

How Do The Concepts of "Agreement" and "Harm" Work In Epicurean Justice?

Post by "Cassius" of June 11, 2019 at 8:37 AM

M: I've read somewhere that it (justice) was partly defined as what people would agree to if they were not under coercion. Assuming that isn't right, where do you think this misconception came from?

H: If you google the [Principal Doctrines](#) you will find justice explained as mutual advantage in the last ten Doctrines, with more detail furnished there.

E: I don't think you've got that wrong. Coercion wouldn't be part of a mutual contract. A person might choose an agreement that appears asymmetric in some ways, if they find it to their advantage. But if they aren't choosing it, that's not really a contract. By contract, I'm including informal, unspoken understandings between people who have at least met each other.

The thing people do, though, is make a leap and say ok, then if an interaction isn't proceeding according to mutual free agreement then it's "wrong." But there's no absolute standard. If there's no contract to begin with, it might even be hard to say "unjust"-- because that assumes mutually beneficial contracts should be the rule for every interaction, no matter who is involved, and poof, there you are, back to social utilitarianism.


The way I think of it is that I strongly prefer to interact with people who do not try and coerce me. And I avoid coercing others partly because it's just not my personality but also because I prefer to establish relationships where that doesn't happen, for the sake of my happiness.

V: The prohibition on coercion is a consequence, not a definition. The definition of justice is: One person must not harm another. You are acting justly when you don't cause harm to others. Coercion is a form of harm, and therefore against justice.


In terms of what is and isn't just, agreement has very little to do with it. People can willingly agree to all manner of silly things that are harmful to them... and anyone who takes advantage of such agreement is behaving unjustly.

Cassius Amicus to Mike -- What I remember questioning the accuracy of your statement was this point about "if everyone were in the same position" --- which is not at all the same as your point about "not being under coercion" - "not being under coercion" is simply a part of the definition of an "agreement."

Like the others are saying, if you are under coercion then you are not "agreeing." Check the exchange below and you'll see that my point was that Epicurus never said the world was fair that justice applies only "when everyone is in the same position."

 **Michael Carteron** My point is I'm not sure how either of those things would qualify as just by Epicureanism (things agreed to if everyone were in the same position). So at least within the same society, they could not be just. In my case anyway, I'd choose death over slavery.

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 **Cassius Amicus** Where did you get the "if everyone were in the same position" qualification? And while I might agree with you in many cases, I don't think it is a given at all that everyone in every circumstance would choose death over slavery.

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Cassius Amicus Of the answers above I think we ought to discuss V's: "The definition of justice is: One person must not harm another. You are acting justly when you don't cause harm to others. Coercion is a form of harm, and therefore against justice."

Without some pretty strong qualification I don't think I agree with that. For example, I would never admit that it is "unjust" to harm a burglar, or someone trying to kill me or my family. We could define "harm" as "unjust harm" and reach that result, but that would be circular, stretching words out of their ordinary use, and clarify nothing.

Now the point about "can we agree to give or receive harm" is I think the more important issue.. We can and often do agree to receive pain from someone else, such as when we sign up for gym training and we follow the instructions of the trainer, or we willingly accept a "shot" from a doctor.

So I think we have to discuss what "harm" is and whether Epicurus would have used that word as having an "absolute" or "subjective" definition.

Here is an example from "On Ends" of Torquatus saying that some men must be "restrained": "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."

I don't see a necessary distinction between "restraining" them or "harming them to stop them." They are not agreeing to be restrained, but we are not acting "unjustly" in restraining them. In any situation where there is not agreement on both sides, nothing is "unjust" - and in fact "justice" does not apply at all in Epicurean terms.

Here for easy reference are the main doctrines in issue:

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

32. Those animals which are incapable of making binding agreements with one another not to inflict nor suffer harm are without either justice or injustice; and likewise for those peoples who either could not or would not form binding agreements not to inflict nor suffer harm.

33. There never was such a thing as absolute justice, but only agreements made in mutual dealings among men in whatever places at various times providing against the infliction or suffering of harm.

34. Injustice is not an evil in itself, but only in consequence of the fear which is associated with the apprehension of being discovered by those appointed to punish such actions.

35. It is impossible for a man who secretly violates the terms of the agreement not to harm or be harmed to feel confident that he will remain undiscovered, even if he has already escaped ten thousand times; for until his death he is never sure that he will not be detected.

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.

Cassius Amicus I do think that [PD32](#) does place the focus on "agreement" in defining justice, and that absent agreement, the concept of justice does not apply to what happens between the people involved. All sorts of other concepts and issues do apply, but in a world without absolute justice, "justice" is not one of them -- unless you want to talk purely in terms of "civil justice" or "conventional justice." Seems to me that Epicurus is pretty clearly focusing his point on emphasizing that there is no NATURAL or ABSOLUTE justice ---->

"Those animals which are incapable of making binding agreements with one another not to inflict nor suffer harm are without either justice or injustice; and likewise for those peoples who

either could not or would not form binding agreements not to inflict nor suffer harm."

So to repeat I would like to know what people think about this:

Now the point about "can we agree to give or receive harm" is I think the more important issue. We can and often do agree to receive pain from someone else, such as when we sign up for gym training and we follow the instructions of the trainer, or we willingly accept a "shot" from a doctor, or even when we agree (like Socrates (?)) to accept certain criminal penalties.

So I think we have to discuss what "harm" is and whether Epicurus would have used that word as having an "absolute" or "subjective" definition.

If "harm" has an 'absolute' definition, then what is that definition, and what happens when the person involved doesn't agree with that definition?

Post by “Cassius” of June 11, 2019 at 10:09 AM

E: I think putting all the PDs together, both agreement and mutual advantage apply, and "advantage" I don't know how to read as other than net pleasure. So consented surgery, etc, could fall under the category of a just contract.

But not all agreements would be under the umbrella of justice-- if they do not provide mutual advantage/ net pleasure. It appears to be a very specific term as Epicurus uses it. That doesn't mean a situation is wrong if it falls outside the umbrella-- it can be "not applicable", I think. I would save the term unjust to use as he did, for when contracts are broken or --the way I'm reading it-- if laws are imposed AS IF they were agreements but are not mutually advantageous (coercion can often fall in this category). These are the occasions when our intuition of injustice rises up, so that we desire to obtain our freedom, or, as he says, when we know we've broken a contract and live in fear.

K, or anyone, do you disagree with what E just wrote? I agree that *both* concepts apply: these PD's specifically reference "agreement," and "harm" has to be consisted in context with what we know from many other Epicurean references:

(1) "harm" of "evil" or "what is bad" must ultimately be tied to "net pain for the person involved."

(2) "advantage" or "benefit" or "what is good" must ultimately be tied to "net pleasure for the person involved."

And the reason I think "for the person involved" is important is that even though the person involved might not realize the full effects at the moment, the ultimate calculation is HIS/HER personal calculation.

It isn't an "absolute" or "objective" calculation by some outsider who wants to substitute their definition of "harm" for that person for that person's own experience.

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