

<b>Professor Fagelson</b>	<b>Western Legal Tradition</b>
<b>Paper 2 — Spring 2006</b>	<b>Due in 10days on April 27</b>
<p><b>Submit 1 Paper electronically to the digital drop box in the following format:</b></p> <p style="text-align: center;"><b>last name Paper 2</b></p> <p><b>I will not read any papers that are not named with the last name (first name optional)</b></p>	

**Paper 2 Between 800 – 1000 words**  
**[Please place word limit at end of paper]**

### **The Re-Trial Of Antigone In Hades**

We are in Hades and Antigone has just crossed the River Styx to join her ancestors. The gods are unsure how to welcome her. They are split on whether to make her eternity a living hell or a paradise. Everyone sympathizes with Antigone's devotion to her brother Polynices, and agrees that it is the duty of a family member to honor the dead. Some think, however, that this duty is tempered by human made law. They think that the law of Creon, the rightful authority, is the final word on the obligations of Antigone. They agree that Creon was too harsh to deny Antigone the right to bury her dead brother but feel that if they permit her too disobey the rightful ruler, public order would break down, chaos would ensue and no one would benefit.

Other gods disagree strenuously with this view. They believe that the city of man and women was created by the gods to serve their will and that the gods' laws and obligations always take precedence. Not only is this the right thing, but according to them it is the reasonable thing which everyone with the capacity to reason ought to realize. This group feels that not only did Antigone do no wrong to disobey Creon, but in fact, she was obligated to perform the burial ceremonies which the gods require of everyone. To this group of gods, human law is determined by gods law, which is accessible to everyone.

According to this second group, the real criminals are Creon and Ismene, Antigone's sister, who each in their own way, violated their obligation to the gods. This group of gods wants to indict these two recalcitrants and invite Antigone into the VIP lounge reserved for the most honored residents of Hades.

Because the gods are unable to agree on what to do they agree to hold a trial. They call upon **you** to write a brief either for the prosecution or the defendant. In this brief they ask you to argue, using all the theories of western legal tradition, to determine whether Antigone should remain in Hades or be elevated to the VIP lounge. Whichever side you choose, make sure to include the theories of at least two supporting theorists and one opposing theorist. Make sure that you rebut the objections that the other side will make or the gods will not look favorably on you.