

I shall argue that the latter understanding of law as a *kanōn* is the correct one.<sup>6</sup> In my view the Stoic model of moral reasoning is not very much like conventional rule-case deduction. Rule-case deduction can take two forms. In the case of positive prescriptions, the agent would be thought of as grasping a general command (e.g. protect the interests of the state), seeing that in some circumstances a particular action (such as enlisting in the armed forces) would count as protecting the interests of the state, and then enlisting as a result of this realization. In the case of a prohibition such as 'do not steal' the situation differs, at least in so far as obeying the prohibition does not in most cases require some definite token action (though an instance of resistance to temptation might in some cases be such a token action). But even in cases of universal prohibitions the agent is thought of as bringing particular situations under a universal injunction and acting accordingly.

Some such picture of rule-following has sometimes been assumed to be the only one possible; indeed, one of the main weaknesses of the competing view of rules and natural law in Stoicism has been the absence of a clear alternative account of the role of rules or other commands in Stoic moral reasoning.<sup>7</sup> In the present discussion I will argue that the Stoics advocated a situationally fluid, heuristic process of choice, framed (but not determined) by a general normative context, and that the connection to 'law' is not to natural law as a system of substantive and universal rules. I will question just how rigid Stoic moral injunctions were, and show that if there is a connection between Stoic moral reasoning and a notion of 'law' (beyond the obvious imperatival aspect of law incorporated into the analysis of action by Chrysippus (see n. 5)), it is to non-deductive modes of legal reasoning, one of which I shall exploit in order to bring out the character of the Stoic theory.

<sup>6</sup> A key issue in this debate is whether there are in fact any documented examples of substantive and exceptionless moral principles in our evidence for Stoicism. The credentials for the few candidates which have been proposed turn out to be very weak. See below.

<sup>7</sup> P. Vander Waerdt (ed.), *The Socratic Movement* (Ithaca, NY, 1994) does not fully address this need and my earlier accounts have been too sketchy.

The Stoic view of moral reasoning and the place in it of rules will turn out to have an inexactitude reminiscent of that recognized by Aristotle.<sup>8</sup> Like the Stoics, Aristotle recognizes that there must be a balance between articulate deliberation of some sort and the immediate 'perception' of what is morally relevant in a concrete situation.<sup>9</sup> Aristotle is not, of course, committed to the view that an agent can just intuit the right thing to do; it is always a matter of deliberation, and even where action is too immediate for there to have been time for a conscious deliberation, it is still appropriate to provide a justification for it cast in terms of an imputed deliberation. But such deliberations are not straightforward applications of general rules to particular cases. The Stoics will on my account be committed to a similarly flexible view of moral reasoning.

In the final analysis, however, it is very difficult to give a complete and coherent account of Aristotle's position on the use of rules in moral reasoning; as Annas says, 'Aristotle has in fact not thought through the place of rules in the virtuous person's thought.'<sup>10</sup> Some general moral injunctions or rules are clearly at play in the so-called practical syllogism and in the process of character formation. But Aristotle never clarifies how they are to function in particular acts of choice, nor does he show very much interest in determining the limitations of rule-application, though obviously he recognizes that such limits exist. By

<sup>8</sup> Aristotle's views on the inevitable inexactitude of ethics have been explored in a recent book by Georgios Anagnostopoulos, *Aristotle on the Goals and Exactness of Ethics* (Berkeley, 1994). See in particular ch. 10. Anagnostopoulos situates Aristotle in a middle ground between a deductive and universalistic conception of moral reasoning and a particularistic view which borders on an intuitionism of particular cases. See also the wide-ranging discussions, focused on *EN* 6, by David Wiggins 'Deliberation and Practical Reason', in A. O. Rorty (ed.), *Essays on Aristotle's Ethics* (Berkeley, 1980), 221-40, and by Martha Nussbaum, *The Fragility of Goodness* (Cambridge 1986), ch. 10 (cf. her 'The Discernment of Perception: An Aristotelian Conception of Private and Public Rationality', *Proceedings of the Boston Area Colloquium in Ancient Philosophy*, 1 (1985), 151-201). Annas (*The Morality of Happiness*, 87-90) has given a particularly clear account of where Aristotle should be thought to stand on the issue of intuitionism in ethics.

<sup>9</sup> Op. cit. 89 and n. 139 Annas assesses the importance of Aristotle's claim that moral judgement is 'perception'.

<sup>10</sup> Op. cit. 94. Cf. the remarks of Nussbaum, *The Fragility of Goodness*, 299-300.