentiamus, mala facinora conscientia flagellari et plurimum illitormentorum esse eo quod perpetua illam sollicitudo urget ac verberat, quod sponsoribus securitatis suae non potest credere.* (*Ep.* 97.15)
>
> We should disagree with Epicurus when he says that there is nothing that is just by nature, and that the reason one should refrain from misdeeds is that one cannot avoid the fear resulting from them; we should agree with him, though, that the wrongdoer is tormented by conscience and that his worst penalty is to bear the hounding and the lash of constant worry, because he cannot trust those who guarantee him security. (Trans. Graver & Long 2015, with alterations)

Seneca explains that he disagrees with Epicurus on the idea that justice is not founded in nature and that dishonest acts should only be avoided for their consequences, i.e. because of the unavoidable fear they bring about (*quia vitari metus non posse*). At the same time, however, he recognises as a common point of agreement (*hic consentiamus*) between his stance and that of the Epicureans the reality of the negative effects, of 'bad conscience':[40] bad deeds are 'lashed' (*flagellari*) by *conscientia*, whereas 'constant worry presses upon and whips the wrongdoer' (*perpetua sollicitudo urget ac verberat*), due to the lack of confidence in the guarantees of one's security (*quod sponsoribus securitatis suae non potest credere*). Seneca's wording here appears to reflect Lucre-

[37] *Ep.* 97.3: *nec ante fuit de salute securus, quam similes sui iudices suos reddidit. Ibid*. 97.7: *apparuit sine adulterio tutum esse non posse.*

[38] For Seneca's 'accommodating' attitude towards Epicurean dicta in the *Epistulae*, see e.g. *Ep.* 12.11: *quod verum est, meum est*; cf. *Ep.* 2.5: *Hodiernum hoc est quod apud Epicurum nanctus sum (soleo enim et in aliena castra transire, non tamquam transfuga, sed tamquam explorator)*; 8.8 *(quare tu istas Epicuri voces putes esse, non publicas?)*; 33.2 *(publicae sunt et maxime nostrae)*. For a discussion of this stance see Schiesaro 2015 and Graver 2015.

[39] *Hoc ego repugnare sectae nostrae si sic expediatur non iudico.*

[40] Cf. Graver 2020 who identifies Seneca's adopted elements from Epicurus as related to 'matters of psychological insight and therapeutic practice'. Similarly, at Graver 2015 it is argued that Seneca values the 'emotional intelligence' of the Epicureans.

tius' *De Rerum Natura* 3. 1018-19; in this passage after recounting the earthly punishments causing fears to transgressors, Lucretius goes on to add another kind of punishment, i.e. the one imposed by the 'self-cognising' mind (*mens sibi conscia*) which 'fearing for its misdeeds, sets goads to itself, and sears itself with lashings':

> *quae tamen etsi absunt, at mens sibi conscia factis*
> *praemetuens adhibet stimulos torretque flagellis*
>
> for although they are not with us, yet the conscious mind,
> fearing for its misdeeds, sets goads to itself,
> and sears itself with lashings (Trans. Bailey 1947)

It is significant that Lucretius refers in the above-mentioned verses to a *conscia mens*, as this suggests that Epicureans (at least in the Latin tradition),[41] were making use of the vocabulary of *conscientia* in order to explain psychic passions, and in particular fear. The kind of fear that Lucretius addresses is the one based on the 'empty belief' that the gods punish the unjust in the afterlife, for which illustrative examples from the mythological tradition are cited. The 'irrational' thoughts on the prospect of eternal punishment which prolong fear *ad infinitum* resonate with Seneca's reference in *Ep*. 97.15 to a *perpetua sollicitudo*.[42] By contrast, the story of the Epicurean Diodorus cited at *De Vita Beata* 19.1, gives an example of *bona conscientia* inspired from the Epicurean tradition:

> *Diodorum, Epicureum philosophum, qui intra paucos dies finem vitae suae manu sua inposuit, negant ex decreto Epicuri fecisse quod sibi gulam praesecuit: alii dementiam videri volunt factum hoc eius, alii temeritatem. Ille interim beatus ac plenus bona conscientia reddidit sibi testimonium*

[41] Lucretius may have been influenced for his use of the expression by earlier Latin writers: already Plautus refers to the bad psychological consequences of a mind (*conscius animus*) which shares knowledge with itself of a bad thought or action, see *nihil est miserius quam animus hominis conscius, Mostellaria* 544. The *sententiae* of Publilius Syrus from the first century BCE attest to the fact that by this period *conscientia* had a wide currency in non-philosophical contexts; Seneca quotes some of the *sententiae* of Syrus at *Ep*. 8.9-10. For the claim that Lucretius adds with his reference to *conscientia* 'an original dimension' to Epicurean thought see Konstan 2019.

