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WORK AND JUSTICE WITHOUT MORAL CONTENT IN HESIOD'S *WORKS AND DAYS*

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Refik GÜREMEN*

Introduction

Hesiod's *Works and Days* was written on the occasion of a dispute that Hesiod was having with his brother Perses about the share they received from their father's heritage. After the first division of their allotment, Perses wasted his own share, and he seized more than what was his due by appealing to courts against his brother. Instead of obtaining his livelihood and wealth through hard work, Perses engaged in a *pleonexic* and *hybristic* strife against his brother. Hesiod thought that Perses was making a serious mistake and his poem was meant to dissuade him from this way. *Works and Days* as a whole is an exhortation to follow hard work as the just way of achieving prosperity. Hesiod elaborates on this main theme by adding practical advices for success in agriculture, sailing, and other forms of economic and social behavior.

However, it is obvious to any reader of the poem that Hesiod is trying to do more than simply giving some useful practical advice to Perses about good conduct and prosperity in life. He wants his brother and the readers of his poem to understand his advices from a broader and intellectually elaborated point of view about human existence as such. Hence, besides (or even more than) his dispute with Perses, the task of providing an explanation for the current human condition occupies the very center of Hesiod's attention in the poem.

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The task of providing an intellectual understanding for the current human condition divides the poem into two major parts: There is 1) a lengthy introduction (v. 1-334) which is followed by 2) Hesiod's practical advices (v. 335-828) to Perses about the social and working life of peasants like themselves. The lengthy theoretical introductory section can also be said to contain two principal subsections: 1a) a "mythic" section relating the myths of Prometheus and Pandora first, and then the myth of the five races (v. 42-105 and v. 106-201) 1b) an exhortative section and a plea for justice, recommending the kings (the judges in city's courts) and the *demos* to revere work and justice, instead of undeserved wealth and violence (v. 202-285 and v. 286-334).¹ The focus of the present article is on these two subsections of the poem's theoretical introduction. By focusing on the general moral that is being conveyed in these parts, I hope to obtain a precise idea about Hesiod's notion of justice.

The question of discerning the precise sense of justice in *Works and Days* has always been the central question in Hesiod scholarship. The work of Michael Gagarin on *dikê* in Hesiod is by far the most influential in this literature². Not particularly because he has many followers but rather because his approach raised many objections. In what follows, I want to add my own objection to this list. I claim, against Gagarin, that beyond an amoral *ad hoc* notion of *dikê*, Hesiod is also working with a more substantial idea of *dikê* in his *Works and Days*. According to my reading, however, Hesiod's more substantial notion of *dikê* still does not have a moral content. I provide my reasons for this latter claim by showing that "work", for Hesiod, does not have a moral significance, either.

Michael Gagarin on Justice in Hesiod

According to Michel Gagarin, the term *dikê* in Hesiod should not be translated as "justice" because *dikê* in archaic thought does not have the moral significance that the word "justice" obtained later in the 5th century B.C. Gagarin thinks that in Homer and Hesiod alike, *dikê* does not denote "justice" understood as an abstract moral idea or as the internal moral quality of an individual and his behaviors. Gagarin suggests that *dikê* in *Works and Days* pertains exclusively to the legal process of peacefully settling property disputes. More precisely, this word means "settlement" if spoken by a judge or "plea" if spoken by a litigant in a court.³ Accordingly, *dikê* in the sense of

1 This division broadly corresponds to Glenn Most's (2006: xxxvi - xxxvii).

2 M. Gagarin (1973), (1974a), (1974b) and (1992).

3 It is in accordance with this interpretation of the Hesiodic *dikê* that Gagarin understands the myths of the poem. See, for instance, Gagarin (1973 : 92).

“settling a dispute” is conceived as a speech which tailors the straightest decision for the specific needs of the case at hand, in a way acceptable to the litigants.⁴ This indicates, according to Gagarin, that *dikê* in Hesiod (and in Homer alike) was nothing more than *ad hoc* “justice”. “Justice” in this sense involves no appeal to externally sanctioned rules or abstract principles but it rather consists in adjudication of specific circumstances pertaining to the competing claims at hand in a dispute. As Gagarin puts it: “Specific circumstances and personalities determine the nature of the settlements, not general rules or principles of justice”⁵. It is in this precise sense that Hesiodic justice is an *ad hoc* justice⁶.

