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## 1

# What is so ‘Primitive’ about ‘Primitive Democracy’? Comparing the Ancient Middle East and Classical Athens

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Among studies of the ancient world and its politics, there is an overwhelming emphasis on the significant achievements of the Greeks. This is, at least in part, because there are records of the administration of their societies and the ‘Athenian Revolution’ might be better understood not so much by what the Athenians did – as most of their activities have at least some precedent – as by what they wrote down. However, of the many texts produced in Greece from the fifth century BC onwards, only fragments remain. This means we must be cautious about making general inferences based on these sources, as they may well have been written in the context of a great many other texts, which have since been lost (Davies, 1978: 13–20). This is particularly true of the Greek texts that concern democracy. In a very real sense, we don’t know much about Greek democracy, about how it functioned, or the core principles on which it was founded and grew. As the renowned scholar of classical Athenian politics Josiah Ober has conceded, ‘we have no surviving texts written with the explicit intention of explaining the principles on which Athenian democracy was predicated’ (Ober, 1994: 151). In addition, as Ober points out elsewhere, ‘[m]ost ancient [Greek] texts were written by elites, specifically for an elite readership’ (Ober, 1989: 43). Beyond such concerns, much of the problem with relying on the scholarship of the ancient Greeks themselves is the fact that ‘All the Athenian political philosophers and publicists whose works we possess were in fact degrees oligarchic in sympathy’ (Jones, 1969 [1953]: 41). Key writers such as Plato, Aristotle, Isocrates (in his later works), Thucydides, Xenophon and ‘The Old Oligarch’ [Pseudo-Xenophon] appear to have

viewed democracy as a bad example of government, in which the brutish will of the masses usurps the natural position of the wealthy and well-educated elite. Further still, much of their writing reflects the fact that they saw Athenian democracy as being very far from reflecting a political ideal, as they constantly sought to move beyond it to discussions of their own utopian models.

Despite their criticisms of democracy, the Athenians were certain in their belief that the Greeks had a unique proclivity for democracy and that they alone had invented this advanced form of government. As the fifth-century historian Thucydides (460/55–400 BC) notes in his rendering of Pericles' funeral speech, '[l]et me say that our system of government [democracy] does not copy the institutions of our neighbors. It is more the case of our being a model to others, than of our imitating anyone else' (Thucydides, 1972 [410 BC]: II.37). Foreshadowing this view, throughout his account of the Greco-Persian Wars of 490 and 480–479 BC, Herodotus repeatedly juxtaposes the liberty, egalitarianism and civic strength of the Greek model of democracy and the tyranny, oppression and civic weakness of foreign governments such as that of the Persian Empire (Herodotus, 1996 [460 BC]: III.80–8; VII.211–13). Similarly, in his *Politics*, Aristotle (384–322 BC) argues that it is because 'non-Greeks are by natural character more slavish than Greeks that they tolerate master-like rule without resentment' (Aristotle, 1981 [350 BC]: 1285a16). As a whole, the Greeks premised much of their argument about such issues on an assumption not only about their own civility and democratic nature, but also about the backwardness and barbarity of non-Greeks and about their history of tyranny and oppression.

Regardless of all of these intractable problems – the scarcity of Greek texts about democracy, the elite framework and disdain towards democracy found in the texts we do have, and the overtly racist assumptions embedded in the narrative – the notion that Athenian democracy was somehow unique and superior to similar experiments elsewhere has today achieved the status of intellectual orthodoxy.<sup>1</sup> Indeed, to challenge the idea that Greece was the home of the first democracies is to swim against the great tide of scholarly consensus. Of those innumerable classicists, historians, political scientists and political theorists who concern themselves today with democracy in ancient Athens,<sup>2</sup> the overwhelming majority are content to assert that something unique did happen among the Greeks, and they are reluctant to look any further, even if just to pay a passing homage (or a patronising nod) to earlier democratic developments.<sup>3</sup> As Flavius Josephus, a Jewish historian of the first century AD, put it:

I cannot but greatly wonder at those men, who suppose that we must attend to none but Grecians, when we are inquiring about the most ancient facts, and must inform ourselves of the truth from them only . . . I mean this, if we will not be led by vain opinions, but will make inquiry after truth from facts themselves [then we must acknowledge that it was] . . . the Egyptians, the Chaldeans, and the Phoenicians that have preserved the memorials of the most ancient and most lasting traditions of mankind . . . these also have taken especial care to have nothing omitted of what was done among them; but their history was esteemed sacred, and put into public tables, as written by men of the greatest wisdom they had among them.