[42] For the way Epicurean philosophy is meant to liberate from such fears, see Epicurus, *Letter to Menoeceus*. The link between the Greek equivalent of *conscientia*, namely συνείδησις, and the fear of *post mortem* punishment is also attested in one of the fragments of Democritus (=Fr. 297 D-K), which, if genuine, attests to a Democritean substrate to the Epicurean connection between *conscientia* and passions of the soul: ἔνιοι θνητῆς φύσεως διάλυσιν οὐκ εἰδότες ἄνθρωποι, συνειδήσει δὲ τῆς ἐν τῶι βίωι κακοπραγμοσύνης, τὸν τῆς βιοτῆς χρόνον ἐν ταραχαῖς καὶ φόβοις ταλαιπωρέουσι, ψεύδεα περὶ τοῦ μετὰ τὴν τελευτὴν μυθοπλαστέοντες χρόνου. For the expression of doubts on the authenticity of the fragment, see Taylor 1999, 223-27.

> *vita excedens laudavitque aetatis in portu et ad ancoram actae quietem et dixit quod vos inviti audistis, quasi vobis quoque faciendum sit: 'vixi et quem dederat cursum fortuna peregi'.*
>
> They say that Diodorus, an Epicurean philosopher who just a few days ago put an end to his life with his own hand, did not act in accordance with the decree of Epicurus, because he cut his own throat. Some want this act of his to be called insanity, others rashness. Diodorus, meanwhile, happy and full of good conscience, gave testimony to himself as he departed from life and praised the restfulness of a life spent in port and at anchor. And he said what you people heard unwillingly, as if you too had to do it: 'I have lived and I have run the course that fortune granted.' (Trans. Ker 2014)

Diodorus decided to commit suicide not because he was mad or intemperate (as others accused him); the proof of this is that he was happy and full of 'good conscience' having lived an ideal Epicurean life, namely a quiet life in safety. His decision to commit suicide is rather a sign of the completeness of his life, than of any mental disturbance. By citing at the end of the passage a verse from the scene of Dido's suicide in Vergil's *Aeneid* (4.653), Seneca 'appropriates' the Epicurean view of 'good conscience' and ascribes to it a wider meaning which also accommodates a Stoic attitude towards fortune and the outcomes of fate.[43]

While citing the Epicurean views, Seneca is also keen to 'correct' them. Thus, he states at *Ep.* 97.14 that the 'primary and highest punishment for those who have transgressed is the very act of transgression' (*prima illa et maxima peccantium est poena pecasse*),[44] a claim whose force is accentuated through the use of alliteration. The passage continues by explaining the psychic consequences which follow upon the very committing of the transgression (and the awareness thereof) and which are independent from any favourable external circumstances:

> *nec ullum scelus, licet illud fortuna exornet muneribus suis, licet tueatur ac vindicet, inpunitum est, quoniam sceleris in scelere supplicium est. Sed nihilominus et hae illam secundae poenae premunt ac sequuntur, timere semper et expavescere et securitati diffidere.* (*Ep.* 97.14)
>
> No crime, even one embellished with the gifts of fortune or protected and safeguarded thereby, is free from punishment, since the penalty for crime lies in the crime. But even so, these secondary penalties—constant fear, dread, and distrust of security—follow right on the heels of that primary one. (Trans. Graver & Long 2015)

[43] Seneca cites the verse also at *Ep.* 12.9 (in relation to *conscientia*) and at *De Beneficiis* 5.17.5.

[44] For a similar 'alliterative' expression conveying the inherent reward of virtue in relation to *conscientia*, see *De Clementia* 1.1: *recte factorum verus fructus sit fecisse.*

Constant fear (*timere semper*), trepidation (*expavescere*) and the loss of confidence in one's peace (*securitati diffidere*), the latter a clear marker of Epicurean influence, are mentioned here as 'secondary punishments' (*secundae poenae*) which follow upon (*premunt ac secuntur*) the commission of the base act itself, the latter being identified with the 'primary' punishment inflicted on the transgressor.[45]

Seneca's emphasis on the inherent value of the transgression, as opposed to the derivative value ascribed to it by the Epicureans (i.e. the value which derives from its consequences), is again a theme that is of primary importance in Cicero's dialectical engagement with Epicurean views. Thus, in the second book of *De Finibus*, the Epicurean views on justice are criticized by (the character) Cicero, who wears the hat of an Academic sceptic. As in Seneca, the dialectical opposition with the Epicureans centers on the link between *conscientia* and the consequences of one's actions. In this context, and in order to show that the fear of punishment is not sufficient to keep the Epicurean agent away from committing injustice, Cicero appears to resort in *Fin*. 2.53 to Gyges' myth from Plato's *Republic*. The challenge posed by Cicero to his Epicurean interlocutors is the view that under circumstances of complete 'security' the Epicurean has no reason to abstain from injustice:[46]

> *sunt enim levia et perinfirma, quae dicebantur a te, animi conscientia improbos excruciari, tum etiam poenae timore, qua aut afficiantur aut semper sint in metu ne afficiantur aliquando. non oportet timidum aut inbecillo animo fingi non bonum illum virum, qui, quicquid fecerit, ipse se cruciet omniaque formidet, sed omnia callide referentem ad utilitatem, acutum, versutum, veteratorem, facile ut excogitet quo modo occulte, sine teste, sine ullo conscio fallat.* (Cic. *De Finibus* 2.53)

> The deterrents to wickedness that you mentioned are really weak and feeble: the torments of a guilty conscience, the fear of the punishment that wrongdoers either incur or dread incurring in the future. We should not take as our model of wickedness trembling ninnies who torture themselves and fear every shadow whenever they do anything wrong. Picture instead a shrewd calculator of advantage, sharp-witted, wily, a sly old fox, practised at devising methods for cheating covertly – no witnesses, no accomplices. (Trans. Annas & Woolf 2001)

[45] For the anti-Epicurean point here see also Graver 2015, 203. Also, Németh 2023, 273 traces in this passage a point of disagreement between Seneca and Epicurus.

