

# Is Every Breach of Every Agreement "Unjust"?

Post by "Todd" of October 19, 2019 at 3:26 PM

I think it would be helpful to add some context first. If nothing else, just to clarify my own ideas.

First, it seems abundantly clear that Epicurus believed justice was based on contracts or agreements. When an such an agreement exists, that agreement defines justice between the parties. I see this as the primary Epicurean way of thinking about justice.

There are also texts where Epicurus related justice to Anticipations, which I will roughly equate with an innate faculty, though I realize there could be a distinction there. I won't dispute the existence of an innate faculty, but I'll explain how I see it fitting in shortly.

Now...we frequently deal with others, who are often complete strangers, with whom we don't have any explicit agreements. So the interesting question then becomes, what defines justice in these relationships?

The Epicurean by-the-book, but not overly helpful, answer is: we define justice in such a way as to maximze our pleasure.

The question remains, what definitions of justice might in fact maximize our pleasure? I tend to prefer rules-based definitions, for reasons that I will explain shortly. But relying on an innate faculty is certainly also a possibility.

An interesting and important aspect to this sort of tacit agreement is the fact that any two individuals will have overlapping, but probably not identical ideas about what is just in their relationship. (I picture a Venn diagram.) This is why I think rules-based definitions of justice are useful - because they're easier to agree on. The greater the overlap in our notions of justice, the more potential for pleasure in our relationship.

But the most important point is that we have the ability to define justice, with the aim of maximizing pleasure. Though we may have an innate faculty for sensing injustice, we are not constrained to use it exclusively.

For the sake of illustration, here are some possible tacit understandings of justice:

- Might makes right (not recommended, for obvious reasons.)
- An eye for an eye (fair enough, but more likely to lead to escalating cycles of violence rather than pleasant cooperation)
- Various religious-based rules (a wide variety here, from fairly reasonable to horrific)
- Do unto others..., or a more useful variant, IMO, "Do not do unto others as you would not have done to you"
- The non-aggression principle (for the libertarians)

- An innate sense of injustice/asymmetry
- Etc.

In response to Cassius' point about pain vs harm:

I don't think it's necessary to delve into definitions of harm, but I would like to point out that using pain alone as a gauge of injustice might involve practical difficulties. If my operating assumption in relationships is that I should not cause anyone pain, it severely limits my scope of action without seeking the approval of every possible affected party. How am I to know if an action of mine may cause someone else pain? If someone says it will, how can I disagree? If I plant a garden in my front yard, will it hurt my neighbors property values, or offend their aesthetic sensibilities? Does that make it unjust?

Back to the idea of a Venn diagram. If pain is a large, outer circle, injustice should probably be based on some smaller circle contained within it. And again, I'm not saying it **MUST** be. I'm just saying that the goal is to maximize pleasure, and some ways of thinking about justice are going to be more useful than others for achieving that.

Regarding subject vs observer:

I agree completely with what Elayne wrote, but I might draw a different conclusion from her final sentence:

#### Quote

A lot of the confusion is arising in the world re justice is from trying to treat the sense of injustice like a rational function.

I think Elayne is saying (please correct me if I'm wrong) that the trouble is with trying to be rational about justice.

I would instead suggest that the trouble arises from *lack of sufficient rationality*. As with feelings of pleasure and pain, there is no ground for denying that someone feels a sense of injustice if they claim to. So we're left talking past each other - I feel this is just or unjust, and you can't tell me I'm wrong. If we can agree on some rules about what is just, we can attempt to show that those rules have or have not been violated. It may not change how anyone feels about it, but it can improve our ability to cooperate in achieving pleasure.

I would also add, a very practical reason to consider the observer is because you want to be able to make use of third-parties for dispute resolution, and this is much easier if the third party has basically similar ideas of what is just and unjust.