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Athenian Law

The term democracy is derived from the Latin term democratia, a combination of the two

Latin words *δῆμος* (demos), meaning "the people," and *κράτος* (cracy), meaning "rule"

("democracy"). The first known democracy is that of Athens, a settlement founded in the late

bronze age, which was and is known for its wisdom (Pomeroy 110). However, like most things,

the Athenian people did not up and create this new form of government; founded near 1000 B.C.,

it was only when Solon, a Greek statesman, came about in 590 B.C. and laid the foundations for

democracy (Pomeroy 113-116). Finally, in the year 508 B.C., an Athenian by the name of

Cleisthenes instituted what would effectively be the first full democracy, giving voice to all

citizens (Pomeroy 122).

In the study of literacy, one can analyze a particular genre through texts, providing

insight into a community and its complexities; As Anis Bawarshi said, "we not only gain access

into communities but also begin to recognize how "lived textualities" interact with and transform

"lived experiences'" (549). Analysis via works pertaining to Athenian law grants insight into the

manner the law impacted culture as well as how the culture impacted the law. The only

remaining access into this ancient world is provided by well-preserved artifacts. These artifacts

can be broken down into two categories: live texts and overarching texts. Live texts are those

like case laws or records of happenings within the laws. A good depiction would be the trial of Socrates, a portal through which one from the modern world can travel back and experience the workings of the law. The overarching texts would be ones like *The Athenian Constitution* recorded by Aristotle, an artifact that does not allow one to experience those laws but gives the viewer knowledge of the laws functioning's.

After careful analysis, there are two prominent features that are products of the Athenian law. The law effectively forced piety onto the people of Athens, being law and applied in the courts. It also encouraged political engagement to such an extent that those who were not politically active in the city could be called "idiots."

Piety is defined by Oxford as "Reverence and obedience to God (or to the gods); devotion to religious duties and observances; godliness, devoutness." ("piety"). In the Athenian city, it was understood in a similar fashion. However, piety was not just something that people practiced but was written into the laws. Emlyn elucidates this idea stating that piety had a strong legal aspect in the Greek city-state, and citizens could find themselves guilty of impiety or *asebeia* as it was once called (21). Impiety could be seen as acts offensive to the gods, vandalizing temples and holy places, mocking religious practices, and violating the rules for religious festivals (Emlyn 21). If such laws were instituted into a state today, it would be seen as a theocratic state; however, in this context, it was not only acceptable but expected. Even questioning the Greek religion can be seen as a violation of these laws. This can be witnessed most easily in Plato's *Apology,* where the philosopher Socrates was put on trial for the following charges:

> *Socrates commits injustice and is a busybody in that he*
>
> *investigates the things beneath the earth and in the heavens, makes*

the weaker argument the stronger, and teaches these things to

others. (64 Reeve)

Not only was Socrates placed on trial for the investigation of the religious beliefs of the time, but the court also convicts him guilty of these crimes and sentenced him to death by the drinking of hemlock. This live text shows just how seriously the matters of religion were taken. However, there is the potentiality that the prosecutor of the trial had different motives, a conversation that is still up for debate (Emlyn 22). Regardless of the verdict, piety still held an important position in the Athenian courts. But the significance of piety extends further than the courts.

Piety was included in the Athenian elections. The Athenian democracy was not completely a democracy. There are many instances of election by lot in the Athenian government. One such being after the candidates had been selected by the different tribes for office, tribes being geopolitical locations within Athens, the individuals that would gain office would be those selected by lot (Mulgan 540). The reason behind the Greeks' decision for casting lots originates from the belief that it was best to leave the final decision up to the gods as they would know who would best fit the position (Mulgan 543). As such, these lots were accompanied by prayer (Mulgan 543). However, this implementation of lots into the democratic system actually prevented factionalism and "maintain the authority of the assembly" (Mulgan 539). Piety was prevalent not just in the everyday lives of Athenians but in their laws and even their elections. This would be the equivalent of having the presidential nominees from all parties' names tossed into a bowl, and whoever's name was drawn became the president because America wanted to leave the decision up to God; a ridiculous notion for modern society, but one that was common sense to the ancient Athenians.

Political engagement was also encouraged by the Athenian laws and was something so important to the culture one had to be politically engaged to be considered intelligent. The word "idiot" actually comes from the Greek word ἰδιώτης combined from the terms ἴδιος (idio) and ώτης (ote) which was one who was only concerned with private affairs and not with public affairs (politics) ("idiot"). So, idiot is an English term for a "stupid person" derived from the Greek term for someone that is politically inactive. Please refrain from calling those who do not vote idiots [haha].

Jokes aside, it was considered one's duty to partake in the political system, so much so that Cleisthenes proposed that citizens should refer to themselves not by their family name but by their deme name, a deme being the voting district in which one lives (Pomeroy 122). This proposition would force citizens to rely more on their political identity than their familial ties, but the tradition of family names was not so easily cast aside; after all, ancient figures are still referred to by familial names in archaeological studies (Pomeroy 122). Still, the idea that the government instituted a law that required people to think of themselves with respect to their political district would cause a cultural ripple vying for more political engagement. This division into different political regions was already prevalent after the reforms of Solon as Athens was divided into three different sections; The hills, the coast, and the plains, which often vied for power (Pomeroy 116). These sections had different agendas that split the state of Athens, and by the time the family names were supposed to be replaced by demes, it was only an enhancement to the cultural disposition toward politics.

However, this is not where the law's proclivity to political engagement ends. Who one voted for in Athens was not a secret. Although the Athenians attempted many different voting methods through their years, it was nearly impossible to conceal one's vote. From the tales of

voting depicted in the scenes of Odysseus and Ajax from the *Odyssey* to the Athenian play *Suppliants,* it was all relatively public (Boegehold 368-369). Couple this with the illiteracy of Athens, and one can see why votes were often taken by an "open show of hands" (Boegehold 368-369). If votes were public and it was looked down upon to not be politically engaged, then even this method of voting encouraged political engagement.

Athens was a city brimming with new laws that created an innovative culture focused on democracy which would soon spread to become one of the most widely popular forms of government. Its religious culture, like many other states of the era, permeated the government and found itself integrated within the political system, returning to the citizens' laws that would demand respect to the gods. Its culture longed for political development, calling anyone who did not participate idiots. The political system reflected this culture, instituting laws that would require citizens to cast aside their familial ties in favor of their political identity, and place watching eyes on polling day. Athens is often regarded as the wisest state of its time, and rightly so, with its politically engaged culture and respect to the gods in which most believed, Athens may have seemed like the capital of knowledge during the era.

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