

discussion I can neither explore Seneca's exploitation of this concept thoroughly, nor can I explore the possibility of its influence on later uses of the idea. It will, I hope, suffice if I draw attention to the interest and complexity of his thinking on the topic.

The verb *iudicare* and the noun *iudicium* are common, and while I hope to show that Seneca self-consciously uses them to develop his own original views, it would be difficult to start from those terms. In considering his usage we would certainly find far too much noise and nowhere near enough signal. A more effective entrée into the topic comes from consideration of the agent noun *iudex*. For Seneca says some striking things about judges—moral judges, in particular—and if we can come to an understanding of those oddities we will be well on the way to an understanding of his thoughts on the topic of moral judgement more generally. From the outset I want to make a confession, though. The notion of a moral judge equivocates between two distinguishable ideas: the demands on an actual judge to act by relevant moral standards in carrying out his or her duties as a judge; and the notion that someone making a moral decision or evaluation is to be conceptualized as a judge. My main interest is, of course, in the latter notion. But the

though I will not pursue that issue here.) Second, Gregor Maurach makes some tantalizing but underdeveloped suggestions along the lines I pursue here in 'Zur Eigenart und Herkunft' (in Maurach, *Seneca als Philosoph*). The pertinent remarks are on pp. 316 ff. Closer to my argument is Maria Bellincioni's discussion of the judicial metaphor in connection with the theme of clemency: '*Clementia Liberum Arbitrium Habet*', *Paideia*, 39 (1984), 173–83; repr. in M. Bellincioni, *Studi Senecani e Altri Scritti* (Brescia, 1986), 113–25. In this essay, I think, her view of how Seneca uses the metaphor is somewhat one-sided: 'The sense . . . is, then, always just one: it is an invitation to seek in human relations, such as they are, the sole authentic justice which is born from an attitude of love' (124); compare her remarks about *Ep.* 81 on p. 115, which opposes *clementia* to the rigidity of the *iudex* rather too starkly. I will argue, first, that the judicial metaphor is more of a conceptual tool for thinking through a range of problems; and second, that Seneca makes more positive use of the notion of a moral judge than Bellincioni allows for. Her thesis is (in outline) that *humanitas*, love, and forgiveness stand in opposition to the rigidity of 'judging', whereas I think Seneca leaves considerable room for an idealized form of judging which is practicable only for a sage. I am grateful to Miriam Griffin for pointing out the importance of Bellincioni's work for my discussion. (See too her book *Potere ed etica in Seneca: clementia e voluntas amica* (Brescia 1984).)

morally proper behaviour of a real judge would tend to show many of the same features as the morally proper behaviour of any moral agent acting on the model of a judge; hence I propose to allow these two ideas to blend together for the purposes of this essay.

Several works are of particular importance for Seneca's exploration and exploitation of the idea of a moral judge: *De Clementia*, *De Ira*, and *De Beneficiis* stand out for their close connections, though there does not seem to be a planned co-ordination with regard to the theme.

In *De Clementia* Seneca naturally deals with the proper behaviour of a judge. For much of what the young emperor whom he is advising will have to do will involve acting in his capacity as a judge of other men, indeed a judge from whom appeal is impossible. In 1.5 he argues for the exercise of leniency on the grounds of the extraordinary power of the emperor, but in 1.6 his tack shifts. He asks Nero to consider that his great city would be reduced to a wasteland if its population were thinned out by the judgements of a *severus iudex*, an obvious consideration in favour of not being unduly *severus*. The stern judge is one who never relaxes his judgement in the light of important mitigating factors. I quote from the excellent translation of John Procopé:⁵

Think what an empty waste there would be if nothing were left of it save those whom a stern judge would acquit! How few investigators there are who would not be found guilty under the very law by which they make their investigation! How few accusers are blameless! Is anyone more reluctant, I wonder, to grant pardon than he who has all too often had reason to seek it? We have all done wrong, some seriously, some more trivially, some on purpose, some perhaps under impulse or led astray by the wickedness of others. Some of us were not firm enough in our good intentions, losing our innocence unwillingly, clutching at it as we lost it. Nor have we merely transgressed—to the end of our lives we shall continue to transgress. Suppose, indeed, that someone has so purged his mind as to be beyond further reach of

⁵ J. M. Cooper and J. F. Procopé (eds. and trs.), *Seneca: Moral and Political Essays* (Cambridge, 1995).

De Clementia
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