

agent has the judicial quality of holding itself to the same standard as others, whereas anger is *in totum inaequalis*, grants itself special standing (*sibi enim indulget*), and impedes any correction of its own judgement (1.17.7).

Seneca returns to this important feature of fair judging in book 2 (2.28). The *aequi iudices* will be those who acknowledge that no one is without *culpa*. What provokes resentment (*indignatio*), he says, is the claim by a judge that he is free of error (*nihil peccavi, nihil feci*), and this resentment at hypocritical double standards makes punishment inefficacious. And in considering the unlikely claim that someone might be free of crime under statute law, Seneca gives yet another reason for preferring a broader standard for judgement than merely legal requirements. The *iuris regula* is narrow, the *officiorum regula* is a wider and more relevant standard (and these *officia* include the requirements for humane and generous treatment of our fellow men). The *innocentiae formula* is a narrow and legalistic requirement for evaluation, Seneca maintains, and we should take into account in our judgements our own moral self-awareness. If we bear in mind that our own behaviour may have been only technically and accidentally proper—though still proper enough to make us unconvictable—then we will be more fair in our judgements of those who actually do wrong (2.28.3–4). Such a broad and inclusive judgement is again recommended at 3.26.3: if we consider the general state of human affairs we will be *aequi iudices*, but we will be unfair (*iniquus*) if we treat some general human failing as specific to the person we are judging.

Seneca is clearly self-conscious in his use of the figure of the judge to sketch a standard of rational fair-mindedness in moral dealings with other people. A central feature of that fair-mindedness lies in knowing oneself, that is, in coming to see that one's own moral behaviour is and has been flawed (although we also have to admit that this is a *relevant* factor in our judgements of others). His systematic use of the model of a trial before a judge extends even to this process of self-knowledge; not only does he contrast working with an eye to the witness box to working with an eye to one's own *conscientia* (above), but even in *De Ira* 3.36, the famous passage recommending Sextius'

practice of daily self-examination, the trial model is detectable: each day the mind is to be summoned to give an account of itself; Sextius used to interrogate his own mind—and quite aggressively too. Seneca clearly takes this as a trial: 'your anger will cease or moderate if it knows that each day it must come before a judge' (tr. Procopé). And when he applies this lesson to himself, Seneca again uses trial language: *cotidie apud me causam dico*.

So far we have seen Seneca working with the model of a judge to outline a moral norm, a conception of fair-minded interaction with other people based on certain important general principles. The *aequus iudex* is opposed to the *severus iudex* at least in so far as the latter is a narrow judge of legality, exercising a kind of judgement compatible with a form of moral blindness which undermines his own effectiveness. I want now to shift attention to a later stage in Seneca's career, to the time of the treatise *De Beneficiis* (and one of the *Epistulae Morales* which reflects on the same theme). In *De Beneficiis* Seneca carries forward several of the features of the *iudex* model from these earlier works. Thus in 2.26.2, when discussing the causes of ingratitude, he notes the prevalence of the sort of one-sided and unequal judgement we have noticed already: in the giving and receiving of favours, which is a matter of estimating meritorious service and the value of recompense for it, *nemo non benignus est sui iudex*.⁹ We discount the value of what others give us in a way that we do not discount our own services. The *aequus iudex* Seneca has already established would not do that—a *benignus sui iudex* is an *iniquus iudex*. By contrast, in 4.11.5 he points out that even ordinary people can escape this kind of selfish favouritism when conditions are right:

And yet we never give more carefully nor do we ever give our judging faculties a tougher workout than when all considerations of utility are eliminated and only what is honourable stands before our eyes. We are bad judges of our responsibilities (*officiorum mali iudices*) as long as they are distorted by hope, fear, and pleasure (that most sluggish of vices). But when death eliminates all of that and sends an unbribed

⁹ See below on 3.7.5 on indulgent interpretation.