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INTRODUCTION

DEMOCRACY ANCIENT AND MODERN

My point of departure for this comparative study of Athenian and modern democracy is the traditional tripartition of constitutions into monarchies, oligarchies and democracies. It goes back to Classical antiquity but is still the backbone of modern studies of forms of state.[1] World history shows that democracy differs from the two other forms of state by being delimited both chronologically and geographically. While monarchies and oligarchies can be found in all periods and all over the world, democracy is attested only in two periods: Classical antiquity and the modern world from ca. 1800 onwards. Furthermore, until the mid twentieth century it was found in the Western World only.[2]

To understand the reason for the chronological distribution we must turn from form of state to type of state. A combined analysis of State-formation and urbanisation leads to the view that, from antiquity to the nineteenth century, there were, basically, two types of state: macro-states each dotted with a number of cities, and regions broken up into city-states, each consisting of an urban centre and its immediate hinterland. The city-state is a micro-state. City-states mostly appear in clusters and a region settled with interacting city-states is what

[1] In his slim book *Modern Political Analysis* (Englewood Cliffs 1963), Robert A. Dahl devotes one whole page (70-1) to a discussion of Aristotle's model of constitutions.

[2] Including Australia and New Zealand which were in fact the earliest democracies after USA, cf. R.A. DAHL, *Democracy and its Critics* (New Haven 1989), 236.

the Copenhagen Polis Centre has called a city-state culture.[3] As far as we know, from the dawn of history to the end of the eighteenth century all macro-states were governed by monarchs.[4] Most city-states were monarchies too, but due to the small size of city-states quite a few became republics, i.e. states ruled by councils and assemblies, in which decisions were made in meetings, by majority verdict, after a debate among the participants. It is this form of political decision-making which dominates the modern world. What matters in this context is that it has its roots in city-state cultures. It can be traced back to the ancient Mesopotamian city-states; it is well known from the European city-state cultures; it is also seen in some African and Asian city-state cultures.[5]

So from the dawn of history until ca. 1800 A.D. there was a close connection between republican government and urbanised micro-states. Small agrarian republics without an urban centre are far less common.[6] But in history there have been two types of republic: oligarchies in which government was in the hands of a small upper class defined by wealth or noble birth (or both), and democracies in which political participation was open to a larger section of the adult male population so that important decisions had to be made in popular assemblies rather than by magistrates or councils.

[3] *A Comparative Study of Thirty City-State Cultures*, ed. by M.H. HANSEN (Copenhagen 2000), 11-34, 597-623. So far we have identified thirty-seven city-state cultures, see M.H. HANSEN, *Polis. An Introduction to the Ancient Greek City-State* (Oxford 2006), 17-23.

[4] The only two exceptions are Rome from 510-31 B.C. and England from 1649-1660. Republican Rome, however, was not a proper state but an overarching power which governed a four-digit number of dependencies, most of them city-states (M.H. HANSEN, *op. cit.* [n. 3] [2000], 614). I find it significant that as Rome changed from a city-state empire into a macro-state organised into administrative provinces, the republican form of government gave way to monarchy. The short period of republican government in England was an interregnum in the true sense of the term.

[5] M.H. HANSEN, *op. cit.* (n. 3) (2000), 611-2.

[6] One example is constituted by the three Swiss cantons that formed the *Eidsgenossenschaft* in 1291: Schwyz, Uri and Unterwalden.

Oligarchically governed city-states are attested in several continents and in all periods; democracies are few and far between. Large decision-making assemblies are attested in the Assyrian and Babylonian city-state cultures.[7] But, so far, pure (i.e. unmixed) democracy is only attested in the Hellenic *poleis*. In some city-state cultures there have been traces of democracy, in particular in the early phases of the city-state culture in question. There were popular assemblies of some importance in republican Rome. Popular assemblies are attested in the early period of the Italian city-states but they soon disappeared or were reduced to insignificance. For five years, from 1378-82, Firenze was governed democratically. While all the Swiss city-states were oligarchies, some of the small rural cantons were democracies from the 13th century and to the present day. Iceland was a democracy until 1266, if one can speak about democratic government in a stateless society. The Iron-Age German democracy mentioned by Tacitus may be another 'democracy' in a stateless society, but it may also be a myth kept alive by

[7] In the Old Assyrian period the city-state of Assur was governed by (1) a king, (2) a small council of "big men", (3) a large council to which, perhaps, most or even all adult male inhabitants had access, and (4) some magistrates of whom the most important was one appointed by lot for one year (M. TROLLE LARSEN, "The Old-Assyrian City-State" in *A Comparative Study of Thirty City-State Cultures*, ed. by M.H. HANSEN [Copenhagen 2000], 83-5). Assur seems to have had a mixed constitution that combined monarchical, oligarchical and democratic institutions. Obvious parallels are the mixed constitutions of Sparta and Rome. Neither constitution was a pure democracy but in both there was a democratic element. So, an ancient pure democracy has not (yet) been found outside the Western World but if — as seems plausible — most or all adult males had access to the large council in Assur we have one example of an Asian city-state with democratic institutions, and there may have been many more. What we know about Assur in the period ca. 1990-1960 B.C. is due to the accidental preservation of tens of thousands of written tablets from the Assyrian port at Kanesh in Asia Minor. Similar institutions are attested in Neo-Babylonian city-states and in Mari in eastern Syria, see G. BARJAMOVIC, "Civic Institutions and Self-Government in Southern Mesopotamia in the Mid-First Millennium B.C.", in *Assyria and Beyond: Studies Presented to Mogens Trolle Larsen*, ed. by J.G. DERCKSEN (Leiden 2004), 47-98; D.E. FLEMING, *Democracy's Ancient Ancestors. Mari and Early Collective Governance* (Cambridge 2004).

