

In Quest for Sanctity and Inviolability of Human Life: Capital Punishment in Herodotus Book 1

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ABSTRACT

It is a common knowledge that workers both in the public and private sector spends their wages on critical needs such as rent, school fees, food, transportation, recharge cards and healthcare (moller,2004). They are also predominantly expose to economic risk, natural risk, health risk, life cycle risks, policy based and institutional risks, social and political risk (Geneva, ILO-STEP). Various government including Nigeria, historically have been able to introduce some forms of ad-hoc interventions programmes such as mortgage rent reduction, reduction in taxes, cancellation or postponement of loan payment and other form of direct subsidies (Townsend, 1994). Majority of these measures are privileges and not “right” in most developing countries including Nigeria (Sigma, 2005; UNDP 2003). Practiced in almost all ancient and traditional societies, with debates for and against, among lawgivers and philosophers, Capital punishment, also known as death penalty, was a part of the Athenian Greek law code as early as the time of Draco during the 7th Century BC. The debates and controversies continue until date. Is it just, unjust or a false justice? As at the year 2018, according to Amnesty International,¹ 55 countries of modern civilized world retain death penalty while a certain number have completely abolished it. Herodotus, the ancient Greek historian, in his *Histories*, record many instances of state sanctioned capital punishments. This paper, an attempt to accentuate the unjust nature of capital punishment and support its complete universal abolition, identifies three references to death penalty in Herodotus Book 1: combing, impaling and stoning. Book I of Herodotus was context analysed and interpreted with evidence from other relevant literary and historical sources. Arguments for death penalty include serving as deterrent to potential offenders and some sort of justice for the victims and family, especially in the case of murder; and the state, in the case of treason and other capital offences. Findings, however, revealed that capital punishment seldom curb potential criminals and might embittered and encouraged grievous crimes while discoveries of errors in judgment, among other reasons, could make death sentences unjust. The paper concluded by recommending prevention of such crimes necessitating capital punishments and proffered making greater efforts towards total abolition.

Keywords: Capital punishment, Herodotus, Herodotus *Histories*, Justice, Death penalty.

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¹ Amnesty International: “Abolitionist and Retentionist Countries as of July 2018.”

See also <https://www.amnesty.org/download/Documents/ACT5037602021ENGLISH.PDF> for a 2020 report.

Things are now getting better, though not universal. More and more countries are abandoning capital punishment, but the world still has a long way to go in reaching absolute abolition. While 110 countries have abolished capital punishment, a whopping 55 still practice it in one form or the other. In fact, more than half of the world population lives in countries where death penalty is still a possibility.⁶

2. DEATH PENALTY⁷ ARGUMENTS⁸

The first major argument in support of capital punishment is that it pays the offender with the same coin. This is applicable in the case of murder, following literally the Mosaic law of an eye for an eye. Those who have taken others' lives do not deserve their own. However, execution of criminals cannot bring the victim back to life; again in the case of murder. And in the case of other crimes there seems to be no justification. Moreover, while murder is usually seen as the most terrible form of offence that deserves death penalty, there are other crimes which are as terrible to the victims as murder; rape, torture, assassination attempt, hostage taking, kidnapping, and blackmailing are some of the offences not necessarily carrying death penalty. The uniqueness of capital punishment in the case of murder is also pointed out as unfair. Will rapists be raped? Kidnappers kidnapped? And, as in the case of Nie, how can one takes what cannot be returned if a miscarriage of justice is discovered?

The second major argument in favour of death penalty is that it deters potential criminals. To this the abolitionists argue that there is really no evidence to conclude that capital punishment is more effective in deterring would be offenders more than life sentence, for instance.

3. HERODOTUS AND HIS HISTORIES

Popularly known as the father of history, Herodotus lived between 484 – 425 BC. Born at Halicarnassus in Asia Minor, he wrote *The Histories*, a record of events culminating in the wars between Persia and Greece, using the Ionian dialect. He travelled widely to Egypt, Tyre, Babylon and Athens; and died at Macedonia, Thurium or Athens. Beyond the historiographical narratives on Cyrus, Croesus, Darius, Smerdis, Xerxes, Marathon, Salami, Thermopylae, among others, Herodotus also assembled significant cultural materials on the socio cultural life of several people of antiquity; Babylon, Egypt, Lydia, Assyria, Persia, etc. Though accused by some scholars of making up some of the stories for the sake of entertainment, modern researchers have confirmed as historical facts a number of information recorded by Herodotus. The Histories was divided into nine books named after the nine Muses of Greek mythology.

⁶ Amnesty International, op. cit.

⁷ Strictly speaking, death penalty concerns convicting and sentencing while capital punishment refers to actual execution. In this paper, however, both are applied interchangeably. While a death penalty may not necessarily lead to actual execution, the argument of the paper is complete abolition of such provision.

