



Political Science
UNIVERSITY OF TORONTO

**POL 355 Y 1 Y: TOPICS IN CLASSICAL POLITICAL THOUGHT:
CLASSICAL CONSTITUTIONALISM**

Time & Place: Tuesdays 6-8pm, SS 1086
Instructor: Robert A. Ballingall
Email: rob.ballingall@utoronto.ca
Office Hours: Wednesdays, 10am-12pm, SS 3058

Course Description

Constitutional government—the idea that political power be subordinate to law—is and has long been held up as an essential criterion of the practically good society. Even so, constitutionalism is beset by a raft of problems and paradoxes, difficulties that were not lost on its theoretical progenitors. This course examines the first and arguably greatest account of constitutionalism—that developed by the Greek philosopher Plato in several seldom read dialogues, including the *Statesman*, *Minos*, and *Laws*. Our study of these works will aspire to an awareness of the possibilities and limitations of the rule of law and of the enduring theoretical problems to which these complications give rise. Accordingly, we will follow Plato in taking up questions such as how the power that creates and enforces law can be limited by law and how law can claim to be authoritative if in practice it is parochial, partisan, inflexible, and coercive. In the course of examining such questions, we shall explore an array of related topics, including the problems of founding and stability, education, pleasure, the mixed regime, the construction of legislative codes, punishment, civil religion, and the relationship between philosophy and practical wisdom.

Required Texts

1. *Plato: Statesman*, trs. E. Brann, P. Kalkavage, and E. Salem (Focus Publishing)
2. *The Roots of Political Philosophy*, ed. T. L. Pangle (Cornell University Press)
3. *Four Texts on Socrates*, trs. T. G. West and G. S. West (Cornell University Press)
4. *The Laws of Plato*, tr. T. L. Pangle (University of Chicago Press)

These books are available at the University of Toronto Bookstore, 214 College St.

Marking Scheme

1. Participation/Reading digests (15% of the final grade). Grades for participation will be determined in two ways. Half the participation grade will reflect each student's quantity and quality of contributions to general class discussion. The second half will be devoted to reading digests that students will submit **in hard copy at the beginning of each class**. Reading digests will consist of short (single paragraph) responses to study questions

pertaining to the assigned readings. These study questions will be made available on Blackboard.

2. First essay (15% of the final grade). Essay topics will be distributed in advance. The essay is due at the beginning of class on **October 25**. Directions for the assignment will be made available subsequently.
3. Mid-year examination (20% of the final grade). An in-class exam is scheduled for **December 6**.
4. Second essay (20% of the final grade). Essay topics will be distributed in advance. The essay is due at the beginning of class on **February 28**. Directions for the assignment will be made available subsequently.
5. Final examination (30% of the final grade). A comprehensive final exam is scheduled for the exam period.

Course Rules and Policies

Course prerequisites: It is required that students have taken POL 200 or its equivalent (e.g. POL C70 and POL C71 at UTSC). In particular, familiarity with Plato's *Republic* is presumed.

Preparation: The books that we will be studying are tremendously rich and subtle; they reward only the most thorough and patient reader. It is therefore essential that students set aside several hours every week throughout the academic year to read carefully the assignments for each lecture and to avoid falling behind. It is also essential that students **bring with them to class the text that we will be discussing**. Readings listed under "consult" in the course schedule below are not required, but are highly recommended.

Translations: Students are required to use the particular editions listed under "Required Texts" above.

Blackboard: Students should ensure that they have access to the Blackboard website for this course. Important course announcements will be sent through, and reading digest questions posted on, the Blackboard system, as will secondary source materials listed under "consult" in the course schedule below. Students must use a valid UTOR e-mail address and **check their e-mail regularly**.

Library Course Reserves: Wherever possible, sources listed under "consult" in the course schedule have been made available on Blackboard (when they are not found in the required texts themselves). Students can access these sources by selecting the "Library Course Reserves" option on the far right side of each student's *My Page*.

Technology policy: **Please do not use computers or cell phones during class**. Research shows that taking notes by hand improves long term comprehension of the lectures we hear and the books we read, and to a significantly greater extent than taking notes on an electronic device.

