

Hemlocking Them Up: Comparative Policing and Punishment in Classical Athens and  
the United States

By

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A Thesis Submitted to the Honors College  
In Partial Fulfillment of the Bachelor's Degree

With Honors In

Classics

THE UNIVERSITY OF ARIZONA

MAY 2011

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### Abstract

The justice systems of classical Athens and the United States are very similar in terms of their police, punishments and prejudices. Although there have been changes over time, the United States still retains many of the criminal justice processes of the ancient Greeks. Both systems are heavily reliant on citizens and in fact their police forces depend on the cooperation of citizens to correctly function. Though the punishments have changed over time—from exile and loss of citizen rights to fines and imprisonment—the effects on offenders are remarkably the same. Police and officials in both systems occasionally also have prejudices against different members of the societies in which they operate, such as women, children, foreigners and slaves.

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## Introduction

Police systems have changed throughout history to adapt to the different societies that police regulate and for which they enforce the laws. Obvious differences in population size, technology, and geography make variety in the sizes and organization of individual police forces all but a necessity. It is perhaps surprising, therefore, that in the United States, a heavy reliance on the role of citizens in the justice system suggests a comparison with that of ancient Athens. Indeed, there are similarities between the two systems in the punishment of criminals and processing of offenders, as well as prejudices within both systems, which reveal how humans have remained the same over time in many important ways.

Although the United States is a country in which prejudice is against the law, policemen have to handle certain people – such as women or children – in different ways because of the law and/or for their own safety. Women and juveniles continue to be treated differently in the American criminal justice system from trials to punishment because they only attained full rights within the last century and they remain minority offenders in the system. Women are housed in different prisons than men and, in the case of juveniles, the justice system focuses on rehabilitation instead of punishment, which is radically different from the practice in the ancient world. Although all people in the United States have rights, and especially in the criminal justice system (which differs greatly from the ancient Athenian system, since women and children effectively had no rights back then), there is definitely still a prejudice against woman and children by the system.

Punishments in the American justice system are much more varied than they were in ancient Athens. These can vary by state, like the death sentence, or be prescribed by federal law. Nevertheless, many punishments similar to those in the ancient city still exist today. Prison as punishment is utilized much more by the current system than it was in Athens, but punishments such as fines and the death sentence are still employed today in a manner similar to how they were long ago. Because of modern belief in the importance and effectiveness of rehabilitation, many other opportunities now exist for criminals for finishing their sentences, such as community service. More variation in punishment is also available because of the greater population, as the United States is much bigger than ancient Athens.

Much of the cultural ideology of the United States comes from ancient Athens, and not least of all the idea of democracy. This concept is present in our police forces, which depend on the participation of citizens like the rest of the government. Because of this shared cultural ideology, it is not far-fetched to assume that similarities to the ideology of the Athenian justice system would exist in the American one. The roles of punishment and prejudice in the justice system remain largely the same today, with only slight differences. Yet the role of the citizen as a participant, though not as primary in the United States as it was in ancient Athens, is still very crucial to the work of the police and the prosecution of criminals.

Many of the sources for policing in classical Athens, which I will employ in this study, are primary texts, such as plays and the works of ancient philosophers. I have also drawn on a broad spectrum of secondary scholarship for the law enforcement system of classical Athens. My evidence for the American criminal justice system, however, comes

primarily from interviews conducted with state and federal officials, as well as studies by scholars and government entities. I interviewed two men who work in the American criminal justice system at different levels and in different fields. Stanley Barsch is a police officer in Montgomery County, Maryland, whose main duties include patrolling, traffic and criminal enforcement, and responding to calls. He is usually among the first on the scene to burglaries, homicides, and the like. He has previously worked at the Montgomery County Sheriff's Department, where he dealt strictly with the security of the county courthouse and transportation of prisoners, at the Tacoma Park Police Department, and at the Annapolis City Police Department. All three positions have contributed to his knowledge of and experience with the justice system. Daniel Leyva is currently a Deputy United States Marshall for the district of Arizona, who is responsible for the judiciary court system, making sure federal judges and jurors are protected, and also investigating fugitives. He has previously worked in Border Protection as a U.S. Customs K-9 Officer. In his employment, he has dealt largely with many illegal immigrants. Their testimonies not only help to contrast the role of the American police system to that of ancient Athens, but they also yield personal insights into the usefulness of citizen participation to police work. As we will see, both men have very different views on this subject.

The purpose of this thesis is to analyze the similarities between the modern American and ancient Athenian justice systems. In so doing, I intend to demonstrate two things: the continuity of western ideas about justice over time and the innovativeness of ancient Athens. It is my hope that this examination will contribute to a further understanding of the intricacies of the justice system in ancient Athens. The more one

understands about the origin of a system, the more potential there is for improvement in that system. Ancient Athens and the United States may be many years apart, but their justice systems are similar in terms of their citizen participation, police processes, internal prejudices, and even punishments. This suggests that humans do not change very much over time and that classical Athens was far ahead of its time.

## Chapter 1: Police Forces and Processes

The police system in ancient Athens was heavily reliant on citizens. It was generally up to a magistrate who noticed an offense or the victim of the offense to bring it to the attention of a court. Solon's laws ca. 530, however, made it possible that a volunteer could bring an offense to court, since some victims were not in a position to do so themselves (MacDowell 53). In the case of a person committing homicide, the prosecutor could arrest the criminal and take him to the Eleven, who were prison guards and executioners, for trial through a process known as *apagoge*. This was an especially important process at Athens because if the criminal appeared in a sacred or public place, the Athenians believed he would in this way pollute the community (MacDowell 120 – 121). Such an arrest occurred after a family member of the victim had made a proclamation in the agora about who they believed the killer to be (MacDowell 118). Cases brought to the government by any person were called *graphai*, while cases brought forward by an interested party were called *dikai* (Osborne 40).

Solon's laws were a major contributing factor to the justice system that developed in classical Athens during the 5<sup>th</sup> and greater part of the 4<sup>th</sup> centuries BC. Solon (ca 638–559 BC) was in some ways the father of democracy because he made it so that all men were equal in eyes of the law. He allowed people to gain power through constitutional means and reined in the aristocrats. Though no one knows exactly what his laws said, from secondary sources scholars know that, among other things, they forbade people to insult one another in trials and punished those who were lazy. Overall, he created more rights for people and helped end oligarchic rule (Drapkin 166–168). The Athenians made

a point of inscribing his laws on stone in 410 BC so that all would know them (MacDowell 46).

