

Democracy before Democracy?

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ABSTRACT. Was democracy invented by the Greeks to replace the anarchy and impérial rule characteristic of earlier Near Eastern societies? Although what was explicitly borrowed from antiquity by modern political thinkers looks Athenian, there was democracy before the *polis*. Egyptian and Mesopotamian politics relied on public debate and detailed voting procedures; countless assemblies convened at the thresholds of public buildings or city gates; disputed trials were submitted to superior courts; countervailing powers reminded leaders that justice was their responsibility. This was not full democracy, but the Greek version was not perfect either. In this article, “archeopolitics” is used to contrast this efficient form of pluralistic régime (“hypodemocracy”) with truly egalitarian ones (“hyperdemocracies”) and group interests’ polyarchies.

Key words: Ancient Egyptian/Mesopotamian politics • Athenian politics • Hypo- and hyper-democracy • Polyarchy

Introduction

Historians of political thought usually take for granted a chronology of their discipline that starts with Athena. Although “politics and the bible” is an académie issue for a small group of American political scientists, the great distinction made by Erik Voegelin between “compact” and “differentiated” civilizations has been much debated in the scientific community (Voegelin, 1956).¹ Then S.N. Eisenstadt popularized Voegelin’s intellectual breakthrough in what appeared to be a rewording of Karl Jasper’s concept of “axial societies” (Eisenstadt, 1986).

Subsequently, Martin Bernal’s *Black Athena* was an important, well documented — and splendid attempt to reach the point where the river of political ideas branched off, giving birth to an “Oriental” and a “Western” philosophy (Bernai, 1987). However, this research was too far-reaching. Greece’s roots were now traced to Africa, whose semiotic and spiritual inventions had been channelled to the Aegean Sea by Egyptian boats. Then, Patricia Springborg explained how the

matriarchal principle of ancient Near Eastern civilizations became patriarchal in pharaonic times (Springborg, 1990a, b).

Despite differences in style, sources, and goals, such theses converge by drawing a sharp distinction between “before” and “after” — before and after Narmer, who supposedly unified Upper and Lower Egypt; Sargon who brought Akkadians and Sumerians to the same Mesopotamian state; Joseph, the vizir who allegedly organized pharaonic administration; King Akhenaten, who may have discovered monotheism; Queen Hatshepsut, who delegitimated women’s rule because she was depicted as a man; and before and after Cleisthenes, Solon, and Socrates. An account of these distinctions as truly different from oppositions formerly made in religious texts (there is a before and after Christ, Buddha and Muhammad) is worth brief discussion. “Before” the world was drowned in the primeval ocean and the planet looked like an amniotic sphere. The divinity still lived upon earth alongside human beings, wild animals, and dangerous monsters or mischievous devils. There was no Augustinian separation between the mundane city and the heavenly one, no social classes or political hierarchy, no distinction between good and evil. “After,” when human beings were left to themselves they became able or compelled to invent politics and adopted more or less democratic procedures. Our world was ready for a pacific devolution of power to male citizens, who considered themselves to be excellent trustees of a much larger and dominated population. Politics appeared to be immanent, religion was limited to transcendency. Both were served by ordinary people acting on a temporary basis as clerics or priests, simultaneously apart from the mass and also still part of it. Eternal gods and full-time professionals were no longer — or not yet — in charge of the common good.

The problem raised by such analyses is their close relation to whatever history is included in mythic scripts, prophetic speeches, and religious books. Western scientists often have a hermeneutical bias which merely replicates spiritual or ideological norms under the more secular guise of political theories and scientific assessments. Hence, we mistake ancient people’s beliefs for reality. We feel legitimated in taking their own interpretations of history as if they were historical truths because ancient texts appear to have been so elegantly and convincingly deciphered by outstanding modern scholars.

Remedies may be found for these shortcomings. First, we can use other materials than texts, or deal with them as materials and not as pseudo-texts: architectural plans, pottery flakes, fashionable clothes, gifts and other artefacts, lifestyles and styles of cooking sometimes say more about the common mind than literature, provided they are not mistaken for intentional or unconscious “speeches” written in a non linguistic code (Gibson, 1988). Second, we can get rid of our prejudices and avoid looking for “agoras” if “gates” are the locations of deliberative bodies (Van den Boorn, 1985: 6—14). It is not worth searching for political parties if economic corporations or social communities play the same role (Larsen, 1976), if supporters in courts or on executive boards transform judiciary trials or financial management into political competitions (Wente, 1990: 56).

Conversely, the fact that we ignore how much Greek philosophers inherited their civic “inventions” from their Oriental predecessors may have another cause. We do not owe our political institutions and values to well-intentioned Orientalists who tried to find out how a series of successive ruptures with a pagan and archaic world led to the “Greek miracle” but to “enlightened” Western thinkers who designed these institutions and values according to their own ideal view of Greek (or Roman) norms and practices (Vidal-Naquet, 1990; Finley, 1976).² Their deep

ignorance of Athenian realities — not to mention the much less known Spartan, Argian, or Corinthian political processes — led them to take for granted Plato, Aristotle, and Thucydides' intellectual assessments. Reading Mogens Hansen's seminal work on Athenian politics does not vindicate those who claim to be the heirs of Greek legacy. The latter had not the faintest idea of what politics was during the third century BC, with its profusion of nepotism, clientelism, personalization of power, sycophants, parasites, and foreign speechwriters selling their rhetorical and juridical skills in assemblies and tribunals (Hansen, 1991/1993: 230-231). This was a time when political leaders managed to stay in office for as long as twenty-five years. It was also a period of playing gods against tribes, fate against kinship — according to Christian Meier, an obsessive theme of great tragedies, which are more informative about democracy and the rule of law than political treatises and so-called “constitutions” (Meier, 1991; Euben, 1986). Greece was not “compact” but was not uniform either; Greek politics was made up of differentiated tribal, rural and urban strata (Baechler, 1985: 441-452).³ It became rationalized in political thought, not in history.

This is not the place to show how adopting a different epistemological stance, focusing on different periods of time, and drawing inferences from other kinds of sources make us doubt the bimodal pattern I have tried to present. Suffice it to say that the methodological principles listed above, when applied to Egypt and Mesopotamia from the sixth millennium to the sixth century BC, are conducive to a kind of “archeopolitics” of ancient civilizations, a sort of political anthropology of archaic societies from which we can expect new insights into our own world (Schemeil, 1999). I shall give below examples of what might be seen when we look at history with the idea that — at least in the Euromediterranean area — there always had been democratic procedures and values before the Western world achieved a full-fledged conception of democracy.⁴

In order to compare Near Eastern and Western conceptions of democracy I shall proceed in two stages. First, I will show that classical democracy was hyperdemocratic — too much democracy sometimes kills it. Consequently, it had to be adapted to modern needs; what we call democracy thus looks more “Oriental” than classical. Next, I assess the democratic potential of hypodemocracy — a regime in which fully democratic institutions and procedures, norms and values are less important than social and political commitments to the rule of fairness, if not always to the rule of law.

From Hyperdemocracy to Polyarchy

Robert Dahl coined the word “polyarchy” to describe a “historically unique” representative government “that had never existed. . .since the inauguration of ‘democracy’ in Athens and a ‘republic’ in Rome.” Although the scope and scale of democracy were enhanced by this regime, it is still possible to make “actual democracy” more inclusive or more egalitarian in the future in order to “finish its journey” and achieve the goals of an “ideal democracy” as implemented in “participatory democracy” (Dahl, 1982, 1998: 90; Dunn, 1992, on “democracy’s unfinished journey”).

