

Is Every Breach of Every Agreement "Unjust"?

Post by "Cassius" of October 13, 2019 at 12:24 PM

In the Skype discussion this morning of DeWitt's Chapter 14, we raised the question "Is Every Breach of Every Agreement Unjust?"

This relates also to whether Epicurean theory is classified as supporting "social contract" theory. Is every withdrawal from every social contract "unjust?"

What happens when parties enter an agreement and one side decides later that it is no longer in his/her advantage to remain? Is every withdrawal "unjust"?

Quote

37. Among actions which are sanctioned as just by law, that which is proved, on examination, to be of advantage, in the requirements of men's dealings with one another, has the guarantee of justice, whether it is the same for all or not. But if a man makes a law, and it does not turn out to lead to advantage in men's dealings with each other, then it no longer has the essential nature of justice. And even if the advantage in the matter of justice shifts from one side to the other, but for a while accords with the general concept, it is nonetheless just for that period, in the eyes of those who do not confound themselves with empty sounds, but look to the actual facts.

38. Where, provided the circumstances have not been altered, actions which were considered just have been shown not to accord with the general concept, in actual practice, then they are not just. But where, when circumstances have changed, the same actions which were sanctioned as just no longer lead to advantage, they were just at the time, when they were of advantage for the dealings of fellow-citizens with one another, but subsequently they are no longer just, when no longer of advantage.

I think the answer most likely has to be "every withdrawal is not unjust" but it is interesting to consider what circumstances make withdrawal just or unjust, or whether justice applies at all either to (1) the withdrawal or (2) the period after the withdrawal.

Here is the Epicurism wiki:

Principal Doctrine 31

<<Prev | Principal Doctrines | Next>>

Τὸ τῆς φύσεως δίκαιόν ἐστι σύμβολον τοῦ συμφέροντος εἰς τὸ μὴ βλάπτειν ἀλλήλους μηδὲ βλάπτεσθαι. 

The [justice] → of nature → is (a) mutual consent of (common) interest → → not to harm each other nor to be harmed

Translation

Natural justice is the advantage conferred by mutual agreements not to inflict nor allow harm.

So my tentative observation is that the focus here cannot solely be on the question (1) was the agreement violated? but must also equally consider (2) the existence of harm or disadvantage. In other words, it would be wrong to consider every breach of every agreement, or every withdrawal from every social contract, to be "unjust."

We discussed also that since justice is something that arises from anticipations, it is by nature something that is "felt," and therefore like any other feeling is subject to immediate change.

My thoughts are not at all fully developed on this but I wanted to make this post to preserve and start the discussion here.

What do you guys think?

Post by "Godfrey" of October 13, 2019 at 3:25 PM

What exactly is a social contract? Are these pertinent?

- An example of a just withdrawal that comes immediately to mind is the civil rights movement of the 60s. Which leads to the example of current redefinition of societal norms underway. Also the continual pendulum of economic redistribution. These are examples of harm or disadvantage.

- Also involved is the change of relative strength between two parties. One party often initially negotiates from a position of relative weakness, but if their relative strength increases then they renegotiate. Justly, it would seem.

Post by "Cassius" of October 13, 2019 at 5:01 PM

Yes Godfrey that is the direction the question is going. In a very general sense, I am trying to frame the question: If justice is something that happens by agreement, then is it going to be appropriate to call every breach of every agreement "unjust."

Maybe it is just me thinking about this for the first time, but it seems to me that it would be logical for someone to reach that conclusion if they are not careful.

As far as "social contract" theory goes it would be necessary to define what one means by that in order to make any sense of the discussion, but the basic issue is that it does not seem correct to presume that Epicurean justice is totally or even primarily a matter of contract. Because if you can walk out of the contract at any moment that you find it to be of disadvantage to you, then it hardly seems possible to call every walk-away from every contract "unjust."

And so either (1) "agreement" is not really the heart of the issue, or (2) "justice" is a word that REALLY has little meaning, compared to what "regular people" we think it does.

I am beginning to think that (2) is the real issue.

Post by "Todd" of October 13, 2019 at 5:50 PM

First, I will try to be objective:

Social contract theory is primarily an attempt to explain the origin, and justify the existence of the state. Basically, some people got together, and agreed to sacrifice some of their freedom in exchange for the benefits of forcing everyone in a society to cooperate. For most of this post, I will use "social contract" in this sense.

