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DIKĒ IN ARCHAIC GREEK THOUGHT

MICHAEL GAGARIN

I

IN AN earlier article I examined the use of *dikē*-words (that is, *δίκη* and all its derivatives, such as *δίκαιος*, *ἄδικος*, and *δικάζω*) in Homer and Hesiod.¹ In the present article I continue that examination into the seventh, sixth, and early fifth centuries, which for the sake of convenience I shall call the archaic period. The period chosen is admittedly somewhat arbitrary and the boundary line (*ca.* 480) somewhat flexible, but given the nature of the evidence it could scarcely be otherwise. I have included in this period the *Homeric Hymns* and other Homeric, all the lyric poets (in the broad sense) who wrote primarily before 480, the earlier Presocratic philosophers, selected material from inscrip-

tions, and the later Athenian laws attributed to Solon.²

The conclusions reached here generally confirm those of my earlier article. I maintained there that in the *Works and Days* Hesiod's main concern is economic prosperity, that he creates a concept of *dikē*, "legal process, Law," which is based on the original judicial meaning of *dikē* as a "settlement" in property disputes, and that he pleads for the acceptance of *dikē* as a necessary condition for economic prosperity. Thus the *Works and Days* is not a general plea for "justice," but a plea for a judicial system for settling property disputes peacefully and fairly. In the archaic period we find only a few nonlegal uses of *dikē*-words. Otherwise, in laws and inscriptions these words are used as legal terms

1. "Dikē in the *Works and Days*," *CP*, LXVIII (1973), 81–94. I shall not make specific references to this earlier article, since everything I say here presupposes that study. I have used the following texts: for the *Homeric Hymns* and Homeric, the OCT of Homer, Vol. V., ed. T. W. Allen; for lyric poets, West (elegy and iambic, with frequent references to Diehl's numbering if it differs from West's), Lobel-Page (Lesbians), Page (other lyric poets); for the Presocratics, Diels-Kranz (6th ed.); for inscriptions, C. D. Buck, *The Greek Dialects* (Chicago, 1955), R. Meiggs and D. Lewis, *A Selection of Greek Historical Inscriptions* (Oxford, 1969)—numbers preceded by B. or M.—L. refer to these two works—and P. Friedländer, *Epigrammata* (Berkeley, 1948); for "Solon's" laws, E. Ruschenbusch, *Solonos Nomoi* (Wiesbaden, 1966). My task was greatly aided by G. Fatouros, *Index verborum zur frühgriechischen Lyrik* (Heidelberg, 1966). In addition I shall make reference to the following works by the author's name alone: T. W. Allen (W. R. Halliday, E. E. Sikes), *The Homeric Hymns*² (Oxford, 1936); R. J. Bonner and G. Smith, *The Administration of Justice from Homer to Aristotle*, I (Chicago, 1938); D. A. Campbell, *Greek Lyric Poetry* (London, 1967); J. M. Edmonds, *Lyra Graeca* (3 vols.; London, 1922–27) and *Elegy and Iambus* (2 vols.; London, 1931); D. E. Gerber, *Euterpe* (Amsterdam, 1970); B. A. van Groningen, *Theognis, le premier livre* (Amsterdam, 1966); E. A. Havelock, "Dikaio-sune: An Essay in Greek Intellectual History," *Phoenix*, XXIII (1969), 49–70; W. Jaeger, "Praise of Law, The Origin of Legal Philosophy and the Greeks," *Essays in Honor of Roscoe Pound* (New York, 1947), pp. 352–75 (also in *Scripta minora*, II [Rome, 1960], 319–51); C. H. Kahn, *Anaximander and the Origins of Greek Cosmology* (New York, 1960); A. Masaracchia, *Solone* (Florence, 1958);

D. M. MacDowell, *Athenian Homicide Law in the Age of the Orators* (Manchester, 1963); M. Ostwald, *Nomos and the Beginnings of the Athenian Democracy* (Oxford, 1969); A. Rivier, "Observations sur Sappho 1, 19 sq.," *REG*, LXXX (1967), 84–92; F. Solmsen, *Hesiod and Aeschylus* (Ithaca, 1949); R. S. Stroud, *Drakon's Law on Homicide* (Berkeley, 1968); G. Vlastos, "Solonian Justice," *CP*, XLI (1946), 65–83; R. F. Willetts, *The Law Code of Gortyn* (Berlin, 1967); D. Young (ed.), *Theognis*² (Leipzig, 1971).

I regret that Martin Ostwald's article on "Ancient Greek Ideas of Law" (*Dictionary of the History of Ideas* [New York, 1973], pp. 673–85) reached me only after this article had gone to press. Ostwald's study sets the problem of *dikē* within the broader context of Greek law; and, although we differ on some details, much of his work, I think, supports my own conclusions.

I should like to thank Ms. Cynthia Kaufman for help with the research for this article, and A. T. Cole for some helpful comments.

2. To be specific, I am including the *Homeric Hymns* and all the epic fragments in Allen; the lyric poets excluding Pindar, Bacchylides, and later elegists (but including Anacreon, Simonides, Timocreon); the Presocratics up to Parmenides (excluding the sophists, Democritus, Empedocles); all inscriptions in Buck, Meiggs-Lewis, and Friedländer dated before 480 (or "early fifth century"); all fragments from "Solon's" laws in Ruschenbusch. I have found no *dikē*-words in the few fragments of historians or tragic or comic poets in this period. There are undoubtedly inscriptions which I have missed, but it is unlikely that further inscriptional evidence would affect my conclusions.

in a narrow sense, whereas in the broadest sense *dikē* as “Law” is expanded into a universal cosmic force by Heraclitus and Parmenides. For the poets, however, especially Solon and Theognis, *dikē*-words are most often applied to economic behavior and to the political implications of economic behavior. *Dikē* still does not develop into a general moral force, but remains primarily a legal term.

Briefly, the distinction I wish to draw between morality and legality is the distinction between a concept applicable to human behavior in general (or at least to all of a person’s relations with other people) and one applied only to certain specific areas of behavior. I shall argue that *dikē*-words are applied to legal, economic, and perhaps political behavior, but that there is no evidence to indicate a wider, general applicability. In arguing for this view, I shall maintain that in the absence of any defining context we are not entitled to assume that a *dikē*-word has a general moral sense unless there is some other evidence to support this assumption. For example, in Theognis 255, *κάλλιστον τὸ δικαιοτάτον*, we cannot assume without further evidence that *δίκαιος* has a moral force.³

I have arranged the evidence as follows: I shall first briefly discuss the different meanings of each *dikē*-word by itself, at the same time providing references to every example of each word during the archaic period (within the limits I have set in note

2). I shall next divide the material from this period into the following categories and discuss in each category all important or difficult uses of *dikē*-words (omitting cases where the meaning is clear and unimportant): (a) the *Homeric Hymns*; (b) seventh-century lyric; (c) Solon; (d) sixth- and early fifth-century lyric; (e) Theognis;⁴ (f) the Presocratics; (g) inscriptions and laws. I shall then conclude with some general remarks.