What I call “hyperdemocracy” is what is beyond polyarchy: a political dream where *all* characteristics in a democratic regime not only exist but are close to perfection. Free competition and free deliberation lead to rational consensus; unanimous decisions are often the outcome of strong belief in a common sense truth that bypasses political cleavages. All citizens express their views directly and equally;

if representatives must be selected for various reasons, casting lots is preferred to ballots. In both cases, procedures are complex enough to deter potential cheating, and measures such as ostracism, well known in Greece, limit ambitions to political careers.⁵ The executive, legislatures and judiciary are split up into several bodies (the two Lacedemonian kings, the numerous Athenian courts, the superposition of councils such as *boule*, *ekklesia*, the prytans, the ephors, etc.). Since there is no bureaucracy, the city is administered at the expense of efficiency.⁶

Such demands are *excessively* democratic. They even turn out to be self-contradictory as in Rousseau and Harrington's descriptions of the political process, which include mechanisms to prevent discussion before voting and decision-making — for fear of bargaining and compromise — as happened in republican Rome, according to Moses Finley (Finley, 1983: 85—88). Moreover, since in democracy political mandates and public functions have *time* limits (as shown by Adam Przeworsky, 1989), deliberation, when it exists, is strictly limited to short periods, especially when electoral campaigns take place between sunrise and sunset, and when political offices last no more than a year, so that checking accountability takes more time than do periods of duty.

The Athenian Disease⁷ and the Decline of Democracy

So much caution and attention to detail are only the external expressions of an inner defiance of political power observed in most societies. Its incumbents allegedly threaten ordinary citizens, who expect benign neglect. Traps, riddles, and puzzles precede public decisions. Eventually, rules and laws, financial and military decisions are no longer the regular outcome of a rational process of deliberation and decision. Like polling procedures, they depend on mere chance. Christian Meier reminds us that great Athenian tragedians annually distinguished by public awards during the Bacchanales could be selected by a minority of a jury. That happened because of a two-staged procedure designed to prevent any attempt to buy votes. Members of the commission were selected by lots, but so were their own ballots — out of ten voters, six supporting Sophocles and four Euripides, the six ballots selected by lot for the final count might well include more preferences for the latter than for the former! (Meier, 1991: 74-76; Euben, 1986).

Other democratic loopholes included the professionalization of speakers known in Athens as *rhetores*, most of them “graduates” of Isocrates’ or Plato’s schools and trained in *symboliticos logos* (deliberative speech), among whom men over 50 had the privilege of speaking first (Hansen, 1991/1993: chap. 6). The hidden side of the public debate was the hiring of salaried “secretaries” (*grammateis*) who offered their services to whoever was on duty or wanted to propose a motion in the assembly. The obnoxious counterparts of the noble speakers were the *sykophantes*, a group of people who abused their political rights for financial motives: they could denounce any *rhetor* who proposed a motion in the *ekklesia* (the process was officially known as *eisangelia*, exemplified by 130 cases between 492 and 322 BC; *ibid*, chap. 8) moved by jealousy, hatred, or personal interest, then harassed judges or defenders in the courts, acting sometimes as proxies for rich people. One would have been very motivated to join the citizens who swore an oath to the city in the hope of being selected daily or yearly to be in charge for short terms with little authority, with the prospect of being lambasted before or after leaving office (through hearings and accounting procedures known as *dokimasia*). Eventually, people would be paid (*misthos*) to stop working and to attend outdoor meetings where many speakers could not be heard or understood, either for lack of space in the auditorium or because background information about the cases discussed and prepared

(*probouleuma*) by a smaller council of more respected magistrates (*boule*) was missing (ibid.; Finley, 1983). The same was true in Rome, where citizens turned to divination to postpone decisions and eventually prohibited assembly meetings on market days in order to reduce attendance (Finley, 1983: 87).

The rationale for such restrictions is clear: multiplying assemblies dilutes power. Nobody could ever know who would attend an assembly meeting, who would be appointed to a jury or chair it. No one would have time to organize parties of supporters (although there are examples of gangs invading courts to impress the jurors), or opportunities to confront opponents' or accusers' arguments (addressing them directly was forbidden). No magistrate would impose his will during his short mandate since any protester could be in office the next year or the next day. This situation is close to the so-called tyranny of the majority. Besides, there were many exceptions to the ideal, and these increased as time passed. Military affairs were the first to be entrusted to competent elected persons who could be reelected (the *strategoï*), followed by financial matters. Laws attributed to the founding fathers (such as Cleisthenes) were collected by a special body of people (the *nomothetai*) and citizens saw their competence in the *ekklesia* limited to decrees and individual or singular measures (Hansen, 1991/1993, chap. 7).

Compared to institutions and procedures of the *polls*, Oriental states seem more consistent and much less manipulated. Above all, they are closer to our own interpretation of what politics was in the classical age.

Contradictory Public Debate in the Ancient Near East

Egyptians or Mesopotamians who took part in public debate knew before sitting in an assembly that its chair was determined to obtain a frustrating compromise. They also knew that politics was specialized and involved particular skills which had to be learned at school. An experienced leader was committed to a general rule of self-restraint which forbade winners to humiliate defeated rivals. Such persons did not waste their time defending lost causes for the sake of showing loyalty to a group. Their speeches would have been short and to the point, trying to convince their audience by impersonal arguments so that no member of the assembly would take it as applying to them. In societies which relied on political experimentation accumulated for centuries and even millennia before the birth of Persian, Macedonian, or Hellenistic conceptions of politics, some tactics seemed more rational than others, less influenced by fashionable ideas or contemporary moral trends (Bottero and Kramer, 1989; Derchain, 1989; Elster, 1994, 1998).

That is more true when the main goal of public debate, according to political theory, is to limit the number of dissenters more often than to maximize the number of supporters. Sometimes a majority of people are not deceived enough by a proposal submitted to collective decisions to oppose it persistently (Rescher, 1993: 98ff.). If Mesopotamian and Egyptian speakers had not been deeply committed to this ideal, why would they have relied on rational and debatable arguments rather than on more compulsory religious or traditional precepts? Why should kings argue rather than impose their views on their courtiers and subjects? Ignoring our modern definitions of "pragmatic pluralism" and "rational preferentialism" (ibid: 114ff.), Mesopotamians and Egyptians knew that consistent opinions and general postulates adapted to particular problems had to be so phrased as to accommodate a range of personal preferences which differed from each other to the extent that existential experiences of assembly members varied.

That is why general elections and political parties were not required in the Ancient Orient. Elections and majority rules were usual in assemblies, not assessments of political weight of a defeated proposal or person according to the exact number of votes accruing to them. We can understand ancient peoples' feelings if we look at American elections: in some communities, results sometimes single out winners without mentioning their percentage of votes because of the fear that the loser will be publicly humiliated — a problem unknown in classical Greece, where “success” depended on the will of the gods. Actually, in contemporary democracies losers want everyone to learn by what margin they have been defeated, whereas in Western Asian political systems the winner never took all.