The major alternative to the social contract is the conquest theory of the state. The short version is that one group of people enslaved another group, and then started calling themselves a government to make it seem legitimate.

Now, my opinions:

The social contract theory sounds nice at first glance, but is historically naive. I think of it as the Theory of the Immaculate Conception of the State.

The notion of a social contract relies on the idea that a relatively small group of people can make a contract that binds not only everyone else in society, but everyone who will ever live in

the future.

I would argue that the usual meaning of "social contract" is probably incompatible with Epicurus' teachings on Justice.

Some relevant points regarding *actual* contracts...

- A contract requires the freely given consent of both parties
- Both parties expect to benefit from a contract; otherwise, why enter into it?
- A contract you couldn't withdraw from would be tantamount to selling yourself into slavery. No prudent person would agree to such a contract.
- Prudent contracts contain provisions for either party to withdraw from the agreement, and specify what is "just" in those situations.
- Contracts that have no such provisions are terminated by mutual agreement when possible. The parties agree to what they consider "just" at that time.
- If mutual agreement is not possible, a wise person looks to a neutral third-party (a court, or an arbitrator) to determine "justice".
- Violence is an option too, but violence is risky, and is likely to result in costs (pain) that far outweigh any potential benefits.

Those points aren't really derived from Epicurean principles, but I don't think they're incompatible with them either. Most of them seem un-objectionable to me. I think they apply to the notion of a social contract too - you may draw your own conclusions as to my political views.

One final note: I don't think we're talking about it in this way here...but if by withdrawing from a social contract, you just mean being a jerk to the people you have to deal with in life...well, I wouldn't recommend it as a way of living pleasantly.

Post by “Cassius” of October 13, 2019 at 7:16 PM

Thanks for that analysis Todd. Yes these are the issues I am talking about.

I think the point that hit me today as important to address is what I think is a common perception: that Epicurus held that "justice" equates to "agreements not to harm and be harm." If we look at that very simplistically, then it would be easy for someone to say that once in that agreement, it is "unjust" to leave it.

But it seems to me the clear thrust of 37 and 8 is to emphasize exactly that people WILL not only occasionally but frequently go in and out of such agreements, with the temporary nature

of them being the exception and not the rule.

So what then "is," or what "does it mean" for a thing to be "unjust." Is "injustice" really anything at all other than the perception that some person or group will be out to punish you for the action?

Maybe I am overthinking this, but my perception is that people who address these PD's at all treat them superficially and conclude that Epicurus held non-aggression compacts to be "good/just" and exiting from non-aggression pacts to be "bad/unjust" and I am thinking that such a deduction about Epicurus would be way off the mark.

I think Epicurus would agree with your criticism of common perceptions of the "social contract" theory, and that the extensive discussion of justice may be intended to emphasize the point that is clear elsewhere -- that "virtue" (any form of virtue, including "justice") really has no intrinsic meaning whatsoever divorced from the question of what pain and pleasure results from it.

In our Skype discussion today it was pointed out that "justice" may be somewhat unique as being traced to "anticipations," and that we have direct "feelings" of justice and injustice, but I am not sure both those observations don't apply to each and every concept that we fit within "virtue."

At any rate this is a subject that we haven't talked about very much, but it's one that I don't think should be considered off topic in the sense of normal day-to-day political issues. What we are talking about here is the more fundamental issue of even how to begin to analyze social relations of any kind; we're not criticizing or praising any particular form of social relation.

Post by “Elayne” of October 18, 2019 at 5:30 PM

For me, I recognize injustice as a sense of asymmetry, and there's evidence this is an innate faculty. If someone intentionally harms me and I did not harm them first-- and there is reason to suppose we have agreed to this non-harming somehow--even tacitly-- I will get that sense of "dirty pool." My range of asymmetry tends to be fairly broad, and after a friendship is established, I wouldn't get a sense of injustice except for prolonged, recurrent asymmetries that I felt my friend could have avoided.

The degree of pain an asymmetry causes is proportional to the degree of feeling I had for the other person (if we were close, a better word might be betrayal)-- and the direct effect of their action on my life, which is in addition to the asymmetry. For instance, if someone I knew robbed me of my money, there are two issues-- the asymmetry of their action towards me -- the

injustice--AND the loss of funds. I tend to mainly feel pain from the action itself if I don't know the perpetrator, even if I also am aware of the injustice of someone harming me when I had not harmed them.

