

Epicurean Or Not? "Fiat Justitia ruat caelo" (Let Justice be done though the sky falls)

Post by "Cassius" of May 31, 2019 at 7:10 PM



This legal phrase came to my attention this afternoon:

https://en.wikipedia.org/wiki/Fiat_justitia_ruat_caelum

There was a time in my life when I would heartily endorse this statement. What do you think Epicurus would say about it?

Epicurean, or not?

Post by "Joshua" of May 31, 2019 at 7:54 PM

There's an exchange in a *A Few Days in Athens* where the subject of criminal rehabilitation comes up. Metrodorus (having to mind the memory of the scandalous behavior of his brother Timocrates) takes the position that some crimes are so beyond the pale that the guilty are irredeemable. Epicurus seems to take the position that redemption is always possible, and mercy is to be favored if there's a chance of atonement. Not canon, of course, but not bad.

<http://www.epicureanfriends.com/thread/979-epicurean-or-not-fiat-justitia-ruat-caelo-let-justice-be-done-though-the-sky-fal/>

For myself, I rather like that scene from Robert Bolt's play *A Man for All Seasons* that Christopher Hitchens was fond of citing in defense of free expression.

<https://www.youtube.com/watch?v=NUqytjIHNIM&app=desktop>

It's worth noting that for Epicurus justice existed not naturally but by convention. If men convened in order to criminalize impiety (as of course they generally do, when given half a chance), the teachings of Epicurus would themselves be the act of a reprobate. I'm aware that I haven't really answered your question...

Post by “Cassius” of May 31, 2019 at 8:48 PM

(1) So you have read *A Few Days In Athens*! Excellent!

(2) That is LOL funny in the line "then let God arrest him!"

(3) I do think your last comment re "convention" is the right direction to the answer 😊

Post by “Joshua” of May 31, 2019 at 9:04 PM

Hiram's edition, actually. 😊 My Amazon review is dated January 2018. (I've just found it again myself. My review reads as a bit sappy to me now, but the emotion was utterly genuine.)

More disconnected brain ramblings; there's a story related by the great French essayist Montaigne about the justice system of the time. An innocent man was condemned to die; when the actual criminals were found out and confessed, the judges met to discuss this first man's fate. They decided that he must still be executed, because "it was better to execute an innocent man than endanger respect for law." (Paraphrase by William Hazlitt).

Post by “Mousikos” of June 1, 2019 at 12:42 AM

I would say it is profoundly anti-Epicurean. We should always take into account what the consequences will be.

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Post by “Cassius” of June 1, 2019 at 2:40 AM

I think Mousikos' comment is my first thought too, though there are probably several aspects to it, including situations where officers of the law go forward even when they know they are wrong out of a desire to retain "respect" for it.

Another common phrase that deals with some of the same issues is the American phrase that is desirable to have a "government of law and not of men." That makes it sound like "law" exists apart from the men with whom it deals, and I think it fails the Epicurean test for the same reason.

The doctrines to the effect that there is no absolute justice are some of the most challenging of all of them, but I think they show how committed Epicurus was to the logical consequences of his premises.

Post by “Cassius” of June 1, 2019 at 2:49 AM

For some reason this comes to my mind too: https://en.wikipedia.org/wiki/A_Quality_of_Mercy

"The quality of mercy is not strained, it droppeth as the gentle rain from heaven upon the place beneath. It blesseth him that gives and him that takes.' [Shakespeare, *The Merchant of Venice*](#), but applicable to any moment in time, to any group of soldiery, to any nation on the face of the Earth—or, as in this case, to the Twilight Zone."

Even today in a non-Epicurean society we praise law and justice, and yet we also have and praise (at times) the executive right to pardon. If we really think about how pardons can be "just" then I think the Epicurean perspective begins to come into focus. (And that's not to mention our legal concepts of the separation between "courts of law" and "courts of equity.")