II

δίκη: I argued in my previous study that the Homeric poems reveal two quite distinct areas of meaning for *dikē*, first, “characteristic, characteristic behavior,” etc., and second, “settlement, case, Law,” etc. The first area of meaning becomes almost obsolete during the archaic period and is found only once as a true noun and twice in the accusative as an adverb meaning “in the manner of.”⁵

In the second area of meaning *dikē* originally was a “ruling” or “settlement” in a property dispute, and then came to mean “plea, case, trial, court.” All of these legal meanings are found in the archaic period, often in inscriptions.⁶ We also find other meanings already noted in Homer and Hesiod, such as “settlement,” in the sense of what one gets as the result of a judgment;⁷ “legal process, Law,” including the general notion of peaceful and legal dealings with other people as opposed to violent or illegal action,⁸ and also including

3. It seems that the concept of morality as we know it was a rather late creation, originating with the sophists in the middle of the fifth century and only fully developed by Plato and Aristotle, but this question is beyond the scope of this article. See Havelock, pp. 68–69.

4. Almost half of the poetic examples of *dikē*-words are in Theognis.

5. *Hymn. Hom. Ap.* 458; *Sem.* 12 (10D) and *Adesp.* 940; cf. also Parmenides 1. 28 (n. 64).

6. “Ruling”: *Hymn. Hom. Cer.* 152; *Sol.* 4. 36 (3. 36D); *Th.* 54, 544, 688; *B.* 64. 3. “Plea”: *Hymn. Hom. Merc.* 312. “Case”: *Dem.* 6; *B.* 57. 42, 57. 44, 58. 11; *M.–L.* 8c. 11. “Trial”: *B.* 57. 33; *Nomoi* 13, 15b. “Court”: *Sol.* 36. 3 (24.

3D); *Th.* 268, *B.* 57. 8. Some of these meanings are not clearly separable, and some examples represent more than one English meaning.

7. *Tyrt.* 12. 40 (9. 40D); *Th.* 45, 938; Anaximander 1; *Nomoi* 36. This last example is the law of *ἐξούλη* or “deprivation of property settlement”: “If someone deprives another of the settlement which he has won (*ἐάν τις ἐξείλλη, ὧν ἂν τις δίκην νικήσῃ*), he shall owe the amount of the settlement both to the individual and to the public treasury equally” (i.e. he must pay double).

8. *Hymn. Hom. Merc.* 324; *Ar.* 177. 4 (94. 4D); *Sol.* 4. 14 (3. 14D), 36. 16 (24. 16D), 36. 19 (24. 19D); *Sim.* 542. 35; *Adesp.* 1018b. 7; *Adesp.* eleg. 25. 2 (2. 2D); *Th.* 132, 197, 292, 1121.

“punishment for the violation of the legal process.”⁹ Heraclitus and Parmenides go beyond Hesiod in making *dikē* into a cosmic force;¹⁰ otherwise, however, the meanings of *dikē* in the archaic period are all basically Hesiodic.¹¹

δικάζω, καταδικάζω, δικαστής (-τήρ): These words are all technical terms in this period, found mostly in legal inscriptions. *δικάζω* continues to be used, as it was in Homer and Hesiod, in the active voice of a third party who “proposes a settlement” or “judges” a case, and in the middle voice of a litigant who “proposes a settlement in his own behalf” or “pleads a case.”¹² *καταδικάζω* then means, as one might expect, “judge against” someone; and *δικαστής (-τήρ)* is a name for a “judge.”¹³

δίκαιος, ἄδικος:¹⁴ As adjectives in Homer and Hesiod these words have two basic meanings corresponding to the two basic meanings of *dikē*: “behaving properly, proper” and “behaving lawfully, lawful,” though there is often uncertainty about, and possibly confusion between, these two meanings.¹⁵ In the archaic period

this confusion is lessened by the almost complete absence of any clear examples of the first meaning. In the sense of “behaving properly,” *δίκαιος* occurs only twice (in the same couplet) and the specific context is probably that of drinking.¹⁶ Otherwise *δίκαιος* / *ἄδικος* seems to describe only lawful behavior, most often behavior in an economic context (that is, acquiring or disputing property);¹⁷ and it is apparently an extension of this meaning when the sea is once described as the “most peaceful” of all.¹⁸ Three times we find the phrase *δίκαιόν ἐστι* applied to situations which are or are not “in accordance with *dikē*,” twice in an economic and political context.¹⁹ Other than these, there are a few cases where it is impossible to determine the meaning of the adjective.²⁰ The adverbs *δίκαιως* / *ἄδίκως* show the same tendency: all ten instances seem to refer to lawful or unlawful behavior.²¹ Finally we have the neuter nouns *τὸ δίκαιον* and *τὰ δίκαια*, which refer entirely to lawful behavior, with one exception where *τὰ δίκαια* seems to indicate “proper behavior” with respect to drinking.²²

9. Sol. 13. 8 (1. 8D); Th. 207, 330; Heracl. 28; *Certamen Hom. et Hes.* 163 (Allen).

10. Heracl. 23, 80, 94; Parm. 1. 14, 1. 28, 8. 14; Sim. 543. 26.

11. In addition to the instances of *dikē* cited here, West prints no text for Sol. Frag. 30 (27D), which is printed *ἀρχῶν ἄκουε κἂν δίκη, κἂν μὴ δίκη* by Diehl (MSS vary). The syntax and sense of this verse are obscure, and other readings have been proposed (see Diehl; Edmonds, Frag. 41), none of them satisfactory. I shall therefore ignore the verse. I shall also ignore the fragmentary occurrences of *dikē*-words on papyri and in inscriptions: Alc. I. 1. 8; Ar. 82, 137; Sim. 541. 16; *Nomoi* 19a; and Adesp. eleg. 28 (= POxy. 2327, Frags. 1 and 2a), where *χρυσῶπιν δὲ Δίκην* is found in verse 4, but the rest of West's text makes little sense and no secure context can be established.

12. Active: Th. 543; B. 64. 3, 64. 4, 84. 4, 116. 2; *Nomoi* 5a. 11–12. Middle: Hipponax 122 (72D), 123 (73D); Dem. 6; B. 58. 15, 84. 4.

13. *καταδικάζω*; *Nomoi* 23d, 70, *δικαστής (-τήρ)*; *Nomoi* 16; B. 57. 33. I omit here a few specialized legal terms, such as *ξενόδικαι*, “judges in cases involving foreigners” (B. 58. 10).

14. In discussing this pair of words, I shall generally give only the meaning of *δίκαιος*; the meaning of *ἄδικος* is assumed to be the negative.

15. Since “behaving properly” in legal matters means “behaving lawfully,” it is not surprising that there is some confusion and overlapping in these two uses. I probably tried too hard in my earlier article to keep these two meanings separate, and I should now say, for example, that in Hes. *WD* 270–72 *δίκαιος* / *ἄδικος* means “behaving properly and lawfully” (though in *WD* 334 *ἄδικος* still means “improper”).