Every action in an agreement has an effect of pain or pleasure, since there is no 3rd feeling of neutral. It just isn't always enough asymmetry that we will be moved to bother with it, compared to other things we could be doing. If we get obsessed with trivial asymmetries, we will test the patience of our friends, lol!

Post by “Todd” of October 18, 2019 at 10:43 PM

Elayne,

Your example of someone harming you without you having harmed them first is an excellent one. It seems to me that, insofar as we're talking about justice, the harm is an essential part of the asymmetry. Was that your meaning?

If not, how would you distinguish injustice from envy?

I'm also interested to know more about the evidence that this is an innate faculty. I'm somewhat leery of the multiplication of innate faculties.

Post by “Cassius” of October 18, 2019 at 10:51 PM

This is a deep discussion. My interjection for the moment is that it may be interesting to consider:

1. The implications of the terminology difference between "harm" vs "pain."
2. In terms of pain, are we talking painful to the participant, to the observer, or both?
3. And in terms of symmetry, is all assymetry painful?

Post by “Elayne” of October 19, 2019 at 9:27 AM

<https://www.scientificamerican.com/article/baby-justice/>

Todd and Cassius, great questions, thanks-- I do want to be clear. I was using harm to mean causing pain to the subject, the one experiencing the perceived injustice. I want to emphasize this is a subjective faculty, like vision-- we can observe general times when our sense of injustice would be triggered, but there will be no absolute rule. We can describe, not control or even recommend, when that sensation happens. So Cassius, that means whether a particular asymmetry triggers a sense of injustice depends on the person involved. I think asymmetry is required to trigger the sensation, but it doesn't always.

So Todd, I think the sense of asymmetry does tend not to get set off unless there's some kind of at least mildly painful consequence involved, yes-- but for me, there are still two aspects to the experience, the asymmetry and the pain, and they are not always in a direct proportion. I could detect a trivial asymmetry but a large pain, and in that case I wouldn't be experiencing a strong sense of injustice necessarily. Whereas if the asymmetry is large, and there's even a little pain, I'm usually going to experience a "hey, that's unjust", even if it's not enough pain to motivate me to address the situation. If there's a large asymmetry but zero pain, I won't sense injustice.

Envy is also based on asymmetry but doesn't always go along with a sense of injustice-- however, I have to say I'm saying this from my own experience. Envy is when I want something someone else has, but it doesn't mean I think they specifically harmed me by breaking some sort of agreement between us.

I linked above one example of research on innate recognition of asymmetry and the relationship to sense of justice. I've also observed this behavior as highly reliable in my own patients. When a particular human behavior emerges predictably at certain ages, it's more likely that it involves an innate faculty, which shows up as the nervous system matures, rather than as something an organism would have to learn from scratch each time. Sensing injustice is vital to survival-- like the sense of thirst-- so I can't think why it would be surprising for us to have many innate faculties, considering our complexity!

The "tit for tat" game theory computer models are predictive of when cooperative behavior between organisms will occur, to maximize their self-interest, so it would make sense if evolutionary pressures selected for the ability to sense injustice.

Post by "Cassius" of October 19, 2019 at 10:41 AM

So Elayne just to be sure there is no possibility of confusion, you are focusing on the pain in the OBSERVER who is perceiving and evaluating the external situation as "unjust." You are not saying that the people involved directly in the relationship are necessarily experiencing pain at the time of the activity which is being observed, correct? I am thinking that it is important to focus on the observer being the one we are discussing so that we never imply that there is justice or injustice floating in the air that we are simply receiving in our minds in final form (which I think may be the common understanding of a non-Epicurean in discussing justice).

Post by “Elayne” of October 19, 2019 at 12:13 PM

No, Cassius, I am not saying that at all! Injustice is definitely perceived by the people involved in the agreement, just like pain is perceived by the person struck. It's subjective, not objective. It's not "in the air"-- it's a sensation arising in the subject in response to a situation. You have experienced this sensation, right? I am making that assumption just like that you have experienced sugar as sweet.