Although classical Athens did have something of a police force made up of slaves, these were mostly used to regulate peace in the city rather than uphold justice and catch offenders (Sargent 117). Since the slaves were mostly used for this purpose, the role of the individual citizen was very important at every level of the justice system, and the apprehension and prosecution of criminals relied on citizen contributions. In *Lysias 3*, the speaker describes a suit where a man was trying to obtain possession of a young male prostitute. After being attacked by a rival in the street in front of two hundred witnesses, many of these testified in favor of the man. This example shows the importance of witnesses to ancient lawsuits: many of the people who witnessed the event were fully willing to testify for the victim, and the prostitute ran to find people specifically to witness what was happening, obviously knowing that their testimony would be vital to defeat the speaker at law.

It seems that the process of obtaining witnesses outlined above was pretty common in ancient Athens, since it also occurs in *Demosthenes*. In one case, when an attempt to obtain property by an individual turned violent, a slave went to try to bring others to witness the situation (*Demosthenes 56*). Without the application of torture, a slave's testimony was not valid (Hunter 1994: 133), so the slave had to acquire other witnesses to provide testimony in his place in order to avoid personal suffering. And more than likely, he had to move fast. It was important for victims to move quickly to obtain justice, as the process for a victim or a victim's family to catch and prosecute a criminal was complicated. If the prosecutor did not catch the offender as the crime was

committed, he would then have to denounce the offender to the government, so that he could gain approval from the Eleven to make an arrest (Hunter 1994: 136). If he did not apprehend the criminal at the time of the offense, the prosecutor would start the process by investigating. This meant not only obtaining witnesses and slaves to be tortured as witnesses, but also looking into any applicable laws. (As should be clear from this, a prosecutor had to be literate and at least moderately intelligent to be able to fully prosecute a criminal even in the beginning stages of the process.) He would look for evidence, have others help him search for stolen property as well as look to friends for advice on how to handle the process. He would even look at the criminal history of the offender, which was publicly displayed (Hunter 1994: 132–133). A prosecutor had to be very thorough in his work in order to build a valid case.

Once a citizen was given the OK to apprehend an offender, he could do so himself or with the help of an official (Hunter 1994: 134–136). The latter option would seem to have been the smarter choice in many cases, since wrongdoers could be violent or unwilling to be arrested. The prosecutor, however, had the right on his own to use force to capture an offender and bring him to justice. The prosecutor could also put out a reward for the capture of the offender, though this could potentially cause problems if the captor ended up wanting more money after he had captured the criminal (Hunter 1994: 126). The policing of Athens depended heavily on the drive of the individual, but it is important to remember that the state gave individuals much power and freedom in the process. It seems if a citizen was smart enough and driven enough to prosecute an offender, it would not have been hard to do so; and with the help of officials who also wanted the best for Athens, apprehension would usually have been successful.

In the United States, a wide range of laws and officials has been created to keep the peace. We shall discuss some of these laws and officials below. First, however, let us examine the law enforcement machinery of ancient Athens. The police force in Athens apprehended offenders when they committed offenses against the state (*i.e.*, crimes), but they were a small force employed only for certain situations (Hunter 1994: 3). Scythian slaves, owned by the state, were regulators of peace throughout Athens' public areas (Sargent 117) and were at the disposal of the Eleven and other officials (MacDowell 83). These slaves were something like a common police force, since some of their duties involved maintaining the peace, but they did not uphold the laws of the state and thus acted more as muscle for magistrates (Finley 18).<sup>1</sup>

Ancient comedies also show that they were at least sometimes made fun of, just like cops today. This abuse could have been based solely on the fact that they were slaves, often a focus of derision in ancient Athens, but the portrayals of these policemen in Greek drama also provide insights into how they functioned in society. The Scythians whipped and flogged troublemakers and those who disrupted the peace (Arist. *Eccl.* 143, *Thes.* 923). They were foreigners and seem to have spoken with a pronounced accent, as can be seen from their inability to pronounce Greek names (Arist. *Thes.* 1002). They were also responsible for assisting the Eleven in the arrest of criminals, since the Eleven did not perform these duties themselves most of the time (Hunter 1994: 147). The only evidence that the Eleven made arrests comes from an instance in which they seem to have acted illegally where Androtion used them as assistants in arrests in his search for tax defaulters, which was based on an illegal proposal made by Androtion in the assembly.

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<sup>1</sup> Incidentally, some citizens had slaves at their disposal to help with their own investigations into wrongs committed against them, which was important as the state did not involve itself in such issues.

This suggests that they usually did not make arrests, but had mostly different types of responsibilities (Hunter 1994: 145). Athenians entrusted basic types of police work to slaves like the Scythians because they believed that giving such duties to people who were loyal only to their owners (in this case, the state) would create a force that was objective and not corrupt (Wiedemann 155), and therefore create the best possible enforcement for a city so concerned about corruption. Who better to protect the property of the state than the property of the state, *i.e.* its slaves?

For other offenses, since a citizen had to prosecute, at trial, a prosecutor could urge a jury to convict an offender by stressing the importance of the greater good and of maintaining an uncorrupted Athens. Prosecutors often noted that offenders would have evil influences on Athens and that catching them would cleanse the city and clean up the streets (Hunter 1994: 127). This attests to the fear of corruption among the Athenians. Even the power of a citizen to kill a fugitive, which was permitted if witnessed and done immediately (Hunter 1994: 137), attests to the importance of community among the Athenians. The government allowed citizens great power in prosecuting offenses, but held citizens to the laws, since they lacked a real police system to seek out and prosecute offenders.

In the modern United States, the many roles that an ancient Athenian citizen played in apprehending and prosecuting an offender are now assumed by individual people, such as investigators who look at evidence, and the citizens themselves do not usually arrest suspected wrongdoers. Obviously this change is partly due to the larger population in America and the wider variety of crimes that plagues American society. (It also highlights how intelligent an ancient Athenian citizen must have had to be to do the

work of an investigator, an arresting police officer, and a lawyer.) Still, the investigation process today is similar to that of ancient Athens. An ancient Athenian would look at a suspect's criminal history and search for evidence, just like modern investigators do, though the latter are obviously equipped with more technology. Criminal records are a little more inaccessible to the public today, but they are utilized in the investigation of offenses for determining suspects, which of course also occurred in ancient Athens. The process for investigators is basically the same today, except that employees of the police department have more technological tools to determine suspects and acquire evidence. Even the necessity to acquire the approval of an official to arrest someone in ancient Athens finds a parallel in the American system, since police officers today must have valid evidence to arrest someone and must obtain approval to search and seize under the Fourth Amendment.

