

Philosophy and Law in Ancient Athens
Legal Studies 119

Tu Th 9:30-11, 219 Dwinelle (note room change!)

KINCH HOEKSTRA
700 Barrows
Office hours: Tu 11:15 - 1

GSI: DAVID LOUK
Office hour: F 11-12, Boalt 257
Sections: Th 1-2, F 10-11

Overview

This is an introduction to important aspects of the philosophical and legal thought of classical Athens. We will pay particular attention to the origins and contexts of the Athenian legal system; criticisms and defenses of the democracy; and arguments about the nature of justice, law, legal obligation, and punishment. Readings from Aeschylus, Thucydides, Aristophanes, Plato, Lysias, Aristotle, and others.

Objectives

- 1) Develop skills of careful and thoughtful *reading*
- 2) Improve the ability to develop and consider *interpretations*, and to formulate and assess *arguments*
- 3) Enhance critical *writing skills*
- 4) Make progress in being able to *articulate* relevant thoughts in front of others
- 5) Learn something about an ancient *legal culture*, as revealed in literary, forensic, historical, and philosophical works

Requirements and evaluation

I encourage you to read about the historical context of these works and to explore secondary writings about the texts and topics you're most interested in, but our primary focus in the course will be on a fairly close consideration of the texts themselves. *For each session, you are expected to have read the assigned text carefully, and to be ready to discuss it. Always* bring the assigned text to class and to section.

Attendance will be taken in lecture and in section. If you miss a class session or section meeting during the first three weeks without having cleared it with one of us beforehand,

you will be dropped from the class list. Your participation mark will depend on your attendance as well as your engagement when you do attend.

In addition to attending each session, completing the required reading, and engaging actively, you are required to write three papers during the course. We will discuss this requirement in detail before the first paper is due. Please read the useful information on plagiarism to be found here <http://students.berkeley.edu/osl/sja.asp?id=4068> and here <http://students.berkeley.edu/osl/sja.asp?id=4066>. We will hold you responsible for understanding this, so if you have any doubt about what constitutes plagiarism, or what it means to turn in a paper that is entirely your own work, you should talk to one of us in advance. Plagiarism (or similar academic dishonesty) is a grave offense, and we will treat it accordingly.

Your grade for the course will be determined according to the following weighting: participation (including attendance) – 15%; first paper – 15%; second paper – 30%; third paper – 40%.

You may not use laptops, phones, or similar devices during class or section unless you have medical reasons for doing so that you have cleared with one of us in advance. My experience is that computer use is more likely to inhibit understanding and interaction during class than to improve them.

Schedule of assignments

January 19: Homer, *Iliad* book 2 lines 57-324 (the Thersites episode) and book 18 lines 558-628 (the trial scene on the shield of Achilles) of the translation by Robert Fagles.

January 21: Aeschylus, *Eumenides*.

January 26: Antiphon, *The Murder of Herodes*; Lysias, *The Killing of Eratosthenes*

January 28: Antiphon and Lysias again

February 2: Aristotle?, *Constitution of Athens* sections 63-69; Aristophanes, *Wasps*, Act I, pp. 35-65

February 4: Aristophanes, *Wasps*, Act I, pp. 65-79

February 9: Plato, *Euthyphro* 2a-9b; *Apology* 17a-35d

February 11: Plato, *Apology* 35e-42a

February 16: Aeschylus, *Prometheus Bound*, lines 1-552 and 916-1093

*1st paper due: 3-5 pages

February 18: Plato, *Protagoras* 309a-328d

February 23: Plato, *Protagoras* 328d-338e

February 25: Thucydides 2.35-46 (funeral oration by Pericles); 'Old Oligarch' / pseudo-Xenophon, *The Constitution of the Athenians*

March 2: Aristotle?, *Constitution of Athens* sections 1-26

March 4: Aristotle?, *Constitution of Athens* 27-41

March 9: Plato, *Republic* Book VIII (543a-553a as background; focus on 553a-569c)

March 11: Aristotle, *Politics* IV, chapters 1-10

March 16: Aristotle, *Politics* IV, chapters 11-16

March 18: Plato, *Crito*
*2nd paper due: 5-7 pages

[March 23; March 25: Spring Recess – No lectures or sections.]

March 30: Plato, *Crito*; Plato, *Republic* II 357a-367e

April 1: Thucydides 3.81-85 and 4.47-48 (Corcyrean civil war); Lysias, "Against Eratosthenes"

April 6: Plato, *Republic* I 327a-336a

April 8: Plato, *Republic* I 336b-354c

April 13: Plato, *Statesman* 291b-311c

April 15: Plato, *Laws* 690a-694b, 712b-724b, 858e-864e

April 20: Aristotle, *Nicomachean Ethics*, Book 5

April 22: Plato, *Republic* V 469b-471c; Thucydides II 59-65 (Pericles' last speech), III 37-51 (Mytilenian Debate), and II 71-78 and III 52-68 (Plataea)

April 27: Thucydides V 84-116 (Melian Dialogue), VII 71 – VIII 1 (Sicily)

April 29: Overflow / Conclusion

*May 10: Final paper due, 7-9 pp.