Now of course, an outsider observer, because of empathy, where we vicariously feel pain or pleasure in response to that of others, could have the sense of injustice triggered also-- but only because of empathy. It doesn't arise as an objective assessment-- it's not a logical or rational function but more like a sense or pain/pleasure. It's slightly different from both of those while still being the same category of information, which is why I think Epicurus gave prolepses their own special place in the Canon. None of the Canon is rational. All those functions are subjective encounters with objective reality.

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.

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 maximize 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.

Post by “Cassius” of October 19, 2019 at 4:55 PM

Lots of good stuff to discuss there:

[Quote from Todd](#)

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

Todd I am not sure that this is obviously the case. Epicurus referred to justice as an agreement to avoid harm, but does that necessarily mean it is the inverse -- to maximize pleasure? As you observe later in the post justice is a small part of a circle encompassing "pain." Does reducing pain in that area necessarily lead to maximized pleasure? I will have to think further about that.

[Quote from Todd](#)

I tend to prefer rules-based definitions,

And rules based definitions may be exactly what Epicurus is saying is NOT possible in referring to true justice. Rules are patterns that are "set in stone" regardless of circumstances - and is not Epicurus saying that circumstances are everything in regard to justice?

[Quote from Todd](#)

This is why I think rules-based definitions of justice are useful - because they're easier to agree on

Yes they may be easier to talk about, but as above, if the circumstances change so that the agreement is no longer of advantage to both in avoiding harm, then the "justice" automatically dissolves.

[Quote from Todd](#)

but I would like to point out that using pain alone as a gauge of injustice might involve practical difficulties.

Here is the practical difficulty that I was really thinking about in distinguishing pain from harm. The surgeon who cuts off our leg causes great pain in the short term, but saves our life in the long term. We frequently choose pain when it avoids worse pain and leads to greater pleasure. So I am not sure it is easy to say that "pain" alone is the appropriate trigger, and this may be why Epicurus used (if he did) "harm" rather than "pain."

[Quote from Todd](#)

his is much easier if the third party has basically similar ideas of what is just and unjust.

I marked this one for comment but it is basically the same issue. Are our "ideas" of just and unjust (which as you say or imply is what we reduce to "rules") the key, or is it the "feeling" which is key, and which is transient?

I think your reasoning is very helpful in walking through this, as it is what we all need to do. I am just not sure that we can square rules-based reasoning with what Epicurus is saying, as what is doing may amount to the explicit rejection of rules-based analysis (to be replaced with "feeling-based" recognition that "justice" has no absolute meaning whatsoever.

Just thinking out loud here! 😊

Post by “Cassius” of October 19, 2019 at 5:02 PM

And in going back to Elayne's most recent post:

[Quote from Elayne](#)

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 am not sure whether "Rational" is the right word, or "absolute" ! Epicurus was being "rational" in telling us (seemingly) that "justice" has no absolute meaning and exists only in the context of agreements not to be harmed. So in other words he is telling us the true basis of "justice" to the extent we even want to use the word at all is that it cannot be analyzed apart from the feelings of pain of and pleasure of the people actually involved.

I think Todd may be attempting to do what all of us moderns would first attempt to do - to rescue some vestigite of absolute justice by tying it to "agreement" as if agreement alone is all that is necessary to establish "justice." Maybe it is enough to establish "civil justice" or "justice under the law of the United States" but I think we all agree that is not what we are talking about.

So the question that prompted the thread's title is still something like "How radical was Epicurus being?" "Was he essentially telling us that our "justice" is just as nonsensical as our "gods"?"

Post by "Todd" of October 19, 2019 at 5:07 PM

Quote

Rules are patterns that are "set in stone" regardless of circumstances

I disagree. Who says they have to be set in stone? We can agree on some rules (a contract) for some period of time. If at some later time, those rules are no longer conducive to our mutual pleasure (or avoidance of harm, if you will, but I see no necessity to limit the scope of our agreements to avoidance of harm), then we cancel that contract and make a new one. Or we go our separate ways.

A contract essentially IS a set of rules to govern the behavior of the parties in a relationship. If you say Epicurus doesn't approve of rules-based agreements, then I think the whole series of PDs relating to justice doesn't make a lot of sense.

Post by "Todd" of October 19, 2019 at 5:10 PM

Quote

as if agreement alone is all that is necessary to establish "justice."

Wait...didn't Epicurus say exactly that in PD 31-33??? I'm not sure how to even respond to this statement.