Here lies the main motivation for allowing people to express their views without deadlines: minorities have more time to make their opinions understood by majorities, which in turn allows the balance of power to change. The Sumerian story of the Flood mentions a council of gods convening seven times before it too, measures against humanity; the Egyptian version shows Re consulting his Ennead before drowning mankind under the Nile. Historical documents describe assemblies of citizens deliberating for days, each session including new members. When Mesopotamian elders were unable to agree, they opened their assembly to junior aristocrats and commoners; if necessary, they also invited women and teenagers to have their say in the final decision. Assyrian traders in Anatolia dealt with dissenting opinions in a similar way — their assembly divided into three groups which deliberated and voted separately before holding a last plenary session where majority ballots were added up with great sophistication (Larsen, 1976: 28, 319-323).

At each stage, people *stood up* and contradicted opponents with rare sincerity whenever they could point out inconsistency in justifications (such as destroying human beings although they had been created to alleviate the gods' burden and to allow them to make a living in politics). Assembly members voted by motions *{kneeling*, or walking to the speaker, to approve; *sitting*, to disapprove (Cassin, 1973: 114; Jacobsen, 1943: 401, n24; Larsen, 1976: 323). Majority votes were often sought and reached, but it was always possible that minority views would raise the problem again if its legal solution was a failure. Sometimes the chair had the formidable privilege of ending discussions. His verdict (“Let it be!”) was, nevertheless, a way of counting votes since he never made any decision before reaching the point in a debate where every participant had had a chance to address the problem at least once, and arguments became irrational, redundant, or personal (Jacobsen, 1943, 1957; Evans, 1958). This was closer to a process of mutual adjustment based on trust, reciprocity, and rational choice than to a system relying on central coordination through an authoritarian allocation of values. Egypt is the best illustration of this kind of decision-making process. Although it is sometimes mistakenly thought of as the very example of a centralized state, it was actually ruled by a pyramid of councils. The ultimate decision-maker — either the cabinet or the supreme court — convened on the palace stairs, a place where all opinions expressed by courtiers, civil servants, and members of the king's inner circle, all of whom met separately at the building's four corners, could be easily conveyed and explained to the Pharaoh. He or she then had only to justify and legitimize what seemed to be the general will in a speech wisely enumerating for the people waiting outside the motivations of the royal decree (Derchain, 1992; Moreno Garcia, 1997). Such decrees did not concern only civilian matters — military campaigns were also full of lively debates on strategy, which sometimes resulted in the amendment of a royal view, as in Tuthmosis III's and Rameses II's expeditions to Syria.

Lessons can be drawn from the way Egyptians and Mesopotamians multiplied councils and assemblies of all sorts. First, if democracy is a sort of “government by discussion” (Manin, 1995: 234ff.), these councils were more democratic than many modern political regimes and certainly as democratic as the Greek *polls*. Ancient Egyptians and Mesopotamians were very talkative, free to say whatever they had on their minds (sometimes prompting the leader’s anger, to no avail since speakers had legal immunity). They were eager to fight endless judicial or political battles. Second, the distinction between the represented and representatives, amateurs and professionals, was justified and organized by peoples who never pretended and never sought to live in a participatory democracy (although the Greek reality was quite different from the Aristotelian ideal).⁸ The constraints of government explained why a particular class of people had to devote time to make collective decisions and evaluate public policies, learn esoteric sciences (among which reading was not the easiest), accumulate relevant skills, and replicate on earth a distinction that existed in the nether world. However, channels also existed between Heaven and Earth, private and public spheres, masses and elites, slaves and freemen, citizens and non-citizens, which was a major difference from Greece, where the boundary between those who had power or property and those who were deprived of both was very difficult to cross (Finley, 1983).⁹

Compared to our democratic regimes, Egyptian and Mesopotamian states score surprisingly well. Suppose democracy is not the royal way to find a rational truth allegedly discovered after never-ending deliberation but instead relies on accommodating dissenting opinions (Manin, 1995: 234-245). Suppose also that voting is a mere device for ending debate arbitrarily, even in the absence of informed and well thought out individual choice. Then it is rational to let assemblymen (less often assemblywomen, although in the ancient Near East they could share in decision-making where Greek women could not) debate as long as required in order to reach a turning point where repetitive arguments would make dissenters or the undecided first, personally humiliated second, increasingly defiant towards a “democracy” doomed to fail because of secret pre-arrangements between elites. Arguing might even be a cruel experience for junior members or newly admitted members of the democratic club because they unavoidably would speak too much, exposing themselves to pity or ridicule. Participants determined to make every effort possible to win others to their cause are protected against their will by a mechanism combining mutual adjustment with an arbiter (for example, a chairman, a king).

What is of most importance for democracy is not a final vote but a set of intelligible justifications for each decision. Such rationalizations constitute a stock of precedents which enable discussions to recur from one session to the next, providing for likely improvements in decisions and consequently enhancing their support. Obviously, writing down and making plain every motivation to propose a motion is easier when deliberative members share sociological or biographical attributes as well as political or technical experiences (Majone, 1994). This is where comparisons between the ancient Near East and the Western world are enlightening. In the biblical world and in post-materialist democracies, many salient issues are solved by a few “experts” whose proceedings are concealed to the public. The vision of public measures as the regular outcome of electoral campaigns which select public debaters for deliberative assemblies is less and less realistic. It is still relevant when experts are chosen by a majority, when issues are zero-sum games, when traditional competition is the last resort of dissenting committees, juries, or courts unable to find consensus. Does this institutional

framework differ much from the progressive increase in the number of assembly members of lower and lower social rank as in Oriental civilizations? In a world where economic wealth could be increased by continuous expansion of settlements and long distance trade, decisions were more often distributive than redistributive. According to Giandomenico Majone this was a case where experts could make better decisions than representatives (Majone, 1996).

Moreover, consensual decisions are not the ideal goal of public debate. According to Nicholas Rescher, Western philosophers agreed on the necessity of consensus in matters of moral or religious convictions (what he describes as “metaphysical”), limiting majority rule to “physical” problems (that is, economic issues). Any individual could veto collective decisions raising problems of identity and membership¹⁰: if there is any agreement in matters of creed, it relies on declared “authority.” Conversely, in matters of fact, “truth” can be proven (and refuted as the pace of scientific and economic growth quickens). Such a philosophy seems grounded when one looks at ordinary people’s beliefs; empirical research shows that there is a general preference for consensus because it alleviates the psychological and social costs of debate — there are times when we prefer to remain silent, particularly when we are not supported by at least one other participant in a discussion. However, the consensus on the necessity of consensus is misleading. Except for the social benefit of keeping a low profile in matters that raise strong disagreements, what is the intellectual benefit of discussion when dissenting opinions are concealed or, worse, suppressed? What sort of legitimacy is attached to collective decisions when sound arguments have no chance of being heard by infuriated participants? How can they change their minds after discussion has started if nobody is able to challenge their views? Allowing debates to last and involving new participants is a rational means of overcoming these obstacles. Time provides opportunities to discover sources of disagreement, to find courage to dissent, to seek support, or to rethink before reconvening. New members bring a fresh view and make space in which to test new agreements before they crystallize.

