

HESIOD'S DISPUTE WITH PERSES

MICHAEL GAGARIN

University of Texas

ὦ Πέρση, σὺ δὲ ταῦτα τεῶ ἑνικάτθεο θυμῷ,
μηδέ σ' Ἔρις κακόχαρτος ἀπ' ἔργου θυμὸν ἐρύκοι
νεϊκέ' ὀπιπεύοντ' ἀγορῆς ἐπακουὸν ἔοντα.
ὥρῃ γάρ τ' ὀλίγη πέλεται νεικέων τ' ἀγορέων τε 30
ὥστιν μὴ βίος ἔνδον ἐπηετανὸς κατάκειται
ὠραῖος, τὸν γαῖα φέρει, Δημήτερος ἀκτῆν.
τοῦ κε κορεσσάμενος νείκεα καὶ δῆριν ὀφέλλοις
κτῆμασ' ἐπ' ἀλλοτρίοις. σοὶ δ' οὐκέτι δεύτερον ἔσται
ὦδ' ἔδρειν· ἀλλ' αὖθι διακρινώμεθα νείκος 35
ἰθείησι δίκης, αἶ τ' ἐκ Διὸς εἰσιν ἄρισται.
ἦδη μὲν γάρ κληρὸν ἔδασσάμεθ', ἄλλα τε πολλὰ
ἄρπάζων ἐφόρεις μέγα κυδαίνων βασιλῆας
δωροφάγους, οἳ τήνδε δίκην ἐθέλουσι δικάσσαι.
νήπιοι, οὐδὲ ἴσασιν ὅσω πλέον ἤμισυ παντὸς 40
οὐδ' ὅσον ἐν μαλάχῃ τε καὶ ἀσφοδέλῳ μέγ' ὄνειρα.

(*Works and Days*, 27–41)

These verses give us our first view of Hesiod's brother, Perses, and contain the only specific information we have about the dispute between the two brothers. There has been much discussion of the relation between this dispute and the *Works and Days* as a whole,¹ but

¹ Some find a specific connection between the *Works and Days* and the dispute: e.g., Rzach (in *RE* VIII, 1171) feels that the dispute provided the impetus "Anstoss" for the poem; Schmid-Stählin (I.1, 251), relying on a dubious inference from *WD* 270–73, argue that the poem must have been finished before the trial ended; Wade-Gery ("Hesiod," *Phoenix* 3 [1949] 81–93) sees the poem as partly composed of shorter "agitation" speeches, which Hesiod delivered before the dispute came to a trial (90); and van Groningen ("Hésiode et Persès," *Med. Ned. Ak. Wet.* 20.6 [1957] 153–66), whose treatment of the dispute is the best, maintains that the poem is Hesiod's plea, delivered before the general public in order to force Perses to settle the dispute. Walcot ("Hesiod and the Law," *SO* 38 [1963] 5–21) more sensibly rejects the notion that the poem had any direct relation to the dispute and argues instead that Hesiod had a more general concern with

the traditional view of the brothers themselves has scarcely been challenged. This view has characterized Perses as both lazy and dishonest: not content with his share of their father's estate he has bribed the judges in order to acquire some of Hesiod's share and is still trying to get more of this share through legal wrangling. Hesiod, on the other hand, wants to settle their dispute fairly and honestly, and is trying, moreover, to make an honest man of his brother.

This view of the two brothers was challenged some years ago by van Groningen (above, note 1), who argued that Perses lost his earlier suit against Hesiod and that he thus never obtained any of his brother's possessions and is now nearly destitute. Although van Groningen's argument is mistaken in some of its details, his basic contention is correct, and one of the purposes of this paper is to revise and strengthen his argument, which has not won the acceptance it deserves.²

The verses are, to be sure, not as clear and precise as one might wish,³ but I shall argue that a consistent picture nonetheless emerges: Hesiod and Perses have divided their inheritance (not necessarily in equal shares). Perses rather than putting his share to profitable use (by hard labor) has been using it up (in part for court fees) in an unsuccessful attempt to acquire more through legal disputes. Now he is nearly destitute, and Hesiod is warning him that he had better settle their dispute now and turn his attention to more profitable labor. By seeking to acquire more Perses has lost everything, and the moral of the story is that one should be content with a modest livelihood rather than risk losing all in an attempt to gain more.