I thought this was the most NON-controversial part of my post! 😊

Post by "Todd" of October 19, 2019 at 5:22 PM

Quote

I think Todd may be attempting to do what all of us moderns would first attempt to do - to rescue some vestige of absolute justice

By no means. At least that's not how I see it, but maybe you see some aspect of my argument that I'm missing. (No sarcasm intended there.)

Justice is what we define it to be, with the goal of minimizing harm (or maximizing pleasure - a detail we can discuss later). I tried to be clear about that. Justice is not absolute, it is what we agree to - and we are free to refuse to agree to anything if it suits us (not wise, IMO, but still an option).

I think the agreement part is crucial because the whole point is to facilitate cooperative social relations, and recognizing that cooperation is a much more effective way of pursuing pleasure than each of us acting as individuals in social isolation.

Post by "Todd" of October 19, 2019 at 6:16 PM

Quote

Epicurus referred to justice as an agreement to avoid harm, but does that necessarily mean it is the inverse -- to maximize pleasure? As you observe later in the post justice is a small part of a circle encompassing "pain." Does reducing pain in that area necessarily lead to maximized pleasure? I will have to think further about that.

I guess I should have made a distinction.

In some of my references to maximizing pleasure, I'm thinking of explicit agreements. I see no reason to limit the scope of our agreements to avoidance of harm. If you want to say agreements to increase our pleasure are strictly outside the scope of justice, I won't object, but I don't really see much of a difference.

Also, I have in mind that maximizing pleasure should be the ultimate aim of ALL our actions, including how we think of justice, and the specific agreements we make regarding it. Again, I won't argue if you want to define the scope of justice more narrowly.

The distinction between avoidance of harm and maximizing pleasure is more important in relation to tacit agreements, because in that context we often have very limited information about the other person's preferences, and we want to avoid making incorrect assumptions (inadvertently causing pain for both of us).

Post by "Cassius" of October 19, 2019 at 6:51 PM

Yes, absolutely, but everything we do to accomplish that when we work with other people by agreement doesn't necessarily fall under "justice" does it? Actually that is pretty much the original question I posted.

And this relates to much of the rest discussed above -- I try to read Epicurus strictly according to his words, and so when he refers to justice as involving agreements not to harm or be harm, I take him as meaning exactly that, no more, no less.

[Quote from Todd](#)

Wait...didn't Epicurus say exactly that in PD 31-33??? I'm not sure how to even respond to this statement.

I guess this is Bailey: 31. The justice which arises from nature is a pledge of mutual advantage, to restrain men from harming one another, and save them from being harmed.

Epicurus.net: 31. Natural justice is a pledge of reciprocal benefit, to prevent one man from harming or being harmed by another.

So I am reading that all together that it is not just any pledge of mutual advantage, but a specific pledge, to avoid harm, so that Justice has two components that are not independent, but inseparable in order to constitute justice.

Now that may be too strict a reading; that's why discussion is good! 😊

Otherwise every breach of every agreement is "unjust:" even though Epicurus explicitly states that when conditions change, so does whether a thing is just or unjust.

Post by "Elayne" of October 19, 2019 at 7:00 PM

I see all of the agreement statements as descriptions of what conditions trigger our innate sense of justice.

I can't imagine Epicurus defining justice two different ways-- a prolepsis AND a definition for what counts as justice and what doesn't.

This is the same way he treats pain and pleasure. He describes conditions that trigger them but those aren't the definition.

When I say our sense of justice is not rational, like seeing blue is not rational, it's not a criticism, just an observation. It's an interaction with reality.

But we always additionally use our reasoning to decide what to DO. Not what to feel or sense, because those things are determined by reality.

So you will see people arguing about what's unjust, and they are arguing over their subjective reactions, which leads nowhere. They can of course negotiate rules and agreements, which is a rational process. They can negotiate whether they ultimately have the same rules, based on mutual pleasure. But they should be aware of the types of actions that will trigger each other to sense injustice.

If justice were rational it would not be in the prolepses which are part of the Canon. None of the Canon is reason-based. It's how we know reality, not what we decide to do.

Post by “Todd” of October 19, 2019 at 7:02 PM

I fully approve of strict reading!

So, I see now that you are being very narrow in what you mean by justice: it's an agreement (necessary, but not sufficient), but not just any agreement; it's specifically an agreement not to harm.

