

**Philosophy and Law in Ancient Athens  
Legal Studies 119**

**Tu & Th 3:30-5pm, 155 Kroeber**

KINCH HOEKSTRA

Office hours: Th 11am-12:45pm, 594 Simon

GSI: COLIN CHRISTENSEN

Office hour: Th 2-3pm, Cafe Zeb

Sections:

Tu 5-6pm (DIS 101), 238 Kroeber

F 9-10am (DIS 102), 105 Latimer

***Overview***

This course 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 Homer, Aeschylus, Antiphon, 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*
- 3) Improve the formulation and assessment of *arguments*
- 4) Enhance critical *writing skills*
- 5) Make progress in being able to *articulate* relevant thoughts in front of others
- 6) 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, and am happy to recommend further reading. Our focus in the course, however, will be on a close consideration of the primary texts themselves. ***For each session, you are expected to have read the assigned text carefully, and to be ready to discuss it. Always bring a paper copy of the assigned text to class and to section (unless you have an agreed dispensation to use a computer in class: see below).***

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 completing the required reading, attending each session, 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.

According to the Berkeley Code of Student Conduct: “Academic dishonesty is any action or attempted action that may result in creating an unfair academic advantage for oneself or an unfair academic advantage or disadvantage for any other member or members of the academic community.” Plagiarism, in particular, “is defined as use of intellectual material produced by another person without acknowledging its source.” See <http://sa.berkeley.edu/conduct/faculty-staff/violations>. We will hold you responsible for understanding this, so if you have any doubt about what constitutes academic dishonesty, or plagiarism in particular, 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 other 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 – 35%; third paper – 35%.

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. Empirical studies (and my own years of teaching experience) clearly suggest that computer and phone use are more likely to inhibit understanding and interaction during this kind of class than to improve them.

### *Schedule of assignments*

*Th August 29:* Homer, *Iliad* book 2 lines 57-324 (the Thersites episode) and book 18 lines 558-628 (the trial scene on the shield of Achilles)

*Tu September 3:* Aeschylus, *Eumenides*

*Th September 5:* Antiphon, *The Murder of Herodes*; Lysias, *The Killing of Eratosthenes*

*Tu September 10:* Antiphon and Lysias again

*Th September 12:* Aristotle?, *Constitution of Athens* sections 63-69 (and notes); Aristophanes, *Wasps*, lines 1-759 (pp. 1-75)

*Tu September 17*: Aristophanes, *Wasps*, lines 760-1537 (pp. 75-149)

*Th September 19*: NO CLASS.

*Tu September 24*: Plato, *Euthyphro* 2a-9b; *Apology* 17a-35d

*Th September 26*: Plato, *Apology*, esp. 35e-42a

*Tu October 1*: [Aeschylus?], *Prometheus Bound*, lines 1-552 and 916-1093

*Th October 3*: Plato, *Protagoras* 309a-328d

*M October 7 by noon*: \*1<sup>st</sup> paper due, 3-5 pages.

*Tu October 8*: Thucydides 2.35-46 (funeral oration by Pericles)

*Th October 10*: 'Old Oligarch'/pseudo-Xenophon, *The Constitution of the Athenians*

*Tu October 15*: [Aristotle?], *The Athenian Constitution*, sections 1-26

*Th October 17*: [Aristotle?], *The Athenian Constitution*, sections 27-41

*Tu October 22*: Plato, *Republic* Book VIII (543a-553a as background; focus on 553a-569c)

*Th October 24*: Aristotle, *Politics* IV, chapters 1-10

*Tu October 29*: Aristotle, *Politics* IV, chapters 11-16

*Th October 31*: Plato, *Crito*

*Tu November 5*: Plato, *Crito* again; Plato, *Republic* II 357a-367e (in the reader, this can be found after the *Republic* I section, below)

*Th November 7*: Thucydides 3.69-85 and 4.46-48 (Corcyrean civil war); Lysias, "Against Eratosthenes"

*M November 11 by noon*: \*2<sup>nd</sup> paper due, 5-7 pages.

*Tu November 12*: Plato, *Republic* I 327a-336a

*Th November 14*: Plato, *Republic* I 336b-354c

*Tu November 19*: Plato, *Statesman* 291b-311c

*Th November 21: Plato, Laws 690a-694b, 712b-724b, 858e-864e*

*Tu November 26: Aristotle, Nicomachean Ethics, Book 5*

*Th November 28: NO CLASS (Thanksgiving)*

*Tu December 3: Plato, Republic V 469b-471c; Thucydides 2.59-65 (Pericles' last speech), 3.35-50 (Mytilenian Debate), and 2.71-78 and 3.52-68 (Plataea)*

*Th December 5: Thucydides 5.84-116 (Melian Dialogue), 7.71-8.1 (Sicily)*

*Tu December 17 by 5pm: \*Final paper due, 5-7 pages.*