16. Th. 313, 314.

17. *Hymn. Hom. Ven.* 20; Mimn. 8. 2; Sol. 13. 12 (1. 12D), 4. 7 (3. 7D), 4. 11, 4. 33; Th. 29, 45, 148, 378, 380, 737, 744, 746, 749, 751, 1139, 1147; Tim. 727. 5; Adesp. 961; Cleobulina 2; *Certamen Hom. et Hes.* 163 (Allen).

18. Sol. 12. 2 (11. 2D).

19. Xen. 2. 13; Th. 743; Tim. 728. 3.

20. *Hymn. Hom. Mart.* 5; Th. 255, 547, 794, 899, 900, 948, 1223; Heracl. 102 (*ter*).

21. *Hymn. Hom. Merc.* 316; Sol. 13. 7 (1. 7D), 5. 6, 36, 10 (24. 10D); Th. 146, 199, 753; Hipponax 30 (67D); Tim. 727. 9; Sim. 87D (= 116 Edmonds; not accepted by West).

22. Singular: Th. 200; B. 59. 6. Plural: Tyr. 4. 7 (3a. 7D); Th. 385, 395, 465, 737, 739, 746. The exception is Xen. 1. 15. In Hipparchus 1D (not in West) and Th. 279 the meaning is indeterminate. There is also a technical use of *τὰ δίκαια* for “fines” in B. 61. 6, 61. 8. In An. 402b *τὰ δίκαια* may have been part of the original reading.

ἀδικέω, etc.: This verb is not found in Homer or Hesiod, but clearly means “harm or injure” either by improper or unlawful behavior. In lyric poetry it is several times associated with a rejection in love; ἀδικία (if it is part of Anaximander’s original wording) means “injury”; δικαιοσύνη, if it occurs in this period, must mean the “practice of *dikē*, obedience to the law”; εὐθύδικος is used of a city and presumably means “having a good legal process”; and finally ἔκδικος is used once of the eye of Zeus to mean “avenging” (“sending out *dikē*”) and once adverbially (ἐκδίκως) to mean “unlawfully.”²³

III

(a) “Homeric Hymns”:²⁴ *Dikē*-words are scattered infrequently through the *Homeric Hymns*, and as one might expect the use of these words in the *Hymns* is very similar to that in the epics. The meaning of δίκαιος in its two occurrences is difficult to ascertain: in *Hymn to Aphrodite* 20 Artemis is said to be gladdened by (among other things) δικαίων τε πτόλις ἀνδρῶν; in *Hymn to Ares* 5 Ares is addressed as δικαιοτάτων ἀγέ φωτῶν. Otherwise the meanings of *dikē*-words are clear.

The only concentration of such words is in the *Hymn to Hermes*, when Hermes and Apollo are disputing over Apollo’s cattle, which Hermes has stolen.²⁵ Apollo accuses

Hermes of the theft, but Hermes denies it, and after several more accusations and denials he suggests, δὸς δὲ δίκην καὶ δέξο παρὰ Ζηνὶ Κρονίῳ, “plead your case and hear mine in answer before Zeus son of Cronos” (312). Each in turn will propose a *dikē* and Zeus will decide the matter. They do not go immediately, however, but continue arguing for a while. Apollo, speaking truthfully, tries to “catch” Hermes οὐκ ἀδίκως (316), that is, with a “straight” or true case,²⁶ whereas Hermes tries to deceive with tricks and wiles.²⁷ Finally they go to Olympus, for there lie the “scales of judgment” (δίκης τάλαντα, 324), the first occurrence of this phrase, though the image goes back to the scales of Zeus in the *Iliad*. Apollo makes his plea and then Hermes falsely maintains his innocence, but Zeus is not deceived and Apollo gets his cattle back. The whole episode is instructive as an example of a property dispute being settled peacefully through *dikē*. The decision to turn to *dikē* is a voluntary one, though the final settlement of the judge seems to be binding.

(b) *Seventh-Century Poets*:²⁸ *Dikē*-words occur only rarely in seventh-century poetry and in widely diverse uses; in one or two cases the precise meaning of the word can only be guessed at. Archilochus 79aD²⁹ is a vituperative prayer for an enemy’s ruin: ὄς μ’ ἠδίκησε, λάξ δ’ ἐπ’

23. ἀδικέω: *Hymn. Hom. Cer.* 367; Hipponax 115. 15 (Ar. 79a. 15D); Sa. 1. 20; Sol. 4. 22 (3. 22D)?; Th. 1282, 1283; B. 61. 10; M.-L. 12. 21. ἀδικία: Anaximander 1. δικαιοσύνη (see n. 59); Th. 147; *Titanomachia* Frag. 6 (Allen); *Certamen Hom. et Hes.* 168 (Allen). εὐθύδικος: An. 105. 3D (= 161 Edmonds; not accepted by West). ἔκδικος: *Batrachomyomachia* 97; Sol. 36. 9 (24. 9D).

24. I shall not discuss *Hymn. Hom. Cer.* 152, 367; *Hymn. Hom. Ap.* 458; *Batr.* 97. On δικαιοσύνη in *Titan.* and *Certamen*, see n. 59. For *Hymn. Hom. Mart.*, see also Allen’s note *ad loc.* For the expression δίκη δ’ ἀδίκουσι ἐπεί in *Certamen* 163, cf. Hes. *WD* 270–72 (see n. 15) and Th. 45. In these two latter cases *dikē* means the positive settlement which unlawful people obtain, and the two poets are objecting to the situation. The poet of the *Certamen*, however, approves of the situation when *dike* (“law and punishment”) is fixed upon lawbreakers. Note also the denunciation of shameless profit in 162, which suggests an economic context for 163.

25. It seems that cattle raiding was a major occupation in early Greece, and it was probably one reason for the creation of an organized arbitration system (*dikē*) as society became more organized.

26. There is almost certainly a lacuna after 315 (see Allen, note *ad loc.*), but the meaning of ἀδίκως is nonetheless clear.

27. Note that no disapproval of Hermes’ behavior is suggested; Zeus is pleased at Hermes’ skill, in fact, and the audience would perhaps be reminded of the greatest of all liars, Odysseus. Lying and trickery (as well as cattle stealing) were only discouraged as society became more centrally organized.

28. I shall not discuss Sem. 12 (10D).

29. West and others attribute this fragment to Hipponax (115W).

ὀρκίοις ἔβη, τὸ πρὶν ἑταῖρος ἑών. The specific injury mentioned is the breaking of an oath, an essential element in *dikē*. If, moreover, as has been suggested, the attack is directed against Neobule's father, Lycambes, who apparently reneged on an agreement to let Archilochus marry his daughter, then this passage may have suggested the extension of the meaning of ἄδικέω from "injure by violating an oath" to "injure by breaking a love pact," a meaning which we find in Sappho and Theognis.