A question must be raised before giving such a certificate of democratic excellence to ancient Oriental polities: does the alleged fusion between this world and the nether world change the picture? If, for God’s (or the gods’) sake, dissenters were committed to unanimity, for example, they might substitute a religious truth with a scientific one and regulate polities according to their desire for social harmony; they would try to achieve heaven in the present — a heaven without politics — instead of postponing general reconciliation to Judgment Day. This “phantasm” of unity (of the political body, of mundane politics and heavenly democracy) is at the root of authoritarian regimes. There power is in the hands of ideological or religious priests desperately striving to make life perfect on earth, whereas all religious messages stress imperfection as the real meaning of this world (Colas, 1991/1997). If this were true of ancient Near Eastern polities, whatever the number and inclusiveness of their assemblies, participants would unavoidably try to promote unity at the cost of liberty. Even in the absence of an authoritarian king they would be despotic enough to stifle personal opinion and civil society.¹¹

But that is not true. First, people could not obtain collective access to heaven: elaborate tombs paved the way to the nether world for those who individually deserved it. Second, the two universes were clearly separated, although symmetrical and linked by an invisible *ombolos* (Eliade, 1991: 33—49). Egyptian pyramids and Mesopotamian ziggurats were not like the Tower of Babel; however high and impressive, these kingly domains did not allow whole populations to reach the sky. Only those who made a living in politics — the king and his courtiers — could hope for a lift to the stars (Lehner, 1985), although each soul had to travel

on its own. Pyramids were scales between the two or three parallel valleys (the Nile, Euphrates, or Tigris at this end; their infernal or celestial replicas beneath or above them at the other). Only individuals could climb them to meet their personal fate, helped on their way by good angels or sanctified predecessors while trying to solve the devil's and sphinx's riddles.¹² On both criteria, ancient Easterners differed from fanatics: first, parallel worlds never met; second, mediators and sacred images were not destroyed by iconoclasts (Colas, 1991/1997). There is no documented instance where public debate seems to have been inspired by religious considerations, although they did play a great role in legitimizing public decisions. There was no "religious party" and discussions were pragmatic. Free speech meant not only freedom to express one's views in public, but also liberty to endorse any opinion, even a blasphemous one (for example, doubts about God's existence and fairness, and human immortality), unlike in classical democracies.¹³

Lots, elite circulation, consensus, unanimity, and divine help are arrogant devices that kill democracy by excess of democratic virtue. Designed to turn concrete collective decisions into the hypothetical common will, they are full of *hubris*, an evil condemned everywhere in the ancient world, where it was feared as a curse.¹⁴ Actually, they miss their most democratic goal: helping leaders to limit their own power, to listen to critics, and to have self-restraint.

Competitive Elections and Realistic Democracy

Scepticism about the nature of Oriental democracy is nurtured by the absence of electoral campaigns.¹⁵ Up to this point, I have shown that in the ancient Orient lively public debate directly opposing assembly members preceded decisions. I shall now address the question of who the deciders were and how they were selected. Were they legitimate "representatives" self-proclaimed experts, or appointed agents?

Two recruitment systems existed in the ancient Near East: family heads or tribal chiefs held customary powers in their camps, villages, or cities; civil servants were selected by competitive examinations among those who could read. These systems made it possible to have the best of two worlds. On the one hand, exhibiting clan divisions was the price to pay to preserve kinship solidarity: each representative reflected closely the corporate view of his or her siblings in the political body where *community* affairs were discussed and unanimously settled. On the other hand, experts of all kinds and at all levels were selected for personal skills, which allowed for social mobility and "impartial" arguments rather than bargaining because the talent for rational generalizations of persons related to the state was their primary advantage over people related to each other by blood. The two structures were delicately intertwined and mutual control was the rule, with some exceptions.

Tribal ascendancy allowed elite circulation by immigration of non-nationals (such as Libyans, Syrians, or Ethiopians, to Egypt; Elamites, Chaldeans, Arameans, to Mesopotamia) who gained the highest positions (chiefs of staff, supreme judges, or high priests, and even vizirs, but also heads of state). Public fellowships reached the same goal by helping brilliant pupils and students to become "scribes," a category useful for all positions in a state, either secular or religious, civilian or military. Immunities and career opportunities were necessary counterparts to their duties; royal or municipal endowments rewarded prowess and loyalty with land, a workforce, tombs, and nobility titles (Assmann, 1989; Kruchten, 1989).

A successful political career did not rely on ethnic origins or social class but on personal capacity, becoming a collective capacity with waves of naturalization (without war) or democratization (without revolution). Citizens enjoyed privilege and esteem, rent, salaries, or offerings, protection against need and greed. In some cities, they paid no taxes and did not serve in the army. In others, they made donations and fought using their own equipment when necessary (as Greek hoplites did). Whatever the content and meaning of their privileges they were proud of a status which gave them reliability in their dealings with social and political partners. As Roman citizens, according to neo-Roman Italian and British thinkers of the Renaissance (Skinner, 1998: 1—57), contributing to the glory of the polity was for the peoples of the ancient Orient the sole means of defending freedom. Citizens had to display *virtu* and account for their behaviour in this world as well as in the other.

Some citizens represented their actual constituency as characters painted by a figurative artist are “representative” of reality. Others were representatives of a virtual constituency: the group of social climbers and political careerists whose opinions they expressed to decision-makers, as deputies informing ministers about the mood of their electors. Finally, there were leaders who specialized in playing roles on the public scene and impersonating “the eloquent peasant,” “the deprived nobleman,” “the misunderstood devotee,” “the poor man” in a rich city. Specialized and distinguished but still rooted in their own history, they fulfilled a major function of democracy by simulating conflicts which otherwise would have become civil wars. Those who selected them as their “representatives” stressed their loyalty to a group, not their capacity for making rational choices. Following Pizzorno (1985), I see in their attachments a very modern sign of democracy (as a substitute for civil war) rather than a bias towards classical democracy (as an aggregation of individual preferences). Even without periodic electoral contests, it was possible to discredit someone as a true representative of a category or corporate interest, ousting him immediately from a political position. That could occur in the street, or through strikes, protests, and demonstrations, all well documented in Egypt and Mesopotamia. It is worth noting that contentious politics is one of the two modern components of public judgement in a democracy, according to Bernard Manin (1995). In our own societies there are many examples of defiance towards representatives. Most rank and file democrats refuse independent judgement, although it is praised by modern democratic theorists. Peasant protesters in western France forbid declarations of candidacy to union lists, in order to put ordinary competitors and strong personalities (eloquent or rich farmers and experienced unionists) on an equal footing. In so doing, they hope to prevent election of the most politically influential and socially distant from the majority (Duclos, 1998). In the Green parties of Western Europe, leaders are constantly scrutinized and condemned to low profile, political careers doomed by complicated procedures sanctioning individualism (in Britain, Green Party members when elected to a town council must resign at mid-term even if the position is lost for the party just as they begin to be proficient in public management; in France, representatives in the “Green Parliament” must leave their positions before completing their term to the person immediately following them on the list) (Faucher, 1999).

Moreover, elections do not play the role set for them by eighteenth century political thinkers, who dreamed of a participatory regime. On the contrary, polls make explicit mass consent to the rule of the elected few — a revisitation of the famous medieval *Quod omnes tangit* principle (Manin, 1995: 117—119). For several years they endow representatives with actual power whereas “we, the people” remain sovereign — perhaps the first meaning of the principle of separation of power (Sartori, 1987).

