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STOICISM AND LAW

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Abstract:

Stoicism and law seem like the two wide ranging spectrums which stretch out to either extreme never to find a mutual stance between them. Stoicism as it is, is rather quite different to what it is understood or perceived to be in the recent context. Stoicism as a school of philosophy, propounds deriving happiness from all virtues of life in whatever situation it may be. Stoicism propagates that life is more fulfilling when it's perceived by the person from a pragmatic lens rather than distinguishing between various spectrums of life from a self-centered or narrow individualistic way and putting each instance in a bracket of dissatisfaction. Ultimately it propagates deriving happiness in a holistic way from all walks of life.

Law, on the other hand is an amalgamation of morals, ethics, culture, traditions, rituals, philosophy and many other aspects of life. Law as an institution was absent until the Greeks philosophers disintegrated it from the religion and tried their hands at making it as holistic as they could which covers all facets of life. However, law to this day has its setbacks trying to fill the ambiguous void in itself in the process of trying to make itself as holistic as it idealizes or is idealized to be to this day.

In this writing however, the researcher tries to find out whether law and stoicism can fit into one narrative with their similarities and differences or refute each-other to the extent of leaving no grounds for consensus between them making the whole argument lead into another dimension, with respect to stoicism and law.

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Key words: Pragmatism, happiness, individualism, bridging law and stoicism.

Research objectives:

Aim:

The purpose of this research article is to determine if stoic ideas can survive with contemporary legal systems by examining how well they are compatible with each other. To accomplish this, the paper will review pertinent literature on the compatibility of stoicism and the legal system, investigate the tenets of stoicism and how they relate to how the legal system operates, and perform a qualitative analysis to identify key themes and concepts. The findings of this study will help us comprehend how the Stoic philosophy may be used in legal contexts and could have repercussions for the creation of novel theories and practices in legal theory and practice.

Objectives:

- To investigate the stoic tenets and how they relate to the operation of the judicial system.
- To study the pertinent literature, from both the past and the present, on stoicism and the judicial system.

- Through a qualitative examination of the literature, it will be possible to pinpoint important themes and ideas about how stoicism and the judicial system interact.
- To investigate the stoic school's applicability in legal contexts and any implications it could have for the advancement of fresh ideas in legal theory and practice.
- To assess the benefits and drawbacks of stoicism's compatibility with the legal system and to make suggestions for further research.

Research questions:

- What are the fundamental tenets of stoicism, and how do they fit with how the judicial system operates?
- How has the stoic school of thought been used in legal contexts historically and currently?
- What are the advantages and drawbacks of using stoic principles in legal settings?
- How does the judicial system benefit from and learn from the stoic principles?
- What new methods of legal theory and practice can be developed thanks to the stoic philosophy?
- What may the legal system's compatibility with stoicism mean for people's own well-being and societal justice?
- What are the stumbling blocks and gaps in the present studies on stoicism and the judicial system, and what areas require more investigation?

Hypothesis:

Since both stoicism and the legal system share some essential concepts and ideals that can enlighten and enhance one another, they can coexist. The hypothesis suggests that stoicism and the legal system can coexist in theory, but it acknowledges that there could be difficulties in putting stoic ideas into practice within the confines of the legal system. Stoicism places a strong emphasis on individual autonomy, restraint, and acceptance of the natural order of things, all of which may be at odds with the goals and processes of the legal system, such as the search for justice and the application of the law. However, stoicism also emphasizes reason, objectivity, and moral behavior, which are consistent with the principles of justice, accountability, and fairness.

Research methodology:

The secondary research methodology that will be used for this study on the compatibility of stoicism and the legal system includes a thorough literature review, systematic data collection through search and analysis of existing literature, qualitative content analysis of the data, evaluation of findings within the context of existing literature and theoretical

frameworks, acknowledgment of limitations, and recommendations for future research. This approach will make it possible to examine the connection between stoicism and the law in great detail.

