

Crime and Punishment in Ancient Greece and Rome



The University of Western Ontario

Classical Studies 2301A, Fall 2014

Randall Pogorzelski

Welcome

Welcome to “Crime and Punishment in Ancient Greece and Rome!” In this course we’re going to read some ancient Greek and Roman texts about crime and punishment, as well as some modern sources. This isn’t really a course about ancient law, although there will be quite a bit of discussion about law. The focus of the course is on ancient ideas of criminality. The fundamental question we’ll ask is whether the ancient Greeks and Romans understood crime in at all the same way as we understand it in the modern world.

Instructor

My name is Randall Pogorzelski, and I will be your instructor for this course. Please call me Randy. I arrived at Western in July of 2011 as an Assistant Professor of Classical Studies. Before I came to Western I was a Lecturer at Scripps College in Claremont, California, at the University of California, Irvine, and at the University of New England in Armidale, New South Wales. I teach mostly classical Latin language and literature courses, but I also have some experience with Greek language and literature courses as well as ancient history courses. My research focus is on the poetry of the early Roman Empire, most especially Virgil and Lucan. I also have an interest in the use of classical literature and myth in modern literature and culture. I wrote my Ph.D. thesis at the University of California, Santa Barbara on Virgil and James Joyce, and I’ve taught courses including texts like *Watchmen* and *Frankenstein*. There are few things I enjoy more than talking about classical literature and history, so please feel free to contact me any time with questions about the course or about ancient Greece and Rome in general.

Contact Details

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Office Hours: Mondays and Wednesdays from 9:30am-10:20am

Class Meetings

This class meets Mondays and Wednesdays from 11:30am to 12:20pm in MC 105B.

Course Website

There is a course Sakai site. On this site you will find readings, lectures, and a discussion forum. I encourage you to take advantage of the discussion forum in particular, as it helps a lot to participate actively in the learning process.

UWO Policies

Note from the Dean of Arts and Humanities

You are responsible for ensuring that you have successfully completed all course prerequisites and that you have not taken an antirequisite course. Lack of prerequisites may not be used as basis of appeal. If you are not eligible for a course, you may be removed from it at any time, and you will receive no adjustment to your fees. These decisions cannot be appealed.

Plagiarism

Students must write their essays and assignments in their own words. Whenever students take an idea, or a passage of text from another author, they must acknowledge their debt both by using quotation marks where appropriate and by proper referencing such as footnotes or citations. Plagiarism is a major academic offence (see Scholastic Offence Policy in the Western Academic Calendar).

UWO Policy on Accommodation for Medical Illness

http://www.uwo.ca/univsec/handbook/appeals/accommodation_medical.pdf

[downloadable Student Medical Certificate (SMC): <https://studentservices.uwo.ca> [under the Medical Documentation heading]

Students seeking academic accommodation on medical grounds for any missed tests, exams and/or assignments worth 10% or more of their final grade must apply to the Office of the Dean of their home faculty and provide documentation.

ACADEMIC ACCOMMODATION CANNOT BE GRANTED BY THE INSTRUCTOR OR DEPARTMENT.

UWO Accessibility Policy

Western has many services and programs that support the personal, physical, social and academic needs of students with disabilities. For more information and links to these services: <http://accessibility.uwo.ca/>

Mental Health

Students who are in emotional/mental distress should refer to Mental Health@Western <http://www.uwo.ca/uwoom/mentalhealth/> for a complete list of options about how to obtain help.

Course Policies

Class Attendance

Attendance for this class is not required, but is recommended. Being in class will keep you focused and on schedule, and it will give you an opportunity to make comments, ask questions, and otherwise participate actively in the class community.

Recorded Lectures

You will find recorded lectures on the course website. These recordings cover the same material as I will cover in class. Although I do not recommend that you never attend class sessions, these lectures are an adequate substitute for attendance. You may also find them helpful for review.