It is worth mentioning here that elections come chronologically after the rule of law and due process in distinguishing democracies from authoritarian regimes. The reason is that democratic elections require tolerance and that tolerance has to be organized and crystallized by a text. There are authoritarian regimes with elections but no real electoral campaigns, their public debates being too often subject to self imposed if not public censorship (as in Russia) and gregarious behaviour being the rule. Authoritarian constitutions (see the former Soviet Union) normally precede rather than follow free elections and the bureaucrats who administer these constitutions hesitate between refusing to apply the constitutional texts and following the letter of the law with excessive formalism (when interpreting it with some leeway would be required by a liberal creed or a humanistic point of view). Constitutions play a greater role than do elections in protecting individuals or communities, partly because elections themselves must be organized by a founding charter, partly because constitutional texts are not affected by unpredictable electoral changes and populist waves. Hence, people take the rules of the game for granted and make plans for the foreseeable future and beyond. Good constitutions, not elections, protect minorities — political opponents as well as autochthonous, ethnic or cultural groups. This is what a polyarchy stands for: a plurality of groups successively vying for power in decision-making processes and unable to control every decision. Since there is no such a thing as a free lunch they must redistribute wealth according to the amount of power given to them by ordinary citizens (the monopoly of constitutional interpretation is particularly costly and must be repaid).

Finally, our models of democratic virtue (classical Greeks and Republican Romans) avoided elections as much as possible. Athenians preferred selection by lots; Romans divided up the electorate and adopted a voting procedure beneficial to the establishment — voting first, the “cornice centuriate” passed on the trend to those who followed. What seemed of major importance to the ancients was distributing power among several institutions, giving each citizen a chance to “participate.”

Even now, elections shorten long debates rather than reflect majorities. The uncertainty they bring, the spoils they announce, are at the root of democracy (Przeworsky, 1989). When politicians know that sooner or later they will again become the ordinary citizens they were, they refrain from abusing power. That is precisely what the Greeks expected from short-term assignments and selection by lots. In the ancient Orient the same result was produced by periodic repeals of debt and redistribution of wealth.

Egyptians and Mesopotamians believed in other aspects of democracy, such as playing one court against another (in Egypt), or turning a closed council into an open assembly (in Mesopotamia). Therefore, politics was a matter of unending legal dispute. Since anybody could at any time put a decision to trial, channels of protest and dissent were never closed.

In a world of economic scarcity and long distance trade the only way to survive was to contest property or watering rights, dowry or bride prices, profit shares or interest rates (Larsen, 1977). Making a living and keeping one's political identity involved suits and contradictory debates. Agreements, verdicts, and decisions had as much publicity as the contest they ended, which is why they were proclaimed on steps, at the threshold of public squares and royal palaces, at boundary markers or market gates — where people coming from different rural communities or urban districts came together — and were then proclaimed on stelaes, walls, cornerstones, and door lintels. As in Greece, anybody (*ho*

boulomenos) could sue, protest, or demonstrate, even the humblest citizen, slave, or non-citizen. Women certainly did, according to documents found in Thebes or Nuzi (respectively in the Nile and Tigris valleys). Political leaders emerged from the mass they mobilized against unfair decisions. People went on strike, crossed the boundaries of their communities, and walked to the most accessible seat of power, whether a municipality, court, temple, or palace (for example the strike of the Sumerian gods against the primeval deities, or the Deir el-Medineh workers' strike against Ramesside nobles).

Building Hypodemocracy

In search of arbitration and consent rather than general will and consensus, political leaders in the ancient Orient soon got rid of lots, vetoes, and even majority rule, which began the drift towards hypodemocracy. Hypodemocracy is not the downgraded form *ofpoliteia* Aristotle called "democracy", and which we attribute to Egypt and Mesopotamia while forgetting about Sparta, fourth century Athens, and imperial Rome, but a rather upgraded type of multiculturalist society where firm decisions are made and have to be justified post hoc. Of course, actual regimes fluctuated between the lowest and highest conceptions of a realistic democracy.

Consider the Egyptian professional examination. Modelled on corporatist initiation procedures, it allowed for patronage and nepotism. States eventually became plagued by clientelism and red tape, and religious functions became sinecures. To survive in the labyrinth of a growing bureaucracy one had to find intercessors, while power and wealth percolated from the top to the bottom as in the "Foundation" system which Egypt and Mesopotamia shared — which is the *wakf* system in Muslim countries nowadays (Steinkeller, 1987). To be heard in undisciplined assemblies (we are told of Sumerian law-makers laughing during sessions or trying to catch the attention of friends), political leaders needed "consultancy" or "divination" (hence there was a proliferation of *nasiku* or wizards of all sorts, who had their Athenian and Roman counterparts). To please or appease people, promises were made (in the form of endowments of land or tombs), and feasts and games were offered (like later Greek tragedies, Hellenistic liturgies, and Roman games). In Ramesside Thebes, Babylonian Mari, or Assurbanipal's Assur, banquets and food distribution to thousands of guests became necessary steps to political positions.

Voters or Clients?

Even when we look at hypodemocratic procedures, however, the Romans and Greeks do not score well against the Egyptians and Mesopotamians. Far from being a generous and mutual relationship between the few benevolent rich and the many deserving poor, Roman patronage — a celebrated institution — was soon transformed into competition between patrons to build a clientele. At best, it became a demonstrative contribution by the former to a social peace threatened by the latter, thanks to the *salutatio* (queues of starving clients lined up every morning at villa gates, which sometimes remained closed) (Sailer, 1989: 78, 57-58). Roman patronage was obviously the "political machine" of the time: as Merton (1957) showed in his famous paper, it helped integrate new citizens. Moreover, it freed slaves, and enfranchised newcomers while boosting the political careers of ambitious youths who were protected by powerful pundits (Wallace-Hadrill, 1989: 58-61, 74-77).

As early as the end of the fifth century BC, Greek patronage itself ceased to be the ideal network of admiration, respect and mutual support depicted by Isocrates — already a sharp departure from Hesiod’s warnings to keep a ready-made plough in stock, to avoid having to borrow one. Instead of the promise of *civic interdependence* taken later as a model by French Republicans (Ihl, 1996), *private dependence* was the outcome of this system. Among Greek clients, there were many flatterers (*Max*) and parasites (*parasitos*) who specialized in “performing trivial services for their social and material superiors in return for favours.” They were entertained daily in order to check potential moves from political rivals, at the risk of having to offer hospitality to such burdensome supporters, as in Megara (Millett, 1989: 19-22, 26—27, 30—37). Only “what may be called community patronage, that is, large-scale private expenditure, whether compulsory or voluntary, for communal purposes — temples and other public works, theaters and gladiators shows, festivals and feasts — in return for popular approval” (Finley, 1983: 35) for a while satisfied the criteria of “community (or public) service” without tax (*ibid.*: 32-48). However, Greek “liturgies” quickly became ruinous fights for political support, whereas Roman elections depended on “assiduous cultivation of key individuals in each tribe who were in a position to bring out enough voters to guarantee the unitary vote of the tribe” (*ibid.*: 48).

Reviewing devices, invented to balance the side-effects of a democratic project so difficult to implement, point to their collective defects: unfairness to the poor, threats to the rich — both groups had good reasons not to be fully confident in their regime. They still do. Britain, although celebrated as the temple of democracy, is not immune to what would be considered elsewhere restrictive procedures. While continental rules attract protesters to the polls thanks to the secret ballot, voting in Britain is more public. Voters openly (and colourfully!) express their preferences; unclosed voting booths and ballots unfolded in envelopes do not deter them from going to the polls; people are tolerant of *canvassing* and *telling* — allowing party supporters, first, to find out their intentions before election day; second, verifying their actual vote by being interviewed when they leave the polling station and having their name, address, and card number checked. Contrary to what is prescribed by democratic theory, *partisan personal* opinion is less important than *corporate* views achieved through intensive debates in small face-to-face groups convened between two plenary sessions (Faucher, 1999, convincingly shows how “pagan” gatherings or “the Oxford group” speak with one voice in the British Green Party’s meetings).