Police work now, however, does still rely on the voluntary assistance of private citizens, which can create problems for police forces since citizens are not always willing to help. Stanley Barsch, a policeman for Montgomery county, Maryland, describes his reliance on citizens as necessary but difficult since many people regularly do not want to get involved, fearing for their own safety, especially in the poorer parts of the county. According to Barsch, there is more mistrust of the police in poorer parts of the county, where citizens often feel that the police could not properly protect them if they came forward with information. These citizens also sometimes consider going to the police a betrayal of the other people in their community. In ancient Athens, of course, arresting an offender and investigating an offense was the only way for a citizen to obtain justice in court because no one else would do it, save for a volunteer in the case of a crime. There

is still a law of citizen's arrest in the United States, but it has many restrictions.<sup>2</sup> All the same, this same kind of initiative by an individual to make an arrest can be very vital to the justice system today.

In fact, many states have legislation on citizens' arrests to help protect those who take it upon themselves to help the police and the community: these laws "allow an arrest for a felony and any other 'public offense' committed in his or her [*i.e.*, the citizen's] presence" (Bassiouni 15). The main issue here is that the arresting citizen has to be able to show that the offender actually committed a felony, which creates a problem for that citizen if he or she is not able to do so: if not, he or she would have to face civil or criminal responsibility (Bassiouni 16). Though the procedures regulating citizens' arrests can vary from state to state, in all states the one difference between a citizen's arrest and an arrest by an officer is that a citizen is not held to the Fourth Amendment (Bassiouni 19). This means that a citizen can obtain evidence without first obtaining a warrant and that such evidence can be used in a court proceeding. It also means that a person using a citizen's arrest does not have to follow the probable cause statute, but still in some way has to prove the offender's guilt if he or she did not witness the crime. Another problem for a private citizen occurs if he or she arrests someone who has not committed a crime. In this case, the citizen may face civil action for damage to the supposed offender (Bassiouni 61).

It is no wonder that citizens do not get involved more often, considering that most people who commit felonies would probably not be unwilling to cause harm to an arresting citizen and, unless a citizen makes it his or her personal job to find offenders, he or she would not be equipped with the necessary tools. All the same, though an arresting

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<sup>1</sup> In fact, neither police official consulted for this study has ever dealt with a citizen's arrest.

citizen can face great physical harm or even a civil action resulting in some kind of fine, the involvement of a citizen can be a great asset to the justice system since citizens can circumvent the Fourth Amendment, even in the search for and seizure of evidence, which can restrict the activities of state and federal officials (Bassiouni 70). If citizens are willing to run the risks in helping the police, their help can be very beneficial to police work. In this manner the role of American citizens in the justice system resembles very much that of the ancient Athenians; and just as an ancient Athenian citizen who arrested a possible offender or put out reward money for an arrest could himself be prosecuted at law if he did something incorrectly, American citizens face possible civil suits today for any slip-ups in performing citizen's arrests.

For instance, both groups of citizens could face fines for making bad arrests. An Athenian citizen who arrested an offender through *apagoge* could face a 1000 drachma fine if he failed to secure 1/5 of the votes from the *dikasts*, officials who determined if a crime should be investigated (Osborne 43). This is also true of the individual who filed a *graphe* against an offender, seeking to bring an offender to justice without himself having witnessed the offense. Only a person filing a *dike* – *i.e.*, someone who was directly affected by the offense – could take an offender to the law with no risk to himself. Because of this, a citizen might not use *apagoge* even if he was able. Citizens were also not always willing to prosecute cases that they were not involved in, so many people would encourage help by offering others some kind of reward for prosecuting an offender (Osborne 43). We see, therefore, that Athenian citizens could face some consequences for helping out other citizens, which is perhaps why there was sometimes a lack of citizen participation at law, as there still can be in the United States today.

Bounty hunting, or bail bonding, is another way that American citizens can participate, after a fashion, in law enforcement. Since offenders have a right to bail, except in capital cases, some people flee before the trial, so there is a need for people to catch these criminals and make them show up for their trials. Bounty hunters have to work within the law, but they have a different role than police. They look for not only offenders who do not show up for court, but also offenders wanted by the justice system. The main job of a bounty hunter is to locate, capture, and return an offender to the proper authorities, which can be dangerous for both parties involved. In performing their tasks bounty hunters enjoy a greater degree of flexibility than police officers. Many of them have military or law enforcement backgrounds; about half of them are women. Perhaps unsurprisingly, bounty hunters need to be in good mental and physical condition because of the sorts of situations they regularly encounter while hunting offenders. Because offenders who jump bail have essentially the same rights as prisoners and because bail enforcement agents can treat them accordingly, the jobs done by bounty hunters are in many ways a kind of crime deterrent, a help to police, and a small solution to jail overcrowding (Burns 118–123). Here the only thing stopping a citizen from participating in law enforcement are the physical demands of the job, which is why bounty hunters usually work part-time.

Concerning weaponry held by actual police officials, there are many similarities between the Scythians and police officers today. The Scythian archers were equipped with a whip, a small saber and a bow, and they wore a Scythian outfit—a sort of police uniform—which made them instantly recognizable (Hunter 1994: 145). These weapons and equipment carried an implication of physical superiority and suggested to onlookers

that these slaves could enforce the law if needed. Although they did not have many weapons, each weapon illustrates how they functioned in Athenian society. The whip was used to punish and the bow and saber granted them the ability to kill or very seriously injure. Stanley Barsch, the Montgomery County, Maryland, police officer, is equipped on a regular basis with a Glock 40 Caliber handgun, a baton, a Taser, Oleoresin Capsicum spray (pepper spray), two sets of handcuffs, and a shotgun usually kept in the police car. Daniel Leyva, as a US Border Patrol K-9 Officer, was equipped with a dog, many different sets of leashes including a short and long leash, a muzzle, specific quantities of narcotics for training the dog, a flashlight, a radio/cellphone, and a density meter. As a US Marshall he is equipped, when in court, with handcuffs, magazines, a basic Glock 22, a Taser, a radio and a cellphone, and, when searching for fugitives, an external vest with a Taser, different magazines for his rifle, a pistol, a shotgun, a flashlight, an extendable baton, extra handcuffs, gloves, safety glasses, a Kevlar helmet, a dropdown holster (which connects from his chest to his belt to his ankle), possibly a medical pouch, and a first aid kit. Like law enforcement officers, bail enforcement agents carry certain tools of the trade with them: flashlights, handcuffs, handguns, shotguns, binoculars, and possibly even night vision goggles (Burns 121). As should be clear, police officers today carry much more equipment than the Scythians of classical Athens did, probably because of the wide variation of offenders and the increasing technological sophistication of weapons. Police officers today also deal with offenders on a daily basis, usually many offenders a day. The weapons range in potency from those that cause very little harm to an offender to those which can inflict mortal wounds.

