



Disputes and Democracy: The Consequences of Litigation in Ancient Athens

Steven Johnstone

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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 describes the rhetorical strategies that prosecutors and defendants used to persuade juries and shows how these strategies reveal both the problems and the possibilities of language in the Athenian courts. He 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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