Acting openly and corporately, the ancient Egyptians’ practice was close to the actual British one. There was, however, a major difference: once competitively selected from rank and file scribes, a politician no longer represented a *group* of fellows; instead he became the spokesman for the *nation* (*kemit*), heavily indebted to fairness and truth (*maat* in Egypt, *kittu* and *misharu* in Mesopotamia), as well as to personal and collective freedom. This behaviour was due to a pharaonic unity less contested than in the United Kingdom. The Egyptian “nation” was superior to vested interests disguised as corporate identities. As in mid-eighteenth-century England, Egypt was “a community in which the action of the body politic (was) determined by the will of the members as a whole” (Skinner, 1998: 26), not by the aggregation of a majority of individuals — a democratic dogma which gained momentum with the defeat of neo-Roman thinkers. Egypt with its political motto of justice, liberty, and reciprocity was like Republican France (*liberté, égalité, fraternité*), independent America, and classical Greece — where democracy, liberty, and equality (*demokratia, eleutheria, to ison*) were more praised than elections (Hansen,

1991/1993: chap. 4).

Of course, what Egyptian politicians (and courtiers) did was to legitimize the polity (and the king), not to express the views of their people. Nevertheless, since their constituency was the entire country, their role was negentropic (that is, they fought against disruption of the cosmic order). They no longer served private interests but rather a modern conception of the “common good.” They behaved like experts devoted to an agreement, not like party supporters split by deep social and ideological cleavages. They thus anticipated modern bureaucratic systems where no public measure is taken without consulting spin doctors. Since this Weberian world did not suddenly appear, the way to enlightened bureaucratic rule was paved by the administrative and deliberating legacy of the Byzantine and Roman Catholic churches; their common heritage is closer to that of ancient Egyptian or Mesopotamian “ecclesiastical” conceptions of the state than to the protestant invention of the individual citizen in sixteenth-century Europe.

Hence, ancient Egypt knew what would later be called “elective aristocracy”, particularly the “democracy of the public” where challengers and incumbents try to read the people’s mind through opinion polls and the mass media (Manin, 1995). Moreover, it was a *republic* — the best approximation to *democracy* in Europe and the United States in the eighteenth and nineteenth centuries, that is, a hypodemocracy. Egyptians stressed liberty against enslavement, freedom against invasion. Failure to stay free (the so-called “intermediary periods”, unstable enough to weaken regimes for decades or longer) was attributed to lack of commitment to justice and truth, which sounds much like the British “neo-Romans” (Skinner, 1998), who were eventually defeated by Puritan “democrats” who imposed a model of polyarchy.

Polyarchy was the rule in Mesopotamia, a region where regimes were closer to a Madisonian form of democracy than in the Nile Valley. Here, groups fought hard for their own ends: tribal clans, merchant dynasties, families of clerics, social classes, whole cities whose very unity depended upon their citizens’ capacity to defend their privileges against non-citizens — leagues of cities acting as an international community. Because of unending competition, there was permanent bargaining and circulation of power, as in the Sumerian League in southern Mesopotamia in the third millennium BC and kingly entourages in the first millennium BC Tigris Valley. Even Assyria and Babylonia, considered full-fledged states in the first half of the first millennium BC, were the seats of political intrigues and intense lobbying. Harassed by those they represented in assemblies or councils, corporate groups were very reluctant to transfer power to whoever ruled the state.

Constitutions or Political Pacts?

Unlike the Greeks, ancient Near Easterners did not select members of the *demos* by lots (or ceased to do so early in their history) or by electoral campaigns and majority votes. However, there were parties of people linked by convictions about who was fair or what was wrong. Such groups were proud of their fight and sure of their rights, whether in courts, on boards or in assemblies. There are many more examples of their public activity than in Greek city-states (although Rome scores better on that particular point). Another difference must be stressed: the *demos* did not make the law, but that was not any more the case in the fourth century BC Athens either; there, an exclusive council (the *nomothetai*) made *laws* while the assembly and courts dealt with personal matters or political decisions

(such as war and peace) by *decrees* and verdicts. In Egypt and Mesopotamia, rulers enacted laws after intense consultation involving many assemblies and councils; they could not change laws at will (the Pharaoh's vizirs sat in courts with scrolls of laws at their feet each time they had to make a decision) (Van den Boorn, 1988). The process was neither bottom-up nor top-down, but a combination of both with a huge network of interdependent actors.

Circulating assignments and positions, duplicating civil servants in charge of accounting and auditing procedures, sharing governmental power with ambitious challengers, dividing rights to the throne and wealth between incumbents — all these means were used at least from the beginning of the second millennium BC. Whatever the differences between regions, those who were ruled shared a common defiance towards rulers. They had “constitutions” which could not be revised, which were inscribed in the “natural” order and did not depend on humans.¹⁶ After being suppressed during invasions or rebellions, followed by an uncertain interim period, they were quickly restored. Their texts were given as homework to generations of pupils who learned grammar while copying them. Among these founding documents the “pyramid texts” of archaic Egypt, the “constitution of Sneferu” from the Old Kingdom, “Amenemhat's will” from the New Kingdom (Wente, 1990: 18, 41, 48), “Gilgamesh and Agga” in Sumer, and “Esarhaddon Treaty” in Assyria were the most celebrated. Usually presented as a former ruler's legacy, they not only detailed his or her good deeds or examples of appropriate behaviour, but also contain lists of duties, the division of assignments between elders and rulers, local representatives and ministers — not to speak of temple and palace, civilians and the military. They organized a pyramid of courts, representative councils, defence districts, most based on remote tribal distinctions, such as Egyptian nomes, or former glory, such as Mesopotamian cities which benefited from fiscal and military exemptions (Babylon, Nippur, Sippar, Borsippa, and others) and even accounting and auditing offices. Problems raised by their implementation are discussed in official correspondence (for example, King Shamsi-Adad of Assur to his son, ruler of Mari), and speeches from the throne (for example, “the reception of Rekhmire,” the new vizir of Tuthmosis III).

“International” or religious crises were unique opportunities to compel powerfully organized cliques, lobbies, and “parties” to transfer their privileges. They agreed to give them to distinguished heroes who eventually freed slaves, clarified dubious interpretations of the law, and suppressed some contested rules. The political ascension of Marduk in Hammurabi's Babylon is a good example (see “Enuma Elish”, the poem of creation). “Horemheb's decree” in New Kingdom Egypt shows how a supreme commander who eventually succeeded Tutankhamen after a period of strife legitimized his rule and how he reenacted and modernized laws abolished by Akhenaten. Times were ripe for change, although members of the establishment could not change without losing face.

They nevertheless tested their champions' democratic goodwill before consenting to appoint chiefs of staff endowed with supreme powers rather than being compelled to legalize putsches when crises could no longer be avoided. Special procedures were constitutionally required to pass on provisional “dictatorship” (as in neo-Roman republics, which eventually made Mesopotamian regimes look like Egyptian ones), so that many real dictators took great care to respect established rules (think of how Sesostris, Hatshepsut, Tuthmosis III, and Horemheb in Egypt pretended to be called by phantoms claiming revenge or priests looking for a saviour). Those who were temporarily vested with authority first had to be tested (Adapa, Marduk, Erra) by their peers to check their goodwill before gaining access to secret files and terrible weapons — such as God's eye and its

deadly radiations (Lalouette, 1987; Bottero and Kramer, 1989). When they relinquished power to the opposition or successors, they signed “political pacts” with them to obtain juridical immunities and political guaranties for their partisans (for example, “Zakutu’s treaty” in favour of Assurbanipal against his elder brother Shamashshum-ukin). International agreements (such as the famous “Qadesh Treaty” between Egyptians and Hittites) achieved the same goal. They went into great detail about legitimate opponents versus ordinary criminals while protecting allies against exiled conspirators. All these cautious regulations made room for peaceful transitions supported from abroad.

