

DIKE AS A MORAL TERM IN HOMER AND HESIOD

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MUCH has been written about the meaning of the word *dike* in early Greek poetry, but there is no agreement about its meaning. One feature common to a number of very different accounts of the meaning of the term, however, is the belief that *dike* and *adikia* and their cognates are devoid of moral significance. Thus Kurt Latte says that the term is not employed for moral evaluation in Homer.¹ Lionel Pearson in his *Popular Ethics in Ancient Greece* says of the words *themis* and *dike* in Homer: "The language of the Homeric poems . . . definitely forbids the conclusion that the words mean anything like 'natural law' or 'self-evident justice.' In due time, as later literature shows, these concrete words become abstract and acquire ethical implications."² E. A. Havelock, in a paper whose thesis is that the term *dikaosune* was introduced into Greek in the mid-fifth century, writes that the appearance of the word "marks the beginning of the internalization of a moral conception hitherto viewed from a purely social and external point of view."³ On this thesis, *dike* is not a moral term. In two articles tracing the history of the word *dike* from Homer to the early fifth century, Michael Gagarin has argued that in Homer and Hesiod *dike* can mean "characteristic" or "characteristic behavior" or "settlement" or "legal process," and that the word remains primarily a legal term without general moral application at least until 480 B.C.⁴ An even more radical analysis of the meaning of *dike* and *dikaios* is that of V. A. Rodgers, who maintains that, until Plato, *dike* is that which avoids disaster and the *dikaios* is the man who avoids disaster.⁵

It is the belief that *dike*, *adikia*, and their cognates are devoid of moral significance in Homer and Hesiod against which I wish to argue in this article. My strategy will be to set out what seem to me to be the two main theoretical objections to *dike*'s having moral significance, to counter them, and then to examine a number of passages in Homer and Hesiod in which, I shall argue, *dike* should properly be translated by "justice" or "righteousness." In so doing I shall try to demonstrate that Gagarin's assertion that *dike* in these passages means "settlement" or "legal process" is mistaken. Finally, I shall address the fallacy on which Rodgers' conclusions about the meaning of *dike* and *dikaios* rest.

1. "Der Rechtsgedanke im archaischen Griechentum," *A & A* 2 (1946): 65 (= *Kleine Schriften* [Munich, 1968], p. 236).

2. (Stanford, 1962), p. 46.

3. "Dikaosune: An Essay in Greek Intellectual History," *Phoenix* 23 (1969): 51.

4. "Dike in the *Works and Days*," *CP* 68 (1973): 81-94 and "Dike in Archaic Greek Thought," *CP* 69 (1974): 186-97.

5. "Some Thoughts on Dike," *CQ*, n.s. 21 (1971): 289-301.

The position for which I shall argue is one which a number of scholars have espoused, although without arguing for it at length. In his dissertation, *Die ethische Terminologie bei Homer*, M. Hoffmann asserts that *dike* is used with a moral sense in Homer.⁶ Werner Jaeger in the first volume of his *Paideia* writes of the presence of the notion of justice in the *Iliad* and *Odyssey* as well as in Hesiod's *Erga*.⁷ A. W. H. Adkins in his *Merit and Responsibility* speaks of *dike* as though it meant "justice."⁸ Finally, in Hugh Lloyd-Jones's *Justice of Zeus* it is taken for granted that *dike* is the word for justice in early Greek poetry and thought.⁹ I shall try to show in this paper that there is good reason for thinking that *dike* in some instances in Homer and Hesiod does mean "justice" or "righteousness."

In some ways the most interesting reason for denying moral content to *dike* in Homer and Hesiod is the one which Latte adduces,¹⁰ namely, that Homeric man lacks any inner consciousness of what is right. As an example of this lack of inner moral consciousness Latte cites the case of Phoenix, who relates that he checked his wrath at his father's cursing him not because he believed that to kill his father would be wrong but lest he be reproached with the name of father-killer (*Il.* 9. 458–61). It is worthwhile to set out in a fuller and more explicit form the case against according moral content to *dike* to which Latte alludes. The argument is that in early Greek society men chose and forbore to act in one way or another, not because they themselves believed that to act in one way or another was right or wrong in itself, but because they wished to win the approbation or avoid the disapproval of their fellows. In such a society it is fear of shame, and not a conviction that some things are in themselves wrong, which prevents men from overstepping the bounds. So it can be inferred that a word such as *dike* cannot have moral content, since in a society in which men guide their actions with reference only to what others will say of them, they will not use *dike* to mean that which they believe to be right. There can be no internalization of moral imperatives in a society ruled solely by the desire to win approbation and avoid obloquy. Such a society has no morality, in one sense of the term, because all actions are guided by what amount to considerations of prudence, not of morality.¹¹