[46] Cicero mentions explicitly the Gyges myth as part of an anti-Epicurean argument also at *Off*. 3.39. There we also find the answer to this challenge on the part of some Epicureans, which consists in *denying* that such conditions of complete freedom are possible (*negant id fieri posse*). For the defense of a more nuanced position of Epicurus with regard to this challenge (on the basis of Plut. *Adv. Col.* 1127d), see Roskam 2012.

The Epicurean arguments based on the avoidance of injustice due to the fear of punishment caused by *conscientia* are characterised here as 'feeble and weak' (*levia et perinfirma*): for, Cicero argues, if one grants the negative effect of the awareness of incumbent punishment on one's soul, then the Epicurean agent is depicted as a 'weakling', whereas in reality he should be understood as a 'shrewd' agent, able to find ways to perform his deed in secret and 'without witnesses' (*sine ullo conscio*). The use of the word *conscius* (here as synonymous with *testis*) by Cicero underlines the necessary link that the Epicureans wish to establish between the evaluative function of *conscientia* and the presence of an external testimony: thus, the one who is able to evade the presence of testimony for his or her deeds (as Gyges does in the myth of the *Republic*), will lack any troubles caused by *conscientia*.[47]

The problem of whether an Epicurean will abstain from wrong-doing in the absence of external witnesses is also addressed in the first book of *De Legibus*. Thus, in *Leg*. 1.40, after introducing the notion of *conscientia*, (the character) Cicero poses the following (rhetorical) question: 'If it were the penalty rather than nature that was supposed to keep one from doing injustice, what worry would trouble the wicked if the fear of punishment were removed?' In the following paragraph (1.41) the implicit accusation against the Epicurean views is accentuated through the use of rhetorical questions and a 'thought experiment':

> *Nam quid faciet is homo in tenebris qui nihil timet nisi testem et iudicem? Quid in deserto quo loco nactus, quem multo auro spoliare possit, imbecillum atque solum? Noster quidem hic natura iustus vir ac bonus etiam conloquetur, iuvabit, in viam deducet. Is vero qui nihil alterius causa faciet et metietur suis commodis omnia, videtis, credo, quid sit acturus! Quodsi negabit se illi vitam erepturum et aurum ablaturum, numquam ob eam causam negabit quod id natura turpe iudicet, sed quod metuat ne emanet, id est ne malum habeat. O rem dignam, inqua non modo docti, sed etiam agrestes erubescant!*
>
> What will a person do in the dark if he is afraid only of witnesses and judges? What will he do in some deserted place if he encounters someone from whom he can steal a lot of gold, someone weak and alone? Our naturally just and good man will talk to him, help him, and lead him on his way; the man who does nothing for someone else's sake and measures everything by his own interest – I think you know what he will do! And if he denies that he will kill him and take his gold, he will never deny it on the ground that he considers it to be wrong by nature, but because he is afraid that word will get out and therefore that it will

[47] Cf. *Fin*. 2.28*: in magnis interdum versatur angustiis, ut hominum conscientia remota nihil tam turpe sit, quod voluptatis causa non videatur esse facturus*.

> cause trouble to him. What a worthy motive, that may cause peasants as well as philosophers to blush! (Trans. Zetzel 1999, with alterations)

Cicero here presents a suggestive scenario: if an Epicurean, or someone who measures everything solely by reference to his or her own profit (*metietur suis commodis omnia*),[48] encounters an unaccompanied person carrying gold in a 'deserted' place (*in deserto… loco*), there is nothing to hinter him from killing and stealing that person. The only reason not to admit this on the part of the Epicurean is because to confess so openly may cause trouble to him. By referring to the way such an attitude causes universal shame if openly admitted (signified through the phenomenon of 'blushing')[49] to both educated (*docti*) and non-educated (*agrestes*) alike, Cicero assumes that the fear caused by *conscientia* is rooted not in the calculation of the consequences of our actions but in our very nature, which is able to perceive the (inherent) baseness of the action;[50] the same view appears to be shared by Seneca as well, as it will be argued in the next section.

