

It is now, I think, clear what is going on in this case.<sup>16</sup> The sage (*vir bonus*) enters into the difficult business of making fine assessments of people's motivations and the values of their actions, while Seneca himself, as an ordinary moral agent, must be a looser sort of judge. He must handle the case in such a way that judgements which he cannot in fact make accurately are not called for. So he does not *reduce* the weighting assigned to the injury, he *eliminates* it, thus simplifying a moral dilemma in a manner with which many who have been faced with the challenge of weighing the imponderable can sympathize. The sage, and he alone, can properly form a *rigida sententia*, a verdict which is both exact and inflexible. It takes enormous self-confidence to formulate such a verdict; no wonder only the sage can do it.

I indulge in a slight digression at this point to bring in an interesting parallel to the sort of self-critical modesty in judgement which Seneca displays here in moral matters. In the *Quaestiones Naturales*—a somewhat neglected work with a strong epistemological subtext not advertised in its title<sup>17</sup>—Seneca shows the same sensitivity. In the fragmentary book 4b Seneca raises a curious Stoic theory about snow (5.1) and at the same time apologizes for introducing a theory which is (shall we say) less than compelling (*infirmum* is Seneca's word).

I dare neither to mention nor to omit a consideration adduced by my own school. For what harm is done by occasionally writing for an easy-going judge (*facilior iudex*)? Indeed, if we are going to start testing every argument by the standard of a gold assay, silence will be imposed. There are very few arguments without an opponent; the rest are contested even if they do win.

An easy-going judge is one, I think, who does not impose the highest standards on every theory, simply because he or she is aware that in a field like meteorology the demand for demon-

<sup>16</sup> Contrast the discussion by Maria Bellincioni in 'Clementia', 113–16. She treats the *rigidus iudex* too simplistically when she regards him solely (115) as a foil for what she sees as Seneca's preferred solution based on *humanitas*. See n. 12 above. I also discussed this text in 'Politics and Paradox in Seneca's *De Beneficiis*', Ch. 3 above, written before I was aware of Bellincioni's work.

<sup>17</sup> See 'God and Human Knowledge in Seneca's *Natural Questions*', Ch. 6 above.

strative proof cannot be met. Epistemic humility and pragmatism suggest the wisdom of being a *facilior iudex* where certainty is not attainable. As in the moral sphere, so here, Seneca works out this essentially liberal notion through the metaphor of judging.

If one wants a chilling picture of the results a *rigida sententia* can lead to if it is formed by some lesser man, one need only to turn back to the treatise *De Ira*. In his discussion of the traits of the *aequus iudex* in book 1, Seneca tells the story of one Cn. Piso: 'he was free of many vices, but he was perversely stubborn and mistook *rigor* for *constantia*' (1.18.3). *Constantia*, of course, is a virtue of the sage—Seneca wrote a short treatise on the *constantia* of the sage—and as we see in the anecdote which follows (1.18.3–6, tr. Procopé) *rigor* is the vice which corresponds to it.

I can remember Gnaeus Piso, a man free of many faults, but wrong-headed in taking obduracy (*rigor*) for firmness (*constantia*). In a fit of anger, he had ordered the execution of a soldier who had returned from leave without his companion, on the grounds that if he could not produce him, he must have killed him. The man requested time for an enquiry to be made. His request was refused. Condemned and led outside the rampart, he was already stretching out his neck for execution when suddenly there appeared the very companion who was thought to have been murdered. The centurion in charge of the execution told his subordinate to sheathe his sword, and led the condemned man back to Piso, intending to exonerate Piso of guilt—for fortune had already exonerated the soldier. A huge crowd accompanied the two soldiers locked in each other's embrace amid great rejoicing in the camp. In a fury Piso mounted the tribunal and ordered them both to be executed, the soldier who had not committed murder and the one who had not been murdered. What could be more scandalous? The vindication of the one meant the death of the two. And Piso added a third. He ordered the centurion who had brought the condemned man back to be himself executed. On the self-same spot, three were consigned to execution, all for the innocence of one! How skilful bad temper can be at devising pretexts for rage! 'You,' it says, 'I command to be executed because you have been condemned; you, because you have been the cause of your companion's condemnation; and you, because you have disobeyed orders from