When all earthly devices failed, democrats had to rely on the will of the gods. A Sumerian theory from the late third millennium BC which became very popular in the second established a succession of dynasties as a rule. Relinquishing power to enemies was considered as certain as astronomical cycles (hence the use of the same radical, *bal*, to express both “revolutions” — the disappearance of a royal family, and the revolution of a planet). The “state” was not seen as a set of stable institutions (German *Stand, Ständen*); it was truly unstable, had a limited “term” (another meaning of *bala*), and was doomed to fail because of human arrogance, ambition, and greed (the Greek *hubris*) — a bias in democratic procedures serious enough to irritate both heavenly gods (the deities) and earthly ones (the people).

Knowing perfectly well the necessity for sharp distinctions between rulers and ruled, politicians and bureaucrats early found out the logical counterparts implied by this discovery. Professionals would have no legitimacy if they were not fair to their people; politics was understandable and acceptable only when social justice, however reached, was considered a prerequisite for political consensus.

Political Equality, Economic Inequality, or the Reverse?

Whatever the limits of their democracies, Egyptians and Mesopotamians were champions of social rights. This is not to say they had no political rights; on the contrary, citizens’ privileges were sacred and their capacity to veto protected minorities from majority rule in deliberative bodies. Slaves and foreigners also had legal and democratic rights, to the point of being able to become political leaders in Ramesside Egypt or Chaldean Babylonia. What this means is, first, that economic inequality can be accepted when equal opportunities to climb the social ladder and become a member of the political establishment are open; second, that economic equality must nonetheless be the target of every policy once anyone from the lower ranks can trace the modest origin of patricians.¹⁷ This ancient version of our contemporary “social democratic pact” was therefore known long before Rawls or Hirschman gave it theoretical formulation, which may be paraphrased as follows: “Social benefits and political positions open to all are to the advantage of all; hence, political supremacy may be temporarily maintained if, and only if, attempts to equalize social and economic conditions are permanent and convincing” (Rawls, 1996).

In the French motto, *Liberté, égalité, fraternité*, liberty is conducive to the republican model and equality to the democratic one, while fraternity leads to a less ambitious although more realistic form of democracy favoured in the ancient Orient. Unlike liberty and equality, fraternity is a concept not often discussed in democratic theory. Sometimes, it is even flawed, as in the nineteenth-century French *solidariste* movement led by Victor Cousin and leading to Emile Durkheim. However, it is often implemented because it is a necessary link

between the two other terms, as shown by its ideological flexibility (charity on the right, companionship on the left). Indeed, it implies cooperation and mutual assistance, whether social or political, peaceful or violent. At the state level, it means protection against historical accidents — strife due to internal inequality, the curse of external dependency.

It is no surprise that Western democracies do not follow the Greeks in balancing inequality of status by equality of liberty. Nowadays, economic democracy is the sole counterpart of political aristocracy. In other words, equal opportunities for all in the economic sphere is the only means of justifying unequal opportunities of access to a political career. Becoming powerful has a price which must be paid by sharing wealth with the weak. In many societies ruling depends on spending (patronage systems do not differ much from welfare states on this point). This trend has been exemplified by excellent Amerindian, Oceanian, Chinese, African, and Arabian case studies. Politicians everywhere are so heavily indebted to commoners that cancelling debts when they come to power is a preferred means of rewarding their constituencies. It is no surprise that “restoration edicts” enacted by new kings were frequent in both Egypt and Mesopotamia (Kruchten, 1981; Charpin, 1990; Valbelle, 1998). When politicians do not credit social demands they may be charmed by sorcerers or pursued by determined police officers, stubborn and greedy lawyers, and pitiless judges. The curse of every egoistic well-off person in charge of public affairs is political defeat, economic ruin, and moral contempt. Ousted from power, he or she is no longer a member of the community. Monopolizing wealth, honour, and power sooner or later leads to excommunication — at least, it should, although there are unexpected success stories. *Illiberal* and *unequal* people are usually expelled from *brotherhood*.

Since waste is at the root of political systems devoted to social justice rather than liberty, such norms have a negative impact on investment. In order to distribute publicly made or grown goods — not only social or “primary” goods — rulers must accumulate large quantities of each, well in excess of social needs. Some will be destroyed in varieties of *potlatch*, others will be exhibited until they rot, a small part will be wasted in unnecessary consumption (vomiting food, making jewels, building tombs). Gardens will yield crops too generous to be eaten in times of affluence, although some land will simultaneously be left fallow to allow resilience in case of economic crises. Advocates of economic efficiency may criticize systems where obsession with reciprocity diminishes the potential performance of a society not burdened by distributive justice. They miss the point, ignoring the most informative lesson of less industrialized societies: economic waste legitimizes political power.

Egypt and Mesopotamia paid more attention to *reciprocity* and happiness than to *isegoria* and *isonomia*. Each individual was indebted to every other. Of course, private law, appropriate contracts, individual property, and even a sort of currency made room for industrial undertakings and trade. Courts were overloaded with cases and there are stories about suits extended over several generations. Hence the question of the existence of a profitable private sector is no longer raised by specialists. It is more interesting to determine why the Egyptians and Mesopotamians limited their own riches (while the Greeks did not) (Ober, 1989), and why they were so eager to share political power. This was not an economic investment, only a political one; to stay in power, one had to play cooperative games and pay attention to others. Avoiding the unlimited power of the people as well as people’s natural selfishness implied social limits to political democracy.

Conclusion

Egypt's and Mesopotamia's legacies lie in what Philip Pettit labelled "freedom as non-domination" (Petitt, 1997). They were very good at deterring others from affecting their own behaviour, which is why keeping silent as long as possible was seen as beneficial in both countries' assemblies and councils, a skill which was taught in school — never say something that could be used against you, keep things as secret as you wish. Egyptians and Mesopotamians were aware long before we were that democracy is the art of living with people we dislike, and of faith in social mechanisms, compelling rulers to seek the common good as well as their own.

In this respect, they differ strongly from the Greeks, at least from the image we have of Athenian politics. The Greeks did not believe in democracy but in the absolute necessity for political equality. Civic equality was the counterpart of social inequality between categories of people (women, foreigners, *thetes*, slaves, etc.) as well as the only meaning of the so-called common good. It was a very aristocratic version of democracy. What the Greeks did — and not what they expected — was to compel incumbents to secure popular support. Although this was not government by the people, governing without the people was impossible.¹⁸ That was also true in the Nile and Tigris valleys; ancient Egyptians and Mesopotamians already knew that the essence of "democracy" was not only citizenship but the necessity to mobilize citizens; it was not only popular participation but the need to organize it.