I will argue that this picture of the two brothers is more easily

law and justice (7-10). Finally some scholars feel that there never was any real property dispute between the brothers, but that Hesiod created the dispute as a poetic device to symbolize the conflict between two different kinds of lives (corresponding to the good and bad *eris*). See, e.g., Krafft, *Vergleichende Untersuchungen zu Homer und Hesiod* (Göttingen 1963) 86-92 ("ein Prozess hat nie stattgefunden, er ist ein literarisches Motiv," 90 n.4).

² Van Groningen's arguments are rejected by Diller, "Die dichterische Form von Hesiods Erga," *Akad. der Wiss. & Lit. Mainz* (1962) No. 2, 41-69 (reprinted in *Wege der Forschung* XLIV [1966] 239-74), who maintains the traditional view that Perses won an earlier suit by (indirect) bribery, but lost his wealth and is now seeking more (see below, notes 9 and 16).

³ Havelock ("Thoughtful Hesiod," *YCS* 20 [1966] 59-72) suggests that the rather loose connections in these lines may be a result of certain difficulties faced by an oral poet in attempting to develop a logical argument.

supported by the text than the traditional view, but first a word must be said about the Greek system for settling disputes peacefully as it is described by Homer and Hesiod.⁴ Disputes between two parties were settled either by force (*biê*, *hybris*) or peacefully with a "settlement," a *dikê*, and this settlement could be proposed either by one of the disputants himself (cf. *Iliad* 23.542, 579–80) or by a third party (cf. *Iliad* 18.497–508—the scene on Achilles' shield). Thus the word *dikê* is used both for informal settlements by the disputants themselves and also for the formal rulings delivered by a judge, who in the *Works and Days* is called a *basileus*, or "king." In the case of a formal trial the judge received a "present," in effect a fee, probably donated equally by the two disputants.⁵ Hesiod's feelings toward this process are to some extent ambiguous, for although he clearly urges his listeners to use the lawcourts rather than resort to force, and he pleads for a better legal process with straighter *dikai* (both "pleas" and "settlements" or "rulings"), he nonetheless realizes that use of the courts is expensive and can impoverish a man. Thus if possible one should settle one's disputes peacefully on one's own, without resorting to a judge, who would require a fee.

The passage under consideration follows immediately after Hesiod's description of the good *eris* and the bad *eris* ("striving" and "strife"), the second of which leads to war, the first to profitable competition (11–26). After these general remarks on *eris* Hesiod turns to Perses and exhorts him: "do not let evil-loving *eris* keep you from work, watching and listening to disputes in the agora" (28–29). These verses introduce Hesiod's advice to his brother, and it seems clear from their tone that this life of idleness and quarreling has recently been Perses' principal occupation.⁶

⁴ For fuller discussions of the evidence for the early Greek legal process see H. J. Wolff, "The Origin of Judicial Litigation among the Greeks," *Traditio* 4 (1946) 31–87, and Gagarin, "Dikê in the *Works and Days*," *CP* 68 (1973) 81–94.

⁵ In the scene on Achilles' shield in *Iliad* 18 the payment to be given (*domen*, 18.508) to the judges is two talents, probably one from each disputant. See Gagarin 84–85 (above, note 4).

⁶ Van Groningen 154–55 (above, note 1) maintains that Perses is only said to be an onlooker and has not been quarreling himself. But 33–34a imply in fact that Perses is already engaging in disputes himself, although he ought not to be doing so. It thus seems most reasonable to conclude that Perses has been both engaging in disputes himself and watching those of others.