Course Information

Course Description

Ancient Greek and Roman history and literature are full of stories of crimes and representations of criminals. This course examines the ways Greeks and Romans thought about what it meant to be a criminal and what kinds of solutions they had for the problems of crime. We'll look at Orestes' murder of his mother, Clytemnestra, and at Socrates' idea of crime. We'll argue whether Catiline, who conspired to assassinate Cicero and burn Rome, should have been treated as a Roman citizen with a right to a trial or whether he was rightly treated as an enemy combatant. We'll ask whether modern theories of criminology are applicable to ancient Greece and Rome or whether ancient ideas of crime were completely different from modern ones. No previous knowledge of Greece and Rome is necessary and all readings will be in English.

Learning Outcomes

At the end of this course you will be familiar with a variety of ancient ideas of crime and criminality as well as some modern criminological theory. You will understand the similarities and differences between ancient Greek and Roman ideas of crime and modern ones. This will give you a new perspective on crime in today's society.

You will be able to discuss knowledgably and without notes key texts and ideas on crime and punishment in ancient Greece and Rome. When topics like trials for enemy combatants or the relationship between immoral and criminal behavior come up in conversation, you should be able to make comparisons of modern ideas with ancient ones using specific examples from ancient texts.

More generally and more importantly, you will have gained or advanced an ability to analyze ancient Greek and Roman sources in a variety of genres. Ancient sources are not always straightforward or trustworthy, and you will practice "reading against the grain," i.e. reading ancient texts to find out more than just what they want to tell you.

By the end of this course you will have learned not just how to use ancient sources as evidence, but also how to evaluate those sources for their accuracy and significance. In the process you will have improved your skills in critical thinking and analysis—skills which are transferrable to a variety of fields of study and professional employment, and which will improve your appreciation of any text.

Most importantly, this course aims to develop an appreciation of ancient Greek and Roman literature, philosophy, rhetoric, and history. It will be work, but it should also be fun, and you may find yourself with a lifelong appreciation of ancient Greece and Rome.

Required Texts

The following is a list of editions I have ordered for the UWO bookstore. You may obtain these texts however you wish, but it is your responsibility to get them. I will discuss passages from these specific editions and translations in class and I will include passages from them in exam questions. If you do not have the same editions and translations as I'm using, you will be at a disadvantage in class and in exams. Additional readings will be available on the course website.

Aeschylus. *Aeschylus II: The Oresteia*. eds. David Grene, Richmond Lattimore, Mark Griffith, and Gelnn W. Most. trans. Richmond Lattimore. Chicago: University of Chicago Press, 2013. ISBN: 978-0226311470 I have requested that this book be placed on reserve in DBW.

Plato. *Gorgias*. trans. Robin Waterfield. New York: Oxford University Press, 1998. ISBN: 978-0199540327 I have requested that this book be placed on reserve in DBW.

Sallust. *Catiline's War, The Jugurthine War, Histories*. trans. A.J. Woodman. New York: Penguin, 2007. ISBN: 978-0140449488 I have requested that this book be placed on reserve in DBW.

VerSteeg, Russ. *The Essentials of Greek and Roman Law*. Durham: Carolina Academic Press, 2010. I have requested that this book be placed on reserve in DBW.

Recommended Text

I have assigned some reading from the first edition of the following book by Sandra Walklate. The first edition is available online through the UWO library, and there are instructions for accessing it on the course OWL site. **The access is not 100% reliable, and at peak usage times (i.e. right before the tests) it may be unavailable.** To guarantee access, you will need to obtain a copy of the book. For the sections assigned, the second edition and the first edition are the same except for the page numbers. I have requested that a physical copy be placed on reserve in DBW.