My objection to Gagarin targets less his idea that *dikê* in Hesiod is nothing more than a juridical concept than his thesis that it is only an *ad hoc* settlement⁷. If *dikê* simply denotes amoral *ad hoc* settlement of a dispute, it becomes difficult to understand what exactly Hesiod is critical about in his brother's attitude regarding their dispute. What Hesiod finds especially wrong in Perses' appeal to courts against himself is Perses' ambition to seize more than his due. Hesiod's appeal to the myths of Prometheus and Pandora in order to explain the origins of work to Perses and make him understand what exactly is wrong in his attitude shows that, for Hesiod, the problem with Perses is that *instead of working*, he pleads in the courts to snatch more than his due. Obviously, Perses is abusing the judicial system for his *pleonexia*, and his abuse of the judicial system is what turns his *pleonexic* attitude into a snatch. Hesiod contrasts Perses' attitude as a vicious way of obtaining wealth with work as the praiseworthy way of obtaining wealth.⁸

4 Gagarin (1992 : 75).

5 Gagarin (1992 : 68).

6 Consider, for instance, WD 33-39 where Hesiod describes his dispute with Perses. According to Gagarin, this passage indicates that Hesiod envisions an *ad hoc* settlement as “justice” for their case, because in this passage Hesiod does not seem to be referring to a specific rule from an established law about inheritance issues. This shows, for Gagarin, that Hesiod is simply seeking a compromise settlement acceptable to both brothers. For Gagarin's analysis of this passage see Gagarin (1992: 72-73).

7 That *dikê* means more than “legal process” and that it possesses certain moral significations for Hesiod has been strongly argued for in the literature, especially in reaction to Gagarin's articles. For some objections to Gagarin: see Dickie (1978), Claus (1974), and Beall (2005/20006). For different senses of *dikê* in Hesiod, Athanassios Vergados (2014) is also worth mentioning. One of the most serious difficulties that are observed in literature about Gagarin's approach is that even if it is true that *dikê* in Hesiod means hardly more than amoral peaceful *ad hoc* settlement of a dispute, it is not clear how Hesiod could ever praise it independently of a larger frame of moral values, such as “good and bad”, “right and wrong”, etc. In other words, Hesiod's praise for one's choosing to settle (or competence to settle) social and economic disputes by peaceful litigation instead of violence and *hybris* makes sense only within a larger system of moral values. This is more or less Dickie's (1978) argument.

8 A point has to be underlined here: Hesiod's epithet for the judges that Perses has been appealing to is

In the rest of this paper, I claim that this contrast between the two ways of obtaining wealth shows that Hesiod has another conception of *dikê* beyond *ad hoc dikê* as “legal process”. I claim that Hesiod’s notion of *dikê* is not limited to the *ad hoc* ‘justice’ of the courts. I think Hesiod has a more substantial, and not only a procedural, notion of law and justice.

The Myth of Prometheus

To start with the myths of Prometheus and Pandora, these two myths are given jointly and they have the function of explaining why the current human existence is characterized primarily by hardship and suffering. In the lines which precede the Prometheus-Pandora myth, Hesiod first explains to Perses that upon earth there is not only the Bad Strife fostering war and violence but there is also the older Good Strife which fosters men to work and to prosperity through work. Upon that, Hesiod urges his brother and the kings to abandon their indulgence for *pleonexia* and consider their dispute from the perspective of the Good Strife. Considered in the broader context of the poem these two myths have the function of explaining to Perses, and to the kings, why they should cherish obtaining wealth through work rather than through quarrels at the assemblies and the courts of the city. Hesiod introduces the Prometheus story as follows:

[The] gods keep the means of life concealed from human beings. Otherwise you would easily be able to work in just one day so as to have enough for a whole year even without working and quickly you would store the rudder above the smoke, and the work of the cattle and of the hard-working mules would be ended. But Zeus concealed it, angry in his heart because crooked-counseled Prometheus had deceived him. (v.42 – 48).