"There is little concern with quarrels and agoras," Hesiod continues, "for one who has not sufficient livelihood laid up in season, that which the earth bears, Demeter's corn. But having acquired a sufficient amount of this you might expand your quarrels and your fight for the goods of others" (30-34). There is no hint of moral reproach in this advice. Rather the issue is a purely practical one: without livelihood one cannot afford to waste time in quarrels; with sufficient means, however, one might do so if one wishes. Whether Hesiod really would approve of such quarreling for those who could afford it (as 33-34a imply) is unclear,⁷ but in any case he clearly implies that Perses does not have sufficient livelihood stored up and thus cannot afford to engage in any quarrels.

The next clause (34b-35a) is somewhat loosely attached to what precedes, but its meaning is nonetheless clear: "you will not have a second chance to do this" can only refer to the business just mentioned, engaging in disputes with sufficient livelihood.⁸ This implies that Perses has already had one chance, which must have come when he acquired his share of the inheritance, at which time he did have sufficient livelihood stored up. But he has been squandering this livelihood, probably in his attempt to acquire more,⁹ and Hesiod expects that a final settlement will leave Perses without the means to try again. This "second chance" has bothered critics, since if there

⁷ The pairing of *neikea* and *dérin* in 33, which echoes the pairing of *polemon* and *dérin* (also with *ophellô*) in 14, suggests that Hesiod would view any such quarreling as the bad sort of *eris* even for one who had plenty of livelihood stored up. But there is a fine line between the two *erides*, and here (and elsewhere) one suspects that the distinction may lie primarily in the results: good *eris* is that which is profitable and bad *eris* that which is destructive or harmful.

⁸ West ("Miscellaneous Notes on the Works and Days," *Philologus* 108 [1964] 157-73) rejects this interpretation because, "obviously Perses has all the opportunity in the world to go on doing it," that is to go on observing quarrels in the agora (157-58). But Hesiod has warned Perses not to engage in disputes *unless he has adequate means*, and this has only happened once and will not happen again.

⁹ As van Groningen 155 (above, note 1) remarks, we do not know the outcome of the first trial, but we can be certain that Perses did not get rich from it. Diller 47 n.3 (= 247 n.16, above, note 2) rejects van Groningen's argument on the grounds that Hesiod would have no basis for his hostile attitude toward the judges unless they had decided in favor of Perses. But Hesiod as well as Perses would have paid the court fees, and this expense could cause the frugal farmer to complain about the "gift-devouring" kings even if they had decided in his favor. Moreover, Hesiod may well have had other less successful experiences in court.

has already been one trial (as implied in 37–39) and the present dispute is thus the brothers' second, then Hesiod should say, "you will not have a third chance."¹⁰ But two factors must be considered, first that Perses has had only one previous opportunity to pursue quarrels *with adequate means*, since at present he does not have such means, and second that the present dispute seems to be treated by Hesiod both as separate from the earlier dispute and also as part of one long dispute, which includes the earlier one. Hesiod has successfully resisted Perses' earlier attempts and is confident that a resolution of their current dispute will exhaust Perses' resources and put an end to their (overall) dispute.

With this feeling of confidence Hesiod continues in 35b–36, "but let us now settle this dispute ourselves¹¹ with straight *dikai* which are best, coming from Zeus" (where *dikai* are the pleas of the two disputants). The precise nature of the dispute is as yet unspecified, but Hesiod urges that they settle it themselves, thereby avoiding the expense of a formal trial, and he implies that Perses should be willing to settle on Hesiod's terms—terms which certainly will not enrich Perses since he will no longer have sufficient livelihood to engage in any more quarrels.

In the next three verses (37–39) Hesiod tells us all that we learn about the precise nature of the dispute. "For in fact we already divided our inheritance,¹² and you tried to seize and carry off many other things,

¹⁰ Cf. above, note 8. Krafft 89 n.4 (above, note 1) argues that *deuteron* (34) may mean "further" or "later" ("weiterhin," "später") and not specifically "second." But in his examples and in all other cases I have checked in Homer and Hesiod *deuteros*, even when it may be translated "another" or "again," is always used in the context of only one previous or superior situation.