Walklate, Sandra. *Criminology: The Basics*. 2nd ed. New York: Routledge, 2011. ISBN: 978-0415575546

Schedule of Readings and Lecture Topics

Week 1 (Mon 9/8, Wed 9/10)

Reading Assignment: No reading for this week

Lecture Topic: Introduction to Crime and Punishment in Ancient Greece and Rome

Week 2 (Mon 9/15, Wed 9/17)

Reading Assignment: No reading for this week

Lecture Topic: Historical Background and Context

Week 3 (Mon 9/22, Wed 9/24)

Reading Assignment: VerSteege, *The Essentials of Greek and Roman Law* chapters 1, 2, 7, and 8

Lecture topic: Introduction to Greek Law

Week 4 (Mon 9/29, Wed 10/1)

Reading Assignment: Aeschylus, the *Oresteia*

Lecture Topic: Greek Tragedy of Crime

Week 5 (Mon 10/6, Wed 10/8)

Reading Assignment: No reading for this week

Lecture Topic: There will be no recorded lecture for this week. In class we'll catch up and review.

Midterm Test 1 Wednesday 10/8 in TBA

Thanksgiving Holiday: Mon 10/13

Week 6 (Wed 10/15)

Reading Assignment: Walklate, *Criminology: The Basics* chapters 1, 4, and 5 (available online through the UWO library, with instructions for access on the course website)

Lecture Topic: Modern Criminology and Ancient Crime

Week 7 (Mon 10/20, Wed 10/22)

Reading Assignment: Lysias 1 (on the course website)

Lecture Topic: Athens and Draco's Homicide Law

Week 8 (Mon 10/27, Wed 10/29)

Reading Assignment: Plato, *Gorgias*

Lecture Topic: Greek Philosophy of Crime

Week 9 (Mon 11/3, Wed 11/5)

Reading Assignment: No reading for this week

Lecture Topic: There will be no recorded lecture for this week. In class we'll catch up and review.

Midterm Test 2 Wednesday 11/5 in TBA

Week 10 (Mon 11/10, Wed 11/12)

Reading Assignment: VerSteeg, *The Essentials of Greek and Roman Law* chapters 10, 11, 16, and 17

Lecture Topic: Introduction to Roman Law

Week 11 (Mon 11/17, Wed 11/19)

Reading Assignment: Sallust, *Catiline's War*

Lecture Topic: Criminals and Enemy Combatants

Week 12 (Mon 11/24, Wed 11/26)

Reading Assignment: Cicero, *In Defense of Marcus Caelius* (on the course website)

Lecture Topic: Character and Ciceronian Crime

Week 13 (Mon 12/1, Wed 12/3)

Reading Assignment: No reading for this week

Lecture Topic: There will be no recorded lecture for this week. In class we'll catch up and review.

Final Exam Date and Location as Scheduled by the Registrar

Assessment Information

Introduction

Your final grade in this course will be determined by two midterm tests and a final exam, all multiple-choice and all cumulative. Having your performance in a course assessed and graded can be stressful, but try to keep in mind that grades are an important part of your university experience. You're here not only to learn, but also to have your level of success in learning assessed. Think of having your work graded as an opportunity to show what you've learned. Also, remember that your grades are a measure of your academic performance and not a judgment of you as a person.

Over the past two years the average mark in this course was 72%. About 15% of the students scored 90% or better, and fewer than 5% of the students scored 49% or worse.

Percentage Breakdown

Midterm 1: 25%

Midterm 2: 25%

Final Exam: 50%

Test and Exam Dates

Midterm Test 1: Wednesday, October 8th **Location: TBA**

Midterm Test 2: Wednesday, November 5th **Location: TBA**

Final Exam: TBA

Midterm Tests and Final Exam Content and Format

The midterm tests and final exam will consist of multiple-choice questions. There will be 50 questions on each midterm test and 100 questions on the final exam. You will have 50 minutes for each of the midterm tests and 120 minutes for the final exam. You will not be allowed the use of any books or notes during the tests and exam. For the sake of equity, especially for those students writing the tests and exam in a separate location with accommodations, **I will not answer any questions during the tests or exam.**

All tests will be cumulative, testing material covered from the beginning of the semester but focusing on more recent material. For each test or exam, more recent material is more important but all material from the beginning of the course will be tested. More than half of the questions on the second midterm test will cover material from after the first midterm test. More than half of the questions on the final exam will cover material from after the second midterm test. The tests are cumulative because the course is designed so that early material retains its significance and later material will only make sense with knowledge from the early part of the course. The interdependence of earlier and later material makes it impossible to provide precise proportions of questions testing early and late material.

