Code: IUS/20	**Credits: 15**
Subject: Philosophy of Law	
Main teaching language: Italian	
Secondary teaching language: English	

Teaching Staff

Head teacher
Prof. Enrico Ferri – enrico.ferri@unicusano.it

Introduction

1. *Course topics:*

The finality of the Philosophy of Law is essentially to give students a critical and historical perspective of law: law intended in various ways and through the different notions of justice, through positive law, through natural law, etc. This basic target will be achieved through the themes of this year's course focusing on "Ancient Democracy and its critics". The specific issues of democracy will be explored in the works of authors like Herodotus, Thucydides, Aristotle, Plato, Xenophon – issues such as the principles of liberty and equality; the anthropological optimism that is characteristic of democracy and its criticism of power not controlled by citizens; the so-called systemic rules; and the historical background against which Greek democracy developed. To this end, a basic tenet of the course will be the study of two classics of Greek thought: *Athenaion Politeia* by the Pseudo-Xenophon (text newly edited by the chair professor) and *Athenaion Politeia* by Aristotle.
The aim of the course is to provide an in-depth knowledge of the principles, values, basic rules, historical context of the main figures, institutes and problems of Athenian democracy of the 5th- and 4th-centuries BC by closely examining the sources and commentaries of the original historical and philosophical sources.

Goals

2. *Course Structure:*

Entitled "**Athenian Democracy and its critics**", the course is divided in 12 modules tackling various aspects of Athenian democracy from an anthropological, legal, political and historical perspective. The principal topics that will be examined are:

The relationship between political anthropology and democracy; the theory of state and citizenship as developing in Greece in the 5th- and 4th-centuries BC; The theoretical principles of democracy such as equality and liberty; the democratic system in the public and private spheres. The forms of democratic government are analysed not only in the theories and works of authors who appear to favour or even theorise of democracy, for example Pericles (in Thucydides) or Protagoras (in Plato), but also in the writings of anti-democratic authors. In this light, an essential part of the course will be *Athenaion Politeia* by the Pseudo-Xenophon that will be available in a new translation as lecture notes. The theme of democracy will be examined against the historical backdrop of democratic Athens especially in the period from the reforms implemented by Clisthenes (508) to the end of the Peloponnesian War (404). For these reasons, a substantial part of the course is dedicated to Athenian democracy in the 5th- and 4th-centuries BC by taking a closer look on the relationship between the fleet, the people's army and democracy; on the relationship between sophistics and democracy and the characteristic institutions of Athenian democracy, such as the *Ekklesia* and the Council of 500. The goal of the course is to gain a sound knowledge of the general principles of democracy, of the historico-economic milieu it developed, and of the basic rules through which democracy is founded and preserved.

Competencies:

1) To be able to understand the specific features of the form of democratic government.
2) To understand the constituent elements (theoretico-practical) of ancient democracy.
3) To identify the theoretico-practical characteristic underpinning the ancient democratic system, which continue to be inherent in modern democracy.
4) To be able to represent the basic principles of democracy: liberty and equality.
5) To link the principles and values of democracy to the historical dynamics and the era in which they developed.

Syllabus
1. *Course syllabus:*

2. POLITICAL ANTHROPOLOGY AND DEMOCRACY
3. PERICLES AND ATHENIAN DEMOCRACY
4. STATE AND CITIZENS THEORIES
5. WOMEN AND DEMOCRACY

6. DEMOCRACY AND CITIZENSHIP
7. DEMOCRATIC EQUALITY AND PROTAGORAS' THEORY
8. DEMOCRACY'S INETRNAL AND EXTERNAL FOES
9. DEMOCRACY, PUBLIC AND PRIVATE SPHERES
10. DEMOCRACY, THE NAVY AND THE ARMY
11. DEMOCRACY, THE PERSIAN WARS
12. SOPHISTICS AND DEMOCRACY
13. GENERAL OUTLINE AND INSTITUTIONS OF DEMOCRACY

Evaluation system and criteria

80% of the marks are assigned in the final exam, which consists of: a) three essays plus three multiple choice questions; or b) thirty multiple choice questions. The remaining marks are assigned in consideration of the e-activities students carry out or the specific tasks assigned to them by the teacher.

Bibliography and resources

14. *Materials to consult:*

Lecture notes
Xenophon (Pseudo), *Athenaion Politeia*
Aristotle *The Contistution of the Thenians*

15. *Recommended bibliography:*

Domenico Musti – *Demokratia. Origine di un'idea* – Laterza, 2006
Claude Mossé – *Pericle. L'inventore della democrazia* – Laterza, 2005
Finley – *La democrazia degli antichi e dei moderni* – Laterza, 2005