¹¹ *LSJ* render the middle *diakrinômetha* "get (it) decided," but the only parallel they cite for this particular meaning (Plato, *Phil.* 46b) in fact supports the translation "decide (it) ourselves." Furthermore, the Causative Middle is relatively rare, especially in epic (cf. Kuhner-Gerth II.1, 108–9). Thus *diakrinômetha* here means "let us settle (our dispute) ourselves," with the implication that if they cannot, they should take it to a judge to settle.

¹² Walcot 7–9 (above, note 1) suggests that there may not have been enough inheritance for two sons (he compares *WD* 376–78), and thus Perses tried to gain more. (We need not assume, by the way, that the original division was an equal one; it is possible that Hesiod received a larger share and that Perses had valid reasons for trying to acquire some of his brother's portion.) Walcot further points out that *harpazôn ephoreis* implies "something movable," i.e., furniture, tools, etc. Welles ("Hesiod's Attitude toward Labor," *GRBS* 8 [1967] 5–23) makes the same point (6).

giving great honor to the gift-devouring kings, who are willing to give a ruling in this case.”¹³ I have tried to keep my translation literal, for it is these verses which have been primarily responsible for the misinterpretation of this passage. The principle questions are the force of the imperfect *ephoreis* (38) and the implications of *kudainôn* (38) and *dôrophagous* (39).

Until recently most scholars and translators have ignored the contrast between the aorist *edassametha* (37) and the imperfect *ephoreis* (38) and treated the latter as simply equivalent to an aorist.¹⁴ But although this is possible in epic usage,¹⁵ the juxtaposition of the two tenses seems to imply a contrast, and thus the imperfect would probably have had its full force. Since *ephoreis* can hardly describe a past state of being, it most likely has one of two imperfect forces, either iterative or conative. The former would imply that Perses succeeded again and again in carrying off many other things, perhaps from others as well as from Hesiod; the latter would imply that Perses tried and is perhaps still trying, but has not yet succeeded.¹⁶

¹³ There has been much debate over the meaning of *τήνδε* in 39. The parallels (Hes. fr. 338, Theognis 543–44) show that *δίκην δικάζω* means “give a ruling, judge a case” and here the obvious meaning is “give a ruling in this case” (see Gagarin 88–89, above, note 4). Munding (*Hesiods Erga in ihren Verhältnis zur Ilias* [Frankfort 1959] 12–19) argues at length that there is no second trial taking place, and thus he accepts Mazon’s view (*Hésiode, Les travaux et les jours* [Paris 1914] 47) that *τήνδε δίκην δικάσσαι* means “to dispense this sort of (i.e., crooked) justice.” But it seems very difficult if not impossible for *τήνδε* to mean “this sort of” when no specific sort of *dikê* is ever mentioned. Van Groningen 159–60 (above, note 1), who agrees that no second trial is taking place, nonetheless accepts the more common interpretation, “judge this case,” that is the case which Perses would like to take to court. Mazon’s objection to this was that *dikê* does not mean “trial” elsewhere in Hesiod, but this objection is without force since *dikê* “settlement” and *dikên dikazô* “give a settlement” can apply both to the informal settlement of disputes (cf. esp. *Il.* 23.579–80) and to a formal trial, such as the one on Achilles’ shield, where the formal settlement of the case is a *dikê* (*Il.* 18.508).

¹⁴ The earliest recognition I have found of the significance of the imperfect here is Paley (*The Epics of Hesiod* [London 1861]), who translates 37–38, “for we had just shared between us our patrimony, when you began to plunder and carry off many other things.” But such a translation goes beyond the possible meaning of *τε* (“The *τε* seems to represent the more usual *καὶ* in the sense of ‘when’,” Paley *ad loc.*), and if there is such a thing as an “inchoative imperfect” (Smyth, *Greek Grammar* §1900—in Thucydides), the meaning here would still be close to the conative use (see below) since it would imply that Perses’ plundering was only begun and never completed.