What this argument does is to draw certain illegitimate inferences from the undoubted fact that ancient Greek society was what anthropologists call a shame culture. E. R. Dodds has in his *Greeks and the Irrational* drawn our attention to this aspect of Greek society.¹² Recently, Hugh Lloyd-Jones has made the point that it is a mistake to think that any culture will be so

6. (Tübingen, 1914), p. 42.

7. Trans. by G. Highet (Oxford, 1939), p. 62.

8. (Oxford, 1960), pp. 35 and 54.

9. (Berkeley, Los Angeles, and London, 1971).

10. "Rechtsgedanke," p. 64 (= *Kleine Schriften*, p. 235).

11. By "morality" here I do not mean the set of rules and obligations which a society has to govern conduct, but the rules and obligations which the members of a society assent to and believe in. For internality as a necessary condition of morality, see H. L. A. Hart, *The Concept of Law* (Oxford, 1961), pp. 168 f. and 175 f., and Neil Cooper, "Morality and Importance," in G. G. Wallace and A. D. M. Walker (eds.), *The Definition of Morality* (London, 1970), pp. 91–97.

12. (Berkeley and Los Angeles, 1951), pp. 28–50.

much a shame culture as not to have elements of a guilt culture in it, and vice versa.¹³ K. J. Dover in his *Greek Popular Morality in the Time of Plato and Aristotle* makes a similar point, by directing our attention to elements of a shame culture in what is supposed to be a guilt culture.¹⁴ What I shall argue is that it is wrong to infer from the fact that a society is a shame culture that, in such a society, men's conduct is governed solely by what they think others will say and not at all by internalized moral imperatives.

There is something which is close to an internal incoherence in the idea that there could be a society in which men's actions are guided, not by belief in what is right or wrong, but only by their concern with what others will say about them. Why do men fear that others will criticize them, why hope to win the approval of their fellows? If men do not have any idea of right or wrong in themselves, i.e., if they do not believe that some things are right and others wrong, there does not seem to be any very good reason why they should applaud or criticize the conduct of others. It makes sense that men who feel that certain actions are right and others wrong should praise or condemn their fellows for actions in accord with or contrary to these feelings. But if men have no such feelings about right and wrong, why would they condemn or praise or feel indignation or pleasure at the actions of others? It is, of course, perfectly possible to conceive of a man whose actions are governed entirely by what he thinks others will say of him. But such a man can only exist in a society in which there are other men with moral convictions. However, that is not the case with which we are confronted, a society in which no one has internalized moral imperatives. The considerations to which I have drawn attention should therefore lead us to the conclusion that there can be no such thing as a shame culture in which men have no moral principles of their own.

Turning from argument in the abstract to Homer, we find that this conclusion is borne out by the evidence of the texts. The name of the emotion experienced by those who incur the condemnation of their fellows is *aidos*.¹⁵ *Aidos* is also the name for the feeling of inhibition which is aroused by fear of what others will say and which prevents a man from behaving in an unseemly fashion.¹⁶ What the man who feels *aidos* fears is that he may provoke *nemesis*, "indignation," in his fellows and that they may condemn his conduct.¹⁷

When *nemesis* or its derivatives are used in Homer of a man's or a god's anger, that anger is almost invariably anger aroused by untoward conduct on the part of another—for the most part, conduct which does not affect the indignant party. The archaic rendering of the word, "righteous indignation," is therefore an appropriate one. It is the indignation which men feel when they observe unrighteous conduct. Thus when Ajax Oeliades and Idomeneus

13. *The Justice of Zeus*, pp. 24–26.

14. (Oxford, 1974), p. 241.