Doing so also minimizes the temptation to distract yourself and the students sitting around you by perusing the internet while you're supposed to be listening and participating in class. If a student feels that he must use a computer to take notes, or is obliged to do so because of a disability, he may submit a request form (see Blackboard) and sit in a designated area of the class.

Recording and/or publishing lectures: Lectures and course materials prepared by the instructor are the instructor's intellectual property, covered by the Canadian Copyright Act. Students wishing to record lectures or other course material in any way are required to ask the instructor's explicit permission, and may not do so unless permission is granted. This includes tape-recording, filming, distributing Blackboard materials, etc. Such permission will be granted only to students requiring accommodations due to a learning disability and who have registered with accessibility services, on the understanding that the materials in question are for the study purposes of that individual student and are not to be "published" in any way. **It is absolutely forbidden for a student to publish the instructor's lectures** to a website or in any other form, or to sell them in any form, without formal permission.

Communication: **Please put POL355 in the subject line of all emails.** I will endeavour to respond to emails within 48 hours, weekends not included. Email is for short questions of clarification only. If a student has concerns or questions that cannot be answered in a short response, please see me during office hours.

Submitting your essays: Essays must be submitted **in class, at the beginning of the lecture, on the day that they are due.** Late essays should be submitted to the Department of Political Science, main office (SS 3018).

Late penalties: 3% for the first day and 2% for each following day, including weekends. Barring extensions, essays submitted more than ten days after the assignment deadline will not be accepted.

Extensions & make-up exams: The deadlines are firm. No extensions or make-up exams will be granted except in dire cases. Any student seeking an extension must have acceptable reasons that are adequately documented—for example, a medical emergency supported by an official U of T medical certificate. Extensions will be granted only in extenuating and unavoidable circumstances outlined to the instructor in writing or via email prior to the due date in question. **Extensions will not be granted in any case after the submission deadline.** Appropriate documentation must be submitted within one week of the missed course requirement. Multiple assignments or midterms from other courses scheduled for the same date—or other work commitments—do not constitute acceptable reasons for extensions, so please plan accordingly.

Plagiarism: Students should familiarize themselves with the university's policy on plagiarism. See in particular <http://www.writing.utoronto.ca/advice/using-sources>. In short, to comply with the university's code regarding academic honesty, students must write papers specifically for this course; should not borrow material from another course; and should not use another person's words or ideas without attribution, whether those words or ideas come from conversations, the internet, or printed materials. If students are in doubt about whether they are committing

plagiarism, feel free to ask. A good rule of thumb is that, if you are wondering whether you might be committing plagiarism, you should cite a source.

Turnitin.com: Normally, students will be required to submit their course essays to Turnitin.com for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as source documents in the Turnitin.com reference database, where they will be used *solely* for the purpose of detecting plagiarism. The terms that apply to the University's use of Turnitin.com are described on the Turnitin.com website. Use of Turnitin.com is strongly encouraged but voluntary. If you elect not to use Turnitin.com, you are required to submit all of your rough work (notes, outlines, drafts, etc.) along with your essay on the due date.

Accessibility needs: The University of Toronto is committed to accessibility. If a student requires accommodations for a disability, or has any accessibility concerns about the course, the classroom or course materials, please contact Accessibility Services as soon as possible: accessibility.services@utoronto.ca or <https://www.studentlife.utoronto.ca/as>.

Accommodations for religious observances: It is the policy of the University of Toronto to arrange reasonable accommodation of the needs of students who observe religious holy days other than those already accommodated by ordinary scheduling and statutory holidays. Students have a responsibility to alert the instructors in a timely fashion to upcoming religious observances and anticipated absences. Please review the policy at: <http://www.viceprovoststudents.utoronto.ca/publicationsandpolicies/guidelines/religiousobservances.htm>

Course Schedule

Sept 13: A re-introduction to Platonic political philosophy

Unit 1: Plato's *Statesman* or The Web of Politics

Sept 20: *Statesman* 257a-68d

Consult:

E. Brann, P. Kalkavage, and E. Salem, "Introduction" (pp. 1-12 in *Plato: Statesman*)

E. Brann, P. Kalkavage, and E. Salem, "Essay" (pp. 115-23 in *Plato: Statesman*)

M. Miller, "Introduction" and Chs. 1 and 2 in *The Philosopher in Plato's Statesman* (Parmenides Publishing, 2004), pp. xxiii-xxxiii, 1-23.