¹⁵ Epic usage does not always preserve a clear distinction between the imperfect and the aorist. See Kühner-Gerth II.1, 143–44, and Palmer in *A Companion to Homer*, edited by Wace & Stubbings (London 1962) 146–47.

¹⁶ The former was first proposed by H. Fränkel, *Wege und Formen frühgriechischen*

Of these two possibilities only the latter seems to me compatible with the picture we have thus far been given of Perses' poverty and of Hesiod's confidence about the outcome of the dispute. It is unlikely that Perses several times acquired a large amount of property in addition to his inheritance and then wasted it,¹⁷ and if he had in fact done so, then Hesiod would have no reason to feel confident about the outcome of the present dispute. On the other hand it is perfectly consistent with the preceding verses to understand that after the division of the inheritance, which provided Perses with his only valid opportunity for engaging in disputes, he has been wasting his time and his money trying to acquire more from Hesiod, but has thus far been unsuccessful. Now Hesiod is confident that Perses will gain nothing from a final settlement of the dispute, and since he has no livelihood stored up, this will prove to be his final ruin.

What then about *kudainôn* and *dôrophagos*? Do these words not imply that Perses bribed the corrupt judges?¹⁸ Not at all. Gifts were normally given to a judge for settling a dispute, and Perses (and probably Hesiod too) would have paid this money openly as a court fee (cf. above, note 5). Some judges, it is true, may have sought to enrich themselves by deciding many disputes, thereby incurring Hesiod's wrath, but this does not mean that they were corrupt. They are "gift-devouring" not "bribe-devouring."¹⁹ Furthermore, these gifts, like all gifts in this society, conferred glory and honor upon the recipient, and this is precisely the meaning of *kudainô*, which is never attested even in the sense of "flatter," let alone

Denkens (Munich 1960²) 89 n. 2, the latter by van Groningen 156 n. 8 (above, note 1). Diller 47 n.1 (= 246 n. 14, above, note 2) rejects van Groningen's view and sees the imperfect as "durativ nicht konativ."

¹⁷ So Fränkel (above, note 16), whose picture of Perses squandering his few small gains neglects *polla* (37).

¹⁸ It is taken for granted by nearly all scholars that Perses bribed the judges (whether successfully or not) in an earlier trial. Van Groningen 157 (above, note 1) modifies this view to the extent of arguing that Perses did not actually bribe the judges, but gave them gifts and otherwise courted their favor in order to influence their decision.

¹⁹ *Dôrophagos* occurs twice later in the poem (221, 264) in Hesiod's plea to the kings to keep their rulings "straight." But the "crooked" rulings of which he complains are not necessarily the result of bribery. They may be "unfair" because of the judges' stupidity or because of prejudice which they have acquired without corruption. Moreover, even if corruption were implied by the phrase "crooked *dikai*," this would not mean that it would be implied by *dôrophagos* also. The best discussion of the word is still Hirzel, *Themis, Dike und Verwandtes* (Leipzig 1907) 419-21.

"bribe."²⁰ Hesiod says simply that Perses has enriched the judges, thereby increasing their honor. Whatever one's interpretation of the rest of the passage, these words do not mean that Perses bribed the judges, and they imply neither the judges' dishonesty nor Perses' success. They indicate only that Perses has already paid considerable amounts for court fees and that the kings are (naturally) willing to judge the case now (for a further "gift"). Hesiod however would like to avoid the fees and thus tries to convince Perses that he will not win a decision in court and should therefore settle privately.