15. On this aspect of *aidos*, see A. Cheyns, "Sens et valeurs du mot *aidos* dans les contextes homériques," *RecPhL* 1 (1967): 32.

16. *Ibid.*

17. Cf. C. von Erffa, *Αἰδώς und verwandte Begriffe*, *Philologus*, suppl. 30 (Leipzig, 1937), pp. 30–35.

quarrel and exchange insults, Achilles checks them with these words: "Do not exchange any more harsh and evil words, Ajax and Idomeneus, for it is not becoming. You two feel *nemesis* at another who would do such things" (*Il.* 23. 492–94). Nausicaa employs basically the same argument, applying it to herself, in explaining to Odysseus why he should not be seen accompanying her. She wishes to avoid being reproached with having had improper relations with a stranger. She too feels *nemesis* at another woman who would do such things, one who would have union with a man before marriage against the will of her parents (*Od.* 6. 273–88).

If men feel *nemesis* at those guilty of such improprieties of conduct as feasting in a hybistic fashion (*Od.* 1. 227–29), not having made provision that one's father-in-law's corpse be properly shrouded (*Od.* 2. 97–102), sending one's mother back against her will to her father's house (*Od.* 2. 130–37), having illicit sexual relations with men before marriage (*Od.* 6. 273–88), and engaging in unseemly quarreling (*Il.* 23. 492–94), then it must be the case that they feel such conduct to be wrong and reprehensible. Their indignation makes no sense otherwise. Hence, Homer portrays men with moral convictions.

As well as feeling indignant at the faults of others, men in Homer act out of what we would call a sense of moral conviction. When Andromache tries to persuade Hector to remain in Troy and to stay away from battle, Hector gives two apparently distinct reasons for refusing to accede to his wife's request. "But I feel terrible shame (*aidos*) before the Trojan men and the long-trained Trojan women, if I skulk apart from battle as a *kakos*; nor even does my *thumos* bid me act so, for I have learned always to be *esthlos* and to fight in the front rank of the Trojans, winning great glory for myself and my father" (*Il.* 6. 442–46). Hector's two reasons are (1) that he feels *aidos* at the prospect of being seen avoiding battle; and (2) that his *thumos* bids him not to skulk, as he has learned always to be *esthlos* and to fight in the front rank. Hector's second reason for turning down Andromache's plea is as clear evidence as we could hope to find in Homer that men have personal convictions about the right thing to do, and that these convictions govern their conduct. Odysseus, contemplating flight when he is confronted by a superior enemy force, strengthens his resolve to stay by invoking the same principle that Hector employs in answering Andromache. "Alas, what is to become of me? It is a great ill if I flee in fear of their numbers, but it is worse if I am to be caught on my own. But why does my *thumos* speak to me in this fashion? For I know that *kakoi* leave battle, while it is necessary for whosoever is *aristos* in battle to stand firm, whether he be struck or strikes another" (*Il.* 11. 404–410). A man may then act on principle alone or he may act on principle reinforced by a fear of incurring *aidos*.

Nor should it be assumed that fear of what people may say is always in Homer thought to be a good reason for pursuing a course of action. Such fear may divert a person from doing the right thing. This point may be illustrated from Nausicaa's treatment of Odysseus as suppliant and her father's criticism of that treatment. Nausicaa does not escort Odysseus back to her father's palace, since she is afraid that someone will see her and speak

ill of her (*Od.* 6. 273–88). Her father, however, finds fault with her conduct as not *enaisimon*, on the ground that Nausicaa had failed to bring Odysseus back to the palace after she had been the first person to be supplicated by him. Odysseus gallantly lies, saying that it was his idea that he should not accompany Nausicaa because he felt fear and shame lest Alcinous be angry at seeing him. Alcinous' response is that he is not such a man as to be vainly angry (*Od.* 7. 299–310). The implication of the episode is that a youthful sense of shame should not stand in the way of carrying out one's obligations.