Because Prometheus tried to deceive Zeus when the Gods and the human beings were reaching a settlement and being separated definitely from one another,⁹ Zeus concealed their *bios* from human beings. This story relates its message by separating an idyllic past, when human beings were not obliged to work to reach their livelihood, from a “now” which is marked by an inextricable need for work for survival¹⁰.

dôrophagous, “gift-eaters”. Gagarin (1974b: 109-110) himself points out that this term does not need to mean “corrupt”.

9 See *Theogony* 535-557.

10 For my purposes here the Pandora story has only a secondary importance. This story is just the second phase of the Zeus-Prometheus conflict and it works according to the same logic of division between an idyllic past and a grievous present. See *WD* 90-95.

The Prometheus story tells us very straightforwardly what work is. Our *bios* has been crypted by Zeus in his anger towards Prometheus and since then it remains crypted. Work is simply a process of decrypting what has been crypted, namely, our *bios*. Our *bios* is no longer immediately given to us; it has to be ripped out of land, out of sea, out of other people, etc.¹¹ Hesiod's use of optative in his description of how life would have been had Zeus not crypted our *bios* suggests that rather than assuming a real idyllic past where work didn't exist, Hesiod is simply using a counterfactual reasoning: life could have been different for us; but it is not. The message of the story is clear: for human beings life is harder than it could have been, because they do not have an immediate access to their *bios*. We have to work to reach it.

The fact that we do not have immediate access to our *bios* has dramatically changed the temporality of both work and our enjoyment of its products. What could have been achieved, had things been different, by work in one day now takes a whole year. To be able to decrypt our *bios*, now we have to observe the nature and understand its language: we have to understand the land, the sea, the weather, the other animals, etc. V. 335-828 of *Works and Days* are entirely devoted to these questions. Besides and most importantly, this dramatic change in the temporality of both work and our enjoyment of its products is the very basis of division of labor and, hence, of social and political organization as well. Since we need dramatically larger times to complete a work at hand, the number of work which can be achieved in a given time is remarkably smaller than it could have been, had our *bios* not been crypted. So, to be able to have the things we need for basic survival and beyond, we need division of labor and other people's work. Once the need for division of labor shows itself, the need for social and political organization follows it.

In their broader context, these stories are related to the question of *dikê* since they have the obvious function of explaining why Perses and the kings should cultivate the Good Strife. Nevertheless, Gagarin's (1973: 92) claim that the story of Prometheus doesn't have a moral lesson in itself is worth considering. Considered in itself, this story just says: "You have to work!" But this "have to" here is hardly more moral than the "have to" in "You have to breath to live!" Work is an obligation but it is not a moral obligation. It

11 It is not obvious whether this story does assume a real period of a past golden age for humanity, which precedes the present age and in which human beings were exempt of the burden of work, having an immediate access to their *bios*. The timeline of the myth of Prometheus and that of the Five Races do not exactly correspond. The Golden Age of the latter was under the reign of Cronos whereas, if Zeus hid the human *bios* at a certain point in time when humans were already living under his reign, this would suggest that the golden age was under Zeus' reign.

is an obligation because at bottom it is a punishment coming from Zeus. It is a fundamental condition of human existence as such. By Zeus' decision, work is written in the very fabric of human existence. One can try to avoid and walk around this obligation. Like Perses does. But Hesiod's message is clear: the very despicable position that Perses finds himself in is also the proof that there is no ultimate escape from this obligation.