The natural origin of *conscientia*

In the philosophical context of Cicero's *De Legibus*, the idea of *conscientia*, in opposition to the Epicurean rationale for the avoidance of injustice, is linked to considerations concerning the natural origin of justice and other ethical concepts. This line of argument follows upon the introduction of the idea of a rational, cosmic 'law' in *Leg*. 1, to which every human being is, by virtue of his or her rationality, subject. Thus, Cicero refers in *Leg*. 1.44 to the way nature has implanted in us in rudimentary form "common notions" (*communes intellegentias*) by virtue of which we subsume honourable things under virtue and dishonourable ones under vice:

> *Nec solum ius et iniuria natura diiudicatur, sed omnino omnia honesta et turpia; nam ita communes intellegentias nobis natura efficit easque in animis nostris inchoat, ut honesta in virtute ponantur, in vitiis turpia: ea autem in opinione existimare, non in natura posita, dementis est.* (*Leg.* 1.44)

> Not only is justice and injustice adjudicated by nature but generally all honourable and dishonourable things; for nature has created for our own benefit common conceptions and lays the foundation for them in our minds, so that honourable things are subsumed under virtue and dishonourable ones under

[48] For the accusation of 'immorality' and the conflation between the Epicurean and the 'malicious' agent, cf. *De Officiis* 3.118-120.

[49] For the 'ethical' value of blushing in Seneca, cf. *Ep*. 25.2.

[50] Cf. *De Legibus* 1.51, where Cicero mentions the baseness of a thing (*rei turpitudinem*) as the real cause of bad repute (*infamia*).

> the vices. But to think that these things depend on one's opinion and not on nature is characteristic of a mad person.

By the word *intellegentia* Cicero translates the Greek term *ennoia* (or alternatively, *prolepsis*),[51] which features in Stoic sources. *Prolepsis* seems to refer to a species of *ennoiai*, namely to the concepts which do not require special training or learning in order to be acquired.[52] Accordingly, the Stoics seem to have defended the view that the concepts of goodness and justice are grasped in a natural way (D.L. 7.53. φυσικῶς δὲ νοεῖται δίκαιόν τι καὶ ἀγαθόν).[53] Cicero at the same time claims that nature has laid the foundations (*in animis nostris inchoat*) for the development of 'common notions' (*communes intellegentias*, κοιναὶ ἔννοιαι) of what is good and disgraceful, which are available to all human beings alike, irrespectively of their education.[54] Thus, at *De Legibus* 1.59 it is stated that:

> *intelleget quemadmodum a natura subornatus in vitam venerit, quantaque instrumenta habeat ad obtinendam adipiscendamque sapientiam, quoniam principio rerum omnium quasi adumbratas intellegentias animo ac mente conceperit.*
>
> (The person who knows oneself) will understand how he came into life fitted out by nature, and what tools he has for getting and possessing wisdom, since in the beginning he formed the first sketchy conceptions of all things in his mind. (Trans. Zetzel 1999)

Even if the full articulation of these concepts requires philosophical training and is only to be found in the mind of the sage, 'common concepts' of goodness may orientate one correctly concerning both oneself and other human beings. An example of the operation of such 'ordinary' concepts of goodness may be found elsewhere in Cicero's philosophical writings; thus, in *De Finibus* 5 the 'Antiochean' spokesman Piso[55] refers to 'seeds of virtue' (*semina virtutis*).[56] He

[51] See *De Finibus* 3.21 and *Topica* 31. Cf. Dyson 2009, xvi. For an overview of the Stoic theory of 'common concepts' and its influence on Cicero, see Brittain 2005. For the influence of Cicero on Seneca with regard to his use of *prolepsis* see Orlando 2014.

[52] The topic is explored more fully in later times by Epictetus, who devoted a lecture to the topic, see *Diss*. 2.11.3.

[53] Cf. D.L. 7.54: ἔστι δ' ἡ πρόληψις ἔννοια φυσικὴ τῶν καθόλου. Dyson 2009 uses the term 'dispositional innatism' to refer to the function of 'natural concepts'.

[54] Cf. Dyson 2009, xxx: 'the common conceptions are articulations of the common prolepseis'.

[55] The ethical account of *De Finibus* 5 aims to convey the 'Old Academic' positions on ethics, as they were systematized by Antiochus of Ascalon. For an extensive analysis of the account, see Tsouni 2019.

[56] See *De Fin.* 5.43; *ibid*. 5.18: *cetera generis eiusdem, quorum similia sunt prima in animis, quasi virtutum igniculi et semina*. For a discussion, see Tsouni 2019, 134-38.

cites in this context the example of the applause of the 'common, uneducated people' (*clamores vulgi atque imperitorum*) who, when visiting the theatre, applaud every time a virtuous deed appears in front of them, as in the case of the episode of Orestes offering his life for his friend Pylades.[57] Seneca also mentions in *Epistula* 120 'seeds of knoweldge' (*semina…scientiae*) provided by nature which are related to the 'primary concept of what is good and honourable' (*prima boni honestique notitia*).[58] In line with this, in his 'reformulation' of the Epicurean view that the awareness of injustice causes fear to an agent, Seneca seems to postulate a universal rudimentary understanding of goodness and badness on the part of all agents. The relevant passage reads as follows:

> *Alioquin, ut scias subesse animis etiam in pessima abductis boni sensum nec ignorari turpe sed neglegi, omnes peccata dissimulant et, quamvis feliciter cesserint, fructu illorum utuntur, ipsa subducunt. At bona conscientia prodire vult et conspici: ipsas nequitia tenebras timet.* (*Ep.* 97.12)
>
> On the other hand, in order for you to understand that there is a latent awareness of goodness, even in the minds of those who have been led to the worst behaviours, and that they do not ignore dishonourable things but they are negligent towards them, (sc. consider) how everyone hides their crimes and, even though they have accomplished them successfully, they enjoy the 'fruits' of their actions, but they hide the actions themselves. But a good 'conscience' wants to be seen and be visible, whereas wickedness is afraid even of darkness.