Let me sum up the objections to the position of those who maintain that *dike* in Homer and in early Greek poetry can have no moral content, since men's conduct in the society that produced the poetry is guided by their expectations of what others will say of them and not by internal moral conviction. It is first of all difficult or impossible to conceive of a society in which everyone is concerned with what others will say of him but no one has moral principles of his own. Second, in Homer men do in fact feel righteous indignation at the delinquencies of others, a sign that they have internal standards of conduct. Third, men in Homer act not only out of a sense of shame but also out of a feeling that what they are doing is the right thing to do. Fourth, in Homer fear of what people may say is not a sufficient excuse for failing to carry out one's obligations. In conclusion, it does not follow that, because a society is a shame culture, its members have not internalized moral imperatives. In fact, it seems to be a necessary precondition of a shame culture's existence that there be people within it who do have moral convictions. It is wrong then to infer from Homeric society's being a shame culture that *dike* necessarily lacks moral force.

The second theoretical objection to be countered is Lionel Pearson's. He argues¹⁸ that "natural law" and "self-evident justice" are impossible as translations of *themis* and *dike* in Homer, since these words are concrete and only later do they "become abstract and acquire ethical implications." The reasoning in this case seems to be that since "justice" in English is an abstract term and *dike* in Homer is concrete, therefore *dike* cannot properly be translated as "justice."

Underlying this argument is the belief that abstract terms are the names of a special class of entities, abstractions. If that is true, it is plausible to maintain that the vocabulary of a poet such as Homer will lack abstract terms. Such a poet is after all not engaging in philosophical speculation at a level far removed from the concrete. But it does not follow from the fact that Homer manifestly does not engage in abstract and theoretical argument that he does not possess and use abstract terms. Furthermore, the possession of a set of abstract terms does not depend on the prior existence of abstract philosophical speculation, in the course of which the entities for which the abstract terms are names are identified. Abstract terms are simply substantives employed to say what can also be said without loss of meaning by using a predicative adjectival phrase.¹⁹ Thus the sentence, "Justice requires

18. *Popular Ethics*, p. 46.

19. I depend at this point upon J. R. Searle's discussion of abstract terms (*Speech Acts* [Cambridge, 1969], pp. 119–21).

that we do this," can be transformed without loss of meaning into the sentence, "What is just requires that we do this." The man who possesses a vocabulary consisting of such abstract terms as "justice," "goodness," and "truth" has a conceptual armory no greater than the man who only knows the adjectives "just," "good," and "true." His advantage lies in the fact that he may be able to speak more felicitously and concisely. If we are prepared to concede that Homer has an adjective for which "just" serves as a more or less adequate rendering, then we should not object to the translation of *dike* as "justice" on the ground that "justice" is an abstract term.

Michael Gagarin has taken a very different line in reaching the conclusion that *dike* and its derivatives in early Greek poetry are free of moral significance.²⁰ Basing his argument on etymological considerations, Gagarin concludes that *dike* in Homer may mean "characteristic" or "characteristic behavior" or "settlement" or "legal process," and that in Hesiod's *Erga* it means "legal process." At no point, he maintains, does the word have a general moral sense. No arguments deriving from the nature of Greek society are invoked in support of this position. Yet the society implied by Gagarin's account of the meaning of *dike* is a strange and unfamiliar one, inhabited by men concerned not with questions of right and wrong but with whether a legal process has been followed. Gagarin, moreover, offers no analysis of those other terms whose meaning his radical revision of the meaning of *dike* necessarily affects. The meanings of *hybris*, *bie*, *themis*, and *aisimos*, for example, are not discussed, though the meanings traditionally assigned these terms cannot stand if Gagarin is right about *dike*. Finally, Gagarin does not examine very closely the context in which those instances of *dike*, traditionally given the meaning "righteousness" or "justice," are found. In most of these cases the context provides good reason for taking *dike* to have moral significance and very little reason for translating the word as "settlement" or "legal process."

At *Odyssey* 14. 81 f. Eumaeus complains to Odysseus that the suitors consume his swine and have no thought of the vengeance of the gods nor of pity. He goes on to say:

οὐ μὲν σχέτλια ἔργα θεοὶ μάκαρες φιλέουσιν,
ἀλλὰ δίκην τίουσιν καὶ αἴσιμα ἔργ' ἀνθρώπων.