Since US Marshall Leyva searches for fugitives in many different places and environments, his many weapons and accessories provide him with the necessary tools for many different situations, especially for those occasions when fugitives can be dangerous. Today, sophisticated police equipment is often necessary because the jobs of police entail many duties that put their safety and the safety of others at risk. On the other hand, the public slaves used as a peacekeeping force in ancient Athens likely did not require the kinds of specialized tools used today; and private citizens in ancient Athens, though they performed much of the law enforcement, were not equipped with any weapons unless privately obtained.

Stanley Barsch notes that most of the time his Taser is enough to persuade criminals or suspects to desist from using force. The role of the Taser is in fact similar to that of the whip in ancient Athens: both create an intense sensation of pain. Neither provides deadly force, like a gun or sword. In fact, most of the weapons used by both Stanley Barsch and Daniel Leyva on a regular basis are not weapons of deadly force. This suggests that simple weapons are very useful for police work. Incidentally, both Stanley and Daniel note that they use their minds as their most important weapon, which could imply that the Scythian slaves had to have been fairly intelligent to be able to maintain some sort of peace and use their physical weapons effectively, contrary to what the ancient comedians may have us believe. A policeman's presence as an authority figure is in itself a great tool in any society. Obviously, however, they still need weapons and are accordingly equipped to handle their jobs.

Just as their weapons differ, so does the use of force by American and Athenian law enforcement officials. Police officers in the United States are allowed to employ

whatever force they deem necessary to ensure the safety of officers and civilians alike. If Daniel Leyva shoots someone under any circumstance, he has to write a report of what happened because every use of force has to be documented. This applies even if no arrest was made, but someone had to be restrained because they were especially violent, in case there is a complaint by the offender or the case about the arrest ends up in court.

Documentation is vital because if no documentation is prepared, the incident effectively did not occur. These reports go before a supervisor, a judge or possibly even a grand jury. When Stanley Barsch uses any kind of force, his lieutenant and captain review a force report. If deadly force is used, however, including striking a baton on someone's head, the police department, then state's department and then a grand jury review the report. Police officers in the United States have to be careful about their use of force, because American citizens have so many rights. This lengthy process protects individuals from being abused by the police as well as protects police officers from potentially harmful lawsuits from the offender or an offender's family member.

Scythians of course had to be careful about who they punished, between free men and slaves, because a different limit of punishment applied to people with different social statuses. Slaves were routinely whipped as punishment, but free men were usually not. Scythians of course were used most of all to keep the peace, so like police officers today they had to use the force necessary to subdue unruly citizens.

In ancient Athens, matters such as the dispute of a man's free status, which would be similar to an immigration issue today, were not handled by authorities. In Lysias 23, the speaker, while looking into the social status of an individual, runs into him on the street, which leads to a dispute. The individual promises to go to court the next day and

the speaker appears there with many witnesses, while the individual returns with none, thereby jeopardizing his case. In Athens, such an issue was a private matter, and an official was in no way necessary to apprehend the individual of questionable status, but an official could still take it upon himself to look into the status of a free man (Hunter 1994: 121). Daniel Leyva, while working as a US Border Patrol K-9 Officer, depended on witnesses for cases involving criminals, just as he still needs them as US Marshall, since most of his cases concern illegal immigrants. He notes that the assistance of citizens sometimes helps his investigations by providing him with important information. The United States has an entire force to deal with immigration issues, but in Athens, it was up to citizens to deal with these situations themselves, even though an issue like citizenship status would seem to be a state or federal matter. Although the US Border Patrol deals not only with immigration status, but also with drug cartels, which have developed in sophistication over time, the police still deal with the process in a similar way to that of citizens in ancient Athens: investigating with the help of citizens.

As noted above, in the United States citizen participation in finding offenders can be hard to obtain by police officers. Stanley Barsch feels that citizens actually make his job harder because they often do not want to get involved, as they are scared of the repercussions. Citizens usually feel it is permissible to get involved when the offense is minor, such as a traffic accident; but in the case of a homicide no one wants to cooperate. Barsch notes, however, that when the outcome of a case has no bearing on a citizen's well-being, or if an offender is at large, or if the case affects the whole community, citizens are more willing to participate. The fact that a lack of citizen involvement makes Stanley Barsch's job harder to do implies that police systems in the United States still

rely heavily on citizens. Deputy US Marshall Daniel Leyva agrees that a lack of cooperation from citizens can make finding fugitives more difficult, but he also seems more positive about the helpfulness of individual citizens and just how helpful they can be. As a border patrol officer, he finds that citizens do not tend to like his employer and that sometimes he has to show authority; but that once people understand that he is helping keep people safe, they are more agreeable. When one compares this situation to the environment in ancient Athens, one finds a great deal of similarity: people rely on police systems a great deal, people's roles in apprehending offenders are vital, and citizen non-cooperation can be a big problem.

Once a citizen or an official captured an offender in ancient Athens, there were separate sectors of the government to deal with different types of cases. The group of men known as the *thesmothetai* dealt with legal cases more than any other branch of government, but the archon dealt with property and family affairs, the *basileus* dealt with religious offenses, homicide, and intentional wounding, and the *polemarch* dealt with cases involving non-Athenian citizens (MacDowell 25). These different branches of the government allowed Athens to deal with crimes appropriately and efficiently and make it clear that there were a wide variety of cases to be tried at Athens on a regular basis. In America, there are also different types of courts to deal with different kinds of crime. The United States court system is divided up into federal, state, and local branches that take cases according to the nature of the offense and the background of the offender. Perhaps unsurprisingly, the federal system has a number of different agencies to deal with every possible situation, ranging from agencies involved in criminal justice to environmental protection. Each of these deals with problems in its own area. Federal

agencies follow the laws of the nation, while state organizations hold citizens to the laws of the state in question and punish offenders accordingly.

