

The Genealogy of Justice and Laws in Epicureanism

Javier Aoiz and Marcelo D. Boeri

The Epicureans understand philosophy as a study of nature (φυσιολογία) aimed at dissolving empty opinions, and the vain desires and fears grounded on them, and at attaining imperturbability (ἀταραξία). At first glance, their program seems to suggest—or, more precisely, to call for—a move away from society and politics, as suggested by the two famous Epicurean slogans, ‘live unnoticed’ (λάθε βιώσας) and ‘do not participate in politics’ (μὴ πολιτεύσεσθαι). This is how the adversaries of the Epicureans (mainly Cicero and Plutarch) have presented their views from antiquity. But to take distance from politics and society does not necessarily mean a solitary way of life or a lack of interest in society, the existence of which it certainly presupposes (or so we shall argue). At the beginning of *On the Nature of Things* vi, Lucretius praises the work of Epicurus as a response to societies that have achieved security to satisfy necessary natural desires, for paradoxically such societies foster in human beings both vain desires and fears that prevent them from being happy. Moreover, few philosophies have exalted friendship as the noblest of all relationships, much as Epicureanism does. We hold that a philosophy that exalts friendship and understands itself in the terms indicated by Lucretius cannot lack interest in the ‘communal ingredient’ of life. In fact, the consideration of the nature of human communities, justice, and laws was a crucial part of the Epicurean philosophy. That this has been missed is due largely to the vicissitudes of the transmission of Epicureanism to posterity, and to the silence of Cicero and Plutarch regarding the specific approaches of the Epicureans to the political philosophy.

We treat how the application of the Epicurean study of nature to the analysis of justice and laws is translated into a genealogical approach to these realities. We proceed thus: first (section 1), we show that, contrary to what might be expected, such an interpretative pattern does not presuppose a conventionalist view of justice. The Epicureans analyze the just as a modality of the useful, and for that they make use of the Hellenistic category of the relative (τὸ πρὸς τι). The just is not conventional because it is constrained by conformity to the purpose established in the first pacts of human communities (pacts based on the basic agreement ‘neither harming one another nor being harmed’). This conformity is always determined by circumstances, these circumstances constituting an inexorable factor. In the Epicureans’ view, the geographical diversity and temporal variability of justice pertains to its unconventional character. In what follows (section 2), we emphasize that the genealogical pattern of Epicurean investigation of nature (φυσιολογία) extends the rationalistic attempts to explain the origin of living

beings and civilized life in society. We stress that the traditional opposition between the disordered and bestial primitive life and the civilized way of life receives, in Epicureanism, an interesting reformulation. This is so, we hold, because in their view the pre-social primitive life is not ‘Hobbesian’; the Epicureans contrast this primitive state of human beings not only with the arrival of human groups and justice, but also with the subsequent stage in which it became necessary to establish laws and sanctions. The utility and the relations of friendship established between individuals humanized by the use of fire, housing, and family life are the two causes through which Lucretius explained the origin of human associations capable of forming pacts and of justice. In section 3, against interpretations stressing the incoherence of appealing within a hedonistic theory to friendship as the essential cause of the origin of justice, we maintain that such interpretations presuppose a sharp distinction between altruism and selfishness. This misconstrues the way in which interpersonal relations were conceived in the ancient world and by the Epicureans. For the Epicureans, the origin of laws and sanctions is precisely the result of the weakening of friendly community relations and the forgetting of the usefulness of justice for the survival of the individual and the contractual community.

I. Empty opinions about the just

For the most part, those who refer to the political philosophy of the Epicureans start by quoting the *Principal Doctrine* (PD) 33, in which Epicurus claims:

(i) Justice was (ἦν) not a thing in its own right (καθ’ ἑαυτὸ δικαιοσύνη), (ii) but [exists] in mutual dealings (ἐν ταῖς μετ’ ἀλλήλων συστροφαῖς) in whatever places there [is] a pact (συνθήκη) about neither harming one another nor being harmed (μὴ βλάπτειν ἢ βλάπτεσθαι).¹ (Inwood and Gerson trans.)

At first glance, the propositions (i) and (ii) contained in this *Principal Doctrine* seem to reflect a polemic intention against Plato’s idea of justice. This is how Philippson understood the issue in his pioneering work on Epicurus’ philosophy of right. Philippson 1910, 293 claims that Epicurus intends to emphasize that justice, which Plato in the *Republic* had also considered a virtue of individuals, is not a property of man in himself but concerns the relations among people. Bignone 1920, 66-67, as well as Bailey 1926, 369, Müller 1972, 90-92, 104-105, and Goldschmidt 1977, 72-73, 80-83, insist on the anti-Platonism of PD 33. They do note, however, that Epicurus established an opposition between the Platonic idea of justice—something existing in its own right, everlasting and immutable—and the pacts concretized in each case under specific geographical and historical conditions on which justice would be founded.

Nevertheless, the presence of the expression τι καθ’ ἑαυτό in proposition (i) of PD 33 does not oblige us to focus exclusively on Plato’s idea of justice. Epicurus

¹ The value of the imperfect ἦν has been intensely discussed; see Philippson 1910, 296n10; Bignone 1973, 616-617; Barigazzi 1983, 81-82.