(Josephus, 1700 [75]: I.2)

This chapter seeks to be a corrective to the problem highlighted by Josephus. It seeks to delve deeper into the ancient history of democracy than is normally permitted, back to a time preceding the developments of classical Athens, when the earliest signs of organized society and complex governmental systems emerged across the ancient Middle East. It then seeks to compare and contrast these ancient Middle Eastern examples with those of classical Athens and to offer new insights into, and questions about, the nature and history of democracy. Building on some recent work (Fleming, 2004; Isakhan, 2007a; Keane, 2009: 78–155), this chapter also hopes to move the discussion beyond the phrase usually associated with ancient Middle Eastern democracies, that of ‘primitive democracy’.

The phrase ‘primitive democracy’ was first used in relation to ancient Mesopotamian governance by a renowned Assyriologist, Thorkild Jacobsen, in his detailed analysis of ancient Middle Eastern myths and epics such as *Enuma Elish* and the *Epic of Gilgamesh*, as well as of the political practices of some of the region’s earliest city-states (Jacobsen, 1970 [1943], 1970 [1957], 1977a [1951a], 1977b [1951b]). Here Jacobsen found reference to assemblies which presided over judicial decisions, debated issues of core concern to their community, such as war and peace, and elected the leaders of both the divine and the earthly realms. This chapter argues that, while the Middle Eastern experiments were less rigid and formalized, they were in no measurable sense more ‘primitive’ than the later example offered by classical Athens. However, this essay also cautiously notes that, while not all of the elements which made ancient Athens significant occurred in the same way and at the same time in the ancient Middle East, all of them did exist at varying times and in varying guises across these earlier civilizations. To demonstrate

this thesis, the remainder of the chapter utilizes several of the key criteria by which we commonly measure Athenian democracy – the functioning of its assembly, the mechanisms of justice and of the law, the varying voting and elective procedures, the rights and freedoms of the citizens, and the systematic exclusion of ‘non-citizens’ – and discusses precedents and parallels drawn from the extant evidence concerning the ancient Middle East.

### **Athenian and Middle Eastern assemblies**

The story of classical Greek democracy really begins when the aristocracy of Athens ‘issued’ Cleisthenes with a ‘mandate’, around 508 BC, to formulate a political system that would eschew the centralisation of power. Cleisthenes, an adept and popular politician who had long advocated a system of ‘rule by the people’, devised a model of governance that became known as *demokratia*. One of the central criteria by which Cleisthenes’ model is measured is the Athenian assembly, an outdoor meeting which presided over issues as vast as ‘war and peace, treaties, finance, legislation, public works, in short, on the whole gamut of governmental activity’ (Finley, 1973: 18–19). All adult male citizens were encouraged to attend these assemblies, which convened about forty times a year and frequently attracted numbers of around 6,000.<sup>4</sup>

However, contrary to the popular assumption that such assemblies were lively places open to varied opinion and lengthy debate, it is much more likely that the sheer size of these gatherings prohibited a robust exchange of views. Instead, the vast majority of the audience was required only to listen and vote, and just a few (elite, wealthy and well-educated) citizens made pre-prepared speeches or proposed motions. There was little discussion and, while controversial statements may have been met with protests or laughter, mostly the communication flowed in one direction (Hansen, 1999 [1991]: 142–6). This situation was to deteriorate substantially after two brief oligarchic coups, the first one in 411/10 BC, under the pressure of the Peloponnesian War (431–404 BC) and the second one in 404/3 BC, following the victory of the Spartans at the end of that same war. The re-assertion of democracy in Athens (403/2 BC) saw the power of the assembly severely weakened and restricted. Not even the most privileged citizen could table a motion according to his whim. Instead, the assembly could only discuss and decide matters placed on the agenda by the council (*boule*), and even then the People’s Court could overturn the will of the people (Hansen,

1999 [1991]: 151–2). This raises a question as to whether Athenian politics was really so much determined by the debates and deliberations of ‘the people’, or was a highly formalized mechanism designed to sanction state activity rather than create it (Laix, 1973; Larsen, 1954; Perlman, 1963, 1967). The council set the issues that needed to be ratified, the elite citizens delivered them in well-crafted and populist speeches, and the citizens, for their part, served as a rubber-stamp that could be erased by the court.