Archilochus 177 (94D) is usually taken to be from his fable of the fox and the crow. The fox, who has been injured, makes his appeal to Zeus, who oversees the deeds of men and is also concerned with the *hubris* and *dikē* (aggression and lawfulness) of the animals. This must be understood as an elaborate reference to the *Works and Days*, where Zeus is said to oversee the *hubris* and *dikē* of men, and yet has not given *dikē* to the animals.

Tyrtaeus too may have Hesiod in mind when he links *aidōs* and *dikē* (cf. *WD* 192) in speaking of the retired war hero: οὐδέ τις αὐτόν / βλάπτειν οὔτ' αἰδοῦς οὔτε δίκης ἐθέλει (12. 39–40). This apparently means that no one will deprive him of respect or of any settlement due him.³⁰ In another poem (4) Tyrtaeus quotes the Delphic oracle as telling the Spartans that their kings should speak first in the Council, but then the common people should answer with straight speeches and speak τὰ καλὰ and do πάντα δίκαια and not counsel anything crooked for the city. Here the

sense of δίκαιος as "lawful, honest" is supported by εὐθείαις and σκολιόν,³¹ both common adjectives in discussing legal behavior. In referring to speech, then, δίκαιος means "straight, honest, true," as is also shown by Mimnermus, who calls truth πάντων χρῆμα δικαιοτάτον (8. 2).

(c) *Solon*:³² Solon's poetry contains many examples of *dikē*-words, and for the most part these occur in contexts which allow us to assign fairly specific meanings to them. As has often been remarked, the poems reveal strong traces of Hesiodic influence, perhaps nowhere more so than in Solon's concept of *dikē*. His longest elegy (13), in fact, could be called Solon's own comment on the *Works and Days*: it is concerned with prosperity (ὄλβος), specifically with economic prosperity or money (χρήματα, πλοῦτος, κέρδος); and Solon, like Hesiod, warns against the unlawful acquisition of property. Solon does not elaborate on the nature of the punishment which follows unlawful behavior as Hesiod does, but considers instead the timing of that punishment and the uncertainty of economic fortune. This does not mean, however, that he is rejecting Hesiod's picture of *dikē* bringing the city to ruin for its unlawful behavior; in fact another poem (4) makes it quite clear that he does accept Hesiod's account.³³ These two poems taken together contain Solon's essential views on *dikē*, though neither is concerned exclusively or even primarily with *dikē*. Rather the main theme of both poems is economic prosperity and ruin, and only in the last ten lines of 4 is this theme

30. For this use of *dikē*, cf. *Il.* 19. 180 and *Nomoi* 36 (n. 7 above). For the use of βλάπτω with the genitive to mean "deprive of," cf. Th. 705 of Persephone, βλάπτουσα νόοιο, "depriving them of their wits." Cf. also *Od.* 1. 195; Aesch. *Ag.* 120; and Protagoras' pairing of *dikē* and *aidōs* in his myth (*Plato Prot.* 322B–D). (The clause εἰ δὲ δίκην βλάπτου in Adesp. eleg. 25 does not seem to shed any light on Tyrtaeus' expression.)

31. σκολιόν is Bach's supplement, accepted by most editors.

32. I shall discuss all examples in Solon except for the textually uncertain 27D (see n. 11 above).

33. Solon's concept of *dikē* may be less mythological and more "naturalistic" and rational than Hesiod's; his whole thought is so to some extent. But for both poets *dikē* operates essentially in the same way and in the same areas of human activity, and thus I would not accept the view of Jaeger, Vlastos, Solmsen, and others (a view rejected by Masaracchia) that Solon has created a new kind of Justice.

overshadowed by another, *eunomia*.³⁴ To the extent that Solon is concerned with *dikē*, “lawful behavior,” he discusses its operation in economic affairs and its effect on the political consequences of these affairs. For Solon, as for Hesiod, the issue is the lawful and unlawful acquisition of wealth and its effect on the community, not justice and injustice in a wider sense, as an examination of the specific examples of *dikē*-words will confirm.

This is obviously so in 13 (1D) where, after making a plea for general prosperity coupled with the traditional wish to be “sweet to my friends and bitter to my enemies,” Solon continues, *χρήματα δ’ ἰμείρω μὲν ἔχειν, ἀδίκως δὲ πεπᾶσθαι / οὐκ ἐθέλω· πάντως ὕστερον ἦλθε δίκη* (13. 7–8). Here *ἀδίκως* indicates unlawful acquisition of property, either by force or by a crooked use of the law, and *dikē* is used just as in Hesiod to indicate the punishment that follows the violation of *dikē* (which is itself part of any well-functioning legal process). Solon then elaborates this view by contrasting god-given wealth,³⁵ which is secure, with wealth obtained through *hubris* (as in Hesiod the opposite of *dikē*), which *ἀδίκους ἔργμασι πειθόμενος* comes only reluctantly and soon brings destruction. Again, *ἄδικος* clearly means “unlawful.”

In 4 Solon turns his attention to the specific political and economic situation in

Athens. The gods will never destroy the city, he says, but rather the people themselves are working to destroy her *χρήμασι πειθόμενοι*; the *νόος* of their leaders is *ἄδικος* and they will suffer much woe as a result of their great *hubris*, for they cannot restrain their excessive wealth (*κόρος*);³⁶ nor can they keep their feasting peacefully in order . . . but they grow rich *ἀδίκους ἔργμασι πειθόμενοι* . . . Sparing no possessions, they steal and plunder and do not preserve the holy foundation of *dikē*, which knows all and will surely bring vengeance in time (4. 5–16).³⁷ In this passage it is clear that for Solon actions which are *ἄδικος* (“unlawful”) are primarily economic, though these economic actions have political implications. *Dikē* is the more or less divine power of Law which, as in Hesiod, brings ruin upon the whole city, not just upon those who violate her. Later in the poem Solon speaks of associations dear *τοῖς ἀδικοῦσι* (22),³⁸ and in a very Hesiodic passage says that *eunomia* puts fetters *τοῖς ἀδίκους* (33) and also straightens crooked judgments (*εὐθύνει δὲ δίκας σκολιάς*, 36).³⁹ *ἄδικος* (*ἀδικέω*) is not specifically defined in either of these cases, but it presumably continues to refer to those who acquire property illegally. The end of the poem (30–39) suggests that for Solon *eunomia* is the overall condition of a well-ordered city, and *dikē*—the legal process for settling property disputes—is a

34. On *eunomia*, see Ostwald, esp. pp. 64–69 on Solon.

35. God-given wealth is presumably that which is lawfully obtained by hard work, not a miraculous windfall. All financial gain, as Solon says later in this poem, results at least partly from divine help. Cf. Th. 197.

36. This is the basic meaning here, though both Campbell and Gerber suggest that the notion of “insolence” may also be present. However, I do not think the Greeks at this time have any separate concept of insolence as a part of a person’s character. *κόρος* as “excessive wealth” implies certain kinds of behavior, and what for us is a distinct trait of character is for the Greeks merely an aspect of a material condition.

