

where Seneca affects to anticipate Lucilius' impatience, as he so often does: *venio nunc illo quo me vocat expectatio tua*. He concedes that the wise man will suffer a variety of physical pains but that these are not bad things unless the sage's mental reaction makes them so. At section 32–3 he summarizes:

This point can be stated quickly and quite succinctly: virtue is the only good and certainly there is no good without it; virtue itself is situated in the better part of us, the rational part. So what is this virtue? A true and immovable *iudicium*; this is the source of mental impulses, and by this we put to the test every presentation which stimulates impulse. It is appropriate for this *iudicium* to judge that all things touched by virtue are both good and equal to each other.

Here again our judgement is an unchangeable inner disposition, cognitive in its function and determinative in the process of regulating actions. It is, in the relevant sense, our perfected *hēgemonikon*, our *prohairesis*.

I want to conclude by emphasizing just two points. First, it really is remarkable that Seneca uses the language of legal judgement to express this idea. I will concede happily that the noun *iudicium* does not always carry the full weight of a live legal metaphor. But in the context of the brief survey I have offered of Seneca's active and long-term interest in that metaphorical field it seems implausible to suggest that it plays no role here—even if the non-legal idea of *kanōn* is also prominently in play in this letter.

And second, this is a good and effective metaphor with which to work. Consider only the key point of this letter, the notion that the *iudicium* of the sage is unbendable and rigid. Seneca had written elsewhere about rigidity of judgement—we think of the perverse and passionate *iudex* Cn. Piso from the *De Ira*. Yet here judgement in its normative sense is *supposed to be* rigid and unbending. The merely human judge on the bench, like the ordinary man exercising moral judgement, must not be a *severus* or *rigidus iudex*, for reasons we know about from his other discussions of moral judgement: human affairs call for the kind of fine evaluations and judgement calls which lead anyone with a grain of self-knowledge to refrain, to suspend, to wait.

On matters so complex that it is wiser (as Seneca says in *De Beneficiis* 3.6) to refer them to the gods, only the sage, Zeus' intellectual equal, can truly judge. The inflexibility suitable for gods²⁶ and for the sage would be mad rigidity for us. It is often said that Seneca, like all later Stoics, adopts a double code of ethics, one for the sage and one for miserable mankind. I have argued before that this is not so.²⁷ What Seneca accomplishes in this bold experiment of thinking by means of a living legal metaphor is to show that despite all of the differences between sage and fool there is still but one norm by which all humans should live. The inescapable fact that we are all moral judges, each according to his or her abilities, unites us in the shared humanity which Seneca urged so ineffectively on Nero in his address *De Clementia*.

²⁶ I am grateful to Tony Long for directing my attention to what the Stoic Hierocles says about divine judgements in Stobaeus (*Ecl.* i p. 63, 6 W): they are unswerving and implacable in their *krimata*. The virtues on which this rigidity is based are epistemological, of course (*ametaptōsia* and *bebaiotēs*), and shared with the sage.

²⁷ See 'Rules and Reasoning in Stoic Ethics', Ch. 4 above.