Seneca states that there is an underlying 'sense of goodness' (*subesse…boni sensum*), even in people who have been led to the worst crimes (*animis etiam in pessima abductis*), which forces them to hide their deeds and experience fear. The behaviour of hiding one's wrongful deeds may be explained on different grounds, and is indeed compatible with an Epicurean mindset which focuses exclusively on the consequences of one's actions. It may also be indicative of the 'social' emotion of shame (*pudor* or *verecundia*) and of the value we place on the way we are perceived by the other members of society.[59] Seneca,

[57] *Fin*. 5.63: *qui clamores vulgi atque imperitorum excitantur in theatris, cum illa dicuntur: 'Ego sum Orestes', contraque ab altero: 'Immo enimvero ego sum, inquam, Orestes!'* For a discussion, see Tsouni 2019, 156. To notice is that at *Tusculan Disputations* 2.64, Cicero likens the function of *conscientia* to a theatre audience which judges about virtue: *nullum theatrum virtuti conscientia maius est*. The metaphorical language of an inner 'judge' is picked up by Seneca in his discussion of *conscientia* in *Ep.* 97, see Németh 2023, 272-73.

[58] *Ep*. 120.3-4: *Nunc ergo ad id revertor de quo desideras dici, quomodo ad nos prima boni honestique notitia pervenerit. Hoc nos natura docere non potuit: semina nobis scientiae dedit, scientiam non dedit.* Cf. 49.12. For the use of the Latin *notitia* as a rendering of ἔννοια (or πρόληψις), see *Lucullus* 30. For a commentary, see Inwood 2007, 324.

[59] On *verecundia* as a 'social' emotion, involving necessarily the approval of other human beings, see *Off*. 1.99; 127; 143; 149. For a detailed discussion of the social character of *verecundia* see

by contrast, uses the example in order to suggest that such a behaviour bears testimony to a universal understanding of the *inherent* value of goodness. This is cast in terms of a 'sense' of goodness (*boni sensum*), ascribing to it the infallible character of perceptual knowledge.[60] The idea of an 'inner sense' which is 'implanted' in us by nature, enabling us to make correct judgements seems again to be borrowed from Cicero who uses an analogous ability to account for correct aesthetic judgements, even on the part of uneducated people; thus, in a passage from *De Oratore* (3.195), Cicero mentions an innate 'sense' of measure and rhythm, deemed 'deeply rooted in the common ability to perceive' (*in communibus infixa sensibus*), which enables us to make correct aesthetic judgements regarding, for example, the symmetry of statues or the prosody of poems. This 'sense' is independent from any theoretical knowledge about, for example, metrical scansion, and is manifested in the way an audience reacts disapprovingly when exposed to badly scanned verses.

Suggestive is also the use of verb *subesse* in Seneca's text to signify the 'underlying' character of the postulated universal awareness of goodness. It applies to a tacit knowledge which, even if psychologically active, is not necessarily consciously accessible and may thus 'co-exist' with a non-virtuous mindset.[61] Thus, Seneca mentions in *Ep*. 97.11 the way vicious people take delight (*laetatur*) in base actions like adultery and theft,[62] due to a 'perverted' habituation (97.11: *prava consuetudine*), which leads to false beliefs:[63]

> *laetatur ille adulterio in quod inritatus est ipsa difficultate; laetatur ille circumscriptione furtoque, nec ante illi culpa quam culpae fortuna displicuit.*
>
> One man takes delight in an adulterous affair, excited by the very difficulty of it; another gets a thrill out of forgery and theft and only reproaches himself when his luck fails. (Trans. Graver & Long 2015)

Kaster 2005, 13-27, 61-65. For the difficulty to distinguish between internal and external (social) sources of shame, cf. Sorabji 2014, 17.

[60] For the reliability of perceptual knowledge (*sensus*), contrary to that of opinions resulting from education, see *De Leg.* 1.47.

[61] Following Dyson 2009, xxix: 'These conceptions are tacit in the following sense: they are psychologically functional in the formation of presentations and impulses, but their content is not readily available to conscious reflection and must be recovered through a process of investigation'.

[62] This deviates from the 'technical' use of *laetitia* in Seneca, which applies to the peculiar joy of the Stoic sage. In the Stoic theory of emotions, joy is characterized as a 'good emotion' (*eupatheia*), characteristic of the Stoic sage, whereas *hedone*, is an emotion ascribed to non-sages, or fools, linked to a false belief about the goodness of something that is present. In the same paragraph, Seneca equates the emotion felt by base people with 'pleasure' (*voluptas*): *omnibus crimen suum voluptati est.*

[63] On the way pleasure may 'pervert' judgement, see also Cicero *Leg.* 1.47. The word *corrupti* reflects the Stoic notion of διαστροφή, see D.L. 7.89; 7.110.