37. Verse 11 is a pentameter instead of the required hexameter, and thus lacunae are usually posited before and after it. But there is no apparent gap in the sense of the passage, and it is thus also possible that verse 11 originally

was a hexameter beginning *πλουτοῦσαν δ’ ἄδικος*. The ending of the verse became corrupt somehow, and it was then restored from Sol. 13. 12 (cf. Sol. 4. 6; Th. 380, 948).

38. The reading in 4. 22 (3. 22D) is uncertain. The difficulty with the generally accepted *τοῖς ἀδικοῦσι φίλοις* (MS *φίλοις*) is that *ἀδικέω* is never used in this period in a general sense of “be lawless,” but always with reference to a particular injured person (in *Hymn. Hom. Cer.* 367 the unexpressed object of *ἀδικηράντων* is clearly Persephone). This may be why West emends to *φίλους*, but the sense obtained thereby is questionable. A better solution, I think, would be to read *τοῖς ἀδίκουσι φίλοις*. The change from participle to adjective is paleographically very slight and the resultant expression would be in accord with normal usage.

39. For the Hesiodic nature of this whole passage, see Campbell’s note on 3. 32 (= 4. 32W).

specific and limited aspect of that condition, perhaps the most important aspect.

In several other poems of Solon, *dikē*-words also appear in economic contexts with political implications. In 5 Solon says he helped both the *demos* and those who held the power and wealth, and he let neither side gain a victory *ἀδίκως* (5. 6). And in his iambic poem (36) he speaks of bringing home those who had been sold into slavery, *ἄλλον ἐκδίκως / ἄλλον δικαίως* (36. 9–10), where *ἐκδίκως* is apparently used *metri gratia* for *ἀδίκως*.⁴⁰ This poem, in which Solon defends his economic reforms, also contains three examples of *dikē* in easily understood contexts.⁴¹ Finally, the only *dikē*-word not used in a legal or economic context is in Fragment 12 (11D), where Solon says that the sea, if not stirred up, is *πάντων δικαιοτάτη* (“most peaceful of all things”), though it is quite possible that this fragment has a political application, as do the natural phenomena mentioned in 9 (10D).

We can conclude that Solon, in his poetry at least, considers *dikē* to be primarily a legal system for regulating economic exchange, and that as such it also has considerable political significance. This accords with the historical tradition that Solon was a merchant, that the crisis which led to his election as *archon* with full powers was at root an economic one, that his most important reforms were economic, and that even many of his political reforms,

such as his new class divisions, were economically based. As he undertook his task of basic economic reform, he found a literary precedent for his views in the *Works and Days*, where *dikē* operates primarily in an economic context with political implications. He was thus able to put into effect innovative reforms, while still presenting his views on *dikē* and prosperity in general in traditional terms.

(d) *Sixth- and Early Fifth-Century Lyric Poets (except Theognis)*:⁴² The scattered examples of *dikē*-words in these poets generally conform to normal usage. Sappho’s use of *ἀδικέω* (1. 20) to mean “injure in love” may be derived from Archilochus 79a (Hipponax 115W, see p. 190).⁴³ *δικάζομαι*, “to plead a case,” occurs in fragments of Hipponax (122, 123 = 72, 73D), and with *δίκην* as a cognate accusative in Demodocus 6. *δίκαιος* apparently means “lawful” in Hipponax 30 (67D); Timocreon 727. 5, 727. 9; and Adesp. 961. In the last three instances the context is one of financial gain.⁴⁴ On the other hand, there seems to be no specific reference in Hipparchus 1D (*στεῖχε δίκαια φρονῶν*), which may be a political slogan. *Dikē* occurs together with *εὐνομία* and *εἰρήνη* in a very Hesiodic fragment (Adesp. 1018b; cf. *Theog.* 902), and Simonides likes a person who knows *ὀνησίπολιν δίκαν* (542. 35). In both these fragments *dikē* is the Hesiodic “legal process, Law.” In another fragment of Simonides, however,

40. On *δικαίως* here meaning “legally,” not “justly,” Gerber (note *ad loc.*) quotes Woodhouse, *Solon the Liberator*, p. 132: “[Solon] does not mean, of course, that some had, and some had not, deserved their fate, but has in mind formal correctness of procedure in dealing with judgment debtors.”

41. 36. 3, *ἐν δίκη χρόνου* (“in the court of time”), a very vivid expression (cf. Anaximander’s *κατὰ τὴν τοῦ χρόνου τάξιν*). 36. 16, *ὁμοῦ βίην τε καὶ δίκην συναρμώσας* (“having joined together force and Law”), an apparent allusion to the opposition of *bia* and *dikē* in Hesiod. 36. 19, “I wrote laws” *εὐθεῖαν εἰς ἕκαστον ἀρμώσας δίκην* (“fitting out a straight legal process for each person”). (Note the clearly political uses of *ἀγαθός* and *κακός* in 36. 18.)

42. Adesp. 940 and An. 105. 3D need no comment.

43. Rivier is right to insist that the use of *ἀδικέω* here is not completely metaphorical; there must still be some suggestion of a legal violation. But his solution, that the girl has merely broken the vows she made upon entering Sappho’s “circle,” is unnecessary. Sappho probably uses *ἀδικέω* because the girl has broken her vow or oath of love.

44. The riddle of Cleobulina (2), “I saw a man stealing and deceiving by force and this forcible action was the most lawful,” may belong to the archaic period, but is more likely to date from the sophistic period. The paradox is preserved by the author of the *Dissoi Logoi*. In Sim. 87D (= 116 Edmonds) *οὐκ ἀδίκως* indicates that the public expenditure of money was legal in this case.

dikē seems to have moved beyond its Hesiodic meanings. Danae afloat with Perseus asks that the sea sleep and that their troubles sleep too, “and may some change come from you, Zeus.” Then she adds, “That I make a bold request and one apart from *dikē*, forgive me” (543. 26).⁴⁵ Here, it seems, *dikē* is used as in Heraclitus to mean a universal natural order.