Just like in classical Athens, there are differences between state and federal crimes in the US justice system. Federal offenses are violations of the laws passed by the United States Congress, while state offenses are violations of laws passed by state legislatures or other local authorities. Different departments of police deal with each of these offenses separately, which is why there are state and federal police. Most of the offenses dealt with by federal officials are immigration issues, as Daniel Leyva, the United States Marshall, attests (see above). Drug, property, public order, and violent offenses are also the most common offenses in federal courts and are investigated by federal officials. Similar to the United States, in ancient Athens, the most common crimes were property crimes, mostly theft (Drapkin 178). The variation of popular crimes within the United States probably correlates with the greater population as compared with ancient Athens.

Citizen participation in the law enforcement system was very important in classical Athens, as citizens were the main driving force for any prosecution, being the witnesses, police, and prosecutors. Citizens in America today are still valuable to the police because the police depend on their testimonies for police investigations. Citizens can become directly involved in policing through the processes of citizen's arrest and bounty hunting. Classical Athens had a police force for keeping the peace, which was in many respects very similar to the police forces that regulate the peace on a daily basis in modern American cities, right down to the types and effects of their weaponry. Though

these are two very different societies, the fundamentals of their police forces are very much the same.

## Chapter 2: Punishment

In classical Athens, the main types of punishment were death for murderers and offenders against the state, fines, partial and full *atimia* (loss of civil rights and a type of exile), ostracism, slavery (for debtors), confiscation of property, imprisonment (rarely), whipping for slaves, and a prohibition against entering temples for religious crimes. A man who had committed murder could pay blood money for the offense to the victim's family, but if he did not, the victim's family could take revenge as an agent of the state. If a murder went to trial, the Areopagus decided the punishment for the murderer—death or blood money—but if the Areopagus was split, the murderer was always found innocent, counting Athena's vote as a vote for innocence (Drapkin 177–179). Classical Athens also used its citizens to help punish offenders through the use of public humiliation. Those who had committed theft could be put in the stocks for five days as punishment in some kind of public place (MacDowell 257). Most of the time, however, the punishment for theft if caught red-handed was death (MacDowell 148).

In the United States, there are many forms of punishment as well. Besides prisons and jails, there is monetary restitution (money given by the offender to the victim), fines, community service, probation (from checking in once a week to intensive probation where all activity is monitored), home confinement, electronic monitoring (electronic device attached to offender to monitor whereabouts), forfeiture (the justice system takes items gained through the crime or property used to commit the crime), boot camps, parole, and less restrictive corrections, such as residential community corrections (where offenders can go to work, connect with family, and receive treatment). There are many

other variations for treating offenders, as well, and people continue to develop programs to diminish recidivism rates (Siegel 542-556). The goal of all punishments in fact is to reduce recidivism. Through restitution and community service, an offender could learn about the consequences on others of their actions or more civic responsibility.

Punishments, such as probation, home confinement, and electronic monitoring, are other options to imprisonment that don't cost the justice system as much money and still partially monitor the offender. Alternative programs are more about treatment than punishment, but not always as available as other options. Imprisonment is one of the most, if not the most, common punishment.

In classical Athens, a citizen army was only called up for possible attacks on the city, so the state had to use its own civil machinery to punish citizens for crimes. Betrayal of Athens by a citizen was punished by confiscation of property and the offender was not allowed to be buried in Attica when he died.<sup>3</sup> If a citizen subverted the democracy of Athens or served as an official while the democracy was subverted, he was considered an enemy of the state and would be killed as well as have his property confiscated. If an official lied to the Athenian people, the official could also be tried, resulting either in death or a fine. In the case of serious public offenses like those mentioned above, people were encouraged to inform the *boule* or *ekklesia* directly through a process called *menysis*, which means simply "informing". The state did not want a citizen to have to go through a magistrate or the like when reporting such a serious crime, so that in reporting it straight to the state, the state could work faster to prevent it before it happened. Any member of society could bring forward this information,

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<sup>3</sup> It is perhaps surprising that the death penalty was not necessarily the punishment for such an offense, like it was in the case of theft of sacred property, also considered a crime against the state. Death and exile could, however, be a punishment for betrayal.

meaning men, women, free men, slaves, *etc.*, and they did not have to take further action in the courts as a prosecutor. This is a good example of an Athenian initiative to encourage people to come forward at law: citizens were given a very small amount of responsibility after they made their reports and faced a very small possibility of harm to themselves.<sup>4</sup> The *ekklesia* or *boule* would then entrust it to their magistrates or public slaves to deliver the offenders for prosecution (Mac Dowell 175–182).

Compensation was employed to resolve the majority of disputes among free men in classical Athens. This was certainly a much less harmful alternative to a number of other Athenian punishments, such as slavery, physical abuse, and types of exile, which effectively meant not only physical harm but also expulsion from society. Even a prohibition from entering a temple could be viewed as a bad punishment because religion for the ancient Greeks was a key part of their everyday lives. Athenian punishments could have great effects on the individuals so punished—as the death penalty did—but others were perhaps not as bad as they initially might seem. For instance, ostracism, though leading to exile, was ultimately not ruinous, considering that a citizen gained all his rights back when he returned from exile and was never considered dishonored.<sup>5</sup> In this light, ostracism was not really a punishment, but more of a momentary discouragement for a political official.

Without a doubt, one of the punishments that takes the heaviest tolls—if not *the* heaviest toll—on offenders is imprisonment. Obviously, incarceration is not as bad as execution (at least for a prisoner who wants to live), but the effects of imprisonment are

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<sup>4</sup> Though it should be mentioned that if the reporting parties were incorrect with their information, they could be put to death.

<sup>5</sup> One should remember, however, that ostracism was specifically reserved for politically active men who were suspected of possibly starting a revolt or were disliked by many individuals (Drapkin 169).

powerful. When one discovers that the Athenians did not utilize imprisonment as a punishment, therefore, one may be surprised. It may initially appear that the reason for this was that they did not see imprisonment as an effective punishment. Yet a decree of exile depriving an individual of civil rights and barring him from involvement in society would in many ways have been a punishment similar to prison, since both involve a separation from society in many ways, whether physically or socially. The effects of imprisonment are also similar in many ways to those of the Athenian status of *atimia*. If a man punished with *atimia* was subsequently seen doing something prohibited, anyone could point it out and report it to an official, thereby bringing the offender back to trial (MacDowell 75). Basically, a man branded with *atimia* was an outcast in his society because all crimes were publicly displayed, so society would know to bar him from certain places, events, and experiences.<sup>6</sup> Exile, on the other hand, was more similar to incarceration, because although exiled from their city, Athenian wrongdoers were still under the protection of Athens.

