

Epicurus As Teacher And Jefferson As Student On "Justice"

Post by "Cassius" of November 1, 2018 at 9:34 AM

Epicurus As Teacher on Justice:

36. In general justice is the same for all, for it is something found mutually beneficial in men's dealings, but in its application to particular places or other circumstances the same thing is not necessarily just for everyone.

37. Among the things held to be just by law, whatever is proved to be of advantage in men's dealings has the stamp of justice, whether or not it be the same for all; but if a man makes a law and it does not prove to be mutually advantageous, then this is no longer just. And if what is mutually advantageous varies and only for a time corresponds to our concept of justice, nevertheless for that time it is just for those who do not trouble themselves about empty words, but look simply at the facts.

38. Where without any change in circumstances the things held to be just by law are seen not to correspond with the concept of justice in actual practice, such laws are not really just; but wherever the laws have ceased to be advantageous because of a change in circumstances, in that case the laws were for that time just when they were advantageous for the mutual dealings of the citizens, and subsequently ceased to be just when they were no longer advantageous.

Jefferson as Student Applying The Principle:

"A strict observance of the written laws is doubtless one of the high duties of a good citizen, but it is not the highest. The laws of necessity, of self-preservation, of saving our country when in danger, are of higher obligation. To lose our country by a scrupulous adherence to written law, would be to lose the law itself, with life, liberty, property and all those who are enjoying them with us; thus absurdly sacrificing the end to the means."

Thomas Jefferson. Letter to John B. Colvin, September 20, 1810, *The Writings of Thomas Jefferson*, ed. Paul L. Ford, vol. 9, p. 279 (1898)

TO JOHN B. COLVIN.

J. MSS.

MONTICELLO, September 20, 1810.

The question you propose, whether circumstances do not sometimes occur, which make it a duty in officers of high trust, to assume authorities beyond the law, is easy of solution in principle, but sometimes embarrassing in practice. A strict observance of the written laws is doubtless *one* of the high duties of a good citizen, but it is not *the highest*. The laws of necessity, of self-preservation, of saving our country when in danger, are of higher obligation. To lose our country by a scrupulous adherence to written law, would be to lose the law itself, with life, liberty, property and all those who are enjoying them with us; thus absurdly sacrificing the end to the means. When, in the battle of