

Michigan Law Review

Volume 77 | Issue 3

1979

The Greek Concept of Justice

Michigan Law Review

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Recommended Citation

Michigan Law Review, *The Greek Concept of Justice*, 77 MICH. L. REV. 864 (1979).

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THE GREEK CONCEPT OF JUSTICE.* By *Eric A. Havelock*. Cambridge: Harvard University Press. 1978. Pp. ix, 382. \$16.50.

In his classic study, *The Discovery of the Mind*, Bruno Snell observed that the shaping of Western thought by its beginnings in Greek thought has paradoxically impeded our ability to understand Greek authors: "Because we are accustomed to regard the Greek way of thinking as obligatory, we instinctively—or should we say naively?—project it also into thought processes of another order."¹ The achievements of the later Greeks, especially Plato and Aristotle, have erected mental barriers to our comprehension of their predecessors.

Snell explored the Greeks' gradual discovery of the human intellect by carefully analyzing their expression and use of language. Professor Havelock, in *The Greek Concept of Justice*, adopts a similar developmental approach in tracing from Homer to Plato the uses of *dikē* ("justice") and its derivatives. The evolution of *dikē*, for Havelock, is closely related to the transition of Greek society from its oral to its literate stage. We do not know exactly when that transition occurred (pp. 9-10). We know that the *Iliad* and the *Odyssey* were orally composed, but not whether that manner of composition was a matter of artistic choice or of necessity. Havelock suggests that the early Hellenic period (900-650 B.C.) in which the poems were evidently composed was probably either nonliterate or semiliterate; that is, that Homer had no choice (p. 9). Since that period saw the genesis of classical Greek culture, including the consolidation of villages into *poleis* and the rise of Greek moral and social consciousness, Havelock asks how cultural progress could have been made without written documents (pp. 10-11, 55).

In preliterate societies, Havelock postulates, the epic or its equivalent stores and transmits culture, conserving the *nomos* and *ethos*, the life-style and proprieties, of the audience which hears it. Meter, music, and narrative are mnemonic and pedagogical aids. A literate society would preserve such information primarily through didactic statements: "Thou shalt not steal. In a preliterate society, instruction is by indirection, and society's *nomos* and *ethos* are revealed through actions performed by agents rather than through didactic statements: Agamemnon's seizure of Achilles' slave-girl provokes a feud among the Greeks

* This book review was prepared by an Editor of the *Michigan Law Review*.—Ed.
1. B. SNELL, *THE DISCOVERY OF THE MIND* vii (1953).

that destroys their military campaign against the Trojans until Agamemnon redresses the injury (p. 220).

Because the Homeric epics preserved culture in this way, their presentation of "justice" is particular and situational. "Justice" as an abstract normative principle does not appear (pp. 13-14). In the *Iliad*, "justice" is a procedure for resolving disputes before a mass audience whose witnessing of the contending parties' confessions, vows, and settlements substitutes for written documents as a record of the event (pp. 133-37). "Justice" is the replacement of physical conflict with a form of public negotiation. It is an intracity propriety, existing in the *Iliad* within the context of intercity warfare. Within the city, disputes are properly resolved peacefully through negotiation. There is no similar sense of propriety between cities, where disputes are violently resolved. In the *Odyssey*, "justice" appears primarily as the intercity propriety of acting hospitably to guests. "The *Odyssey*," Havelock observes, "is par excellence the oral encyclopedia of the maritime complex, encoding and reporting and recommending those patterns of pan-Hellenic behavior which also could protect interpolis traffic and enable the complex to work" (p. 177). Havelock's important point is that in neither epic does Homer identify "justice" as an abstract "principle with a priori foundations, either as a 'rule of law' or as a moral sense in man. . . . This kind of justice is simply the conservation of existing mores, or the correction of a violation. It does not prescribe what in general the mores 'ought' to be" (pp. 180-81).

Havelock theorizes that the progression of Greek society into literacy enabled later Greek writers to approach an abstract concept of justice, a process that reached fruition with Plato (pp. 13-14). Literacy obviated the need to store information orally and for the mnemonic devices that were necessary to do so. *Nomos* and *ethos* could be discussed without narrative, without "agents acting or behaving in response to other agents" (p. 221). Literacy made possible the use of nonpersonal subjects and objects, as well as verbs that "indicate not actions or situations which take place in time but relationships connected by a timeless logic" (p. 221). The verb "to be" played a particularly important role in the development of "justice" as an abstract concept; it became truly copulative (x is y) and thus capable of expressing abstract identification only as Greek became a written language (pp. 221, 233-48).