The portion of questions testing material from the lectures and questions testing material from the assigned reading will vary. The most important material will be covered both in the readings and in the lectures, but there will be some questions testing material from the readings that was not in the lectures and some questions testing material from the lectures that was not in the readings. The interdependence of the lectures and readings makes it impossible to provide precise proportions of questions testing lecture material and reading material.

Please remember to bring photo ID and a pencil to the midterm tests and final exam.

Sample Test and Exam Questions

The following are a representative sample of test and exam questions from the first midterm test in previous semesters. Answers are provided at the end of the sample questions. There will be no sample questions for the second midterm test and final exam. After the first midterm test, you will be familiar with the kinds of questions I am likely to ask.

1. In what language was the *Oresteia* originally written?
 - A. Attic Greek
 - B. Homeric Greek
 - C. English
 - D. Latin
 - E. Koine

2. Who of the following was **not** a contemporary of Cicero?
 - A. Caesar
 - B. Pompey
 - C. Ovid
 - D. Antony
 - E. Cato the Younger

3. In Classical Athens, which of the following was a jury for homicide cases?
 - A. The *Boule*
 - B. The *Ephetai*
 - C. The *Thesmothetai*
 - D. The *Syngoroi*
 - E. The *Nomothetai*

4. What was the Peiraeus?
 - A. The place where the Athenian *Ekklesia* met
 - B. The Athenian marketplace
 - C. The Athenian port
 - D. The original Athenian court
 - E. The Athenian prison

5. In the *Oresteia*, why does Orestes kill Aegisthus?
 - A. Aegisthus was complicit in the murder of Agamemnon
 - B. Aegisthus was sleeping with Clytaemestra even when she was married to Agamemnon
 - C. Aegisthus seduced Clytaemestra
 - D. None of these were reasons he killed him
 - E. All of these were reasons he killed him

6. Which of the following was **not** an execution method in Classical Athens?

- A. Throwing someone into a pit
- B. The *culleus*
- C. Having someone drink hemlock
- D. Exposure (tied to a plank)
- E. *Barathron*

7. When was the Roman Republic established?

- A. 753 BCE
- B. 510 BCE
- C. 272 BCE
- D. 146 BCE
- E. 27 BCE

8. What is the title of the work from which the following passage is excerpted?

*Here in the house there lies
the cure for this, not to be brought
from outside, never from others
but in themselves, through the fierce wreck and bloodshed.
Here is a song sung to the gods beneath us.*

- A. The *Iliad*
- B. The *Agamemnon*
- C. The *Eumenides*
- D. The *Libation Bearers*
- E. The *Odyssey*

9. In the following passage, the cure for what problem lies in the house?

*Here in the house there lies
the cure for this, not to be brought
from outside, never from others
but in themselves, through the fierce wreck and bloodshed.
Here is a song sung to the gods beneath us.*

- A. The plague
- B. The cycle of domestic violence
- C. The injustice of the death of Orestes
- D. Incest
- E. The unjust verdict in Orestes' trial

10. Which of the following could be punished by *atimia*?

- A. Sycophancy
- B. Prostitution
- C. Introducing a law contrary to the existing laws
- D. All of these
- E. None of these

Answers:

- 1. A
- 2. C
- 3. B
- 4. C
- 5. E
- 6. B
- 7. B
- 8. D
- 9. B
- 10. D

Suggested Further Reading

If you find this course interesting, you may be interested in some of the following reading. This reading is not required and will not be tested on the midterm tests or final exam. I am providing this list merely for your interest and enjoyment.