This experience of 'false' pleasure may however co-exist in the case of base agents with the condemnation of base behaviour in others;[64] furthermore, as *Ep*. 97 suggests, it may at times be superseded by anxiety and fear caused by the awareness of one's own base deeds through *conscientia*.[65] In the rest of the letter, Seneca picks up on the topic of a punishment which immediately enforces itself on the wrongdoer's soul, independently from the judgement of a court or of other people in general (a topic as we have seen treated by Cicero in the first book of *De Legibus*), alluding again to the natural origin of *conscientia*:

> *Multos fortuna liberat poena, metu neminem. Quare nisi quia infixa nobis eius rei aversatio est quam natura damnavit? Ideo numquam fides latendi fit etiam latentibus quia coarguit illos conscientia et ipsos sibi ostendit. Proprium autem est nocentium trepidare. Male de nobis actum erat, quod multa scelera legem et vindicem effugiunt et scripta supplicia, nisi illa naturalia et gravia de praesentibus solverent et in locum patientiae timor cederet.* (*Ep.* 97.16)
>
> Fortune has saved many from punishment, but no one from fear. For what reason does this happen other than because it is implanted in us an aversion for the things that nature has condemned? Consequently, those who hide can never be sure that they will remain hidden, since their conscience proves them guilty and reveals them to their own selves. But it is a characteristic of those who harm to feel anxious. Since many crimes avoid the punishment of law and the prescribed penalties, things would not have been arranged good for us, if one did not pay 'in cash' for the serious offenses which are contrary to nature and if fear did not take the place of punishment.

Using illustrative language, Seneca refers to the aversion (*aversatio*) towards things that nature has condemned (*quam natura damnavit*), as something "implanted" in us (*infixa nobis*).[66] Nature is ascribed here a providential role in inculcating rudimentary impulses (or aversions) towards goodness and badness respectively, which function as starting-points for the ethical development towards the perfection or the *telos*.[67] This chimes with the Stoic view that

[64] See, for example, at *De Ira* 2.28.7 for the case of one who commits adultery (because he or she thinks that it is a pleasurable thing to go with someone else's wife or husband) but at the same time does not accept his own wife or spouse being approached in this way.

[65] Seneca is not advancing here a view which implies 'psychological dualism', i.e. a conflict between a rational and a non-rational part of the soul, see Inwood 1993. A detailed analysis of the psychological theory behind the phenomenon of *conscientia* exceeds the purposes of this article.

[66] Cf. the use of the adjective in (the already quoted) Cicero's *De Oratore* 3.195.

[67] The 'naturalistic' foundation of the *telos* is advocated both in *Leg*. 1 and in the 'Stoic' account of *Fin*. 3. Seneca expounds more fully in some of his 'late' *Letters* on the way Nature provides the foundation for our moral development, referring extensively to the way a notion of goodness is formed through 'analogy', see *Ep*. 120.4: *per analogian nostri intellectum et honestum et bonum iudicant*. For the link between 'natural concepts' (*ennoiai* or *prolepseis*) and the Stoic concept of 'natural appropriation', see Jackson-McCabe 2004.

there are uncorrupted 'starting points' (*aphormai*) supplied by nature towards our moral development.[68]

While defending the natural foundation of *conscientia*, Seneca engages again directly with Epicurus' *ipsissima verba*: the *fides latendi* is impossible, as the Epicureans themselves say, not because, as the Epicureans argue, we can never be sure that no external witness will appear to condemn our actions but because our own *conscientia*, as an internal witness, 'condemns' us and 'reveals us to our own self' (*quia coarguit illos conscientia et ipsos sibi ostendit*).[69] Seneca concludes the passage with a metaphor borrowed by the realm of mundane experience: the punishment for things which are 'serious offenses, contrary to nature' (*naturalia et gravia*) is like payment 'in cash' (*de praesentibus solverent*),[70] manifesting itself in the form of immediate fear rather than of a possible imminent punishment.

The importance assigned in *Epistula* 97 to *conscientia*, but also the dialectical engagement with the Epicureans regarding the origin of fear in one's soul in the case of transgression, may also be traced in Seneca's poetic work: thus, in a passage from the *Phaedra*, the nurse attempts to change Phaedra's mind about Hippolytus by alluding first to the way her actions will be perceived by others, among whom her father Minos. However, the nurse continues, even if a witness is not present and the wrongful action is concealed, Phaedra should refrain from her actions on the grounds of a 'present punishment' (*poena praesens*) consisting in the 'mind's fearful conscience' (*conscius mentis pavor*), which forces it to fear its own self (*semet timens*):

> *quid poena praesens, conscius mentis pavor*
> *animusque culpa plenus et semet timens?*
> *scelus aliqua tutum, nulla securum tulit.* (*Phaedra* 162-64)

> What of punishment within, the mind's conscious
> dread, a soul filled with guilt and self-afraid?
> Some have sinned without danger, none without fear. (Trans. Boyle 1987)

The passage ends with the juxtaposition of the words *tutus* ('safe') and *securus* ('free from care'), which place the nurse's comments firmly within an Epicurean context, alluding to the Epicurean notions of *asphaleia*/*ataraxia*. This finds its pendant in *Epistula* 97.15, where Seneca concludes from the negative effects of the passions of 'bad conscience' that there is a 'natural horror

[68] Stobaeus, *Anthology* (*Eclogai*) 2.7.5b8: Πάντας γὰρ ἀνθρώπους ἀφορμὰς ἔχειν ἐκ φύσεως πρὸς ἀρετήν. Cf. D.L. 7.89: ἐπεὶ ἡ φύσις ἀφορμὰς δίδωσιν ἀδιαστρόφους.