The Athenian assembly, with all its merits and drawbacks, did not stand alone in the ancient world. There is evidence of ancient Middle Eastern assemblies dating back some 2,000 years before the reforms of Cleisthenes, which are remarkably similar in their democratic impetus. They convened to make decisions regarding matters as diverse as irrigation projects, trade missions, land surveying, administrative issues and to judge the serious offences of citizens, or cases where the security of the city-state was under threat (Jacobsen, 1970 [1957]: 138; Saggs, 2004: 131). They formed the nucleus of the city-state’s municipal administration and allowed the collective resources of the community to be pooled in order to reach consensus for concerted action. As the assemblies of the Greek world, they functioned alongside a sophisticated matrix of other councils and courts, and were divided between ‘an upper house of “elders” and a lower house of “men”’ (Kramer, 1963: 74). In the city-state of Shuruppak, which had its political and economic zenith from 2600 to 2350 BC, for example, power was divided between the temple priests and a second chamber of magistrates, with more mundane and common concerns, who formed a plural executive and had limited powers and a revolving tenure (Bailkey, 1967: 1218). Such procedures were extended in later city-states such as Sippar, which, from 1890 to 1590 BC, appears to have been governed by a twin-chamber assembly: an upper house of nobility and a lower house of commoners (Oppenheim, 1969: 9–10). Here, as was often the case in Attica, the upper house consisted of the more senior, qualified and wealthy members of the society, who rotated leadership of the various magisterial and administrative positions on an annual basis, while the lower house consisted of the free adult male population (Leick, 2001: 176).

At times, assemblies were also in evidence in the great empires of the ancient Middle East. For example, the population of the Assyrian capital, Ashur, was able to congregate in an assembly which reached agreement under the guidance of the more senior, wealthy and influential members of the community. Such assemblies were often summoned when differences of opinion between the palace and the elders reached

a stalemate. Here 'historical documents describe assemblies of citizens deliberating for days... [where] majority votes were often sought and reached... [and] it was always possible that minority views would raise the problem again if its legal solution was a failure' (Schemeil, 2000: 104). As in Athens, the power of the state was balanced by a thriving private sector, as the Assyrian merchants grew in wealth, and subsequently in influence. The great merchant families appear to have convened in a building commonly known as the 'city house', where they 'made decisions on commercial policy, fixed the rates of export tax... acted as a diplomatic body... and controlled relations with Anatolian rulers on whose cooperation and protection the caravans and resident merchants relied' (Leick, 2001: 203).

Examples of sophisticated assemblies can also be found amongst the ancient Israelites. Here, using methods that parallel earlier Sumerian developments, the book of 'Exodus' reveals that Israelite leaders such as Moses were nominated via a 'mandate' coming directly from God, which was confirmed by the assembly of elders (Mullen, 1980). Later, as C. Umhau Wolf demonstrates, various councils and bodies of elders are evident throughout several of the key books of the Old Testament,<sup>5</sup> in an era which witnessed the Israelites pass through a turbulent time in their political history. In introducing his study, Wolf notes:

In the Old Testament certain terms and relationships appear which suggest that democracy, in the broadest definition of the term... was prevalent in the earliest times and that vestiges of democratic procedures may be discerned in both political and religious concepts throughout the later periods of Israelite history.