The discussion of the dispute proper ends at 39, but since verses 40-41 seem to be loosely attached to the preceding ones,²¹ I have included them in this passage. "Fools, who do not know how much greater is the half than the whole, nor (do they know) what a great benefit there is in mallow and asphodel."²² This advice is often taken to mean that honest poverty is better than ill-acquired prosperity,²³ but Hesiod does not mention honesty or corruption here, and there is no justification for reading these ideas into his words. His concern throughout this passage is with livelihood, with work and idleness, with prosperity and poverty. Perses once had his share of the inheritance, but by trying to acquire some of Hesiod's share too he lost what he had. Hesiod's advice in English would perhaps be, "a bird in the hand is worth two in the bush:" that is, a simple but adequate livelihood is preferable to the risk that dire poverty may follow from

²⁰ *LSJ* cite as the only parallel for the meaning "flatter" a proposed but unlikely emendation to the text of Maximus of Tyre (2nd cent. A.D.). Wilamowitz (*Hesiodos Erga* [Berlin 1928] 46) compares the use of *therapeuein* to mean "flatter," but this verb in its basic meaning of "serve" already suggests less than honorable behavior, which *kudainô* does not. And Mazon's description 45 n. 3 (above, note 13) of *kudainô* as "litote ironique" is both inaccurate and unsupported.

²¹ There is some disagreement here (as often in Hesiod) about the exact relation of these verses to what precedes. Aly, "Hesiodos von Askra und der Verfasser der Theogonie," *RhM* 68 (1913) 22-67 (reprinted in *Wege der Forschung* XLIV [1966] 50-99), refers *nêpioi* (40) to Perses and the judges (p. 33 = 62), but the advice in 40-41, whether or not it is understood in moral terms, is not directly applicable to the judges, but is a piece of general advice based on the situation described in 27-39. Thus *nêpioi* most likely includes Perses, though it is not limited to him.

²² "Mallow and asphodel" are usually taken to signify the diet of a poor man (e.g., Sinclair in his ed. of *Works and Days* [London 1932]). There is some evidence from later writers that these plants also had a religious significance (see Aly 33 = 62, above, note 21), but there is no hint of this in Hesiod.

²³ So for instance Paley (above, note 14) and Mazon 45 (above, note 13).

excessive greed.²⁴ Clearly in view of Perses' situation this is sound practical advice.

I have argued then that in these verses Hesiod presents us with a consistent (if sketchy) picture of his brother's activity: after the division of the inheritance Perses instead of using his share profitably (as Hesiod presumably did) attempted to gain some of Hesiod's share. This attempt was unsuccessful and costly, and Perses thereby used up most of his share of the estate. Now he is almost destitute and Hesiod is calling for a final settlement of their differences out of court, if possible, confident that this will leave Perses in total poverty and force him finally to cease his idle quarreling.

This interpretation of the passage derives additional support from a remark later in the poem.²⁵ Hesiod is giving advice on planting, "so that each kind (of produce) may grow in its proper season,"

μή πως τὰ μέταζε χατίζων
πτώσσης ἀλλοτρίους οἴκους καὶ μηδὲν ἀνύσσης.
ὥς καὶ νῦν ἐπ' ἔμ' ἦλθες· ἐγὼ δέ τοι οὐκ ἐπιδώσω
οὐδ' ἐπιμετρήσω· ἐργάζευ, νήπιε Πέρση, (394-97)

("lest afterwards you be in need and go begging to other people's houses without getting anything. So even now you have come to me, but I will give you nothing more (*epi-*) nor measure anything out. Work, foolish Perses . . .") The poet's advice here clearly confirms the picture of Perses as destitute in contrast to Hesiod himself, who apparently has adequate means, if not more. It implies, moreover, that Hesiod has assisted Perses in the past, which indicates that this has been the condition of the brothers for some time now. Thus the verses support the interpretation argued above of the dispute between the two brothers and they indicate again that the traditional picture of poor-but-honest Hesiod outraged by the cheating and bribery of his brother is in need of considerable revision.²⁶

²⁴ The verses are thus, as Wilamowitz remarks (above, note 20), an early form of the common Greek expression *μηδὲν ἄγαν*. Plato (*Rep.* 466b-c) refers to these verses in pointing out that excess is wrong for the guardians as well as for others.

²⁵ See van Groningen 164 (above, note 1).

²⁶ A version of this paper was read at the annual meeting of the American Philological Association in Philadelphia, Dec. 30, 1972.