[83-84]

The gods, Eumaeus says, do not love *schellia erga* but honor *dike* and *aisima erga* on the part of men. Developing the theme of the suitors' total indifference to divine punishment, Eumaeus makes the point that fear of divine vengeance falls even on the members of an enemy force who have landed on foreign soil and to whom Zeus has granted booty, when they have loaded their ships and are making for home (85-87). But the suitors, he says, have heard some report of Odysseus' death, since they do not pursue their suit *dikaiōs* and return to their own homes, but wantonly (*hyperbion*) and free from care consume Odysseus' possessions (89-92). In sum, then, Eumaeus

20. In "*Dike* in the *Works and Days*," and "*Dike* in Archaic Greek Thought." Cf. n. 4.

thinks that the suitors' behavior is not *dikaion* and that they are unconstrained by any fear of the gods.

Context most strongly suggests that to be *dikaioi* in their suit the suitors should return to their homes and not wantonly (*hyperbion*) consume another's possessions and make free with his house.²¹ The proper rendering of *dikaiōs* here will be "justly" or "righteously." We are unquestionably right to connect Eumaeus' assertion that the suitors do not pursue their suit *dikaiōs* but wantonly consume Odysseus' possessions with his earlier statement that the gods honor *dike* and *aisima erga*. Thus it is likely that *dike* here has a general moral sense and that it should be rendered as "justice" or "righteousness." To maintain that *dike* here means "legal process" is to ignore the context in which the word occurs.²² Eumaeus is not at all concerned with "legal process." It has no relevance to the situation which arouses his indignation. What he is concerned with is the unconstrained wickedness of the suitors in consuming, uninvited, in another man's house, food and drink which is not theirs.

Even if *Odyssey* 14. 83-84 is plucked from its wider context, there is still no justification for taking *dike* there to mean "legal process." *Dike* is contrasted with *schellia erga* and associated with *aisima erga*. *Schellia erga* are "wicked deeds." Polyphemus' killing and eating the comrades of Odysseus is described as such at *Odyssey* 9. 295, as is the behavior of the suitors of Penelope in failing to accord due respect to whosoever of men came to them (*Od.* 22. 413-15).²³ What is *aisimos* or *enaisimos*, on the other hand, is what is in accord with due order, i.e., what is righteous. Thus at *Odyssey* 17. 361 ff. Athena encourages Odysseus to go among the suitors and beg from them, so that he may learn who of them are *enaisimoi* and who are *athemistioi*, "unrighteous." The immediate context then indicates that *dike* at *Odyssey* 14. 84 means "righteousness" or "justice."

As he is about to leave his ship to explore the island where the Cyclopes live, Odysseus has a premonition that he will meet a man who is *ἄγριον*, οὔτε δίκας εὔειδόντα οὔτε θέμιστας (*Od.* 9. 215). Clearly, Odysseus' premonition is that he will meet someone like Polyphemus. Both before Odysseus meets the Phaeacians and before he has his encounter with Polyphemus, Odysseus asks himself whether the men to whose land he has come are *hybristai*, *agrioi*, and not *dikaioi*, or whether they are *philoxeinoi* and have minds which are god-fearing (*Od.* 6. 119-21, 9. 174-76). Men who treat strangers well are *philoxeinoi*, god-fearing and, by implication, *dikaioi*, while those who do not are *agrioi* and *hybristai*. Polyphemus falls into this latter category. He is clearly not god-fearing. When Odysseus invokes the protection of Zeus Xenios, Polyphemus' response is that the Cyclopes do not fear the wrath of Zeus and the other gods (*Od.* 9. 269-80). He is referred to as *agrioi*

21. *Hyperbios* as an adjective qualifies *hybris* at *Od.* 1. 368, 4. 321, and 16. 410. Helios speaks of Odysseus' crew's having killed his cattle *hyperbion* (*Od.* 12. 379), a deed which Odysseus has warned his men against committing out of *kakai atasthaliai* (300 f.) and which he himself calls a *mega ergon* (373). What is done *hyperbion* is then a transgression of due order and as such it stands in opposition to what is *dikaion*. Cf. Hoffmann, *Ethische Terminologie*, p. 14.