Introduction;

Stoicism; Stoicism as a philosophy originated in the Hellenistic period[1]. It was founded in Athens by Zeno of Citium in the early third millennium BCE[2]. Its logical foundation and worldview have an impact on its own eudaemonic virtue and ethical philosophy. According to this theory, living a life of virtue is both necessary and sufficient for experiencing "eudaimonia," or flourishing in order to live morally. The Stoics defined the path to eudaimonia in terms of the fundamental virtues of living in harmony with nature. The philosophy of the Stoics, according to which "virtue is the ultimate good" for individuals and that goods like health, prosperity, and pleasure are only important as "material for virtue to operate upon," is well known. The Stoic tradition is one of the chief founding schools of virtue ethics, along with Aristotelian ethics. The Stoics promoted keeping a prohairesis, or "in harmony with nature," will because they believed that some unfavorable emotions were the result of a lack of judgement. Thus, in conclusion, The Stoics held that a person's actions, not their words, were the best sign of their philosophy. They held the view that everything had its origins in nature and that one needed to understand the natural laws of order in order to live a decent life. Since "virtue is sufficient for happiness," many Stoics, like Seneca and Epictetus, emphasized that a wise person would be emotionally resilient to adversity. The expression "stoic calm" has a similar meaning, but excludes the notion that only a sage can be judged totally free and that all moral corruptions are equally awful.

Up to the third century, stoicism was widely practiced throughout the Greek and Roman world, and Marcus Aurelius was also one of its believers. Following the adoption of Christianity as the official religion in the fourth century, the stoic philosophy went into decline. Since then, it has seen resurgences, particularly during the Renaissance and the modern era, which is characterized by the modern perception of stoicism.[3]

Law; Law has its origin in religion through various practices such as customs, rituals, morals, ethics, traditions and many more practices. Further on in time, a few Greek scholars and philosophers disintegrated law from religion to make it an institution of its own.

In order to control social conduct, law as an institution came about which is an amalgamation of rules and regulation, however the exact concept of a law is still up for debate. In various contexts, it has been referred to as both a science and the "art of justice." A law can be passed by one legislator, a number of legislators, the executive branch, or judges,

[1] https://plato.stanford.edu/entries/stoicism/
[2] https://www.orionphilosophy.com/stoic-blog/what-is-stoicism
[3] https://knowledge.wharton.upenn.edu/article/how-marcus-aurelius-stoicism-can-help-on-the-job/

particularly in common law states. Private parties have the power to make legally binding agreements, such as arbitration clauses that substitute for traditional court action and other forms of alternative conflict resolution. How laws are written may be influenced by the rights listed in a constitution, whether those rights are explicit or tacit.[4]

Analysis:

Reciprocity between Law and Language;

Language is a fundamental component of any system of universal rules. Laws are naturally created by administrators using language, and such laws should be able to tolerate differences about the effects of that language usage. Law is the effective framework that controls an area's existence through standards that are seen as obligating on people and their organizations. A law is a rule that is necessary for preserving tranquilly and order in a structured kind of society.

A set of principles underpin the sign system of language, which is utilized for communication. The only means to access legal concepts is through language, which is why laws are written in language. Both police officer interviews and court proceedings contain language, as similar to all other official proceedings. Contractual language also describes how partners connect to one another. Words are used by law to enforce its will. Information is sent from sender to recipient using language as a medium. For communication to occur, a common language must be used.

Acquiring legal terminology is just one aspect of developing legal language as the other aspects include developing new ways of thinking, learning a new language, and entering a new environment. Legal terminology may be closer to everyday speech and more descriptive than intellectual parlance. There should be more rules developed with regard to the language elements of the development and implementation of law. It's possible that certain attempts made to modernize legal language won't make them easier to grasp. Attempts should be made to make legal writings easier to grasp by concentrating on their structure.

Nevertheless, there might be a lot of drawbacks to using language in the application of law. The jury chooses one side of the tussle over the other based on whose narrative they find to be the most thorough, consistent, and credible in the eyes of law. When a witness tells a tale, it may cause confusion and give the listeners the impression that the account is irrational if they are from a society with a distinct storytelling tradition. A tale may be less persuasive or less understandable if the audience does not share the schemas required to comprehend it.

[4] https://en.wikipedia.org/wiki/Law

Perhaps that is why language is vague in some aspects of law, leaving loose knot ends and loop holes which might further the burden of the issue being dealt with giving rise to unwarranted consequences.

Interpretations of language in the Legal sphere;

The majority of the literature on legal interpretation is indifferent to the core issue of what constitutes the grounds for interpretation. Styles of writing techniques of interpretation frequently fail to address the core purpose of legal interpretation in favor of appealing to whatever factors they deem to be essential. z

The phrase "legal interpretation" probably isn't always used with a clear-cut definition. Although there are a few paradigms for legal interpretation theories, it's possible that they don't all pursue the same goals. If the phrase has several applications, trying to pinpoint the one that is specifically right is generally not useful. Instead, we should consider how the phrase may be organized to be more effective. The main goal should be to faithfully represent the core idea of prominent theories like textualism, purposivism, and originalism. If the word chooses out a conceptually unified business, that may have the effect of favoring a specific conception of legal interpretation.