Considered from our human point of view, it is really difficult to find any moral lesson in the story. Zeus hid the *bios* and the fire from human beings and this is meant to be a punishment for them. However, the purpose of this punishment is not clear: the purpose is obviously not correcting a moral flaw in human beings; nor is it meant to penalize a crime committed by human beings, because the real target of Zeus' rage is Prometheus. Work is a punishment for human beings but it is not a moral punishment *for* human beings. Even if we can admit that there was a moral reason for Zeus to punish Prometheus, it is still not easy to understand why this would concern human beings. Therefore, I conclude that there is no ultimate moral reason for human beings to work. The Prometheus story is not about such a moral lesson. What all this has to do with my discussion of Gagarin's thesis about "ad hoc justice" in Hesiod will become clear once we consider the myth of the five races. I will come back to the question of "work" after an analysis of the myth of the five races.

The Myth of the Five Races

The myth of five races comes immediately after the myths of Prometheus and Pandora in the poem, and it describes the ways of life of the five different races of human beings which succeeded one another from the time of Cronus until today.

Like the myths of Prometheus and Pandora, the myth of the five races is also established on the logic of an opposition between an idyllic past and a grievous present. The broad opposition between the peaceful life in the Golden Age and our current distressful life in the Iron Age is central to the lesson of the story. However, except for the main broad opposition between the Golden Age and the Iron Age, little in the myth is really conform to the pattern of an increasing decadency in human history. The race of heroes clearly interrupts such a continuous increase in decadence. Hesiod characterizes the heroes by their superiority in justice and calls them the "godly-race" (*theion genos*) and "demigods" (*hemitheoi*). The difficulty of explaining the role of the race of heroes in what would otherwise be a standard story of decadence gave birth to some very remarkable structuralist analysis of the

myth.¹² A result which can be obtained from these structuralist readings is that it is not only the heroes which interrupt the continuity of the fall, but the iron race is also ambiguous in this respect. As I shall explain below, it seems that the iron race is not really in a diametric opposition with the golden race, because the possibility of living a certain kind of golden age is not completely lost for the iron race.

If it is true that there is no “justice” and straightforward morality in the myths of Prometheus and Pandora, it is no less true that there is no straightforward “work” in the myth of the five races either. This story is not *about* “work”. In this story, the theme of “work” leaves its place to issues concerning *hybris*, violence and justice. I proceed with the details of the story in order to explain what I take to be the lesson of the myth.

The Golden Race

The first race created by the gods at the time of Cronus was the golden race. The distinctive feature of this race was the immediacy of its prosperity, peace and happiness. The people of this race were living in abundance but, unlike us today, they didn't have to work hard since their food (i.e. their *bios*) was given automatically and in profusion by the mother earth itself (*WD*, v. 112-120). Their labor (*ponos*) was probably limited to some kind of an easy harvest. Due to this immediacy of their access to their *bios*, temporality of its enjoyment was also radically different than today. Unlike us again, who have to program their work according to the seasons of the year, the profusion of food from earth in the golden age was continuous and uninterrupted¹³. The people of this race was living in some kind of a prolonged, self-identical and timeless “now”. As D. Stewart says: “The happiness of the Golden age was in a sense before time.”¹⁴

The timeless immediate happiness of the golden race has some other consequences which can be interpreted in political terms. If happiness reigned in the golden race people's life, this was not a happiness that they worked for. In other words, for them, being happy did not result from any social, political or moral effort. There was no condition for them to fulfill to enjoy happiness: their happiness was spontaneous. Having all the good things and lacking all the evils, this race seems to have no problems whose

12 Jean-Pierre Vernant's (1965, 1974, and 1985) work is the most renown among others.

13 The nature of their temporality was also reflected in their biology and consequently in their experience of mortality: “Worthless old age did not oppress them but they were always the same in their feet and hands [...] and they died as if overpowered by sleep” (v. 113 and 116)

14 D. Stewart (1970: 51). See also Carrière (1986: 197).

solution would require the assistance of others. In the absence of such social relations there would be no need for regulating rules and principles. If this interpretation is correct, then we can conclude that there was no need for *dikê* in the golden age. The mode of existence in the golden age was so unidimensional that no other outcome than happiness seems to be even possible. In such an existence, neither the administration nor the virtue of justice would be required.¹⁵ It is true that the people of the golden age, according to Hesiod, “themselves, willing, mild-mannered, shared out the fruits of their labors together with many good things”. This sounds like these people had some kind of a disposition for the virtue of justice. However, this peaceful sharing of goods among themselves rather seems to be a spontaneous attitude in their case. Even if they can be accepted to be “just” in a certain sense, it is evident that this race was “just” without a care for justice. People of this race were “just” in an unreflective way. In other words, even if they were behaving justly, it was not because they had a conception or an understanding of justice¹⁶.