Though detained, people in American prisons still have rights, guards to protect them and the basic necessities of life while in prison. In Athens, an exiled man would be put to death if he returned to Athens, but he was still under Athenian protection, and if someone wronged him, the wrongdoer would be tried (MacDowell 255). Similarly, in an American prison, a man who commits a crime while incarcerated is punished in different ways. He can be put in solitary confinement, for instance, or become ineligible for early release for good behavior. In Athens, any citizens witnessing an exile's return before the period of exile was over could kill the exile immediately or report the return to officials,

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<sup>6</sup> One might suggest that probation is a modern American form of *atimia*, as in both cases an offender is watched and then punished further if he commits prohibited actions.

who would then carry out the execution. (Citizens would have been made aware of the exile through a proclamation, in effect making the exile a leper in a sense [Drapkin 184].) In cases of exile for an indeterminate amount of time, the exiled individual could only return if a relative of the exile worked out a pardon. In the United States, on the other hand, imprisonment is for a specified period of time determined by a court, and this can only be changed through probation or early release. In many ways, this system of early release could be conceived of as similar to the Athenian system for bringing back an exile because in both cases someone other than the offender has to approve something: the early release or release in general, or the pardon.

Exile might have been a severe difficulty for those Athenians punished with it, as they could have struggled to find a place to live in another land. On the other hand, imprisonment encloses many individuals in a small society, and this can obviously create tensions and violence among those incarcerated. Such violence can have harmful mental effects on prisoners, and extended amounts of time in prison can cause prisoners to become very accustomed to the military-like prison lifestyle, lose their relationships with those on the outside, and ultimately change their personalities (Flanagan 116–118). Prisoners have to become completely adaptive in general when put in prison, just as they would if exiled to another country. For those awaiting the death penalty, however, their time in prison is much like awaiting trial in the Athenian system: those awaiting the death sentence are in solitary confinement until their penalty is paid (Johnson 137).

This raises the issue of the use of prisons in classical Athens, one which must be considered, because there were, in fact, prisons employed for situations like the one just described. And at least one scholar believes that prison was inadvertently used as a type

of punishment in ancient Athens. When someone owed a fine that they could not pay, the Athenians put that person in the prison until he or she could pay the fine. If an offender could not pay the fine and a family member could not pay it for him or her, then he or she could possibly spend the rest of his or her life in prison. The state also put people in prison for shirking their state duties. In a sense, therefore, imprisonment was not a direct punishment, but an indirect one (Barkan 339–340).

In ancient Athens, the government employed the death penalty as one of the main punishments for serious crimes: not only for those who had committed murder, but also for those who had polluted or corrupted society, such as Socrates. In the United States, there are specifications for the sorts of offenses that are liable to the death penalty, including if: “(1) the defendant is charged with a crime for which the death penalty is a legally authorized sanction, (2) the defendant intended or had a high degree of culpability with respect to the death of the victim, and (3) one or more aggravating factors specified in a statutory list are present in the case” (The US Death Penalty System). The aggravating factors are very important in determining whether a defendant is handed the death penalty. The circumstances for the eligibility of an offender for the death penalty vary from state to state. Those put to death by the state in a given year are few: in 2010, only 46 inmates were executed in the entire United States (Number Under Sentence of Death). Incarceration is obviously used as a punishment much more often. Fines are also used in the United States, like in ancient Athens, but only for minor crimes. The other main types of punishment in the United States, aside from imprisonment and death, are probation, compensation, and sometimes a rehabilitative program. The most common method of death in ancient Athens was poison, while in America today it is most

commonly lethal injection (similar to poison) but occasionally electrocution (Number Under Sentence of Death). Execution seems to have been accepted throughout many ancient societies as a reasonable punishment, but today it is debated by many people and continues to be a sensitive subject (“Capital Punishment in the United States Continues to be Debated”). Obviously, however, the United States government considers this punishment to be effective and, like ancient Athens, keeps it as an option for serious crimes.

Prison guards in the modern American justice system are primarily employed to uphold the law within prisons and to ensure the safety of prisoners and other prison guards (as with the increasing size of the prison population, it is ever harder for guards to maintain control of prisons as well as interact with inmates; Crouch 17). Prison guards are selected based on their height, weight, vision, and completion of a high school diploma, but in a place full of criminals, the skills of persuasion and leadership are most important (Crouch 49–52). Persuasion is a valuable tool for controlling unstable people and preventing violence, so guards have to be equipped for violence but must be intelligent as well. Guards are given formal training, which varies from state to state, with some training sessions lasting a few days and some lasting weeks. In these sessions guards learn first aid as well as procedures for handling dangerous situations (Crouch 71). Guards are also subject to corruption at times (Crouch 77), which is perhaps not surprising since they have so much power over inmates.

Clearly, in the American criminal justice system prison guards are absolutely necessary to maintain some type of order. In ancient Athens, the closest equivalent to prison guards were the Eleven. These were officials chosen by lot who watched over the

thieves, kidnappers, *etc.* awaiting execution or trial, presided over executions as they commenced, brought criminals before juries, and made lists for juries of possessions to be confiscated and given to vendors (Arist. AP. 52.1). Since the Athenian prison was employed solely for individuals awaiting either trial or death, prisons would likely not have been heavily populated. Because of this, citizens for the job of prison guard (one of the Eleven) were able to be chosen by lot, though the fact that their jobs may have been undesirable might also help explain this method of selection. The latter is true of prison guards today as well, though the most undesirable aspect of the job is probably the fact that it can be very dangerous, which may very well not have been the case in Athens. The Eleven were also used as executioners and they may have had people serving under them, whether free or slave, who helped them jail the prisoners and administer hemlock when a sentence of death was applied (Rhodes 580).

There was only one prison in Athens, as far as we know, which held offenders, called the Poros building. In the prison, prisoners were susceptible to physical abuse or at least some kind of hardship and wore fetters. However, as can be seen from Socrates' time in prison after he was sentenced to death for corrupting the youth and impiety, there were no restrictions on visitors or how long they could stay. There were also couches and baths that potentially could have been used by inmates (Hunter 1997: 298), but Socrates provides the evidence for this; and since it is known that, as part of his last request, he used the baths, it is unclear whether the baths were really available for regular use by prisoners. Of course, prisoners today have use of running water for washing, but they have simple cells and beds, as well as scheduled times for visiting hours. Clearly, physical hardship is no longer a guaranteed experience for prisoners. Some prisons even

have work programs or work release for inmates to earn a small sum of money. Since many inmates are imprisoned for long periods of time, sometimes prisons also offer educational and rehabilitative programs so that they can be functioning individuals when they are released (Champion and van Wormer 345).