I can work with that definition for the sake of pursuing this discussion. As per one of my previous comments, I don't think that invalidates any of my arguments.

I would personally go further, to say that it's unjust to violate ANY of our explicit agreements (not merely to withdraw from them - but to deliberately violate), but I can see where some might object, and I don't think it's a terribly important point right now.

Post by “Cassius” of October 19, 2019 at 7:10 PM

Todd you don't know me as well as Elayne does. Elayne knows I often think out loud and say things in mid-thought without necessarily being committed to the result. I like to think that I am clear when I am doing that but I know I am not always. In this discussion, as in most discussions of anticipations, I always try to restate that all this is pretty speculative.

So you are right in your last point - I am not sure that anything we are discussing is fully formed. I think what we are doing is trying to unwind the train of thought without committing to any conclusion of it.

And I think what I am really doing is trying to view all this from the lens of justice being a "virtue" and given how flexible Epicurus seems to be about the nature of ANY virtue, considering that he is probably very flexible here too -- and tying the result as you are doing to pain and pleasure (when means feeling) with the logic of "rule-based" part of it strictly instrumental.

As to Elayne's comments which add up to:

"If justice were rational it would not be in the prolepses which are part of the Canon. None of the Canon is reason-based. It's how we know reality, not what we decide to do."

.... I think I am viewing that slightly differently. I am viewing "justice" as "virtue" and I view any "virtue" as a "concept," with concepts being rational constructions which may, or may not have the feelings as a component.

So if an anticipation is essentially some kind of "perception" in the sense that the eyes perceive light, then we probably do need to consider that an "anticipation of justice" might be an input to a "conception of justice" or a "definition of justice in a particular situation."

I think I need to go to sleep for the night. 😊

Post by “Todd” of October 19, 2019 at 7:17 PM

Quote

I can't imagine Epicurus defining justice two different ways-- a prolepsis AND a definition for what counts as justice and what doesn't.

Right, but if we trust the sources, it seems like that is exactly what we are faced with. I'm inclined to give more weight to the PDs relating to justice, which all contain some form of

"justice is" or "justice is not". If he was describing the conditions that give rise to a sense of justice or injustice, I'd expect them to read differently. Could this be an issue of translation?

Quote

But they should be aware of the types of actions that will trigger each other to sense injustice.

Yes! Very important!

Post by "Cassius" of October 19, 2019 at 7:21 PM

One more thought for the night:

If justice is a virtue just like any other virtue, let's compare it to prudence or courage.

Is there really such a thing as "absolute courage" or "absolute prudence" apart from particular contextual situations that change moment by moment? And is not some action that might appear courageous or prudent at one moment considered to be foolhardy the next if the circumstances change? And are not all these evaluated contextually at every moment as to what results in terms of pain or pleasure?

Is justice any different?

Post by "Cassius" of October 19, 2019 at 7:36 PM

Probably good for us to reread Torquatus too:

XVI. It remains to speak of Justice, to complete the list of the virtues; but this admits of practically the same treatment as the others. Wisdom, Temperance, and Courage I have shown to be so closely linked with Pleasure that they cannot possibly be severed or sundered from it. The same must be deemed to be the case with Justice. Not only does Justice never cause anyone harm, but on the contrary it always adds some benefit, partly owing to its essentially tranquilizing influence upon the mind, partly because of the hope that it warrants of a never-failing supply of the things that uncorrupted nature really needs. And just as Rashness, License,

and Cowardice ever torment the mind, ever awakening trouble and discord, so Unrighteousness, when firmly rooted in the heart, causes restlessness by the mere fact of its presence; and if once it has found expression in some deed of wickedness, however secret the act, yet it can never feel assured that it will always remain undetected.

The usual consequences of crime are, first suspicion, next gossip and rumor, then comes the accuser, then the judge; many wrongdoers have even turned evidence against themselves, as happened in your consulship. And even if any think themselves well fenced and fortified against detection by their fellow men, they still dread the eye of heaven, and fancy that the pangs of anxiety night and day gnawing at their hearts are sent by Providence to punish them. But what can wickedness contribute towards lessening the annoyances of life, commensurate with its effect in increasing them, owing to the burden of a guilty conscience, the penalties of the law and the hatred of one's fellows?