⁸ See, among several others, <https://www.britannica.com/topic/capital-punishments/Arguments-for-and-against-capital-punishment>; Cesare Beccaria (1764); and http://www.bbc.co.uk/ethicscapitalpunishments/against_1.shtml.

I have taken the liberty to extract the entire passage on account of several important points. First, this unknown enemy had opposed him when he was not yet a king, during the struggle for succession. It is clear that each party would enjoy the support of some people and it does seem unjust that such venture could lead to capital punishment. Yet, perhaps Pantaleon himself would have reacted in the same manner had he won the throne. Second, having confiscated the enemy's property one would expect that imprisonment or banishing would then be sufficient. Of course, Herodotus does not tell us the entire circumstances surrounding Croesus' decision to serve a capital punishment. Perhaps the fellow could not be trusted alive. However, confiscation of property would be enough for most ancient nobles to commit suicide or proceed on voluntary exile. In any case, as shown in the quoted passage, Croesus, having vowed to confiscate the property had decided to give those out. He does not appear to need those items but merely to fulfill his vow and to punish the fellow. Hence, the death and property confiscation is an extension of the punishment beyond the offender, and, unjustly, to the relatives and heirs of the enemy, not necessarily a punishment to the dead victim.

6. IMPALING - Herodotus Book 1. 128: 1-3

Astyages, son of Cyaxares, was a king of Media. He dreamt that his daughter, Mandane, flooded Asia with her urine. A dream the Magi interpreted that his daughter's son would drive him from the throne. Astyages, therefore, resolved that Mandane's child must die. That child was Cyrus the Great. As soon as Cyrus was born Astyages ordered Harpagus, one of his most trusted generals, to kill the child. Somehow, Cyrus escaped death and was discovered by Astyages 10 years later. Having punished Harpagus for his negligence the King consulted the Magi once again concerning the danger of keeping Cyrus alive and was informed that Cyrus no longer constituted any threat. As it would happen, years later, Harpagus conspired with Cyrus to defeat Astyages. In anger, when Astyages heard about Cyrus' activities against him, he impaled the Median priests who had advised that Cyrus was no longer dangerous.

διαλυθέντος δὲ τοῦ Μηδικοῦ στρατεύματος αἰσχροῦς, ὡς ἐπίθεται τάχιστα ὁ Ἀστυάγης, ἔφη ἀπειλέων τῷ Κύρῳ «ἀλλ' οὐδ' ὡς Κύρος γε χαιρήσει. τοσαῦτα εἶπας πρῶτον μὲν τῶν Μάγων τοὺς ὄνειροπόλους, οἳ μιν ἀνέγνωσαν μετεῖναι τὸν Κύρον, τούτους ἀνεσκόλοπισε, μετὰ δὲ ὤπλισε τοὺς ὑπολειφθέντας ἐν τῷ ἄσπεϊ τῶν Μήδων, νέους τε καὶ πρεσβύτας ἄνδρας. ἐξαγαγὼν δὲ τοὺς καὶ συμβαλὼν τοῖσι Πέρησι ἐσσωθή, καὶ αὐτὸς τε Ἀστυάγης ἐζωγρήθη καὶ τοὺς ἐξήγαγε τῶν Μήδων ἀπέβαλε. (128: 1-3)

When Astyages learnt of the disgraceful collapse of the Median army, he swore that even so Cyrus should not get away with it so easily; then, having first impaled the Magi who had advised him to let Cyrus go, he armed all Medes, both under and over military age, who had been left in the city, led them out to battle and was defeated. His men were killed and he himself was taken alive.

Impaling is carried out by penetrating a human using a spear, pole, rod or stake. The person penetrated with a stake could be alive for several hours, or even days, in agony, depending upon the level of penetration. There are transversal, longitudinal, gaunching, bamboo style, hanging by the ribs and hooking impalements. There were records of impaling in ancient Rome, Persia, Assyria, Egypt, Mesopotamia and Greece.

7. CONCLUSION

Herodotus recorded many episodes of capital punishment. This paper is a selection of three instances of those in Book 1 of Herodotus' *Histories*. Capital punishment was a prominent part of the ancient Greeks penal code as well as the legal framework of most ancient societies and traditions. It is bewildering that many modern societies of the 21st Century still engage in it, accompanied by one form of torture or the other. Modern society should rather make efforts to prevent crimes necessitating capital punishment through proper moral education, promotion of progressive cultural values and eliminating, as much as possible, those underlying causes of crimes. Even when punishment becomes inevitable, efforts should be made to restrict such to corporal. The society actually loses whenever lives are taken as punishment for such lives can never be returned. In the case of murder, for instance, why not restrict his freedom and let him be useful to the victim's relatives, or the State. Criminals are probably merely sick, definitely not completely depraved, beyond redemption. Civilized world have abolished formal slavery.²⁰ Civilized world should collectively abolish capital punishment. Civilized world can only be better for it.

²⁰ Even slaves could regain freedom in those days of institutionalised slavery.