In all modern justice systems, punishment continues to be necessary. In the United States, offenders guilty of offenses big or small can be punished in a variety of ways, from fines to probation, from imprisonment to death. Though the penalties have changed, the effects of punishments on offenders today are similar to the effects on offenders in classical Athens. The United States has certainly developed the use of imprisonment as a method of correction from the small role it played in classical Athens and continues to use capital punishment as a way of dealing with serious lawbreaking, much as it was utilized in ancient Athens for a variety of different offenses.

### Chapter 3: Prejudices in Society

In the ancient Mediterranean world, women, children, and slaves were effectively not citizens, and were also not really considered members of society, especially within the context of the justice system. As mentioned before, slaves had to be tortured just to have their testimony be admissible in an Athenian court (Hunter 1994: 133), and like livestock, an owner would have to go after his slaves and punish them himself, usually with some kind of whipping or flogging as a type of torture. The Athenian justice system reserved similar punishments for offenses committed by slaves within the city, since they were the property of a citizen, and their punishment was publicly executed, probably to humiliate them further and to provide a warning to other slaves considering wrongdoing (Hunter 1994: 155). As property, slaves could also face execution as punishment. It is a wonder that slaves were so mistreated when they were so integral to classical Athenian society.<sup>7</sup>

Women were also not allowed to testify in the Athenian court system and could not participate in the government (Drapkin 170). Women did have some power within the household, however, since they were in charge of the children and managed the home in many ways. Women had guardians called *kyrioi*, who were responsible in general for their lives and upbringing.<sup>8</sup> They could not prosecute anyone, but their *kyrios* could prosecute for the property of a woman or prosecute another *kyrios* for possession of his woman. Widows, heiresses, and orphans had protection from the state, but women who

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<sup>7</sup> Slaves did have judicial rights in commercial suits starting in the fourth century (Hunter 1994: 217: 33).

<sup>8</sup> In spite of this close supervision, we see that women are constantly made fun of in Greek plays for their love of sex and power. For example, in the *Ekklesiazusai* of Aristophanes (ca 390 B.C.), women are made fun of for trying to take over the Athenian state.

needed protection from their guardians had few options since prosecutions had to be undertaken by an affected party in private suits. Sometimes a son, when he came of age, would prosecute on behalf of his mother. Women could not usually give evidence in a case, but an exception was made in the case of homicide where women and slaves could give evidence against the defendant. Otherwise, women had to give evidence to their *kyrioi* to present (Just 26–34). As we see, then, women did have some involvement in the Athenian justice system and the state did take some steps to protect them; but since they were not allowed to act as their own prosecutors like free men, it was often difficult for them to obtain any real legal safety.

The Athenian *polis* also treated children, as minors, differently from other adults, just as is customary in many nations today. Female children never really had any rights and were basically minors (in a legal sense) their whole lives; but boys' status changed as they aged. As a child, a boy could not participate in the military, vote, defend himself in court, or enter into any legal agreement, such as a contract. Children were, however, responsible for their own actions and could be accused of murder no matter what their age. In special cases, male children could stand as witnesses in court, but this was very rare. Most of the interactions that children experienced before reaching the age of maturity were with their family; and even then, until a certain age, they could not stand as jurors on the Council of 500 (Golden 38–41). Children could also be apprehended by police forces or officials, if necessary.

Even though there are no longer lawfully-held slaves in American society, there are still juveniles and women; and these two groups are treated somewhat differently than men in the American justice system. Though reports of crimes from women are taken

just as seriously as those from men, and women are just as able as men to have professional careers in the justice system, women and children are treated differently within the justice system when processed as criminals. Since the minority of offenders are women or children, their needs are considered differently than those of men. They face different challenges within the prison system, and in the case of juveniles, there is a concerted effort to avoid incarceration and focus on other types of reform so that children can be treated for issues instead of punished. Juveniles have to be treated differently when processed by the police. As Stanley Barsch reports, many juveniles are taken in and then given to Child Protective Services, taken home, or retained for further processing by the system.

Daniel Leyva has a different perspective on juveniles: he notes how beneficial their testimonies can be because they often want to please adults and want to help generally. He says that the children he has encountered in his work are usually very cooperative, and that often children can be just as beneficial to police and investigative work as adults. Juveniles have attained more rights under the law since the days of the American civil rights movement (1955-1965), but with more rights the police also have more ability to treat them like adults by arresting them and booking them, like any other criminal (though they are kept separate from the adults). Police officers usually hand over juveniles to intake officers, by whom they are either released or put further into the system (Champion and van Wormer 30). In very serious cases, juveniles can be transferred into adult criminal courts; and in dangerous situations officers can subdue delinquents if necessary (Champion and van Wormer 125).

The differential treatment accorded to juveniles in the American criminal justice system is intended for their protection not only from indictment, but also from harmful environments. The state does not take the circumstances of women into account as much as men, on the other hand, because they are such a minority within the offender population. Daniel Leyva and Stanley Barsch agree that a person can be considered a threat whether they are male or female, and that when they act as such, they should be handled as a threat. In the United States prison system there are different facilities for women to keep them separate from men for their personal safety, since women are more susceptible to crimes such as rape, sexual assault, and domestic violence. Women are even sexually assaulted in prisons by prison guards, which is why some people believe that only female guards should serve as correctional officers in all-female prisons and jails, citing evidence that male correctional officers tend to be aggressive and disciplinary, while female correctional officers do not (Champion and van Wormer 512). But even female corrections officers face hurdles: there are prejudices against women in law enforcement careers and in prisons that create walls for women (Champion and van Wormer 490).

In ancient Athens, aliens could not hold any public office or become a member of the *Boule* or *Ekklesia*, but an ambassador could address them on certain occasions. Aliens could also not own a house in Athens or marry an Athenian woman. Within the justice system, aliens could serve as witnesses, but could only be prosecutors in some public cases; and if they were prosecuted, they had to supply the name of a friend to pay any fine if the alien did not show up for court. There were also different magistrates responsible for cases involving aliens. Resident aliens, also called metics, did not have

any more rights than regular aliens except that they were effectively accepted as part of the Athenian community and had to pay a special tax or else face enslavement. If there was need in the army, a metic also had to sign up or be banished. Some aliens or metics could be granted privileges by the state for their services: for instance, if an alien or metic were killed, the killer would serve the same penalty as if he had killed a citizen. An alien or metic could also be protected by the power of the *Boule*, or an alien who was not a metic could be given metic rights in a trial (MacDowell 75–79). In sum: aliens of all types had rights in the Athenian criminal justice system, but not full rights, even if they were residents.

