

## John Martin is Sued by Henry Robert

Let there be two men both of whom are called 'John Martin' of the diocese of Artois, who are so perfectly similar to one another that nobody can tell the difference between them. Let Henry Robert drag one of these to court, demanding from him the ten pounds which he had lent him have, and he correctly proves against him what is intended; and let there be a day assigned for them to hear the definitive ruling. This John, therefore, fearful the decision, thinks: "I should certainly take with me the other [John Martin], for he is similar to me and is called by a similar name"; and so he does. Then, Henry Robert, the plaintiff, when he is called, says: "Present, your honor". John Martin is called, but both of them say: "Your honor, what do you want from me?" The judge says: "You are supposed to be here to hear the sentence". But both exclaim, surprised: "Truly, your honor, I have never appeared before you on another occasion, and I have never litigated with any man". The judge turns to Henry: "Which one of these did you sue?" He will have no way to say 'this' rather than 'that', for he does not see any difference between them, except that this one is sitting here and the other there, which is irrelevant.

Should the judge condemn both for the whole amount demanded, or for one half of it, or neither, or this one and not the other? He should not proceed in the latter way because he does not have any reason to condemn this one rather than the other. He will not condemn both, whether for the whole amount or for half of it, for he knows that one of them is innocent, nor does the adversary claim that he had ever loaned money, except to one of them. But if he condemns neither, then the evil and malicious one will commit many more injustices; and, for the same reason as before, he will never be condemned. Let this be solved by a jurist.

John Buridan (1295/1305-1358/61), *Summulae de Dialectica* 8.7.9