(Wolf, 1947: 98)

These councils appear to have been convened for both religious and political purposes and held at the city gate or at the door of the tabernacle. As in Athens, the more elderly, experienced or gifted rhetoricians amongst them tended to be widely respected, and in consequence they dominated much of the proceedings. When deliberations came to a close, a proclamation was made that reiterated the key decisions and announced the people's consent. Later, during times of monarchy, such assemblies continued to wield 'at least strong advisory powers, if not full veto power, over the king' (Wolf, 1947: 104). Indeed the potential for despotism was kept in check by the people's assembly, and the actions of the king required the approval of a complex bureaucratic hierarchy of temple officials, prophets, priests, courtiers and, in some cases, the

entire body of citizens (Martin and Snell, 2005: 399–400; Schultz, 1981: 146; Wolf, 1947: 100–8). In fact ascension to the throne itself required neither blood lineage nor divine right, but the consent of the majority, which ‘had the power to reject any candidate for the kingship, even the heir apparent’ (Wolf, 1947: 105).

## Justice and the law

Returning to Athens, it is worth noting that another core element of its democracy was the notion of justice and equality before the law. To cite an example, the great orator Aeschines (397–322 BC) stated that ‘democratic cities are governed by the established laws’ and all citizens have the obligation ‘to obey the laws we have established and to punish those who do not obey them’ (Aeschines, 2001 [347 BC]: 1.4–6). Perhaps more succinctly, in Thucydides rendering of Pericles’ funeral speech, Pericles states that ‘everyone is equal before the law’ (Thucydides, 1972 [410 BC]: II.37). To ensure such equality and to mete out justice, the Athenians used the popular assembly which, for the fifth and the first half of the fourth century, also functioned as a court of law where complex cases were presided over, witnesses were brought to testify, criminals were tried and heavy sentences were dealt out. Indeed, when it came to serious offenses that might require the death penalty, all citizens had the right to trial in the assembly before they could be executed. However, during the first half of the fourth century, the Athenians had devised a separate judicial system, which tried most cases away from the assembly: after 362 BC, the latter no longer functioned as a court of law (Hansen, 1999 [1991]: 76, 158–9).

In terms of the rule of law in the ancient Middle East, it is instructive to turn to the extensive legal codes developed across the region in order to ensure that justice was served in cases as diverse as crime, slavery, agriculture, debts and loans, marriage, property rights, sexual offenses, theft and, of course, the important matter of goring oxen. In one such law code, that of Lipit-Ishtar, who ruled the city of Isin from 1934 to 1924 BC, the king demonstrated his concern for social justice by claiming at the beginning of the prologue that his laws are designed ‘to establish justice in the land, to eliminate cries for justice, to eradicate enmity and armed violence, to bring well-being to the lands of Sumer and Akkad’ (cited in Roth, 1997 [1995]: Epilogue I). Similarly, Hammurabi, the ‘King of Justice’, ruled the Babylonian empire from 1792 to 1750 BC and developed a set of 275–300 legal prescriptions, commonly referred to as ‘the Code of Hammurabi’. What is particularly

interesting about these laws is that they frequently make reference to an assembly of judges who preside over complicated legal issues, interpreting the law and applying it to difficult situations. Indicating the importance of the judges and of the judicial assembly, the first four laws concern the penalty for giving false testimony before the assembly, which in many cases was death. The fifth law states that,

[i]f a judge renders a judgement, gives a verdict, or deposits a sealed opinion, after which he reverses his judgement, they shall charge and convict the judge of having reversed the judgement which he rendered and he shall give twelve-fold the claim of that judgement; moreover, they shall unseat him from his judgeship in the assembly, and he shall never again sit in judgement with the judges.

(cited in Roth, 1997 [1995]: Law 5.6–30)<sup>6</sup>

However, comparisons between classical Greece and ancient Babylon in terms of legal codes and equality before them do not end with Hammurabi. In addition to delegating judicial duty to mayors, elders and judges, later Babylonian kings also advocated a system in which an assembly would be summoned to try the more important and complex civil and criminal cases. Such assemblies, like those of Athens, had the power to issue the death sentence. As Jacobsen points out, this judicial system is democratic in nature, the major decisions over right and wrong, or life and death, being vested in the assembly, a forum open to the entire community of citizens (Jacobsen, 1970 [1943]: 159–63).

