

# Toward A Better Understanding of Epicurean Justice And Injustice (With Examples of "Just" and "Unjust")

Post by "Don" of March 27, 2021 at 10:47 AM

Onto the next Key Doctrine (KD) concerning behavior that is δίκαιος:

KD 36: Κατὰ μὲν <τὸ> κοινὸν πᾶσι τὸ δίκαιον τὸ αὐτό, συμφέρον γάρ τι ἦν ἐν τῇ πρὸς ἀλλήλους κοινωνίᾳ· κατὰ δὲ τὸ ἴδιον χώρας καὶ ὅσων δὴ ποτε αἰτίων οὐ πᾶσι συνέπεται τὸ αὐτὸ δίκαιον εἶναι.

From LSJ: κατὰ κοινόν, opp. κατ' ἴδιαν, jointly, in common (κατ' ἴδιαν in private; also, separately, apart) \*\*Spoiler alert: we're going to see κατ' ἴδιαν soon!

I'm going to use "civilized conduct" and similar terms to try to get away from the baggage of "justice" and "righteousness." Granted, it's not a 1-1 correspondence, but it may help us break out of our preconceived notions.

(μὲν) κατὰ κοινὸν πᾶσι τὸ δίκαιον τὸ αὐτό

"On the one hand, 'civilized conduct' is the same (τὸ αὐτό) for all in common (κατὰ κοινόν)..."

...συμφέρον γάρ τι ἦν ἐν τῇ πρὸς ἀλλήλους κοινωνίᾳ·

paraphrase: "for it was something useful in communities brought together for mutual benefit [to neither harm nor be harmed]..."

Next clause...

(δὲ) κατὰ τὸ ἴδιον χώρας καὶ ὅσων δὴ ποτε αἰτίων οὐ πᾶσι συνέπεται τὸ αὐτὸ δίκαιον εἶναι.

μὲν... δὲ... Remember that this combination of particles sets up a contrast between two phrases. The clunky but helpful "standard" is to think "On the one hand, X... On the other hand, Y..."

So:

(μὲν) κατὰ (τὸ) κοινόν...

"On the one hand, jointly/in common..."

(δὲ) κατὰ τὸ ἴδιον...

"On the other hand, in private or separately/apart; individually..."

Here ἴδιον (having to do with the private sphere; being set apart; individually) is contrasted with κοινόν (having to do with the public sphere; considered together in community) from the first phrase. This parallel writing style is reminiscent of Epicurus in his letter to Menoikeus.

This style can be seen also in...

πᾶσι τὸ δίκαιον τὸ αὐτό (clause 1)

"Civilized behavior is the same for all"

οὐ πᾶσι [συνέπεται] τὸ αὐτὸ δίκαιον εἶναι. (clause 2, οὐ πᾶσι "not all")

"Civilized behavior is not the same for all"

...which is lost if a translator decides to use "it is not.." or other paraphrases or pronouns.

κατὰ δὲ τὸ ἴδιον χώρας καὶ ὄσων δὴ ποτε αἰτίων οὐ πᾶσι συνέπεται τὸ αὐτὸ δίκαιον εἶναι.

"On the other hand, with respect to the particulars of a place or other causes, civilized behavior is not the same for all."

Looked at in this way, this KD is not that controversial. To judge an act as "civilized, well-ordered, conducive to mutual benefit, i.e., righteous", does it provide both parties with the benefit of not harming nor being harmed. That's what's common to all. How this is brought about can be different in time and place.

This is in keeping with Epicurus's philosophy of relativity and context. Note, this does NOT mean there is an ideal form of τὸ δίκαιον. There is a contextual, mutually-beneficial series of actions that can be used as a guide to determining if an action or law meets certain criteria: two, in fact - (1) Are the parties protected from harm? (2) Are the parties prohibited from harming others? How these two criteria are achieved can be different in individual times and places, but the criteria stay the same since humans began gathering together in communities.