Finally Xenophanes presents two unusual examples of *δίκαιος*. In 1. 15, when he says that one’s first duty is to pour a libation and to pray that one can do τὰ δίκαια, the word has either a general undefined meaning, or a specific reference to drinking, for he continues in 1. 17 by saying that it is not *hubris* to drink heavily so long as one can still get home. And in 2. 13, after complaining that athletes receive honor while he does not, Xenophanes says that this practice is purposeless (εἰκῆ); nor is it *δίκαιον* to prefer athletes’ strength to his own(poetic)skill, for they contribute neither to *eunomia* nor to a city’s treasury. *δίκαιος* here means “fair,” a meaning derived from the original idea of a straight *dikē*, but the context specifies economic and political fairness, not a wider sense of justice.⁴⁶

(e) *Theognis*.⁴⁷ The verses which have come down to us under the name of Theognis present many serious questions as to authorship, date, and composition, for which there are as yet no generally

accepted answers. It is not my intention to propose any new solutions or even to decide among those already proposed, for I am not concerned with the authorship or date of the poems, assuming that most of the verses were written before 480. I shall thus treat the collection as if it were the work of a single sixth-century author, Theognis.⁴⁸ The one problem, however, which might cause difficulty is the division of the work into individual poems. Take, for example, the couplet, ἀμφ’ ἀρετῇ τρίβον, καὶ τοι τὰ δίκαια φίλ’ ἔστω, / μηδέ σε νικάτω κέρδος ὃ τ’ αἰσχρὸν ἔη (465–66). If the hexameter stood alone, one might be tempted to see in τὰ δίκαια a moral concept, “justice.” The pentameter, however, suggests that the exhortation is more limited and concerns the acquisition of wealth rather than behavior in general.⁴⁹ Now the division of the Theognid corpus into individual poems is by no means certain: there may be cases where, if we have one connected poem, then the context of a *dikē*-word is specified, but if we divide the passage into two poems, then the context is unspecified. Fortunately there is fairly widespread agreement in all the cases which we shall consider.⁵⁰

Turning to the text, we find *dikē* with the specifically legal meanings of “court” (268), “ruling” (544, 688),⁵¹ and in the plural “settlements” (45, 54).⁵² There are

45. ὅττι δὲ θαρσαλέον ἔπος εἶχομαι ἢ νόσφι δίκας, σύγγνωθί μοι.

46. *δίκαιον* (sc. *ἐστὶ*) in Tim. 728. 3 seems to have the same meaning as in Xen. 2. 13, though there is little indication of the context.

47. I shall not discuss 938 (= Tyr. 12. 40) or 543 (*δικάζω*).

48. Most scholars seem to agree that someone named Theognis wrote at least some of the verses (perhaps most of 19–254 and a few scattered others). When he lived is in doubt, though most would place him somewhere in the sixth century (West, however, now suggests 640–600). The collection as we have it was probably not compiled before the fifth century, and some material may have entered it at a much later date. For bibliography on this problem, see Campbell, p. 347 (select) and Young, pp. xxi–xxviii (full).

49. This interpretation could be challenged, but when we find *dikē*-words occurring in similar contexts over and over again and only rarely in any other specific context, then we

can feel confident in drawing such conclusions about the use and meaning of these words.

50. I have used West’s text and have also consulted the editions of Edmonds, Young, and Van Groningen. The first two of these agree with West in the division of the poems as far as concerns us, so I shall only mention cases where Van Groningen disagrees.

51. On *δίκην* *εἰπεῖν* in 688, cf. *Il.* 18. 508; for the thought, cf. Hes. *Frag.* 43a. 38.

52. On 45, cf. Hes. *WD* 270–72 (see n. 15). On 54, Van Groningen compares *Od.* 9. 215 and *Il.* 16. 542, and remarks, “Ces passages indiquent que par *δίκαι* il faut entendre les principes, les règles, et les sentences judiciaires sur lesquels se base la vie politique et sociale d’une communauté bien organisée.” I would omit “les principes,” but otherwise agree completely.

also several uses of *dikē* in the Hesiodic sense of "Law" (132, 197, 292, 1121), including "punishment for the violation of *dikē*" (207).⁵³ Of these cases, in 132 *dikē* is called *δοτή*, though the context is general; in 292 *hubris* has conquered *dikē*, a reversal of Hesiod's prediction (*WD* 217);⁵⁴ and in 197, 207, 1121 the context is economic. These examples suggest that Theognis, like Solon, considers *dikē* a legal term with specific economic and consequently political application.

This suggestion is confirmed by Theognis' use of *δίκαιος* / *ἄδικος* as adjective and neuter noun, for almost all examples occur in a similar legal-economic-political context. Sometimes the context is not specific enough to allow us to determine the meanings of the word (255, 279, 547, 794, 899, 900, 948, 1223), though in none of these examples would an economic-political meaning be impossible.⁵⁵ Almost all other examples, however, occur in contexts either partially or completely economic, often with political overtones (29, 45, 146, 148, 199, 200, 378, 380, 385, 395, 465, 737 *bis*, 739, 744, 746 *bis*, 749, 751, 753, 1139, 1147).⁵⁶ We also find the phrase *πῶς*

ἐστί δίκαιον (743), which must mean "how is it in accord with *dikē*, how is it fair economically," where the situation about which Theognis is complaining is that the *ἄδικος* is rich while the *δίκαιοι* are poor (749–52; cf. Xen. 2. 13).

The only specifically noneconomic use of *δίκαιος* seems to be 313–14, where Theognis says that he rages (*μαίνομαι*) among the raging and is *δικαιότατος* among the *δίκαιοι*. The context is not specified, but if the suggestion of some scholars (e.g., Edmonds and, less confidently, Van Groningen) is correct and the reference is to a symposium, then *δίκαιος* means "proper, moderate" in one's drinking, a meaning we have also found suggested by Xenophanes 1. 15.⁵⁷ I should also mention the verb *ἀδικέω*, which is used in 1283 and perhaps in 1282⁵⁸ in an erotic content to mean "injure in love" (compare Sappho 1. 20). Finally, there is one occurrence of *δικαιοσύνη* in the Theognid corpus, *ἐν δὲ δικαιοσύνῃ συλλήβδην πᾶσ' ἀρετῇ 'στυν* (147), where it apparently means "the observance of *dikē*, lawful behavior"; here again the context is economic, though 147–48 may be a later addition.⁵⁹

53. In 330 Theognis says that the slow but sensible man will overtake the swift man *σὺν εὐθείῃ θεῶν δίκῃ ἀθανάτων*. This probably means "with the help of punishment from the gods."

54. For 291–92, cf. also *WD* 190–94.

55. 279, *τὰ δίκαια νομίζειν*: Van Groningen compares Hdt. 4. 106, *δίκην νομίζοντες*, of the uncivilized Androphagoi, who are unacquainted with the process of Law, 547: whatever the precise meaning of *δίκαιος* here, West's punctuation, which requires that *τῷ δικαίῳ* be equivalent to *δικαίως*, is unlikely to be correct. The meaning is obscure however one punctuates. Note the traditional contrast between *δίκαιος* and *βιάζομαι*, and compare 793–94, where *δίκαιος* is contrasted with *δηλόμαί*, 899–900: none of the proposed texts provides a specific context for *δίκαιος*. 948: *ἄδικος* is in a political context here, but we cannot tell whether the *ἄδικοι* are opposed to the *demos* or not. 1223: the meaning here is very unclear.

56. 378–80, 737–39, and 1139 are in economic contexts if we accept the connections at 382–83, 742–43, and 1146–47. In all of these places Van Groningen marks a division.

57. This application of *δίκαιος* to behavior at symposia may perhaps suggest that there were, or were thought to be, "laws" governing such behavior. Cf. also a fragment of the later Ion of Chios (fifth century), which celebrates drinking and Dionysus, and which concludes by asking the gods to

grant the poet *πίνειν καὶ παίζειν καὶ τὰ δίκαια φρονεῖν* (26. 16W = 1. 16D).

