

one which he used to develop his own distinctive Stoic views on moral thinking.

That the particular language we use in talking about moral decision and moral assessment should matter is not surprising. Even for us, this is not the only way to talk about such matters; we also invoke the notions of deducing, calculating, and analysis, for example. Perceptual language is also familiar—we speak of discernment, moral intuition, even perception itself. Such terminology can have an influence on our moral theory, for it may well be more than mere terminology; it may reflect a model or paradigm for moral reasoning. (Of course, the causal relationship may also run the other way; if we are self-consciously critical about our theory we may well make a deliberate choice of terminological model.) If our model for moral decisions is, for example, calculation, we might be drawn unwittingly to certain substantive views in moral theory, such as the notion that there is a single commensurable value at the core of our reasoning. If our model is deduction, we search (perhaps in frustration) for a satisfactorily universal rule under which we might subsume our experience and our deliberations. If we are in the habit of talking about moral discernment or perception, we no doubt tend to seek moral truth in the details. The effect of such models is evident in the ancient tradition too. The so-called 'practical syllogism' of Aristotle is one such model, and so is his use of geometrical analysis in discussions of moral deliberation. At other times he uses the language of perception. Our interpretation of his theory is to some extent guided by our choice of which model to treat as central to his theory.²

To speak of moral decision in the language of passing judgement is to adopt one model in place of other possibilities. It is significant for one's moral theory. Yet the term moral judgement seems not to carry this kind of significance any more. I don't know when it ceased to do so, but that would be a question for historians of a later period in the history of philosophy. My

² In Plato too there are examples of such models. Socrates' account in the *Protagoras* of moral decision as a matter of measurement and calculation is an obvious example of such a philosophical redescription.

attention was drawn to this theme for a simple reason. There is a remarkable absence of this model, based on the activity of legal decision-making, characteristic of a judicial decision-maker, in most ancient texts dealing with moral decisions or moral theory. Not a total absence, of course, just the presence of a quiet whisper to contrast with the noisy omnipresence of this idea in our own discourse.

I only became aware of how scarce this kind of language is in most ancient texts when I began reading Seneca—reading him for his own sake rather than as a source for earlier Stoic ideas. For I was struck by how very frequent the language of judging is in his works. The nouns *iudex* and *iudicium* abound, and not in trivial or trivially metaphorical senses; the verb *iudicare*, which is certainly common in a broadly extended sense in Latin generally, occurs frequently in contexts which invite (or even demand) that we consider the import of the underlying notion of judicial determination. Latin writers do draw on such language more than Greek authors—for the Roman elite seems to have dealt more consistently with judicial experience than their Greek counterparts did, if for no other reason than because every *paterfamilias* held the position of judge and magistrate with regard to his own household.³ But even the lawyer Cicero does not, in my reading, show such a propensity for thinking and talking about moral assessment and decision in terms of judging and passing judgement.

I doubt that the facts support the extravagant claim that Seneca 'invented' the idea of moral judgement. But his elaboration of the metaphor of judges and judging is pervasive and insistent; its use is both original and illuminating. So I do want to suggest that whatever its *origins*, we find in Seneca an intriguing, influential, and creative exploitation of this notion in the service of his own moral philosophy.⁴ In this provisional

³ My thanks to Michael Dewar for this observation.

⁴ This nexus of ideas has not been fully explored in Seneca, though I am aware of three helpful discussions. First, Rudolf Düll, 'Seneca Iurisconsultus', *ANRW* II 15 (1976), 365–80; though jejune, it nevertheless confirms the realism and legal accuracy of Seneca's handling of legal concepts. (Indeed, his discussion of the *exceptio* (377–80) would shed useful light on discussions of 'reservation' in Seneca's works,