- Allen, Danielle. "Imprisonment in Classical Athens." *Classical Quarterly* 47 (1997) 121-135.
- Allen, Danielle. *The World of Prometheus: The Politics of Punishing in Democratic Athens*. Princeton: Princeton University Press, 2000.
- Bauman, Richard A. *Crime and Punishment in Ancient Rome*. New York: Routledge, 1996.
- Burgess, Sandra J. "The Athenian Eleven: Why Eleven?" *Hermes* 133 (2005) 328-336.
- Carawan, Edwin M. *Rhetoric and the Law of Draco*. Oxford: Oxford University Press, 1998.
- Cohen, David. *Law, Violence, and Community in Classical Athens*. Cambridge: Cambridge University Press, 1995.
- Cohen, David. "Crime, Punishment, and the Rule of Law in Classical Athens." *The Cambridge Companion to Ancient Greek Law*, eds. Michael Gagarin and David Cohen. Cambridge: Cambridge University Press, 2005.
- Dorey, T. A. "Cicero, Clodia and the 'Pro Caelio.'" *Greece & Rome* 5.2 (1958): 175-180.
- Gagarin, Michael. *Drakon and Early Athenian Homicide Law*. New Haven: Yale University Press, 1981.
- Gagarin, Michael. "Telling Stories in Athenian Law." *Transactions of the American Philological Association* 133 (2003): 197-207.
- Gaughn, Judy. *Murder Was Not A Crime: Homicide and Power in the Roman Republic*. Austin: University of Texas Press, 2010.
- Green, W. M. "An Ancient Debate on Capital Punishment." *Classical Journal* 24.4 (1929): 267-275.
- Harries, Jill. *Law and Crime in the Roman World*. Cambridge: Cambridge University Press, 2007.
- Hawke, Jason. *Writing Authority: Elite Competition and Written Law in Early Greece*. DeKalb: Northern Illinois University Press, 2011.
- Hunter, Virginia. *Policing Athens: Social Control in the Attic Lawsuits, 420-320 BC*. Princeton: Princeton University Press, 1994.
- Hunter, Virginia. "The Prison of Athens: A Comparative Perspective." *Phoenix* 51 (1997): 296-326.
- Krebs, Christopher. "Catiline's Ravaged Mind." *Classical Quarterly* 58.2 (2008): 682-686.
- Lanni, Adriaan. *Law and Justice in the Courts of Classical Athens*. Cambridge: Cambridge University Press, 2006.
- Leen, Anne. "Clodia Oppugnatrice: The Domus Motif in Cicero's 'Pro Caelio.'" *Classical Journal* 96.2 (2000-2001): 141-162.

- MacDowell, Douglas M. *The Law in Classical Athens*. Ithaca: Cornell University Press, 1978.
- Nicholas, Barry. *An Introduction to Roman Law*. Oxford: Clarendon, 2008.
- Ostwald, Martin. *From Popular Sovereignty to the Sovereignty of Law: Law, Society, and Politics in Fifth-Century Athens*. Berkeley: University of California Press, 1986.
- Riggsby, Andrew M. *Crime and Community in Ciceronian Rome*. Austin: University of Texas Press, 1999.
- Riggsby, Andrew M. *Roman Law and the Legal World of the Romans*. Cambridge: Cambridge University Press, 2010.
- Robinson, Olivia F. *The Criminal Law of Ancient Rome*. London: Duckworth, 1995.
- Robinson, Olivia F. *Penal Practice and Penal Policy in Ancient Rome*. New York: Routledge, 2007.
- Sealey, Raphael. "On the Athenian concept of law." *Classical Journal* 77 (1982): 289-302.
- Stauffer, Devin. *The Unity of Plato's Gorgias: Rhetoric, Justice, and the Philosophic Life*. Cambridge: Cambridge University Press, 2006.
- Stewart, Roberta. "Catiline and the Crisis of 63-60 B.C.: The Italian Perspective." *Latomus* 54.1 (1995): 62-78.
- Todd, S. C. *The Shape of Athenian Law*. Oxford: Clarendon Press, 1993.
- Wistrand, Erik. *Sallust on Judicial Murders in Rome*. Stockholm: Almqvist and Wiksell, 1968.