

Since the mid-1960s more sympathetic and sophisticated accounts of Stoic ethics have, of course, begun to tell a different story. But there is still a gap which remains to be filled. One of the issues on which the Stoics have seemed to be most inflexible and unrealistic has been the role of rules, or laws, in Stoic ethics. In this discussion I want to argue that, when we look more closely at how those notions are used in Stoic ethics, we see that, far from being a source of rigidity, rules and law are more closely connected to a theory of moral reasoning which emphasizes flexibility and situational variability. The particular importance of this theme emerges from a picture of Stoic views on the process of moral reasoning (by which I mean figuring out what to do in circumstances which are non-trivial from the point of view of ethical evaluation) which stands in contrast to the one which would follow from their alleged importance in the development of the idea of 'natural law'.¹ Hence I will also have a few remarks to make about the question of 'natural law' in ancient ethics.

Julia Annas has recently helped to clarify the Stoic position on the nature of moral reasoning and its relationship to such general injunctions.² On her view, the Stoics have a coherent and interesting account of the role of various kinds of practical injunctions in moral reasoning, one which can be compared fruitfully with Aristotle's own somewhat provisional account. But more still needs to be done: the relationship of such reasoning to 'law' should be worked out, and a more exact account of how such injunctions are meant to work is, I think, within reach.

One common interpretation of natural law in ancient ethics focuses on the image of law as a set of universal prescriptions and prohibitions, the application of which consists in a quasi-deductive application of such generalizations to particular cases. This notion has been encouraged, of course, by the

¹ See most recently Phillip Mitsis, 'Natural Law and Natural Right in Post-Aristotelian Philosophy: The Stoics and Their Critics', *ANRW* II 36.7 (1994), 4812-50. The author kindly sent me extracts from this discussion before publication, for which (and much stimulating debate over the years) I am most grateful.

² J. Annas, *The Morality of Happiness* (Oxford, 1993), 84-108, esp. 95-108.

famous opening words of Chrysippus' *On Law* (preserved by the jurist Marcianus): 'Law is the king of all things, both divine and human; and it must be the guardian, ruler, and leader with regard to what is noble and what is base. Consequently, it is the standard (*kanōn*) of what is just and unjust, and for naturally social animals it commands what is to be done and forbids what is not to be done.'³ This grandiloquent introduction clearly announces an interest in moral prescription, but does not establish how precise or how binding the prescriptions are meant to be. It is compatible with a deontological system incorporating universal, exceptionless, and substantive moral commands, but also with a somewhat looser and more procedural understanding of moral 'law'. On this latter conception 'law' represents the prescriptive force behind the correct moral choice of an ideal moral reasoner, the sage,⁴ whatever the content of that choice might be on a given occasion.⁵

³ *SVF* iii.314. For helpful comment on Marcianus' use of Chrysippus, see P. Vander Waerdt, 'Philosophical Influence on Roman Jurisprudence? The Case of Stoicism and Natural Law', *ANRW* II 36.7 (1994), 4857. See below n. 64.

⁴ This is roughly the reading I propose of Plutarch, *De Stoic. Rep.*, Ch. 11 (= *SVF* ii.171, iii.175, 520, 521), which is probably based on Chrysippus' *On Law*, cited in 1037-8. See H. Cherniss's notes ad loc. and esp. *SVF* iii.519. The impulse or decision to act is portrayed as the imperatival aspect of a person's reason causing action; the virtuous impulses of the sage are further identified with 'law'.

⁵ The former interpretation has in recent years been advocated by G. Striker, 'Origins of the Concept of Natural Law', *Proceedings of the Boston Area Colloquium in Ancient Philosophy*, 2 (1987), 79-94, and in 'Following Nature: A Study in Stoic Ethics', *OSAP* 9 (1991), 1-73. She is followed by Phillip Mitsis, 'Moral Rules and the Aims of Stoic Ethics', *Journal of Philosophy*, 83 (1986), 556-7; in 'Seneca on Reason, Rules and Moral Development', in J. Brunschwig and M. Nussbaum (eds.), *Passions & Perceptions* (Cambridge 1993), 285-312; in 'Natural Law and Natural Right' (with J. DeFilippo) in 'Socrates and Stoic Natural Law', in P. Vander Waerdt (ed.), *The Socratic Movement* (Ithaca, NY, 1994), 252-71. The latter view is one I have argued for in the past: see 'Goal and Target in Stoicism', *Journal of Philosophy*, 83 (1986), 547-56 and my comments on Striker in *Proceedings of the Boston Area Colloquium in Ancient Philosophy*, 2 (1987), 95-101; the view is implicit throughout my *Ethics and Human Action*. Recently Paul Vander Waerdt, 'Zeno's Republic and the Origins of Natural Law', in *The Socratic Movement*, 272-308, has given this view strong support. The present account rests on roughly the same picture of Stoic moral theory as Vander Waerdt's, but depends less than his on the difficult problems concerning Zeno's Republic and its relationship to Socrates and Plato. I try to show here how later and extant sources, especially Seneca, support the same view of the nature of Stoic moral rules.