

Is it right to harm the perpetrator of an offence? The intuitively obvious answer is: yes, as long as the harm is proportionate to the offence, targeted specifically against the offender, and administered by an authority. Briefly, as long as the harm thus inflicted deserves the designation “punishment.” This alone is enough to validate it in our eyes, the ongoing philosophical struggle with the justification of punishment notwithstanding. Because our intuitive or “folk” understanding of punishment is based on the presupposition of its fairness. Because it is assumed that the modern state which administers it does so impartially, upon its rational adjustment it to the magnitude of the offence and a careful consideration of all its possible circumstances. Because it is not administered by a private person “taking the law into his own hands,” which is not considered as punishment but an act of revenge, bound to breed further injustice.

This is what emerges from the Idealized Cognitive Model of punishment in contemporary democratic states. It is an ideal, because it does not take into account all the possibilities with which reality might upset it, such as e.g. a biased jury or police misconduct. And like every ICM, it is also culture-specific. Different societies with different institutions necessarily have different ICMs, including those related to punishment. The study of such cultures should therefore entail a reconstruction of their ICMs, so as to gain an inside perspective on their values, notions and categories (i.e. an emic perspective). In the case of existing societies it requires meticulous ethnological fieldwork; when it comes to historical ones – an equally meticulous reading and analysis of their artifacts, mainly textual (where applicable). The pitfalls of approaching different cultures with a set of our own ICMs is well illustrated by the essentially colonial assumption (still found in many studies) that harming an offender in tribal societies – that is those without a central government equipped with the monopoly for violence – always unleashes paroxysms of rage and revenge, which lead to a vicious cycle of endless violence crowned with piles of corpses and an all-out war of everyone against everyone. Even a cursory reading of works based on proper and diligent field studies is enough to dismiss such outlandish conclusions.

That punishment in ancient Athens had its own distinct set of ICMs is evident from the analysis of the manner in which it is spoken of in the relevant texts. In the first place, it frequently had a clearly defined, personal agent (A punished B). It could be inflicted by one citizen on another, despite the fact that neither can lay any claim to authority over the other. It could be inflicted in anger and mitigated by pity, and not by a dispassionate assessment of the wrongdoer’s situation. It was a peril which one risked, when prosecuted, and was delivered from upon acquittal. All this comes as a surprise to us, as we have been conditioned to see in ancient Athens an archetype of modern democracy and its core values such as individual liberty, equality before the law or freedom of speech (all this is, of course, yet another ICM which does not take into account some upsetting “details” of historical reality, among them the excluded Others: women, metics and slaves). Yet the Athenian ways with punishment remain so desperately alien to our way of thinking.

Far from shoehorning them into our own ICMs, this project will celebrate the “Otherness” of these ways. Its goal is to identify the Athenian ICMs of punishment through a detailed analysis of the terms which signify it and the conceptual metaphors and metonymies used to express it. The primary sources for this inquiry will be the forensic speeches of the Attic orators, but other genres, both rhetorical (deliberative and epideictic) and literary (drama, philosophy, historiography), as well as the epigraphic evidence will also fall within the scope of this inquiry. Identifying the Athenian ICMs of punishment will not only make sense of the above-listed peculiarities, but also provide a new approach to the system of justice administration in Athens, and most importantly, change the way we read the canonical texts of the classical period which, for the most part, are either directly or indirectly focused on the idea of harming an offender.