The Silver Race

After the golden race, comes the silver race. Hesiod says that this race was “much worse” than the golden one and it does resemble the golden race “neither in body nor in mind” (v. 127 and 129). The manner of life of the silver race seems to be diametrically opposed to that of the golden one: just like for the golden one, for this race too, there were no complex societal relations requiring regulative rules, etc., ...but for opposite reasons. It is not that the silver men did not need establishing societal relations, but they are simply, by their nature, incapable of doing so. Establishing societal relations and making them work by rules and principles was just impossible for this race because they were naturally unable to refrain from *hybris* (WD, v. 130-135). Just like the peace of the golden race, the *hybris* of the silver race was also immediate: the silver race people were not being *hybristic* when they could have been just. No, *dikê* was just not a possibility for this race. Their *hybris* was as automatic and spontaneous as was the peace of the golden race. The explanation for their uncontrolled *hybris* can be found in their state of mind¹⁷: Hesiod calls them *mega nêpios* (v. 130-135). Even when they left the-

15 On the absence of need for *dikê* in the golden age, see also Crubellier (1996: 451) and Clay (2003: 82).

16 The same immediacy characterizes the attitude of this race towards gods. They were probably living close to the gods but they did not worship gods. They seem to have no religious attitudes towards the gods. They were simply and tout court dear to the gods without a reason – a reason which would impose some responsibility to be fulfilled towards the gods.

17 On this point, see also Crubellier (1996: 457).

ir extraordinarily long childhood behind, these people seemed to have the mind of a child only. They were “foolish” in the sense that they were unable to foresee, nor did they have any care about, the consequences of their acts. They were *hybristic*, not because they cared about *hybris* but because they were unable to understand the world around them. Their *hybris* was as unreflective as the peace of the golden race. Consequently, they were unable to establish, understand and follow any social *themis*.¹⁸ I conclude that the mode of existence of the silver race was as unidimensional as the existence of the golden race. But it was so for opposite reasons.

The Bronze Race

Next comes the bronze race which was “not similar to the silver one at all” (v. 144). As opposed to the childishness of the silver race, the bronze race people were terrible, strong and frightening: “upon their massive limbs grew great strength and untouchable hands out of their shoulders” (v. 148 – 149). Corresponding to their violent physical appearance was their manner of life. This race was a race of warriors and they died in fight (v. 145 – 155). With this race, for the first time in the myth a specific sort of activity (*ergon*) is being assigned to a race: war is the *ergon* of this race; war was the subject of their care; and war was also the content of their *hybris*. This combination of their warrior activity with *hybris* gives to this race a kind of spontaneity and immediacy, although in a different way than the previous two races. The *hybris* of the bronze race was colored particularly with *biê*, that is, brutal and naked violence. It is this *hybris* characterized by *biê* which determines, after all, the fate of this race as a whole: their *hybris* was fatal. The people of this race destroyed each other mutually in the wars by the brutal naked violence of their strong hands. This race destroyed itself; it is not destroyed by Zeus. The very activity of this race works, therefore, as a self-consuming machine. Their destruction as an entire race was a necessary and unavoidable consequence of their characteristic activity.

The *hybris* that the bronze warriors committed by the *biê* of their hands had nothing to do with rendering justice. Actually, their violence seem to have no specific purpose. They seem to have no particular purpose for fighting. Their violence had obviously no *telos* but itself. That's why it was self-consuming. It follows that their *biê* was not mediated by any purposeful conception of “good” and “bad”. There was no moral reason nor any moral

18 The same was true of their relation to the gods. Zeus destroyed this race in anger because they were unwilling “to honor the immortals [...] as is established right for human beings in each community (he *themis anthrôpoisi kat' êthea*)” (v. 136 – 137). Therefore, the silver race people were not only unable to follow any human *themis*, but they were also unable to understand and follow any divine *themis* either.

conscience orienting their *hybris*. Their *hybris* was blind. In this sense, therefore, the *hybristic* activity of this race was no less simple, no less spontaneous and immediate than that of the silver men. I conclude that the existence of the bronze men was just as unidimensional as the previous two races.