22. So Gagarin, "Dike in the Works and Days," pp. 85 f.

23. Cf. Hoffmann, *Ethische Terminologie*, p. 60.

by Odysseus' crew (9. 494). He is in all likelihood to be categorized as not *dikaïos*. Furthermore, Polyphemos is also said to be *athemistios* (9. 189). As *athemistios* Polyphemos will not be *enaisimos*,²⁴ and if he is not *enaisimos*, he will not be, as we have seen, *dikaïos* or an observer of *dike*. So when Odysseus has a presentiment that he will meet an *agriôs* man who knows well neither *dikai* nor *themistes*, we may fairly infer that Odysseus is afraid that he will meet a man who has no understanding of what *dike* and *themis* prescribe for the treatment of strangers, i.e., a man who is not *dikaïos* but who is *athemistios*. To take Odysseus to be fearful that he will meet a man who is "ignorant of settlements" is to make Odysseus have a premonition which is both irrelevant and pointless.²⁵ Polyphemos is a menace not because he is ignorant of settlements but because he does not acknowledge or understand what is right and just.

At *Iliad* 16. 386–88 Zeus is said to be angered by and to punish those who with *bie* pronounce crooked judgments in the marketplace and drive out *dike*, having no regard for the vengeance of the gods.²⁶ It has long been recognized that this passage bears a close resemblance to Hesiod *Erga* 218–24. There, a tumult is said to arise when *Dike* is dragged whithersoever bribed judges lead her, judges who pronounce judgments crookedly. *Dike* follows clothed in mist, bringing ill to the cities and men who drive her out and do not assign her straight. The driving out of *Dike* in Hesiod is not an expulsion of legal procedure from the city, but a driving forth of what is uncorrupt and unbiased in the administration of justice. A legal process still exists, but it is corrupt and biased. Similarly, in the Homeric passage, it is not legal process as such which is driven forth by those who pronounce crooked judgments with *bie*. It is rather that quality which makes a judge pronounce straight, i.e., impartial, judgments, and that quality is justice or equity.

Finally, at *Iliad* 19. 189–90 Odysseus tells Achilles to let Agamemnon give a feast for him in his tent so that Achilles may not lack anything of *dike*.²⁷ That would seem to mean that, by giving a feast, Agamemnon will make complete redress for the wrong done Achilles, with the result that Achilles will regain what is just and right for him to have.

I have already argued that there is evidence that *dike* in Hesiod may be used with the sense "justice" on the basis of the lines in which *Dike* is said to be driven out by men who do not deliver impartial judgments (*Erga* 220–24). The lines are part of a self-contained segment of the *Erga* in which Perses is exhorted to give heed to *dike* and not to give increase to *hybris* (213–47). That Hesiod in this passage and in the *Erga* as a whole is recommending the benefits of justice or righteousness is what I shall now argue.

At *Erga* 213–47 Hesiod sets out the advantages of *dike* and the disadvantages of *hybris*. He begins by saying that the road to *dikaia* is better than

24. Cf. *Od.* 17. 361 ff.

25. So Gagarin, "*Dike* in the *Works and Days*," p. 90.

26. Gagarin, *ibid.*, p. 86, takes *dike* here to mean "legal process," "peaceful arbitration."

27. Gagarin, *ibid.*, p. 85, thinks that *dike* here means "settlement." But there has been no legal settlement between Achilles and Agamemnon.

the way of *hybris*, which involves a man in disaster, as *dike* triumphs over *hybris* in the end (214–18). We then have the allegorical lines about *Dike*'s being dragged whithersoever bribe-taking men bring her and about her giving ill to men (219–25). In contrast to those who drive out *Dike* and are afflicted with misfortunes, those who deliver straight judgments to citizens and strangers and who do not swerve from what is *dikaion* flourish (225–38). Hesiod here describes in some detail the blessings which befall the city of such men. On the other hand, to those whose concern is *hybris* and *schellia erga* Zeus assigns punishment (239–40). Often even a whole city suffers because of one *kakos* who transgresses and devises wicked deeds (240–41). A catalog follows of the ills that a community in which *hybris* is practiced may endure (242–47).