Compared to ours, Egyptian and Mesopotamian regimes were democratic because they tried to conciliate rivals or foes rather than allow them to express their discontent. Rather than invite street fights or bloody feuds and killing speeches in councils, political institutions forced dissenters into the same camp. Politics as a whole demanded special skills: *vision* (in order to address the right problems in the right way) and *diplomacy*. Such competence was more important than leadership (which too often was the reward of victorious fights against others) or bargaining (which was always short-sighted). This was not Rousseau's kind of democracy where the general will could not be negotiated, or an Islamist one where unanimity could not be downgraded by dissenting opinions (*Jitna*). It was not even Machiavellian, for the end did not justify the means. The regime promoted by ancient Egyptians and Mesopotamians was a democracy by delegation, deprived of general majoritarian elections but not without (political) parties, assembly votes, and constitutional or regular laws. It was representative government without elected representatives (although they truly "represented" their constituency). It was a type of welfare state without any political translation of class conflicts, a sort of republic where liberty was more positive than negative, a form of bureaucracy which also worked for the benefit of the weak and the poor, a political community without illusion on individual egoism.

If we listened to Egyptians and Mesopotamians for a while, we would hear them whispering that politics is altogether good *and* evil, friend *and* foe, local *and* central, formal *and* informal. But as the popular saying "better to let well enough alone" advises, it is wiser not to expect politicians to require of themselves virtues that ancient gods and heroes could not display.

Democracy has a price: one should never hope to get rid of the dark side of politics. Better to use the power of Seth (desert storms and sterile wild asses) to complement the virtue of Osiris (god of harvests, commanding the flood) and the vision of Horus (the sun which makes plants grow, the falcon gliding above the

fields, insensitive to earthly evil and social strife). Cooking a tasty social recipe out of bitter political components might be what democracy is about, according to our ancestors who contributed to its invention in the Middle East five thousand years ago.

Notes

¹ This article is based on materials collected in Schemel (1999). For more empirical evidence and archeological sources, see the work's bibliography, pp. 453-478. Some related materials and assessments may be found in my article on Mediterranean food and banquets (Schemel, 1998). The original Egyptian and Mesopotamian texts are available both in English and French (Bottero, 1992; Bottero and Kramer, 1989; Faulkner, 1969; Gardner and Maier, 1984; Lalouette, 1984/1987; Parpola, 1987/1990; Pritchard, 1955/1968).

² Comparing ancient and modern democracies, Moses Finley discusses only the Greek part of our common heritage, arguing that civilizations which preceded Athens were ignored by modern political thinkers (Finley, 1976: 60-61). Although this is certainly true, it does not follow that earlier democratic procedures and values which were not known to the Greeks and their Western successors — or were differently weighed — are not worth studying. To paraphrase Finley, who claims that crediting the Vikings for the discovery of North America has no impact on the aftermath of Columbus's travels, my purpose is not to praise the Mesopotamians or Egyptians rather than the Greeks for the invention of democracy. Thanks to the Bible, all Western civilizations borrowed more intellectual materials from the Near East than from any other region, whereas ancient Scandinavia did not contribute much to the North American creed. In another book, Moses Finley follows a different line; he can "find no ground for thinking that there was any significant *diffusion* from the Phoenicians to the Greeks or Etruscans" (Finley, 1983: 53, emphasis mine).

³ Jean Baechler also believes in the "naturalness" of democracy, which makes it the "normal" political regime of any society, provided no particular context biases its political process and prevents democracy (Baechler, 1985: 687-695). Hence, there is no reason why the ancient peoples of the Middle East should ignore it.

⁴ I depart from Jack Goody's thesis on the area covered (he goes at length into Far Eastern history and anthropology), not on the argument that "the East is in the West" (Goody, 1996/1999). I also depart from his idea of ancient Egypt belonging to the world of "high culture" where hierarchy was the rule. For a more explicit comparison of our respective methodologies and empirical findings see Schemel (1998).

⁵ The less known *graphe para nomon* achieved the same end; the author of a proposal could be sued, even if the latter was adopted by the assembly. According to Ober (1989: 74) ostracism was a way of expelling from the community any individual who threatened the national consensus" which meant that freedom to dissent was limited (on dissent, see also Ober, 1998).

⁶ Those who trace the origins of our political systems to Greece paradoxically praise it for "participatory democracy" at the same time they (1) claim that it would be no more possible to gather all citizens in the same space to make policy and laws so that there is no common ground between "participatory" and "representative" democracy; and (2) doubt the reality of civic participation in Athens, not to speak of other Greek cities. For instance, attendance at and frequency of assembly meetings are often taken as "proof of majoritarian participation, while the total of 6000 required for voting is altogether too high — as *a. fixed* number, not as *a. proportion* of citizens (Gauthier, 1990: 77-78, 81) — or too low (40 000 citizens could allegedly meet in Athens).

⁷ Every economist knows what the "Dutch disease" means: a recession by an excess of (external) resources.

⁸ There was, however, a common opinion about democracy itself, whether representative or participatory; ancient Mesopotamians, Egyptians, and Greeks saw it as a regime in which people could openly praise a foreign city and even an enemy without being sued for treason (for the many exceptions to the rule, see Finley, 1976: 160-171). See also *infra*, n.13.

⁹ Ober (1989: chap. 1) minimizes the difficulty: he shows convincingly that Athenian political discourse bridged the gulf between mass and elite. According to him, “formal rhetoric was . . . a primary means by which mass-elite relations could be discussed in public” (ibid.: 45). This “ongoing verbal communication” explains why Athenians were so attached to democracy — even when their shrinking commercial empire could not any more help those who were deprived of wealth, honour or education, to accept their lower status and be satisfied with public employment and public works. This social function of political discourse was precisely what Egyptians and Mesopotamians expected from it.

¹⁰ This is why Greeks voted almost *unanimously* by *secret* ballot on matters of citizenship, instead of supporting or openly dismissing applicants when their cases had been discussed in an initial meeting (Gauthier, 1990: 98).

¹¹ Dominique Colas convincingly opposes “civilness” to “fanaticism” rather than “civil society” to the “state” (Colas, 1991/1997).

¹² According to Assmann (1989) individualization of one’s fate in the nether world was conducive to personal responsibility and “demotization” (that is, equal access to funerary equipment) if not “democratization” (equal access to power) on earth.

¹³ While Sumerian gods and priests were bitterly criticized for the decisions they made in council, to the Greeks and Romans, “freedom of speech (when it existed) meant literally the freedom to speak in public. . .not the freedom to have unpopular or unacceptable ideas” (Finley, 1983: 29).

¹⁴ The “curse of Naram Sin” and the “sin of Esarhaddon” are well documented in Mesopotamian literature (Pritchard, 1955-1968). Dynasties fell like the Tower of Babel by excess of pride and enthusiasm.

¹⁵ This is the only missing criterion (“free, fair, and frequent elections”) of the six prerequisites for polyarchy listed by Robert Dahl (Dahl, 1998: 92): actually, “elected representatives,” “freedom of expression” “alternative information” (there were several contradictory sources and schools of thought), “associational autonomy” (workers and craftsmen as well as scribes and priests or traders and tribesmen had their own teams and clubs), and “inclusive citizenship” (men and women, adults and teenagers participated in the debate) were frequent in ancient Egyptian and Mesopotamian regimes.

¹⁶ The same was true in Athens, where equality was a matter of nature, not of human and thus legal decision (Hansen, 1991/1993, chap. 4).

¹⁷ As in Athens, where elite litigants often pretended in court to be poor, or had to defend themselves against the charge of wealth (Ober, 1989: 14, 219-226).

¹⁸ This meant that the people “had to be appealed to, consulted, manipulated, manoeuvred and outmanoeuvred” (Finley, 1983: 69). In other words, politics was politicking.

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