The Race of Heroes

With the age of heroes, this unidimensionality of the human races comes to an end. The exact role of the heroes in the myth and Hesiod's poem in general has been the subject of an immense scholarly debate. According to the reading that I favor, Hesiod's aim in including the heroes in his version of a myth on the past races of man is to transform the traditional image of heroes as warriors into a more pacific image of kings (like, for instance, Menelaus and Odysseus in Homer), which is more conform to the imperatives of the agricultural society that he is envisioning. Like the bronze men, the heroes were also fighters. However, they were unlike the bronze men in that their heroic warrior activity had a well-conceived purpose by its agents: justice. Justice was the cause the heroes were fighting for (v. 156-165). It wouldn't be wrong to say that heroes, according to the myth, were the first real, conscious agents of justice on earth. And yet, the characteristic heroic activity was marked by an ambiguity: the heroic agency for justice was pertaining to Bad Strife that Hesiod warns his bother to stay away from throughout the poem, starting from the beginning. The ambiguity of the heroic warrior activity consists in that although it is for the sake of justice, it is still not completely redeemed from destructive violence. Hesiod says that some of the heroes simply died and disappeared in war, while others were sent to the Island of the Blessed and given "a spirit free of care". So, while some heroes met death right away in the battle field and disappeared for good, to some others Zeus gave a new life which resembles very much to the life in the Golden age (v. 167-173). However, this new life is no longer the life of a warrior but it is the peaceful life of a well-functioning agricultural society. Jean Claude Carrière (1986) thinks that Hesiod's distinction between two different groups of heroes has the function of purifying the image of heroes from destructive violence. According to Carrière, the transformation of a group of heroes from warriors into pacific peasants provides a model for the kings of Hesiod's own time.

The Iron Race

The iron race is the fifth and the last race. This is us today. The iron race is not simply the last race in the series, but it is the race that the entire story

is designed for. It is, in a sense, the *explanandum* of the myth of five races. My claim is that the previous races in the myth helps Hesiod explain the iron race, since the defining feature of each preceding one-dimensional race recurs in Hesiod's treatment of the iron race. In other words, Hesiod's treatment of the iron race incorporates all the defining features of the previous unidimensional races and makes them potential outcomes for life in the Iron Age. Life in the Iron Age is no longer one dimensional. It has multiple potential outcomes depending on how closely justice is being followed by men. That life is more complex for the iron race than it was for the previous races is the core of Hesiod's conception of it:

For now the race is indeed one of iron. And they will not cease from toil and distress by day, nor from being worn out by suffering at night, and the gods will give them grievous cares. Yet all the same, for these people too good things will be mingled with evil ones. (v. 176 – 179).

Hesiod's treatment of the iron race extends beyond the last part of the myth and continues until v. 334. Throughout these lines, Hesiod's message is alternately addressed to the *demos* (in the person of Perses) and to the kings. The message is clear: If, being *nêpios* like the silver men, you don't understand the value of justice and rather foster *hybris*, like the bronze men, you will inevitably be diminished. Because by the order of Zeus, justice always wins over *hybris* at the end. However, if you pay attention to justice and avoid *hybris*, and if your kings follow the example of the blessed heroes, then your cities will flourish and you are going to live your own golden age.

