TEXTBOOKS AND READINGS

Main Texts

Barkan, I., *Capital Punishment in ancient Athens*, Chicago 1953

Recommended supplementary readings


Reading of Greek and Latin texts

During the course you will receive photocopied Greek and Latin texts accompanied by an English translation. They will be discussed during classes.


http://www.perseus.tufts.edu/cache/perscoll_Greco-Roman.html#text1

EXAMS

In addition to the reading indicated at the end of each class as preparation for attendance to next class, you will be required to submit a take home exam consisting in a paper. The paper should be no more than ten pages. It may deal with any of the topics covered during the course. It will be distributed in the last class and may be returned in every time during the examination period.
SYLLABUS AND ASSIGNMENTS

For attendance to first class read C. Beccaria, *On Crime and Punishment and Other Writings*. It will help to understand the debate about the function attributed to penalty by ancient and modern theorists.

1) Thursday, January 12
Introduction of the course. Before philosophers and other theorists: Myths and Rites as mirror of an historical reality? A methodological debate.
Fitting Death: each sex a different death: each crime a different death. For attendance to next class read Cantarella, *Dangling Virgins. Myth, Ritual and the Place of Women in ancient Greece*, "The Female Body in Western Cultures", Harvard Univ. Press Cambridge-Mass., 1986 (distributed in class) and the Greek texts in English translation, distributed in class

2) Thursday, January 19.
Domestic justice in pre-civic Greece. How to punish women: Homer’s Odyssey and the hanging of Ulisse’s unfaithful girl-slaves
A Myth and a Tragedy: the myth of Demetra and the death of Antigone
For attendance to next class read Aeschylus, *Prometheus bound* (distributed in class)

3) Thursday, January 26.
Domestic justice in pre-civic Greece. How to punish men: Homer’s Odissey and the penalty inflicted by Ulisses to his unfaithful goatherd.
Domestic justice and public justice in Athens: how to punish theft and adultery. Aeschylus’ *Prometheus bound* and some bones in a pre-solonian cemetery. The so called “Greek crucifixion” (*apotympanismos*) and its origin in Homeric times.
For attendance to next class read Homer, *Iliad* 18, 497-508 and the text of Draco’s Law distributed in class

4) Thursday, February 2.
From private revenge to public justice: from the settlement of disputes in Homer's Iliad to Aeschylus’ *Prometheus bound* and some bones in a presolonian cemetery. Draco’s law on Homicide (621-620 B.C.). The new civic tribunals: who executed the death conviction?
For attendance to next class read Plato’s *Phaedo*. 

5) Thursday, February 9.
How to punish religious crimes: the culprit delivered to underworld divinities.
In Athens: precipitation from the *Barathron* rock. In Sparta: precipitation from the *Kaiadas* mountain.
The alternative: poison (*koneion*) in the prison. Socrate’s “sweet” death.
For attendance to next class read Livy, 2, 5; Valerius Maximus 5. 8, 1; Dio Cassius, 43, 24, 4; Plut., Quaestiones Romanae 97 (287 a-b) Fest, s.v. October equus, 190-191 L (translation distributed in class)

6) Thursday, February 16.
In Rome. Traitors of fatherland decapitated with the sword. Death penalty or human sacrifice?
46 a.C: the decapitation of Caesar’s soldiers and the rite of the “October Horse” (October equus).

7) Thursday, February 23.
Betrayal, again: to die tied to the “unhappy tree” (arbor infelix). A debate: was the torment “at the unhappy tree” a form of hanging? Was it a crucifixion? Was it flogging to death?
For attendance to next class read Plin., Naturales Historiae 18, 6, 41-42 and 28, 4, 17-18 (translations distributed in class)

8) Thursday, March 2.
Other criminals flogged to death: the “magic” thief and the lover of a Vestal Virgin.
For attendance to next class read Juvenal, Sat., 1, 1 and Duodecin Tabulae 8, 19 (Digesta 47, 9, 9) (translations distributed in class)

9) Thursday, March 9.
The arsonist burnt alive (vivicomburium): ordeal or State penalty?
For attendance to next class read Macrobius, Saturnalia, 1, 7, 28-31; Fest., depontani (66 L) and sexagenarios (450 L); Ovid, Fast. 5, 623-624 (translations distributed in class)

10) Thursday, March 23.
The crimes against the Gods: precipitation from a rock. Originally, a human sacrifice: sexagenarii de ponte, i.e. over sixty persons throw into the Tiber
For attendance to next class read Modestinus in Digesta 48, 9, 9; two imperial constitutions (Cod. Theod., 9, 15,1 and Cod. Just. 9, 17, 1) and Festus, Parrici (247 L) (translations distributed in class).

11) Thursday, March 30.
Death penalty for voluntary homicide: legalisation of revenge.
Parricide and the penalty of the sack (poena cullei). Parricides thrown into the Tiber in a sack, with a dog, a coq, a viper and a monkey. How to explain such a death rite?
For attendance to next classes read Plato’s Protagoras, Gorgias and Laws

12) Thursday, April 6.
The beginning of the theoretical debate: theories in Plato’s work. For attendance to next class read the passages from Aulus Gellius’ *Noctes Atticae*, distributed in class


14) Thursday, April 20. Final discussion: which of the theories about the function of capital punishment (if any) correspond to the function emerging from the analysis of ancient Greek and Roman death rites? Are some of the ancient functions still present (albeit not declared) in the modern mentality? Does ancient history help to form, to strengthen or to modify one’s own opinion about the opportunity to inflict capital punishment?