58. The reading at 1282 is in doubt, but something like West's suggestion, *οὕτως ἔτεισ' ἀδικῶν*, is possible.

59. Th. 147–48, which is also cited as Phocylides (10D) by ancient sources, has been thought by some to belong to a period later than the mid-fifth century, one reason being that *δικαιοσύνη* is not otherwise attested in any work securely datable before Herodotus (see Havelock, p. 69, n. 51). *δικαιοσύνη* does occur twice in material I have included in this study because of its inclusion in Allen's collection of Homeric. One case, *Certamen Hom. et Hes.* 168, is almost certainly later than the archaic period (see Lesky, *Hist. Grk. Lit.*, p. 93), and, as Eric Havelock points out (in a letter), the whole passage, *Certamen* 156 ff., reads like versified philosophy, some of it echoing doctrines from Plato's *Republic* and none of it likely to be earlier than the sophists. The other example, *Titanomachia* 6, is more puzzling: [Chiron] *εἰς τε δικαιοσύνην θνητῶν γένος ἤγαγε δείξας / ὄρκους καὶ θυσίας ἱλαρὰς καὶ σχήματ' Ὀλύμπου*. G. L. Huxley (*Greek Epic Poetry* [Cambridge, Mass., 1969], pp. 22–28) considers this an original fragment from an early *Titanomachia*, perhaps by Eumelus, but his claim that "the patterns of Olympus are the constellations, the identification and mythology of which formed a substantial part of early Greek hexametric poetry" (pp. 25–26) is extremely

Theognis reveals in all his poetry a considerable interest in financial gain and loss and a concern for the consequences of any redistribution of income, especially the political consequences of the rise of the *nouveaux riches*. Like Solon, he writes about *dikē*, the legal system for peaceful and orderly economic exchange, and laments both the violation of *dikē* by the *ἄδικοι* and the failure of the system to punish these *ἄδικοι*. Unlike Solon, he can do nothing about this failure, and if he could, his remedies might be quite different from the Athenian's; but the language he uses to describe and lament the situation (in particular his use of *dikē*-words) is remarkably similar.

(f) *Presocratics*:⁶⁰ Among the Presocratics *dikē* is a rare but important word, probably first used by Anaximander in the sense of “settlement, penalty.”⁶¹ Whether Anaximander thought of *dikē* as anything more than a settlement or penalty, and in particular whether he considered *dikē* to

be a universal cosmic force, we cannot be sure, but Heraclitus certainly did. His fragments reveal a concept of *dikē* which develops from the Hesiodic sense of “Law” and “punishment for the violation of Law” (Frag. 28) into a cosmic and universal force, which controls the path of the sun (94) and embodies the principle of conflicting forces (23, 80).⁶² *Dikē* for Heraclitus stands with *λόγος*, *θεός*, and other words as an embodiment of his view of the unified opposition of all things, a concept which was perhaps suggested by Anaximander and can be easily derived from the traditional use of *dikē* to refer both to the two opposed “pleas” of the litigants and to the unity implied in “settlement, court, trial, and legal process.”⁶³ Finally, although Parmenides says little about the precise nature of *dikē*, he does include it in his poem as an important divine power (1. 14, 1. 28, 8. 14) in a way that is quite consistent with the *dikē* of Hesiod and Heraclitus.⁶⁴

(g) *Laws and Inscriptions*: The evidence

dubious. We do much better to follow O. Gigon (*Der Kampf der Götter und Titanen* [Lausanne, 1961], pp. xix–xx, who considers the two verses *am verdächtigsten*, finds *σχήματ' Ὀλύμπου* incomprehensible, points out that *σχήμα* occurs nowhere else before the fifth century, and concludes that the two verses are a late fabrication. Thus neither of these two examples can be used to support the authenticity of Th. 147. On the other hand, I do not think we can completely rule out the authenticity of Th. 147–48, for 148 reads like a typical verse of Theognis, and 147 seems to be an attempt to say the same thing in a hexameter (whence the creation of a new and longer word?). And if 147–48 were originally connected to 145–46 then the economic context of these two verses controls the meaning of 147–48 as well.

60. I omit discussion of Heracl. 102, where the meaning of *δίκαιος* is indeterminate.

61. The original wording of Anaximander's fragment is uncertain. *δίκην δίδόναι* is probably original (this is the first example of this phrase meaning “pay the penalty”), but it seems to me less likely, though not impossible, that *ἀδικία* belongs to Anaximander's language, since the word occurs only rarely before the middle of the fifth century and it is not the sort of word one would describe as “poetic.” Kahn considers it genuine (the omission of *τῆς ἀδικίας* in “Anaximander's minimum text” on p. 172 is a misprint), but his main argument is that *ἀδικία* “is frequent in early Attic and Ionic” (p. 169), which it is not. To my knowledge, its only other occurrence during this period is on one Attic vase from the late sixth century, where *Dikē* is apparently killing *Adikia* (CVA Vienna Kunsthistorisches Museum 2, p. 51; cf. Beazley, *ARV²*, p. 11, No. 3).

62. It is possible that in Frag. 23 *ταῦτα* refers to the opposites, in which case this fragment supports the view of 80 that *dikē* is *eris*. Frag. 80 recalls Hesiod's discussion of *eris* (*WD* 11–26), and the standard view is that Heraclitus is here correcting Anaximander, who saw strife as “injustice” (see, e.g., Kirk in Kirk and Raven, *The Presocratic Philosophers*, p. 195). But as I understand Anaximander, he means only that an encroachment (*ἀδικία*) by one substance is compensated for by an eventual penalty (*dikē*), and this overall process of encroachment and compensation is precisely *dikē*, though we cannot be sure that Anaximander referred to it as such. (There is no necessity, by the way, for this reciprocal process to occur between equals, i.e., the opposites, as is usually thought; cf. Sol. 36. 18–20). Thus Heraclitus in 80 is accepting Anaximander's theory of continuous cosmic strife, and he may also be following Anaximander in calling this strife *dikē*.

63. For the idea of balance associated with *dikē*, see *Hymn. Hom. Merc.* 324 (*δίκης τάλαντα*) and Hes. Frag. 286 (*εἴ κε πάθει, τὰ τ' ἔρεξε, δίκη κ' ἔπεια γένοιτο*).