[69] Cf. *Ep*. 43.5: *Si honesta sunt quae facis, omnes sciant; si turpia, quid refert neminem scire cum tu scias? O te miserum si contemnis hunc testem!*

[70] The verb *solvo* is used in other contexts for the relief from emotions, (see e.g. Lucretius *DRN* 4.908, Cicero *De Natura Deorum* 1.56).

of misdeeds' (*natura nos a scelere abhorrere*); he goes on to add the 'Epicurean' point, that fear may occur even in safety (*nulli non etiam inter tuta timor est*),[71] since the latter does not guarantee confidence in one's 'security' or peace of mind (*securitas*).[72] The wording here gives corroboration to the idea that Seneca developed his views on *conscientia* in a close dialogue with the Epicurean tradition.

Conclusions

I have defended the view that Seneca's discussion of the negative effects of *conscientia* (*mala conscientia*) reflect Ciceronian influences; both in Cicero's *De Legibus* and in Seneca's *Ep*. 97 the discussion of 'bad conscience' is developed in a close dialogue with Epicurean views, which also thematize the occurrence of fear in one's mind as an outcome of reflective thought. Furthermore, Seneca seems to adopt a line of argument on the natural origin of *conscientia*, which also first appears in Cicero's *De Legibus*. However, whereas in Cicero Epicurean views on *conscientia* serve only as objects of dialectical critique, Seneca is keen to grant the importance assigned by the Epicureans to the negative manifestations of passions like fear, resulting from an awareness of one's thoughts, intentions or previous deeds. His objection to the Epicurean stance centers only on the justification of the phenomenon of *mala conscientia*: whereas for Seneca (following Cicero) it results from innate, universally available, concepts in our minds, for the Epicureans fear due to *conscientia* results from the awareness of the (empirical) consequences of our deeds. Thus, Seneca's views on *conscientia* are indicative of a carefully 'selective' approach towards Epicurean tenets,[73] a stance intimately linked to the didactic aims pursued in the *Epistulae Morales*.

Bibliographical references

Annas, J. & Woolf, R. 2001. *Cicero. On Moral Ends*, Translation and Notes. Cambridge: Cambridge University Press.

Asmis, E. 2015. Seneca's Originality. In: S. Bartsch & A. Schiesaro (eds), *The Cambridge Companion to Seneca*. Cambridge: Cambridge University Press, 224-38.

Bartsch, S. & Wray, D. (eds) 2009. *Seneca and the Self*. New York: Cambridge University Press.

Bailey, C. (ed.) 1926. *Epicurus, the extant remains*. Edition and Translation. Westport, Conn.: Hyperion Press.

[71] *Hoc enim ipsum argumentum est, Epicure, natura nos a scelere abhorrere, quod nulli non etiam inter tuta timor est.*

[72] *quod sponsoribus securitatis suae non potest credere.* Seneca explores the theme also in *Ep*. 105.8.

[73] Cf. Graver 2015, 200, who speaks of a 'layered' response to Epicurean maxims on Seneca's part.

_____, (ed.) 1947. Titi Lucreti Cari, *De rerum natura libri sex* (edited with Prolegomena, Critical Apparatus, Translation and Commentary), 3 vols. Oxford: Clarendon Press.

Boyle, A. J. (ed.) 1987. *Seneca's Phaedra*. Introduction, Text, Translation and Notes. Liverpool: Francis Cairns.

Brittain, C. 2005. Common sense: Concepts, definition and meaning in and out of the Stoa. In: D. Frede & B. Inwood (eds), *Language and Learning: Philosophy of Language in the Hellenistic Age*. Cambridge: Cambridge University Press, 164-209.

Cancrini, A. 1970. Syneidesis. *Il Tema Semantico della "con-scientia" nella Grecia antica*. Roma: Edizioni dell'Ateneo.

Colish, M. 2014. Seneca on Acting against Conscience. In: J. Wildberger & M. L. Colish (eds), *Seneca philosophus*. Berlin; Boston: De Gruyter, 95-110.

Dyck, A. 2004. *A Commentary on Cicero,* De Legibus. Ann Arbor: The University of Michigan Press.

Dyson, H. 2009. *Prolepsis and Ennoia in the Early Stoa*. Berlin; Boston: De Gruyter.

Fantham, E., Hine, H. M., Ker, J., & Williams, G. D. (trans.) 2014. Seneca, *Hardship and Happiness*. [*The Complete Works of Lucius Annaeus Seneca*, edited by Elizabeth Asmis, Shadi Bartsch, and Martha C. Nussbaum.] Chicago; London: The University of Chicago Press.