Ancient Egypt, too, was at times governed by a series of overlapping assemblies and councils, with a central government that included several different departments, such as the Treasury and the Ministry for Agriculture. At the head of this extensive bureaucracy was the Vizier, who ‘presided over important civil cases referred to him from lower courts; he dealt with questions of land tenure and the witnessing of wills; and he considered criminal cases requiring heavy sentences’ (Aldred, 1998: 196). However, even he was unable to bring new laws into effect without them being duly debated and deliberated upon across a variety of separate councils and assemblies. Beyond this, the various separate councils appear to have wielded considerable power over the day-to-day agricultural affairs of their individual regions. Interestingly, an individual citizen could appeal directly to the Vizier regarding decisions made by a council on rural affairs. The Vizier would then consult with the relevant officials and usually suspend the verdict, so that it could be reconsidered for a designated period of time, before the final

decision was put into action (Van den Boorn, 1988: 168–71). Although this was not democracy in the pure sense of the term, at the very least it indicates an egalitarian bureaucracy concerned with the citizens' rights, their equality before the law and the provision of avenues for due process and appeal.

## Voting and elections

Another way by which we commonly judge classical Athens to be democratic is through the various voting and elective mechanisms it employed in order to reach a final decision or to designate particular citizens to positions of power. When it came to issues concerning domestic or foreign policy, the Athenian assembly of the fifth century voted by a show of hands, but an exact count of the votes was never apparently undertaken. This changed in the fourth century, when the assembly was required to mimic the procedure of the People's Court and to vote by placing small discs of bronze in urns (Hansen, 1999 [1991]: 130, 147). Furthermore, the assembly elected a few key citizens to positions of power; the 500 or so Jurists and Legislators were selected by lot in the assembly, as were the few key magistrates who put themselves forward for important governmental posts. Finally, every citizen had more than a good chance of being chosen by lot for short-term positions, such as that of chairman, which was of great prominence, or that of a low-ranking support staff (Easton, 1970: 192–95). No matter what their station was, elected representatives had limited powers, were under intense public scrutiny and would remain in office for no longer than a year.

As has already been established, from the very earliest days of Mesopotamian civilization we have evidence that the citizens of the first city-states convened in assemblies. Emergency assemblies were often summoned when the security of the city-state was under threat, and they needed to elect a king. At times, they used remarkably complex voting mechanisms, such as kneeling or walking to the speaker to indicate approval, or sitting to indicate disapproval (Schemeil, 2000: 104). When a king was elected, he became the supreme leader of the people and was able to 'promulgate and carry into effect new law' (Jacobsen, 1970 [1943]: 158). However, the appointment was to be held for a limited term by each incumbent and expired when the pending emergency had been resolved. Later, in the extended kingdom of Ebla, around 2500 BC, we find that the king was elected by popular vote 'for a seven-year term and shared power with a council of elders' (Manglapus, 2004).

Then, after serving the first term, the incumbent was entitled to run for a second one or to retire on a state pension.

In terms of complex voting procedures, the example of the Assyrian merchant colony of Kanesh is particularly interesting. Rising to economic prominence from around 2000 to 1800 BC, Kanesh was governed by assemblies that were remarkably sophisticated and egalitarian, which suggests a 'liberal and democratic spirit among this small group of local dignitaries' (Evans, 1958: 114). Although they remained the subjects of the king and therefore subscribed to his law, the elders presided over many domestic issues, including political and judicial decision-making. In these assemblies advanced forms of voting were practised whereby the congregation would divide into three groups and each group would deliberate and vote independently before reconvening in a plenary where the final votes were counted (Larsen, 1976: 319–23; Schemel, 2000: 104). However, when the elders failed to agree, matters were brought before the full assembly – all the adult males – which also voted on the final decision.