Yet nevertheless some men indulge without limit their avarice, ambition and love of power, lust, gluttony and those other desires, which ill-gotten gains can never diminish but rather must inflame the more; inasmuch that they appear proper subjects for restraint rather than for reformation. Men of sound natures, therefore, are summoned by the voice of true reason to justice, equity, and honesty. For one without eloquence or resources dishonesty is not good policy, since it is difficult for such a man to succeed in his designs, or to make good his success when once achieved.

On the other hand, for the rich and clever generous conduct seems more in keeping, and liberality wins them affection and good will, the surest means to a life of peace; especially as there really is no motive for transgressing since the desires that spring from nature are easily gratified without doing any man wrong, while those that are imaginary ought to be resisted, for they set their affections upon nothing that is really wanted; while there is more loss inherent in injustice itself than there is profit in the gains it brings.

Hence Justice also cannot correctly be said to be desirable in and for itself; it is so because it is so highly productive of gratification. For esteem and affection are gratifying, because they render life safer and fuller of pleasure. Hence we hold that Unrighteousness is to be avoided not simply on account of the disadvantages that result from being unrighteous, but even far more because when it dwells in a man's heart it never suffers him to breathe freely or know a moment's rest.

If then even the glory of the Virtues, on which all the other philosophers love to expatiate so eloquently, has in the last resort no meaning unless it be based on pleasure, whereas pleasure is the only thing that is intrinsically attractive and alluring, it cannot be doubted that pleasure is the one supreme and final Good and that a life of happiness is nothing else than a life of pleasure.

Post by “Elayne” of October 19, 2019 at 7:51 PM

I actually do, for myself, classify most of those virtues first as innate sensations, which occur with pleasure to the point they aren't separate, but still have a distinct... "flavor"?

When I think of courage, for instance, it's primarily a nonverbal sensation in my chest. Yes, I can give story examples of courage, but how would I have come to assign a word to it to begin with and build a concept, if I did not start with this sensation of "feeling courageous", which I can recognize by empathy in actions of others?

I see these very fundamental biological sensations as the primary information, which do fuel more complex rational concepts but are mainly nonrational/experiential, and the degree to which they please us is what makes them virtues or not. And then the decision process for action, which is rational, is based on that hedonic calculus.

Organizing it this way is certainly my own philosophy, c/w personal experience-- and when I read Epicurus on it, I feel agreement with him. But it's possible his philosophy differs from my personal experience!

Post by “Elayne” of October 19, 2019 at 7:55 PM

the closest term I can come up with besides prolepses is "innate mental senses"-- senses very similar to vision which are more like what in English we call feelings (here we restrict that to pain and pleasure, but I think you know what I mean)!

I have always noticed this, but it was hard to find people who understood what I was saying-- either because I am not explaining myself clearly or because my brain is doing things differently, lol. Always possible. Although I use a lot of words and concepts in communication, my internal experience is not very verbal or conceptual, and that might be unusual.

But when I read Epicurus, I had this sensation we were on the same page. And I was thrilled that he had figured this out before modern developmental and game theory research, just as he correctly predicted atoms and other phenomena.

I am trusting my senses-- in this case, my mental sensations-- on how things work, along with

research that at least supports and doesn't contradict my senses.

Post by “Elayne” of October 20, 2019 at 9:35 AM

Here's another one-- "honesty "-- fundamentally not a concept. It's a sensation of things matching up-- what you experience and what you express. There is no way I can imagine being able to learn that sense-- it would be like saying we aren't born being able to taste sweet.

The learning part is that after tasting sugar, fruit, etc, next time we see these things we will expect the sweet taste. We aren't born with the taste itself but the sense to taste it.

Same with honesty-- we aren't born with a concept or experience, but we have the mental apparatus to "know" when things are matching up. Then we learn the word for it, and the ideas people have built up.

Even though I know the concepts around honesty, I still experience the act of being honest as a rapid, intuitive nonverbal sensation.

Post by “Todd” of October 20, 2019 at 10:12 AM

I think dishonesty is learned though!

I say this just as an interesting thing I've observed with my daughter - I'm not trying to make any point related to this discussion of Justice.

Do you agree?

Edit:. After I wrote this, I realized that we're probably not thinking of the same thing when we use these words, and that is the root of much of the seeming disagreement.

When you say honesty or Justice, you mean feelings, but when I use those words, I'm thinking of concepts.