Just to give some examples of how Hesiod incorporates the characteristic features of the previous one-dimensional races into his treatment of the iron race, consider the following verses in order:

v. 181 – 188 : Hesiod describes what he sees as the most likely future for the iron race. In the manner of the silver race, this is a reversed world order where no social *themis* is being respected, and some kind of a social folly reigns. Zeus will probably destroy the iron race.

v. 189 and 192 – 193 : Hesiod continues his foresight about the iron race. In the manner of the bronze race and in an anti-heroic fashion this time, the iron men will destroy each other in brute violence of their own hands and they will do that in the name of justice:

v. 217 – 218 : Hesiod urges Perses to listen to the justice and to avoid *hybris*, because "justice wins out over *hybris* when she arrives; but the fool (*nêpios*)

only knows this after he has suffered.”. “*nêpios*” is the epithet of the silver men. The iron men have, therefore, some part which simply doesn’t comprehend how justice works in the world around.

v. 225 – 237 : A famous passage describing life in a just city. This passage is almost a verbatim reproduction of the golden race part from the myth of the five races. Those who “do not turn from justice at all, their city blooms and the people in it flowers”.

v. 238 – 247: The opposite image of the “just city”. The opening lines are reminiscent of the bronze age: “But to those who care only for evil *hybris* and cruel deeds, far-seeing Zeus, Cronus’ son, marks out justice.”

The recurrence of the previous themes from the myth of the five races throughout the lines on the iron race creates the expected effect: life in the Iron Age is no longer unidirectional necessarily heading towards a certain determined ending. All directions that we know from stories about the previous races of man are now real possibilities for the iron men. The final outcome will be determined by their attitude toward justice.

Back to Gagarin

I believe that Michael Gagarin is for the most part right in saying that in the “Justice” part of the poem (i.e. v. 202-285) the uses of the term “*dikê*” and its cognates are of the courts.¹⁹ What is being referred to by these terms in their immediate context is either particular cases of dispute that are being judged or the judicial system in which they are judged. So, I believe that Gagarin has, for the most part, a strong point in arguing that the term “*dikê*” and its cognates are not moral concepts denoting a state of consciousness of what is right and what is wrong, etc.

If Gagarin’s argument has to be given credit, the next point to grant is that the term “*dikê*” in *Works and Days* is mostly used to refer to property disputes. In the “Justice” part of the poem, when Hesiod advises the kings to stay away from “crooked judgements”, the ways he formulates his advice are highly reminiscent of the opening lines of the poem where we read about his dispute with Perses²⁰. So, when Hesiod urges the kings to avoid “crooked judgements”, he has in mind the kind of property dispute he is having with

¹⁹ Of twenty-five uses of the “*dikê*” terms in the poem, twenty-one occur in this section.

²⁰ For instance, he says: “There is a clamor when Justice is dragged where men, gift-eaters, carry her off and pronounce verdicts with crooked judgements” (v. 220 – 221). A couple of lines later he says again: “[When Justice is harmed, Zeus] will take vengeance upon the people for the wickedness of their kings, who think baneful thoughts and bend judgements to one side by pronouncing them crookedly” (v. 260 – 263).

Perses. But if this is true, then the crooked judgements that Hesiod is complaining about must be the kind of judgements which foster “snatch” instead of work. When the courts in a city allow “snatch” to win over “work”, this harms Zeus’ daughter Justice and provokes Zeus’ vengeance.

However, this last point indicates that there is more than particular cases of *ad hoc* settlement in the city courts to Hesiod’s notion of justice. Hesiod says that when “crooked judgements” fostering “snatch” start to replace “straight judgements” in a city, justice, although harmed, does not leave the city but stays, and brings evil to the people of the city. There is, therefore, a justice which judges the “justices”, that is, the particular court settlements in the city. This, I think, is a normative notion of justice. I am not referring to a Hesiodic moral normativity, nor to Zeus’ “divine justice”. I mean a normativity which is not necessarily moral. What I mean can be better explained if we consider it in light of the lesson of the Prometheus story.