The temporal priority of Homer to Hesiod has been debated since the fifth century B.C., but Havelock argues persuasively

that Hesiod composed in a more literate age than did Homer, and probably with a text of Homer in front of him (pp. 214-15). Hesiod's poems bear many of the hallmarks of oral composition, but one notices a gradual abandonment of narrative and an increasing use of impersonals (p. 226). Hesiod was the first of the Greeks to isolate justice as a topic, yet he failed to articulate an abstract concept of "justice" because the linguistic conditions of preliteracy were still strong. Hesiod could describe what "justice" did, but not what it was (p. 232). In this sense, he was protoliterate and protoconceptual (p. 232).

After Hesiod, "justice" was not again isolated as a topic until Plato, perhaps some 250 years later, though "justice" appears incidentally in intervening authors. Havelock sees an increasingly abstract use of "justice" in this period, and particularly an advance toward the use of "to be" as a copula. However, the poetic traditions of orality, especially narrative, prevented the appearance of "justice" as an abstraction (p. 14). Solon (*circa* 600 B.C.) was an Athenian statesman, lawgiver, and poet. What fragments we have of his code are addressed to the legal specifics of factual situations; only in his poems do we get any glimpse of the "justice" that presumably informed his legislation (p. 252). In the poems, he uses "justice" in its preliterate sense as a procedure for resolving disputes. There is no conception of "justice" as a normative principle (pp. 253, 262). In the pre-Socratic philosophers "justice does not exceed the logical limits of that propriety and regularity which was the fundamental form of Homeric society," though the word was cosmologically extended to explain natural phenomena (p. 271). In Aeschylus (525/4-456 B.C.), "Justice collides with Justice" (p. 295): "justice" appears in contradictory uses in different dramatic situations and is symbolically exploited for artistic purposes rather than fixed with a philosophical definition. We do not find out what "justice" is (pp. 293-95). "Justice" is nonconceptual in Herodotus (fifth century B.C.) as well, though Havelock observes that the appearance in the *History* of a new word for "justice", *dikaiosunē*, marked an important step in the process of abstraction since that appearance indicated "that there is a justice within man as well as one which he operates in society" (p. 306).

Unlike those in the oral tradition, Plato discarded the mnemonic devices of narrative and meter. Further, he used the verb "to be" as a copula to denote logical, static relationships between subjects and predicates (p. 325). His *Republic* was the first discussion of "justice" as a topic since Hesiod. As a fully literate

author, Plato could conceptualize "justice" as a normative principle (p. 14). Plato's "justice" has two aspects, a public and a private one. As a social formula, Plato's "justice" does not greatly differ from that of the oral tradition: the "just" man responds to the traditional rules of propriety that protect the *nomos* and *ethos* of Greek society (p. 320). Plato rejects, however, the procedural aspects of "justice" that were particularly prominent in the *Iliad*: the "just" society will have no disputes to resolve, and so will not need remedial procedures (p. 321). Havelock observes, "Plato's justice, as writ large in the city, becomes the symbol of unchanging stability" (p. 321). More important to Plato than this social formula was his theory of "justice" as a purely personal morality, as an ordering of the psyche to provide the individual "the same unshakeable, unchanging stability that the polis enjoys" (p. 322). This was a radical break from tradition, and one previously impossible because of the failure of previous authors to abstract "justice" from the particular situations in which they found it. Plato's rejection of poetry in the *Republic*, Havelock suggests, was based on that historical failure (pp. 330-32).

Havelock combines the developmental approach to the study of Greek thought, adopted from Snell, with the approaches of the "oralist" school, represented by Marshall McLuhan and Walter Ong. Havelock acknowledges his sympathy with McLuhan's aphorism "The medium is the message," agreeing that "the character of a given technology of communication exercises considerable control over its content" (p. 336). However, he dissents from some oralists' disparagement of "linear literacy," since, as his book demonstrates, the shift from orality to literacy in ancient Greece clearly produced "liberating consequences for the mind" (p. 336). In the widest sense, Havelock's point is that, while today's technological orality offers added possibilities for communication, we should not lose sight of the advantages of written communication, specifically, its superior ability to convey philosophical concepts. Postliteracy differs significantly from preliteracy in having the choice of communicating through writing. Modern oral media may supplement, but will not replace, written communication (p. 336). On this level, and as a history of the idea of justice in ancient Greece, Havelock's book is a success.