

Episode One Hundred Twenty-Nine - Letter to Pythocles 03 - The Implications Of the Epicurean Position On The Size of the Sun

Post by "Cassius" of July 4, 2022 at 9:01 AM

On that "hard cases make bad law" maxim, this is a good summary:

[Hard cases make bad law - Wikipedia](#)

Now that I am more well versed in Epicurus I think discussion of the maxim is probably good more for illustrating the limits of "law," and for illustrating why the Epicurean Doctrines on justice contemplate constant changes in circumstances.

In fact I now question even such sayings as the overall desirability of "government by law and not by men." Most of us certainly prefer to know the rules and to see them apply uniformly most of the time, but unless there is a mechanism for suspending them when circumstances "justify" suspension then "the law" can become just as intolerable as any sole dictator.

The contention that a single law could or should be the same for all people at all times and all places is very Ciceronian / Stoic / Platonic but probably not at all Epicurean.

Generalities can be useful, yes, but can also be fatal when we don't recognize their limits and that "hard cases" do exist.

So I am more now in the camp of saying that any legal system has to be able to incorporate hard cases in order to be just. Something like "Considering hard cases makes for good law."