What is meant by *dike* in this passage is chiefly determined by the sense of the term *hybris*, to which it is opposed. *Hybris* in Homer and Hesiod is a transgression or overstepping of the due order of things. Normally it consists in one person's invading the rights of another.²⁸ Thus at *Odyssey* 23. 63–66 Penelope says that one of the gods has killed the suitors in indignation at their *hybris* and their *schellia erga*, since they accorded respect to no man who came to them. Men who do not treat strangers properly are said to be *hybristai* and not *dikaioi* (*Od.* 6. 120 f.). Hesiod, as we have just seen, couples *hybris* with *schellia erga* and subsumes the behavior of the *kakos* who transgresses and devises wicked deeds under the heading of *hybris* and *schellia erga* (*Erga* 239–41). *Dike* at *Erga* 213–47 then will mean "justice" or "righteousness," since its opposition to *hybris* demands such a sense.²⁹

A second argument in favor of taking the *dike* which Hesiod recommends in the *Erga* to be justice or righteousness can be constructed from a comparison of the statement at 333–35 that Zeus in the end (ἐς δὲ τελευτῇν) imposes harsh retribution for *adika erga* and the statement at 217–18 that *dike* in the end (ἐς τέλος) comes out over *hybris*. Both statements would appear to be an expression of the same belief, namely, that something will be punished in the end. That what is punished in the end is unrighteousness is clear from the catalog of *adika erga* which Hesiod gives at *Erga* 327–33: doing harm to a stranger or suppliant, sleeping with one's brother's wife, and so on. When Hesiod says that in the end *dike* triumphs over *hybris*, we may infer that he means that in the end righteousness triumphs and evil is punished.³⁰

To sum up, there are passages in Homer and Hesiod in which the context demands a translation such as "justice" or "righteousness" for *dike*. In addition, there is a set of terms regularly associated with and opposed to

28. Cf. Hoffmann, *Ethische Terminologie*, pp. 11 f.

29. Gagarin, "Dike in the *Works and Days*," p. 94, thinks that what Hesiod is promoting in commending *dike* to Perses is that men should submit their disputes to a legal process and shun violence. This interpretation rests in part on Gagarin's taking *dikaioi* at *Erga* 213 ff. to mean "behaving peacefully," "not quarreling." So when Hesiod tells Perses that the road to *ta dikaia* is better and that *dike* triumphs over *hybris* in the end (216–18), Gagarin understands that Hesiod is telling Perses to settle his disputes peacefully rather than through violence, since that course of action will bring prosperity (p. 90). The translations, "behaving peacefully," "not quarreling," for *dikaioi* depend on *hybris*' meaning "violence." But that is not what *hybris* means in Homer and Hesiod, nor indeed need *hybris* even involve violence.

30. For the same belief, cf. Solon frag. 1. 25–38 Diehl; Theognis 197–202.

dike, and these terms define and determine the meaning of *dike* as “justice” or “righteousness” in certain passages. The rendering of *dike* by “legal process” or “settlement” in these passages would require that meanings other than the traditional ones be assigned such terms as *aisimos*, *athemistios*, and *hybris*. I have argued that the meanings traditionally given these terms are correct. The aim of this part of my discussion has been to show that *dike* may mean “justice” or “righteousness” in Homer and Hesiod, although the word does not always have that sense. In fact, it is more commonly used to mean “custom” or “judgment.”

Finally, I turn to V. A. Rodgers’ treatment of *dike* and *dikaios*.³¹ Rodgers maintains that, until Plato, *dike* and *dikaiosune* are that which avoids disaster and that the *dikaios* is the man who avoids disaster. This view of *dike* bears some resemblance to the account of the meaning of *arete* that A. W. H. Adkins has given in his important work on Greek ethics, *Merit and Responsibility*. There, Adkins puts forward the thesis that success is a necessary condition for *arete*. But there is nothing in *Merit and Responsibility* to suggest that Adkins would accept an extension of his treatment of *arete* to *dike*—and much to suggest that he would not.