Like aliens in classical Athens, immigrants to the United States often find themselves in grey areas when it comes to their rights in the American criminal justice system, and, in particular, illegal immigrants. Although they are technically offenders, they still have rights in the justice system: all persons are protected equally under the law according to the Fourteenth Amendment, which includes all types of immigrants (Schrock 750). An organization called the Border Network for Human Rights has developed to make sure that border patrol and law enforcement officials in general respect the human rights of international immigrants. Such an organization is all but necessary because as the United States becomes more and more determined to minimize the number of immigrants crossing the border illegally, illegal immigrants in turn are forced to cross in more and more dangerous parts of the country, often dying in the process. Many people believe that this is a violation of universally-held human rights (Garcia 405–407), though it should be kept in mind that these offenders risk their own lives when they make such risky decisions.

Because of the recent dramatic rise in the number of illegal immigrants, state and federal officials have been compelled to team up more often, as have state and border officials (Schrock 757). In the state of Arizona, the interactions between police and suspected illegal immigrants are dictated by SB 1070. This law was passed so that officers have more rights in determining whether a person is an illegal immigrant. Unfortunately, it also raises the issue of how cops are supposed to uphold this regulation without appearing—or actually being—prejudiced against those they collar. This raises the issue of racism among police in America. In spite of the progress made by the civil rights movement in the 1960's and 70's, racism towards minorities in the United States is still a major problem. In 2010, in local prisons and jails over half of the population was a minority; but in the United States as a whole, white people make up about 70 percent of the population. There is a clear discrepancy in these numbers that shows an obvious prejudice (Minton 7).

Although it can be argued that minorities are more likely to have a lower socioeconomic status and lower education levels than whites, both of which can contribute to a life of crime, it is important to determine the other reasons behind this discrepancy. The fact that there is such a high number of minorities in jails suggest the existence of prejudice not only among the police arresting these offenders, but also in the justice system in general, including judges and other officials. Though slavery no longer exists in the United States, prejudices do still exist towards those who are or once were outsiders, just as in ancient Athens citizens were prejudiced towards slaves as well as those who had once been slaves, and these marginalized groups had few or no rights in society. Obviously, the United States has come a long way since the era of slavery. But

it will nevertheless take longer still to fully abolish most prejudices; and even with the establishment of truly equal rights, there will inevitably remain differences in treatment for minorities within the justice system.

Prejudices have been present, to one degree or another, in every society that has ever existed on the face of the earth. The United States is progressing into a non-prejudiced society, but a lot of work remains to be done to really effect this transformation, especially in so far as the American criminal justice system is concerned. There are still prejudices against minorities insofar as their race, women, children, and illegal immigrants. In classical Athens, there were numerous prejudices towards different marginalized segments of the population, and these spilled over into the justice system, as well. There were prejudices against aliens, women, children, and slaves, as the state considered them outsiders in some way. In both of these societies, social outsiders tend to be the biggest victims of prejudices, and especially immigrants or those who once were immigrants.

## Conclusion

The criminal justice systems of Athens and the modern United States are very similar in their processes. Though the police in these two societies take different forms, both are very structured and reliant on citizens. Although many today would argue that the American justice system is corrupt and minimizes the involvement of citizens, it is important to remember that policemen, though employed by the state, are still citizens themselves and rely on members of society to report crimes and report what they know about crimes to prosecute offenders. The Athenian police system consisted mainly of guards deployed by officials, so it was up to the citizens themselves to regulate the law and use the system for their own needs if they were able. Policemen today are forced to rely on their intelligence and job training in their police work, whereas in Athens citizens had to be the intelligent ones to properly prosecute offenders and obtain their objectives at law. Prejudices are still present in the American criminal justice system, but these are often against different segments of the population than those who experienced the prejudices present in the Athenian system.

Why, exactly, are the justice systems of these two societies so similar? And what does this similarity say about Athens and the United States? For one thing, the similarity most certainly proves just how advanced Athens was as a *polis*, since the law enforcement methods in practice there continue to be employed over 2000 years later and in a civilization where technology has developed by leaps and bounds and the population is thousands of times greater. The United States has made a number of changes in its criminal justice system, most obviously in terms of punishment and using actual officials

to arrest even petty criminals; but in reality the systems are still very much the same. The American justice system has also progressed and changed with time to fit the needs of the United States as it, too, has grown and transformed.

As the two systems are so similar, conclusions can be made about the ways in which Athens was similar to a modern city or even an entire nation. Athens, though an ancient city, was very advanced, as is obvious from their development of a sophisticated justice system and democracy. Athens had powerful political figures, some of whom were ostracized or executed because of their power or beliefs, much like American political figures today, whom the media watches carefully for slip-ups. Athens as a *polis* had common rules, laws and a great sense of unity and community. Although each modern American city and state has its own laws, the laws of the nation as a whole are far more powerful than those in any locality as is the unity and patriotism people feel for their country as a whole. Even though Athens, like any other place, had citizens uninterested in government, there was still a great sense of patriotism and the people living there felt a sense of security (Starr 97–100).

As we have seen, Athens was very reliant on its citizens to take care of miscreants and relied on swift punishment to either get rid of them or make them desist from mischief. Since the American justice system at both the state and federal levels relies on similar cooperation and deterrents, the Athenian system could be compared to either. Athens had a police force to deal with offenses against the state—crimes—like American federal police, and relied on citizens for the prosecution of personal offenses—delicts—like our state and city police do. Taking this into account, Athens again looks a lot like the United States because it employed different types of forces for policing different

types of offenses, and employed different types of punishment for different degrees of wrongdoing.

What these similarities really suggest is how important it is to understand one's past. In this case, that means not only ancient Athens, not only ancient Greece, or even the entire Greco-Roman world: it means western civilization. People today are still affected by the philosophies and practices of ancient peoples and learn from them by changing old standards and adapting them to new situations. Studying other cultures can give us further insight into our own society and help us survive in a continuously changing world. Ultimately, we should not "thesmothetic" ourselves up in the present when asking fundamental questions about our criminal justice system: the past is clearly just as, if not more important to know.

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