

Disputes and Democracy: The Consequences of Litigation in Ancient Athens



Athenians performed democracy daily in their law courts. Without lawyers or judges, private citizens, acting as accusers and defendants, argued their own cases directly to juries composed typically of 201 to 501 jurors, who voted on a verdict without deliberation. This legal system strengthened and perpetuated democracy as Athenians understood it, for it emphasized the ideological equality of all (male) citizens and the hierarchy that placed them above women, children, and slaves. This study uses Athenian court speeches to trace the consequences for both disputants and society of individuals decisions to turn their quarrels into legal cases. Steven Johnstone argues that Athenian law had no objective existence outside the courts and was therefore, itself inherently rhetorical. This daring new interpretation advances an understanding of Athenian democracy that is not narrowly political, but rather links power to the practices of a particular institution.

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