In law, it is important to distinguish between a provision's linguistic meaning and its contribution to the law's overall substance. It may turn out that a statute's linguistic meaning (or, more specifically, a certain type of linguistic meaning) constitutes its contribution, but this is a very debatable assertion on how the content of the law is established. We overlook the need for a substantive explanation for that assertion if, in addressing the fundamental question of what legal interpretation seeks, we merely confuse a statute's contribution with its linguistic meaning.

It might be argued that since the language interpretation is what contributes the provision to the law, determining the linguistic meaning of the pertinent legal provisions does settle disagreements. This objection acknowledges that a provision's contribution to the law is sought during legal interpretation and presupposes that the contribution is made up of linguistic meaning. In light of this, the objection should be interpreted as holding that the proper approach to legal interpretation is to ascertain linguistic meaning. This is because the objection asserts that legal interpretation by its very nature seeks to ascertain the (provisions' contribution to the) content of the law. Ultimately in what so ever case, it is not appropriate to understand the foundational goal of legal interpretation in a way that relies on a contentious substantive assertion about how the substance of the law is decided. [5]

[5] https://plato.stanford.edu/entries/legal-interpretation/

Past precepts of stoicism being applied in law;

Because the Stoics' ethical theories were so easily adaptable to the real-world demands of the growing Roman Empire, it is reasonable to conclude that Stoicism served as the theoretical foundation for the Roman conception of natural law. The Roman legal system provided the highest expression of the notion that a citizen's rights are paramount to the state's rights.

For the simple reason that stoic natural law was indifferent to the natural or divine source of law in the sense that the Stoics asserted existence of a rational and purposeful order in connection with the universe and the manner in which such a rational man would live in the world, the principles of stoicism were very appropriately used as platforms while codifying and creating Roman law. In this instance, logic—or more specifically, a component of it, the epistemology or theory of knowledge—had utility.

Roman law is sometimes referred to be the "perfect law" because, when viewed from an axiological viewpoint, it is founded on intrinsic worth and virtues rather than the strength of the state's compulsion and authority. Gottfried Wilhelm Leibniz, in a letter to Hobbes, stated that "half of the Roman law comes under the pure natural law"3 and that this pure natural law is actually the intuitive, congenital "law of higher order"; a result of a just and "empyreal law," respectively. This was actually well established at the time. When examining this school of thought, it is important to keep in mind that the Stoics' doctrine caused the Roman legal system to stagnate as a whole since it views the distinction between free people (status libertatis) and slaves (status servitutis) as bad. The idea that a man is "an instrument that talks" and someone's property is absurd, but it persisted in the social structure of ancient Rome.[6]

Conclusion:

Convergence of Stoicism in law through language;

Stoicism and law both in some parlance propound duty, responsibility, selflessness and empathy towards life around oneself. Both ultimately assist the seeker to achieve self-satisfaction and derive happiness from what one does. ‘Life’ in its daily occurrence happens under the influence of many external things. We though are individual beings, are subject to the environment around us and constantly assay to act in accordance with our understanding of the things around us. In all aspects of ‘life’ we constantly work and strain our minds towards something which is in some relation with us and an external entity.

Stoicism in law through language, exists in some arrays of laws. Laws are certain rules and regulations which come into play when a person goes beyond their individual sphere and their actions affect others ultimately calling in need for the law to interfere to safeguard

[6] https://medium.com/legis-sententia/stoicism-roman-legal-contribution-to-the-evolution-of-law-e3fc0ee6067d

the victims right to live peacefully. In many other various instances too, the law lays down rules and regulations to remind us to make sure our thoughts, intentions and actions stay true to the inherent pledge we appropriate on ourself and also by the society when we take birth, to enjoy our rights while not effecting the rights of others.

Stoicism and law partially reside in each-other's domains. At the core they vary trying to represent themselves to their truest self, but on some line's they are in consonance with each-other trying to propagate through philosophy that our life's are individual, however not alien to subjugation to nature and we are interdependent to the environment around us. We are all the more human when we conduct ourselves with consciousness of our surroundings and being considerate about the environment which ultimately determines our personality and liveliness as humans. This is precisely how stoicism exists in law through language.

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