Graver, M. 2015. The Emotional Intelligence of Epicureans: Doctrinalism and Adaptation in Seneca's *Epistles*. In: K. Volk & G. Williams (eds), *Roman Reflections: Essays on Latin Philosophy*. Oxford: Oxford University Press, 192-210.

_____, 2020. Seneca and Epicurus. In: P. Mitsis (ed.), *Oxford Handbook of Epicurus and Epicureanism*. Oxford: Oxford University Press, 487-506.

Graver, M. & Long, A. A. 2015. *Seneca, Lucius Annaeus. Letters on Ethics: To Lucilius*, Introduction, Translation and Commentary. [*The Complete Works of Lucius Annaeus Seneca*, edited by Elizabeth Asmis, Shadi Bartsch, and Martha C. Nussbaum.] Chicago: The University of Chicago Press.

Hadot, I. 1969. *Seneca und die griechisch-römische Tradition der Seelenleitung*. Berlin: De Gruyter.

Horn, C. 2017. Die metaphysische Grundlegung des Rechts (*De Legibus* I). In: O. Höffe (ed.), *Ciceros Staatsphilosophie. Ein kooperativer Kommentar zu* De Re Publica *und* De Legibus. Berlin; Boston: De Gruyter, 149-66.

Inwood, B. 1993. Seneca and psychological dualism. In: J. Brunschwig & M. Nussbaum (eds), *Passions and Perceptions: Studies in Hellenistic Philosophy of Mind*. Cambridge: Cambridge University Press, 150-83.

_____, 2007. Seneca, *Selected Philosophical Letters*. Trans. with an Introduction and Commentary. Oxford: Oxford University Press.

Jackson-McCabe, M. 2004. The Stoic Theory of Implanted Preconceptions. *Phronesis* 49(4): 323-47.

Kaster, R. A. 2005. *Emotion, Restraint, and Community in Ancient Rome*. Oxford: Oxford University Press.

Ker 2014 = Fantham, E., Hine, H. M., Ker, J., & Williams, G. D. (trans.) 2014.

Konstan, D. 2019. Lucretius and the Conscience of an Epicurean. *Politeia* 1(2): 67-79.

Marietta, D. E. 1970. Conscience in Greek Stoicism. *Numen* 17: 176-87.

Molenaar, G. 1969. Seneca's Use of the Term 'Conscientia'. *Mnemosyne* 22: 170-78.

Németh, A. 2023. The Metaphors of Conscientia in Seneca's *Epistles*. *Mnemosyne* 76: 258-86.

Orlando, A. 2014. Seneca on *Prolepsis*. In: J. Wildberger & M. L. Colish (eds), *Seneca philosophus*. Berlin; Boston: De Gruyter, 43-64.

Powell, J. G. F. (ed.) 2006. M. Tulli Ciceronis, *De Re Publica, De Legibus, Cato Maior De Senectute, Laelius De Amicitia*. Oxford: Clarendon Press.

Reynolds, L. D. (ed.) 1965. Seneca: *Ad Lucilium Epistulae morales*. 2 vols. Oxford: Clarendon Press.

Roskam, G. 2012. Will the Epicurean Sage Break the Law if He is Perfectly Sure that He Will Escape Detection? A Difficult Problem Revisited. *Transactions of the American Philological Association* 142(1): 23-40.

Schiesaro, A. 2015. Seneca and Epicurus: The Allure of the Other. In: S. Bartsch & A. Schiesaro (eds), *The Cambridge Companion to Seneca*. Cambridge: Cambridge University Press, 239-54.

Setaioli, A. 1988. *Seneca e i Greci. Citazioni e traduzioni nelle opere filosofiche*. Bologna: Pàtron.

Shackleton Bailey, D. R. 1999. Cicero, *Letters to Atticus*, Edition and Translation, Vols. I-IV. Loeb Classical Library 7, 8, 97, 491. Cambridge, Mass.: Harvard University Press.

Schofield, M. 1999. Social and political thought. In: K. Algra, J. Barnes, J. Mansfeld, & M. Schofield (eds), *The Cambridge History of Hellenistic Philosophy*. Cambridge: Cambridge University Press, 739-70.

Sorabji, R. 2006. *Self: Ancient and Modern Insights About Individuality, Life, and Death*. Chicago: University of Chicago Press.

_____, 2014. *Moral Conscience through the Ages: Fifth Century BCE to the Present*. Oxford: Oxford University Press.

Taylor, C. C. W. 1999. *The Atomists Leucippus and Democritus: Fragments: A text and translation*. Phoenix Supplementary Volumes 36. Toronto; Buffalo; London: University of Toronto Press.

Torre, C. 2021. Affari di coscienza, tra Seneca e Cicerone: a proposito dell'Epistola 97 a Lucilio. *Lucius Annaeus Seneca* 1: 73-110.

Tsouni, G. 2019. *Antiochus and Peripatetic Ethics*. Cambridge: Cambridge University Press.

Zetzel, J. E. G. (trans.) 1999. Cicero, *On the Commonwealth* and *On the Laws*, Translation and Notes. Cambridge: Cambridge University Press.

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