Montesquieu followed by a number of Scandinavian and German historians of the 19th and 20th centuries.[8]

The evidence from other continents is even more meagre. Democratic village communities are attested, e.g., on Bali and among the Thakali in Bhutan.[9] But there is no evidence of democratically governed states in Asia, Africa and South America before the 20th century.

The ancient Hellenic city-state culture stands out as the exception in that a large number of the *poleis* were democratically governed states. Thus, unless in future the specialists in the ancient Near East can produce indisputable evidence of democratically governed city-states in Bronze and Iron Age Mesopotamia and Asia Minor, we must accept the traditional view that democracy as a form of state is a peculiarity of Western civilisation and that democracy was invented in ancient Greece.

THE ORIGIN OF GREEK DEMOCRACY

When and where ancient Greek democracy was instituted is still a matter of dispute. The traditional view is that the cradle of democracy stood in Athens, that it was Kleisthenes the Athenian who introduced popular government in 508/7,[10] and that the term democracy is even later and was presumably coined in the wake of Ephialtes' reforms in 462.[11] This view has been attacked in particular by Eric Robinson and Robert Wallace,[12]

[8] TAC. *Germ.* 11; MONTESQUIEU, *De l'esprit des lois* VI, ch.11, 407 in the Pléiade edition; K. VON AMIRA, *Grundriss des germanischen Rechts* (Strasbourg 1913).

[9] C. GEERTZ, *Negara. The Theatre State in Nineteenth-Century Bali* (Princeton 1980); M. WINDING, *The Thakali. A Himmalayan Ethnography* (London 1998).

[10] J. BLEICKEN, *Die athenische Demokratie* (Paderborn ²1994), 47; D. KAGAN, *Pericles of Athens and the Birth of Democracy* (New York 1991), 1.

[11] CHR. MEIER, *The Greek Discovery of Politics* (Cambridge, Mass. 1990), 84.

[12] E.W. ROBINSON, *The First Democracies. Early Popular Government Outside Athens* (Stuttgart 1997); R.W. WALLACE, "Revolutions and a New Order in

and today the prevailing view is that popular government goes back to the Archaic period and is attested in the 6th century both in *poleis* on the Greek mainland and in some of the colonies. I have argued that the term *Demokratia* goes back at least to the 470s, presumably to Kleisthenes[13] and perhaps even further back, namely to the earliest of all preserved constitutional documents, the Great Rhetra which prescribes a constitutional reform which allegedly took place in Sparta in the early Archaic period.

Today almost all ancient historians agree that the Great Rhetra — quoted by Plutarch in his *Life of Lykourgos* 6 — is a genuine Spartan constitutional document from, presumably, the late 7th century. It is also generally believed that in the last clause the garbled γαμω should be emended to δάμῳ so that the last provision of the document was δάμῳ δ' ἀνταγορίαν ἧμεν καὶ κράτος.[14] But reading δάμῳ ... κράτος we have to infer that the concept of δημοκρατία and presumably the term itself can be traced all the way back to the seventh century B.C. and associated with Sparta.[15]

It seems that the cradle of democracy stood in Sparta rather than in Athens but, of course, the Spartan warrior democracy described in the Rhetra was not like the Athenian democracy

Solonian Athens and Archaic Greece", in *Origins of Democracy in Ancient Greece*, ed. by K.A. RAAFLAUB, J. OBER, R.W. WALLACE (Berkeley 2007), 49-82.

[13] M.H. HANSEN, "The Origin of the Term *Demokratia*", in *LCM* 11 (1986), 35-6.

[14] The best interpretation of the meaning of the Rhetra is, in my opinion, O. MURRAY, *Early Greece* (London ²1993), 167: "The meaning of the sentence is given by the commentary: 'The people was sovereign to decide on the motion put forward by the elders and kings'". 168: "thirdly and most emphatically (in the corrupt clause) power is to rest with the people".

