

long as the action, when done, admitted of a reasonable defence or justification, then it was appropriate. The dialectical/rhetorical notion of the 'reasonable' and the forensic notion of a 'defence' help to characterize Stoic moral reasoning (which centres on determining what action is appropriate in a given context) in a way that mediates between the need for situational sensitivity and the demand for stable general principles.

For an illustration of how this connection between contingent moral reasoning and more permanent values might work, we might look to Seneca's *De Beneficiis*. That treatise is intensely concerned with the practicalities of ethical reasoning. But what most clearly makes the connection we need now is found in 4.9–11. In 4.9.3 Seneca says: 'We pursue what is morally fine (*honestum, kalon*) only for its own sake; nevertheless, even if there is nothing else worth pursuing, we still investigate what we should do, and when, and in what manner.⁴³ For it [the morally fine] comes to exist through these factors (*per haec enim constat*).'⁴⁴ In what follows, Seneca stresses that the point of moral goodness is to be found in the rationality of the *procedures* of choice.⁴⁵

Returning a deposit is something desirable in itself. Nevertheless, I will not always return one, nor will I do so at any old place or time. Sometimes it makes no difference whether I deny the deposit or return it openly. I shall consider the interests of him to whom I am to return it and I will refuse to return something which would harm him. I shall do the same thing with a benefit. I shall consider when I give, to whom, in what manner, why. For nothing should be done without rational reflection (*sine ratione*); for only what is given on the basis of rational reflection is a benefit, since rational reflection is the invariable companion of moral fineness.⁴⁶

⁴³ Note the similarities to Aristotle's approach, which reflects the looseness required by any realistic account of moral reasoning. Cf. *Ep.* 95.43.

⁴⁴ Cf. the similar account in *Ep.* 81.

⁴⁵ Cf. *Ep.* 84.11 on the role of *ratio* and *adsidua intentio* in each moral decision.

⁴⁶ *Ben.* 4.10.1–2. Compare *Ben.* 3.14, which emphasizes that the injunction to 'give back what you owe' is not in moral matters subject to legal enforcement because it is merely formal. No law, he says, can regulate the return of morally significant favours; one has to rely on the good faith of other people. Part of the reason lies in the difficulty of assessing the value of things and so estimating what one really does owe.

This, I think, is a clear example of Stoic moral reasoning at work (on a notably traditional problem): situationally sensitive thinking within the framework of a general rule which is defeasible but at least partly entrenched. In this case, only a very sophisticated moral reasoner should make the judgements anticipated by Seneca—a moral klutz or a man with limited self-knowledge will clearly do less harm by following the rule than by thinking for himself. This illustrates one of Schauer's justifications for entrenching defeasible rules.⁴⁷

There is another Stoic doctrine which can be illuminated by this approach:⁴⁸ suicide is permissible in early Stoicism, but only when a clear and correct judgement can be made about one's situation in life. No one but a wise person can do so; so only a wise person ought to commit suicide. The paradox that only a man endowed with perfect happiness should kill himself did not escape their critics, but the view makes sense: there is a general rule against suicide, based on our natural preference for life, but it is a defeasible rule of thumb. Still, only a truly wise man can be relied on to make the decision well. So the rest of us normally follow the rule, the more urgently in the case of a decision which cannot be reconsidered should new information come to light or additional reflection indicate a different choice.⁴⁹

In both of these cases, deciding whether to repay a debt or whether to commit suicide, there is a general injunction in play; there is also a host of particular factors which must be taken into account. It might in principle be possible to analyse the Stoic understanding of such situations in terms of a large number of exceptionless general rules, perhaps hierarchically arranged, so

⁴⁷ Compare Finnis, *Natural Law and Natural Rights*, 308–10, on promising.

⁴⁸ See *SVF* iii, ch. 11.

⁴⁹ Of course, in Seneca this attitude to suicide changed considerably, in effect by allowing a wider range of moral agents to reason not in terms of the rule but fallibly, in terms of the substantive justifications for the rule. See *Ep.* 70.11: 'So, when external violence brings imminent death, you cannot make any universal pronouncement about whether to pursue it or to wait for it; there are many considerations which might draw in either direction.' Clearly Seneca thinks that the ordinary, non-wise moral agent is supposed to be making these difficult evaluations, whereas an earlier Stoic would have restricted such choices to the wise man.