Sept 27: *Statesman* 268d-77a

Consult:

E. Brann, P. Kalkavage, and E. Salem, "Essay" (pp. 123-30 in *Plato: Statesman*)

M. Miller, Ch. 3 in *The Philosopher in Plato's Statesman* (Parmenides Publishing, 2004), pp. 34-54

Oct 4: *Statesman* 277a-87b

Consult:

E. Brann, P. Kalkavage, and E. Salem, "Essay" (pp. 130-36 in *Plato: Statesman*)

J. E. Cropsey, "Statesman," in *Plato's World* (University of Chicago Press, 1995), pp. 111-44.

Oct 11: *Statesman* 287b-299e

Consult:

E. Brann, P. Kalkavage, and E. Salem, "Essay" (pp. 136-42 in *Plato: Statesman*)

P. E. Stern, "The Rule of Wisdom and the Rule of Law in Plato's *Statesman*," *American Political Science Review* 91, no. 2 (1997): pp. 264-76.

Oct 18: *Statesman* 300a-311c

Consult:

E. Brann, P. Kalkavage, and E. Salem, "Essay" (pp. 142-52 in *Plato: Statesman*)

M. S. Kochin, "Plato's Eleatic and Athenian Sciences of Politics," *Review of Politics* 61, no.1 (1996): pp. 57-84.

Unit 2: The Socratic Examination of Law and Piety

Oct 25: *Minos*, 313a-17d (pp. 53-60 in *The Roots of Political Philosophy*)
First Essay Due in Class

Consult:

L. Strauss, "On the Minos" (pp. 67-79 in *The Roots of Political Philosophy*)

Nov 1: *Minos*, 317d-21d (pp. 60-66 in *The Roots of Political Philosophy*)

Consult:

M. Lutz, "The *Minos* and the Socratic Examination of Law," *American Journal of Political Science* 54, no. 4 (2012): pp. 988-1002.

C. McCusker, "Between Natural Law and Legal Positivism: Plato's *Minos* and the Nature of Law," *Yale Journal of Law and the Humanities* 22, no. 1 (2010): pp. 83-104.

Nov 8: **Fall Break**

Nov. 15: *Euthyphro* (pp. 41-62 in *Four Texts on Socrates*)

Consult:

T. G. West and G. S. West, "Introduction" (pp. 9-16 in *Four Texts on Socrates*)

J. H. Blits, "The Holy and the Human," *Apeiron* 14, no. 1 (1980): pp. 19-40.

Nov 22: *Euthyphro*, cont. & *Crito*, 43a-49e (pp. 99-108 in *Four Texts on Socrates*)

Consult:

Plato's *Apology of Socrates* (pp. 63-98 in *Four Texts on Socrates*)

T. G. West and G. S. West, "Introduction" (pp. 16-29 in *Four Texts on Socrates*)

Nov 29: *Crito*, 49e-54e (pp. 108-114 in *Four Texts on Socrates*)

Consult:

F. Rosen, "Obligation and Friendship in Plato's *Crito*," *Political Theory* 1, no. 3 (1973): pp. 307-16

Dec 6: **Mid-year Examination**

Unit 3: Plato's *Laws* or The Reverent City

Jan 10: *Laws* 1.624a-35b

Consult:

T. L. Pangle, "Interpretive Essay" (pp. 375-94 in *The Laws of Plato*)

V. B. Lewis, "Higher Law and the Rule of Law," *Pepperdine Law Review* 36, no. 5 (2009): pp. 631-60.

Jan 17: *Laws* 1.635b-50b

Consult:

T. L. Pangle, "Interpretive Essay" (pp. 394-404 in *The Laws of Plato*)

V. B. Lewis, "'Reason Striving to Become Law,'" *American Journal of Jurisprudence* 54, no.1 (2009): pp. 67-91.

Jan 24: *Laws* 2

Consult:

T. L. Pangle, "Interpretive Essay" (pp. 404-23 in *The Laws of Plato*)

Jan 31: *Laws* 3

Consult:

T. L. Pangle, "Interpretive Essay" (pp. 423-38 in *The Laws of Plato*)

B. E. Cushner, "From Natural Catastrophe to Human Catastrophe," *Law, Culture, and the Humanities* 9, no. 2 (2013): pp. 275-94.

Feb 7: *Laws* 4

Consult:

T. L. Pangle, "Interpretive Essay" (pp. 438-49 in *The Laws of Plato*)

Z. Hitz, "Plato on the Sovereignty of Law," in *A Companion to Greek and Roman Political Thought*, ed. R. K. Balot (Blackwell, 2009), pp. 367-81.

A. Laks, "The *Laws*," in *The Cambridge History of Greek and Roman Political Thought*, eds. C. Rowe and M. Schofield (Cambridge University Press, 2000), pp. 258-292

Feb 14: *Laws* 5

Consult:

T. L. Pangle, "Interpretive Essay" (pp. 449-63 in *The Laws of Plato*)

R. Metcalf, "On the Human and the Divine," in *Plato's Laws: Force and Truth in Politics*, eds. G. Recco and E. Sanday (Indiana University Press, 2013), pp. 118-32.

R. Ballingall, "Distant Goals," *History of Political Thought* 37, no. 1 (2016): pp. 1-24.

Feb 21: **Reading Week**

Feb 28: *Laws* 6-7.796e
Second Essay Due in Class

Consult:

T. L. Pangle, "Interpretive Essay" (pp. 463-84 in *The Laws of Plato*)

B. E. Cushner, "How Does Law Rule?" *Journal of Politics* 76, no. 4 (2014): pp. 1032-44.

Mar 7: *Laws* 7.796e-8

Consult:

T. L. Pangle, "Interpretive Essay" (pp. 484-96 in *The Laws of Plato*)

A. Laks, "Plato's 'Truest Tragedy'," in *Plato's Laws: A Critical Guide*, ed. C. Bobonich (Cambridge University Press, 2010), pp. 217-31.

R. Clark, "Platonic Love in a Colorado Courtroom," *Yale Journal of Law and the Humanities* 12, no. 1 (2000): pp. 1-38.

Mar 14: *Laws* 9

Consult:

T. L. Pangle, "Interpretive Essay" (pp. 496-502 in *The Laws of Plato*)

L. S. Pangle, "Moral and Criminal Responsibility in Plato's *Laws*," *American Political Science Review* 103, no. 3 (2009): pp. 456-73.

C. Zuckert, "On the Implications of Human Mortality," in *Plato's Laws: Force and Truth in Politics*, eds. G. Recco and E. Sanday (Indiana University Press, 2013), pp. 169-88.

Mar 21: *Laws* 10.884a-10.899d

Consult:

T. L. Pangle, "The Political Psychology of Religion in Plato's *Laws*," *American Political Science Review* 70, no. 4 (1976): pp. 1059-77.

Mar 28: *Laws* 10.899d-11

Consult:

M. Schofield, "Religion and Philosophy in the *Laws*," in *Plato's Laws: From Theory into Practice*, eds. S. Scolnicov and L. Brisson (Academia, 2003), pp. 1-13.

R. Mayhew, "The Theology of the *Laws*," in *Plato's Laws: A Critical Guide*, ed. C. Bobonich (Cambridge University Press, 2010), pp. 197-216.

Apr 4: *Laws* 12

Consult:

T. L. Pangle, "Interpretive Essay" (pp. 502-10 in *The Laws of Plato*)

V. B. Lewis, "The Nocturnal Council and Platonic Political Philosophy," *History of Political Thought* 19, no. 1 (1998): pp. 1-20.