## Rights and freedoms

Returning again to classical Athens, we find that a further cornerstone of its democracy was the personal freedom and unquestioned equality of all its citizens. For Aristotle, this was not only crucial for a democracy to flourish, but also implicitly related to the principles of justice and of the rule of law, on which Athenian democracy was predicated. Even though Aristotle clearly detests such equality, he is forced to concede that it provides the necessary conditions for the fulfilment of personal liberty (Aristotle, 1981 [350 BC]: 1291<sup>b</sup>30; 1317<sup>a</sup>40). For the Athenians, then, equality and liberty are two of the key defining features of a democracy, whereby citizens had an equal share in the political world and simultaneously retained the right to conduct their personal affairs according to their own interests and desires, so long as they did not contravene the law or infringe upon the liberty of others. One of the key aspects in which Athenian citizens were seen as free and equal was in their basic right to *isegoria*, 'freedom of speech' – the freedom to voice their concerns in front of their fellow citizens. While, as has already been argued, in an assembly of 6,000 it is quite unlikely that each citizen had the opportunity to practise this right regularly, the notion of *isegoria* also extended beyond the assembly and permitted the citizen freedom of speech in his everyday life.<sup>7</sup> However, the assembly could punish what it considered as dangerous ideas and it is worth pointing out that the

Athenians went against the very principles of *isegoria* in their trial and execution of the philosopher Socrates, who was found guilty of atheism and corrupting the minds of the young and sentenced to die by ingesting hemlock.<sup>8</sup>

On the issue of freedom and equality across ancient Mesopotamia, there are several pertinent examples. The first is an event which occurred during the first dynasty of Lagash, around 2500–2300 BC, when the people became embroiled in an early struggle against despotism. It appears as if the power of the throne had seduced the authorities of Lagash, who denied their citizens the basic political, social and economic freedoms and rights one generally expects from a free state. Corrupt judges had sided with the rulings of the elite and turned much private and temple land into state property. This created a ‘bitter struggle for power between the temple and the palace – the “church” and the “state” – with the citizens of Lagash taking the side of the temple’ (Kramer, 1963: 79). In Early Dynastic states such as Lagash, the temple community wielded enormous political power and ‘showed a strongly democratic character’ (Frankfort, 1978 [1948]: 221). In this instance, the temple generated collective political action against state-imposed corruption and oppressive systems of power, which led to the first recorded use of the word ‘freedom’. In the wake of such a struggle, Urukagina (king of Lagash around 2300 BC) established liberty as one of the main tenets of society, ‘meaning the removal of abuses of the oppressed and the restoration and safeguarding of their rights’ (Bailkey, 1967: 1231). He sought to establish the basic equality of all citizens by freeing the poor of their debts, by re-installing the collective and egalitarian policies of the temple, by renegotiating the rights of the citizen, by working to eradicate hunger and oppression and by returning the commandeered land to the people, all of which made Urukagina ‘the first known social reformer in history’ (p. 1221).

Ideals of liberty and equality were not limited to Lagash, however, and there is considerable evidence that the basic freedoms and rights of the citizen were held in high esteem across the ancient Middle East (Martin and Snell, 2005; Snell, 2001). In addition to this, the ancient Middle Easterners also valued freedom of speech. Throughout the Babylonian, Assyrian and Israelite assemblies, for example, each citizen had the right to express his opinion, while the participants openly pointed out the contradictions and inconsistencies in their opponents’ arguments. When each of the willing participants had been given a chance to state his case at least once, the proceedings ended before the debate became cyclical, emotional or counter-productive (Schemeil, 2000; Wolf, 1947).

In the later Assyrian colony of Kanesh, we know that such freedom of speech extended outwards, from the assembly to the private lives of the citizens where further discussion and debates concerning important social and political issues continued and loose alliances and pacts were made (Larsen, 1976: 161–70).

A later example, which is particularly demonstrative of ancient Middle Eastern concerns about the freedom and equality of citizens, can be seen during the foundation of the Persian Empire of the Achaemenids by Cyrus the Great. At that time an allegedly incompetent, cruel and unholy king known as Nabonidus ran the Neo-Babylonian Empire. ‘He continually did evil against his city’ by turning many of the free citizens of Babylon into slaves and forcing them to work against their will: ‘Daily, [without interruption], he [imposed] the corvée upon its inhabitants unrelentingly, ruining them all’ (cited in Cogan, 2003: II.124). However, when Cyrus conquered the city in 539 BC, perhaps without fighting a single battle, he was determined to re-establish the basic rights of the individual and to encourage both religious tolerance and personal freedom. Because of their former oppression, ‘[a]ll the people of Babylon, all the land of Sumer and Akkad... rejoiced at his kingship and their faces shone... amidst rejoicing and happiness’ (cited in Cogan, 2003: II.124). Indeed Cyrus was careful not to ‘permit anyone to frighten (the people of) [Sumer] and Akkad’; instead he set about returning the social justice and ‘welfare of the city of Babylon and all its sacred centres’ (cited in Cogan, 2003: II.124). As for the citizens of Babylon ‘upon whom he [Nabonidus] imposed a corvée which was not the god’s will and not befitting them’, Cyrus ‘relieved their weariness and freed them from their service’ (cited in Cogan, 2003: II.124).