64. The description in 1. 14 of *Dikē* holding keys suggests the image of a jailer, and this impression is supported by the adjective *πολύπλοκος* and by the later description of *Dikē* not loosening the fetters with which Being is bound (8. 14). In 1. 28 the phrase *θέμις τε δίκη τε* (*sc. ἐστὶ*) suggests the sense “it is proper” for *dikē*, though the phrase may also refer to the larger sense of *dikē* embodied by the goddess *Dikē* (who is probably not the speaker).

from inscriptions is almost entirely confined to legal uses of *dikē*-words;⁶⁵ I have found no general or nonlegal uses of *dikē* and *δίκαιος* / *ἄδικος* in seventh- and sixth-century inscriptions. This is perhaps not surprising in the prose inscriptions, but we might expect to find someone described as *δίκαιος* in verse dedicatory or funerary inscriptions, where we find an abundance of such common adjectives as *ἀγαθός*, *ἐσθλός*, *σώφρων*, etc. This suggests that by the beginning of the fifth century *dikē* and *δίκαιος* / *ἄδικος* are still primarily legal terms and have not yet acquired more general significance in the popular language, though such a conclusion from negative evidence is risky. I have already mentioned the various legal meanings of *dikē*-words, and since there are no unusual uses either in the inscriptions or in the fragments of Attic laws which may be Solonian, I shall not discuss any particular cases here.⁶⁶

IV

This survey of *dikē*-words in the archaic period has purposely been brief, and I have for the most part confined discussion of specific passages to those where the meaning is difficult to determine. I have done this because of the large number of examples of *dikē*-words in this period, and because my conclusions are based not so much on the evidence of any one example or small group of examples as on the cumulative weight of the large majority of examples.

65. M.-L. 12 is a Greek translation of a letter of Darius and contains one normal use of *ἀδικέω*.

66. *Dikē*-words occur in the following inscriptions in this period: B. 57, 58, 59, 61, 64, 84, 116, 117; M.-L. (where they do not duplicate Buck) 8, 12, 13. They also occur in the following laws: *Nomoi* 5a, 13, 15b, 16, 19a, 19b, 23d, 36a, 36b, 48b, 70.

67. It is usually thought to be merely an accident that almost all early laws which survive deal with property and almost none with homicide (see Bonner and Smith, p. 79). It is sometimes suggested, for example, that there was probably another set of laws at Gortyn dealing with homicide,

We have seen that during the archaic period *dikē*-words occur in both verse and prose in a wide variety of contexts, including love, drinking, and cosmological speculation. Nonetheless, it is clear that the primary application of these words is to the area of Law and lawful behavior, and that for the most part this means property law and economic behavior together with their political implications. I have argued that this emphasis can be attributed in part at least to the influence of Hesiod's *Works and Days*, a didactic poem about prosperity which contains an important tribute to *dikē* as a necessary requirement for prosperity (213–85). Hesiod recognized, as many others must also have recognized, that as people become organized into larger social units (the *polis*), material prosperity depends more and more on an accepted peaceful process for property acquisition and exchange and for the litigation of property disputes. This process, *dikē*, became firmly established during the archaic period, and many laws were written concerning economic behavior.⁶⁷ Hesiod also recognized that a healthy legal process is essential to the general well-being of the *polis*, and that violations of *dikē* in the long run harm the entire city. This idea too was later taken over by Solon and Theognis.

Another aspect of Hesiod's view of *dikē* which survives is the connection between *dikē* and Zeus. Solon, Theognis, and others connect Zeus with *dikē* (e.g., Sol. 13; Th. 197; Ar. 177). Theognis also appeals to

a set not included in the surviving code (see Willets, p. 9). But this attitude is the result of our own view that "criminal" law is more basic than "civil" law. This does not seem to have been the Greek view, at least in the archaic period. Note, for example, that at Gortyn rape is treated as a property violation requiring only monetary compensation. It seems to me unlikely that Draco or even Solon said very much about homicide, and most of the homicide laws which survived in the fourth century were probably written in the fifth century. For a sensibly cautious attitude toward early homicide law, see MacDowell, pp. 6–7 (against which see Stroud, pp. 60–64).

the gods in general (e.g., 748), speaks of *δίκη* (132), and contrasts *εὖσεβέων* with *ᾧδίκως* (145–46). The divine sanction for *dikē* is not so clearly or elaborately stated as in the *Works and Days*, but it seems to be an underlying assumption that a violation of *dikē* is in some sense an offense against a god.

In spite of this divine sanction, *dikē* still does not become a moral value; its sphere of reference remains legal, with particular emphasis on economic and political behavior. There is no clear example in the archaic period of *δίκαιος* / *ἄδικος* as an adjective applied to general behavior. In inscriptions *dikē*-words are almost entirely restricted to purely legal meanings, and all *dikē*-words are rare in the lyric poets except for Solon and Theognis. Clearly *dikē* has not yet achieved the general moral importance it has (as *δικαιοσύνη*) in Plato and Aristotle.

There are, however, scattered examples which suggest that some of the authors in this period are trying to give *dikē* a more general significance. *Dikē* in Tyrtaeus 12. 40, for example, may suggest that the old war hero has won certain “rights,” which are not necessarily moral but which may be more general than the outcome of a particular lawsuit. Similarly the economic “justice” which Xenophanes requests (2. 13) is more than legal compensation,⁶⁸ just as it is on more than purely economic grounds that Simonides (87D) calls a city’s expenditures for a tomb *οὐκ ᾧδίκως*. And Theognis, by blending economic, social and political concerns, certainly contributes to the enlargement of the meaning

of *δίκαιος*.⁶⁹ But the most radical expansion seems to come in Heraclitus, where *dikē* becomes a universal cosmic force of balance and order; and it was probably Heraclitus’ influence, together with that of Hesiod and Solon, which led to the fifth-century concept (especially in Aeschylus) of *dikē* as a universal force of balance and order in human affairs.⁷⁰

I should still not call any of these meanings “moral,” and yet we can see, I think, how *dikē* and *δίκαιος* achieved moral significance. For, although it is still primarily a legal term for the regulation of economic behavior, both Solon and Theognis recognize and emphasize the political importance of *dikē*. The well-being of the *polis* depends upon its citizens’ being *δίκαιοι*, and the question, how can one be *δίκαιος*, became a central concern of the fifth-century sophists.⁷¹ Building upon their work, Plato gave the newer noun *δικαιοσύνη* a central importance in his moral system, without, however, forgetting the original political value of *dikē*; for, when in the *Republic* he maintains that *δικαιοσύνη* in the soul can only be realized if there is *δικαιοσύνη* in the *polis*, Plato continues the archaic emphasis on *dikē* as a system of economic and political law and order. *Dikē* first developed its meaning and importance in the context of organized society, and thus in the fifth and fourth centuries *δικαιοσύνη* continued to be understood in terms of economic and political order.⁷²

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68. Cf. also Tim. 728. 3 (see n. 46).

69. For example, Th. 731–52, which has the greatest concentration of *dikē*-words in Theognis, protests that the *δίκαιοι* suffer whereas the *ᾧδικοι* do not. The context is apparently rather general until the last two verses make it specifically economic.

70. Sim. 543. 26 (n. 45) may be an example of this meaning.

71. According to Protagoras’ myth, the very existence of

the *polis* depends upon *dikē* (and *aidōs*); see Plato *Prot.* 322B–D.

72. Cf. Arist. *EN* 1. 2. 8 (1094b8–12), where the good for the individual is said to be the same as, though less than, the good for the *polis*, and *EN* 5. 2. 2–6 (1130a16–b5), where the particular aspect of injustice is said to be the desire for profit.