Rodgers has reached her conclusion by conflating the prudential considerations typically given for being *dikaios* or pursuing *dike*, namely, that the gods punish those who trample upon *dike*, with the meaning of the terms *dike* and *dikaios*. Her treatment of Hesiod *Erga* 213–19 will serve as an example of what I take to be a failure to distinguish between the reasons for acting with *dike* and the meaning of *dike*. In this passage, Hesiod, exhorting Perses to act with *dike*, declares that *hybris* is harmful and that in the end *dike* triumphs over *hybris*. This Rodgers takes to be evidence that in these lines, “*dikaios*, *dike* and *adikoteros* all carry the meaning not of what is right or wrong in principle but of what is prudent in the light of material consequences.”³² She goes on to say: “Moreover, Hesiod’s usage is not exceptional. *Dike*, *dikaios*, *adikia* or *hybris* and *adikos* are always closely tied up with rewards and penalties.”³³ The fallacy in Rodgers’ reasoning must be clear. Because a poet whose acknowledged purpose is to promote the pursuit of *dike* says that *dike* triumphs over *hybris* in the end and that the man who acts with *hybris* meets with disaster, we have no warrant for concluding that *dike* means “the condition of being free of disaster.” It is as if we were to infer from a vegetarian’s assertion that in the end vegetables bring better health that “vegetable” means “that which brings better health.”

The consequence of this failure to distinguish between reasons and meaning is that it makes Hesiod an utterer of mere tautologies when he says that in the end *dike* triumphs over *hybris* (*Erga* 216 f.) and that the cities of those who do not depart from what is *dikaion* flourish (*Erga* 225–37). But presumably Hesiod wished to convince Perses of the merits of pursuing *dike*. To achieve that end he might be expected to give reasons for following a life in accord with *dike*. It therefore seems preferable to take Hesiod to be

31. “Some Thoughts on *Dike*,” pp. 289–301.

32. *Ibid.*, p. 293.

33. *Ibid.*

giving reasons for pursuing *dike* when he says, for example, that those cities which do not depart from what is *dikaion* flourish.

Furthermore, if Rodgers' account of the meaning of *dike* in Hesiod is accurate, it should not be possible for Hesiod to say that it is disadvantageous to be *dikaios*. Such a statement would be self-contradictory. But Hesiod does in fact say it is bad, i.e., disadvantageous, for a man to be *dikaios*, if an *adikoteros* man will have a greater share than he (*Erga* 272 f.). This counter-example cannot be dismissed by arguing, as Rodgers does, that Hesiod is able to speak of a man who is at a disadvantage as *dikaios* and one who enjoys an advantage as *adikoteros* because Hesiod knows that in the end Zeus will punish the *adikoteros* man.³⁴ The difficulty still remains that if the terms mean what Rodgers says they mean, Hesiod cannot use them as he does without engaging in self-contradiction.

In this paper I have argued that because a society is a shame culture it does not follow that in that society men do not have internalized moral convictions. Indeed, it is a condition of a shame culture's existence that its members believe that their fellows have strongly held moral sentiments which make them praise or condemn the actions of others. I have tried to show that in Homer men are portrayed as possessing within themselves moral principles which not only lead them to praise and blame others but which also guide their own actions. I conclude therefore that it is wrong to maintain that terms such as *dike* and *dikaios* have no moral content because the society in which they were employed lacked internalized moral feelings.

The second objection to the rendering of *dike* by "justice" addressed in this paper was that "justice" is an abstract term, while *dike* in Homeric Greek is always concrete. In disposing of this objection, I argued that abstract terms are simply substantives which may be used in place of predicative adjectival phrases and that, if it be granted that *dikaios* means "just" in Homeric Greek, there is no very good reason for denying that *dike* may mean "justice" in Homer.

After dealing with these theoretical objections to the moral content of the term *dike*, I went on to examine the thesis that *dike* was not a general moral term in Homer and Hesiod meaning "justice" but that it meant "legal process" or "settlement" in the passages in these authors in which it had traditionally been given the meaning "justice." Basing my case on an examination of the contexts in which the term occurs and on an analysis of the relationships which obtain between *dike* and such words as *aisimos*, *athemistios*, and *hybris*, I tried to show that "justice" or "righteousness" was a proper and accurate rendering of the meaning of *dike* in such passages as *Iliad* 16. 386-88, *Odyssey* 14. 83-84, and Hesiod *Erga* 213-18 and 270-73. The final portion of the paper has been devoted to rebutting the suggestion that *dike* from Hesiod until Plato is that which avoids disaster. This account of the word's meaning, I have argued, rests on a failure to distinguish between the meaning of *dike* and the reasons typically given for pursuing *dike*.

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34. Ibid., pp. 292 f.