### **Inclusion/Exclusion**

While we have thus far focused on the positive aspects of the Athenian democracy – such as its assemblies, its juridical system, its sophisticated elective practices and its fundamental beliefs in the ideas of freedom and equality – it is worth turning now to one of the more negative aspects: the exclusion of the majority of the people of Attica from the democratic process. Indeed citizenship itself was limited by five defining characteristics: age (adult), gender (male), ancestry (Athenian), military service (completed military training) and birth (free-born people only, not slaves or children of slaves). While it is true that, as Plato (429–347 BC) tells us, within this very restricted definition of citizenship anyone could attend the Assembly, ‘be he carpenter, smith or

cobbler, merchant or ship-owner, rich or poor, noble or low-born' (Plato, 1976 [380 BC]: 319d), any study of Athenian democracy must make reference to the fact that the majority of the population was excluded from the rights and privileges that came with citizenship. Apart from slaves, women and foreigners, others too would have been excluded, for instance people with a mental or physical disability that prevented them from completing military training. In addition, those with low levels of education or socio-economic status would have been excluded from citizenship either tacitly or directly; their opinions and arguments would have been easily dismissed by the well-educated and well-practised elite and, perhaps more to the point, until payment for attendance was introduced, they would not have had the luxury of leaving the fields or their trade in order to attend the courts or the public assemblies.

By contrast, the less formalized democratic practices of the ancient Middle East meant that very different ideas of citizenship and participation from those held later on in classical Athens were in place there. As in the Greek world, 'ordinary people' were permitted to attend the assembly, and one account stipulates that the participants could include manual laborers and common people, for instance a bird catcher, a potter, and an orchardist (Jacobsen, 1939). Beyond this, while the elder men or 'fathers' dominated much of the proceedings in ways analogous to those of practices at Athens, they were also much more open to suggestions from a wider range of participants, and in some instances 'women as well as men took part in decision-making' (Saggs, 2004: 30). For example, when the assemblies of the Babylonian or Assyrian Empires found it difficult to garner consensus, they extended rather than restricted the circle of participants, often involving commoners, teenagers and women (Schemeil, 2000: 104). In terms of defining citizenship, the Hammurabi Code, for example, distinguishes between people not on the basis of age, gender, ancestry or military service, but also on the basis of class. In this way, all individuals – young and old, women and men, foreigners and locals – fall into one of three classes: the free person, who is accorded the full rights and freedoms that come with citizenship and who plays an important role in the functioning of the state and its government; the commoner, who is not granted the same privileges but is encouraged to attend the assembly and whose opinion and vote are instrumental in determining questions of administration, governance and law; and the slave, who has virtually no rights and belongs to the free person, the commoner or the palace. Therefore, in ancient Babylon, it was only the slave who remained marginalized by the state.

## Conclusion

The assertion that the classical Greeks were the sole democrats of the ancient world has achieved the status of received wisdom because it is premised on several overlapping and apparently mutually confirming factors. Firstly, we have a handful of surviving texts from Greece which discuss democracy. It must be remembered, however, that none of these texts explicitly detail the procedures and principles of Athenian democracy, that most of them are decidedly anti-democratic in tone, and that they are written by concerned elitists, who in fact propose alternative models of governance. We also tend to believe that the Greeks invented democracy because that is what they themselves believed. However, we must be cautious about such assertions, particularly given that they are underpinned by racial stereotypes about non-Greeks and by an understandable lack of knowledge, on the part of ancient Greeks, about the complex political history of the Orient. Perhaps more disconcerting is the fact that we have also, and for too long, held faith in the 'Athenian Revolution' – because, at the time when democracy was being born anew in Europe and the United States in the late eighteenth century, Westerners had no knowledge of the Epic of Gilgamesh, the Laws of Hammurabi, or the Declaration of Cyrus. Indeed it is quite conceivable that our entire perspective on the origins of democracy has been shaped in part by Euro-centrism and in part by the fact that certain Greek sources were readily available in Europe at a time when the Middle Eastern ones were obscured as a result of the extinction of languages and under the hardened dirt of time. One is left to wonder how different the history and the discourse of democracy would be today if texts relating to the political landscape of ancient Middle Eastern city-states and empires had arrived to modern Europe before those concerned with classical Athens.<sup>9</sup>

