

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

Post by "Don" of March 28, 2021 at 9:03 PM

Onto KD 37 (Those is a long one!)

Τὸ μὲν ἐπιμαρτυρούμενον ὅτι συμφέρει ἐν ταῖς χρεῖαις τῆς πρὸς ἀλλήλους κοινωνίας, ἔχει τὸν τοῦ δικαίου χαρακτήρα, ἐάν τε τὸ αὐτὸ πᾶσι γένηται ἐάν τε μὴ τὸ αὐτό. ἐὰν δὲ νόμον θῆται τις, μὴ ἀποβαίνει δὲ κατὰ τὸ συμφέρον τῆς πρὸς ἀλλήλους κοινωνίας, οὐκέτι τοῦτο τὴν τοῦ δικαίου φύσιν ἔχει. κἂν μεταπίπτῃ τὸ κατὰ τὸ δίκαιον συμφέρον, χρόνον δὲ τινα εἰς τὴν πρόληψιν ἐναρμόττη, οὐδὲν ἦττον ἐκεῖνον τὸν χρόνον ἦν δίκαιον τοῖς μὴ φωναῖς κεναῖς ἑαυτοὺς συνταράττουσιν ἀλλ' εἰς τὰ πράγματα βλέπουσιν.

Let's break this down:

KD 37: section 1

Τὸ μὲν ἐπιμαρτυρούμενον ὅτι συμφέρει ἐν ταῖς χρεῖαις τῆς πρὸς ἀλλήλους κοινωνίας, ἔχει τὸν τοῦ δικαίου χαρακτήρα, ἐάν τε τὸ αὐτὸ πᾶσι γένηται ἐάν τε μὴ τὸ αὐτό. ...

"On the one hand, that which has been confirmed by evidence and observation to bring mutual advantage among companions has the qualities which identify 'civilized behavior' (justice), whether or not it is the same for everyone." ... (See KD 36)

That first word in this KD is very important, both to the meaning of this Doctrine and the philosophy as a whole: Το ἐπιμαρτυρούμενον "that which has been confirmed by evidence and observation; that which has been witnessed." That middle part -μαρτυρ- -martyr- is the origin of the English martyr which literally means "a witness (to what one believes)"

Moving on, after the μὲν... we expect to find the contrasting δὲ... Remember, these two must come second in the phrase but are translated as if they come first.

KD 37: section 2

ἐὰν δὲ νόμον θῆται τις, μὴ ἀποβαίνει δὲ κατὰ τὸ συμφέρον τῆς πρὸς ἀλλήλους κοινωνίας, οὐκέτι τοῦτο τὴν τοῦ δικαίου φύσιν ἔχει. ...

"On the other hand, let's say a law were to be enacted bringing results not in accord with what brings mutual advantage among companions, then it would not have the natural form or constitution of 'civilized behavior' (τὴν τοῦ δικαίου φύσιν)..."

The natural form or constitution of 'civilized behavior' (τὴν τοῦ δικαίου φύσιν) as we've seen is (a) what brings mutual advantage to all parties involved, (b) protects parties from harm, and (c)

prohibits parties from harming each other.

It's important to note that the subjunctive mood is used here. For some context on that:

<https://ancientgreek.pressbooks.com/chapter/46/> Basically, the subjunctive is used to express hypotheticals. Cassius may say that that should be my favorite verbal mood 😊 I'm proposing here a shorthand way of emphasizing this as "Let's say that X happens..."

It may also be helpful to review the LSJ entry for φύσις (φύσιν) <http://www.perseus.tufts.edu/hopper/text?do...57:entry=fu/sis> Again, I'm trying to disrupt the baggage of English "nature/natural."

KD 37: section 3

...κἄν μεταπίπτῃ τὸ κατὰ τὸ δίκαιον συμφέρον, χρόνον δέ τινα εἰς τὴν πρόληψιν ἐναρμόττη, ...

"And, let's say, if what brings advantage according to 'civilized behavior' (τὸ κατὰ τὸ δίκαιον συμφέρον) were to change and for a specific period of time, let's say, it fit our 'anticipation' (πρόληψις prolepsis) [of civilized behavior/justice],...

KD 37: section 4

... οὐδὲν ἦττον ἐκείνον τὸν χρόνον ἦν δίκαιον τοῖς μὴ φωναῖς κεναῖς ἑαυτοὺς συνταράττουσιν ἀλλ' εἰς τὰ πράγματα βλέπουσιν.

"...there was nothing inferior about that for that period of time and it was 'civilized behavior' at least for those who are not confounded, greatly troubled, or much distressed by meaningless words (i.e., by a lot of blah-blah-blah) but who look into the circumstances and conditions."

συνταράττουσιν "confounded, greatly troubled, or much distressed" is an interesting word because it incorporates the stem that also gives rise to ataraxia: ταρασσω >> α-ταράσσω >> αταραξία. So, it's just not saying those who are confused by a lot of empty words but those who are confused and greatly troubled by them. And the goal is to live a pleasurable life not a life characterized by a troubled mind.

This again seems to emphasize the relative, contextual nature of the philosophy. There's no absolute. Look at the conditions and circumstances and use your prolepsis and your knowledge of the criteria of "civilized behavior" to determine if the changed circumstances allow for that specific law or action to be considered "righteous" or "civilized." I'm specifically thinking of Pres. Lincoln's suspension of habeas corpus during the Civil War. Was it just? I'm not giving an answer, just posing the question.

So, to bring all our alternative translation together:

On the one hand, that which has been confirmed by evidence and observation to bring mutual advantage among companions has the qualities which identify 'civilized behavior', whether or not it is the same for everyone. On the other hand, let's say a law were to be enacted bringing results not in accord with what brings mutual advantage among companions, then it would not

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have the natural form or constitution of 'civilized behavior.' And, let's say, if what brings advantage according to 'civilized behavior' were to change and for a specific period of time, let's say, it fit our prolepsis of 'civilized behavior,' there was nothing inferior about that for that period of time and it was 'civilized behavior' at least for those who are not greatly confused and troubled by meaningless words but who look into the circumstances and conditions.