As argued above, according to the Prometheus story, work is a punishment for the human race; but it is not a moral punishment because it doesn’t aim to punish a crime committed by the human beings nor does it aim to correct a moral flaw in human beings. This punishment has a paradoxical nature. Like every punishment, the need for work has also a code. The code of the need for work says: “You have to obtain (whatever you obtain) by work!” Now, complying with this code is what justice is, according to Hesiod, whereas, noncompliance with it is “snatch”, one of the most serious injustices in an agricultural society. What is paradoxical is that complying with the code of the punishment has a payback: prosperity. Zeus’ justice is neither simply retributive nor it is simply corrective. We know that in a post-Promethean society, a genuine golden age is no longer possible because we *have to* work. But we can get close to it. We can prosper. However, we can prosper only by work! What is a punishment for human race is also a redemption for it. There is the possibility of undoing certain results of the punishment, but this can only be achieved by complying with its code. This idea of “justice” *as compliance with the code of a punishment* is what I take to be Hesiod’s more substantial notion of justice.

This is a normative, and not a procedural, idea of justice for two reasons: a) it constitutes a *criterion* against which the kind of justice (*tênde dikên* – v. 38-39, 248-49 and 268-69) in a city’s courts have to be measured and evaluated; b) the lesson of the myth of the five races tells us that the kings or the *demos* might go astray and choose not to comply with the code of Zeus’ punishment; but they’d better comply! They *have to* comply if they want to

avoid a future where only *hybris* and folly reigns, like it was the case in the silver and the bronze ages. This time, this “have to” is normative. Yet, the Prometheus story implies that this normativity is not that of morality, after all. There is no ultimate moral reason for us to work, because work is not a moral punishment.

Conclusion

Michel Crubellier (1996) thinks that there is an erroneous tendency in Hesiod scholarship towards moralizing work. According to him, the lesson of *Works and Days* as a whole is not: “To be just, you have to work” as most scholars think. For Crubellier, the message of the poem is the inverse: “We need justice, because we have to work!” I think the poem consists both messages. As the Prometheus story implies, the need for social and political organizations emerges out of the need for work and its post-promethean temporality. But with the need for social and political organizations also emerges the need of administering justice. The need for justice in the administrative sense is definitely a part of the poem’s message. But the poem also says that we need to be just and avoid *hybris*, and to be just, yes, we have to work! I only disagree with Crubellier in his view that this last one is a moralizing message.

Work and Justice Without Moral Content In Hesiod's *Works and Days*

Abstract

According to Michael Gagarin, Hesiod's notion of *dikê* is not a moral notion, and it has to be disassociated from the moral connotations that it will start to assume later in the fifth century. For Gagarin, an *ad hoc* settlement of particular disputes in city courts is all there is to Hesiodic *dikê*. This article objects to this interpretation of Hesiod and claims that Hesiod is working with a more substantial idea of *dikê* in his *Works and Days*. According to my reading, however, Hesiod's more substantial notion of *dikê* still does not have moral content. I provide my reasons for this latter claim by showing that "work", for Hesiod, does not have a moral significance, either.

Keywords: Hesiod, work, justice, morality, Prometheus, five races.

Hesiodos'un *İşler ve Günler*'inde Ahlaki İçeriği Ayan İş ve Adalet Anlayışı

Öz

Michael Gagarin'e göre Hesiodos'taki *dikê* anlayışı ahlaki değildir; ve Hesiodos'un *dikê* anlayışı bu kavramın daha sonra beşinci yüzyılda alacağı ahlaki anlamlardan ayrıştırılmalıdır. Gagarin'e göre, Hesiodosçu *dikê*, sitenin mahkemelerindeki şahsi ihtilaflara *ad hoc* çözümler bulunması ile sınırlıdır. Bu makale Hesiodos'un bu yorumuna itiraz etmekte ve *İşler ve Günler*'de Hesiodos'un daha tözel bir *dikê* anlayışına sahip olduğunu iddia etmektedir. Ancak burada savunulan yoruma göre de, Hesiodos'un bu daha tözel *dikê* anlayışı ahlaki değildir. Bu iddia için gerekçelerimi Hesiodos'a göre "iş" in de ahlaki bir içeriği bulunmadığını göstererek açıklamaya çalışıyorum.

Anahtar Kelimeler: Hesiodos, iş, adalet, ahlak, Prometheus, beş ırk.

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