The above comparison between the democracy of classical Athens and the regimes of the ancient Middle East serves as a corrective to the notion that only the Greeks invented and practised democracy. In the interest of scrutinizing the traditional history of democracy, the examples of the ancient Middle East can be seen as something of a 'secret' history, one that has been mostly marginalized, if not completely excluded from standard accounts. This alternative history reveals that examples from the ancient Middle East rival classical Athens in terms of its lively and egalitarian assemblies, its legal framework premised on notions of justice, its complex voting mechanisms, its ideals of personal

freedom and its nuanced definitions of citizenship and participation. The point here is not to dismiss the achievements of ancient Athens, nor to 'prove' once and for all that the ancient Middle Easterners 'invented' democracy, or that they were more democratic in nature or in practice than the Athenians. Indeed such assertions would directly contradict the impetus of this volume, which is concerned with discussing alternative histories and stories and with asking probing questions about the complex origins of democracy. Instead, this chapter asserts that, by conducting genuine comparisons between the ancient Middle East and classical Athens, we might move beyond frameworks of 'primitive democracy', to view instead ancient Middle Eastern democracies as powerful precursors to the important legacy left behind by the Greeks. The intention is to stimulate discussion by moving beyond linear and restrictive histories, towards a more kaleidoscopic picture of democracy, its history and its relevance today.

## Notes

1. It should be pointed out here that there have also been several scholarly attempts to deny that democracy existed in Athens at all. For example, Lionel Pearson argued that until the death of Pericles in 429 BC, the *demos* controlled only domestic policy, while more important issues concerning foreign policy were dealt with by the board of ten generals. Following the death of Pericles, the Athenians attempted to deal with foreign policy but this saw the state descend into anarchy (Pearson, 1937). Others have simply argued, as will be discussed later in this chapter, that Athens was governed by a ruling elite who only occasionally sought the approval of the masses (Laix, 1973; Larsen, 1954; Perlman, 1963, 1967).
2. For a discussion of the broad array of intersecting disciplines that are dedicated to Grecian democracy see the recent work of Josiah Ober (Ober, 2008).
3. Take for example a recent article by an otherwise fine scholar of ancient Greece, David Pritchard, who not only insists that the Greeks invented democracy but argues that any attempt to attribute similar governmental models to the Levant or Mesopotamia founder for lack of evidence, evidence which Pritchard neglects to engage with, even to refute (Pritchard, 2007).
4. The best description of the Assembly of Classical Athens is found in Aristotle's *The Athenian Constitution* (Aristotle, 1984 [332 BC]: 43.3–6, p. 90).
5. Including 'Joshua', 'Judges', 'Samuel I' and 'II', and 'Kings I' and 'II'.
6. There are in fact many laws within the Code of Hammurabi that concern the role of the judges in trying cases of civil law (cited in Roth, 1997 [1995]: law 9, pp. 82–3; 13, 84; 168, 113; 172, 114–15; 177, 116).
7. On the issue of private freedom and its impact on relations between Athenians, Pericles remarked 'And, just as our political life is free and open,

so is our day-to-day life in our relations with each other' (Pericles cited in Thucydides, 1972 [410 BC]: 2.37, p. 145).

8. We have several surviving accounts of the trial of Socrates, perhaps the best of which is found in the writing of Plato and Xenophon (Plato, 1892 [387]; Xenophon, 1897 [380]).
9. One is also left to wonder how much more of the ancient Middle Eastern story of democracy remains buried under the ground or, more devastatingly, has been destroyed or smuggled out of the Middle East in recent years, particularly since the invasion of Iraq in 2003.

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