[15] See my review of E.W. ROBINSON, *op. cit.* (n. 12) in *BMCR* 1999.9.17 [http://bmcr.brynmawr.edu/ 1999/ 1999-09-17.html]. I advocated this interpretation in *Det athenske demokrati i 4. årh. f.Kr.* (Copenhagen 1978), I, 59 with n. 480. We cannot, however, be absolutely sure that the Rhetra is a genuine archaic document. Plutarch had it from Aristotle's *Constitution of the Lakedaimonians*. Aristotle may have taken it from the exiled king Pausanias' book about the Lykourgan constitution, written in the second half of the 390s (*FGrH* 582), and Pausanias may have tailored or perhaps even faked it.

of the Classical period. Since Plutarch found the text of the Rhetra in Aristotle's *Constitution of the Lakedaimonians* it is worth mentioning Aristotle's comment in the *Politics* that the positive form of popular government, the so-called *politeia*, in earlier times was called δημοκρατία (*Pol.* 1297b24-5) and that it was a kind of warrior democracy in which political rights were restricted to hoplites (*Pol.* 1279b2-4, 1297b1-25). *Politeia* was in fact not a pure democracy but a mixed constitution with both democratic and oligarchical institutions (*Pol.* 1295a31-4), and Sparta had a mixed constitution (*Pol.* 1294b18-34). We must not forget that ancient Greek δημοκρατία has a history that spans more than 500 years, from ca. 600 to ca. 100 B.C. or even later,[16] and that the δάμῳ κράτος in Archaic Sparta was very different from the Athenian δημοκρατία in the age of Demosthenes and the Milesian democracy in the Hellenistic period. Similarly modern democracy has a history that spans more than 200 years from the American and French revolutions to the present day and democracy ca. 1800 was very different from what it is in 2009.

So Kleisthenes did not invent democracy in 508/7 but installed in Athens a form of state which had existed for some time in some form in some of the *poleis*. The number of democracies grew in the course of the Classical period. During the first half of the 4th century at least two-fifths of all *poleis* were democracies,[17] and from the age of Alexander to the Roman Conquest of Greece in 146 B.C. democracy was the dominant form of constitution.[18] From then on oligarchic features became more and more prominent in the way the *poleis* were governed,[19]

[16] P. GAUTHIER, *Les cités grecques et leurs bienfaiteurs* (Paris 1985), 66-7; S. CARLSSON, *Hellenistic Democracies* (Uppsala 2005), 379-405.

[17] M.H. HANSEN, "Introduction", in *An Inventory of Archaic and Classical Poleis*, ed. by M.H. HANSEN, T.H. NIELSEN (Oxford 2004), 84.

[18] G. SHIPLEY, *The Greek World after Alexander 323-30 B.C.* (London 2000), 35.

[19] The Athenian democracy was gradually turned into an oligarchy in the second half of the 2nd century B.C. and an oligarchic constitution was imposed after Sulla's conquest of Athens in 86 B.C. See C. HABICHT, *Athens from Alexander to Antony* (Cambridge, Mass. 1997), 315-16.

and I think it is fair to say that towards the end of the Roman imperial period democracy had disappeared for good.[20]

THE RETURN OF DEMOCRACY

With the insignificant exceptions mentioned above, democracy did not reappear in any state as a constitution actually practised by a people until the early 19th century. The first really important mass movement launched under the banner of democracy was Andrew Jackson's democratic party set up in 1828.[21] USA had indisputably become a democracy when Tocqueville visited the country in 1830-2, and his majestic two-volume account of American democracy, published in 1835 and 1840, made Europeans familiar with this political system that derived its name from the δημοκρατία of the ancient Greek city-states. If — with Robert Dahl — we take free and fair elections and universal male suffrage to be the necessary criteria for a state to qualify as an early democracy, the only democracies in 1900 were the USA, Canada, New Zealand, France, Switzerland and Belgium. After the First World War the number of European democracies had risen to fourteen, and the first democracies to appear in Mesoamerica and South America were Argentina (1916-30), Uruguay and Costa Rica.[22] The next great waves of democratisation came after 1945, when democracy spread from the Western world to the third world, and again after 1989 when a large number of central and east European states became democracies. The great majority of the 192 states that exist today claim to be democracies,[23] but only about a third of them deserve the

[20] A.H.M. JONES, *The Greek City from Alexander to Justinian* (Oxford 1940), 170-91.

[21] J. ROPER, *Democracy and its Critics. Anglo-American Democratic Thought in the Nineteenth Century* (London 1989), 53-4; D. HEATER, *Citizenship. The Civic Ideal in World History, Politics and Education* (London 1990), 67.

[22] R.A. DAHL, *op. cit.* (n. 2), 238.

[23] See O. Murray *infra* 137.

name according to the independent non-government organisations that analyse and assess the degree of democratic institutions and freedoms in each country.[24]

So democracy is a form of state that existed in the ancient Greek *polis* world from the 6th to the 1st century B.C. and again in the modern world from ca. 1800 to the present day. Between ca. 150 B.C. and ca. 1800 A.D. democracy was just a historical concept, one of the three forms of government known from the ancient authors: monarchy, oligarchy and democracy. It was a type of constitution no-one had to take seriously any longer, except perhaps as an element of the mixed constitution. But due to the strong influence of Classical literature democracy has always had a place in political discourse, and even a prominent place during the Renaissance and the Enlightenment. So, if we want to study democracy as a concept in political discourse, we have an unbroken tradition from ca. 600 B.C. to the present day.[25] If instead we prefer to study democracy as a political system practised in historical communities, we may have a broken tradition or an inspiration. If we can find important similarities between ancient and modern democracy, they may be due to the influence of Classical literature and a wish to bring back ancient democracy or, at least, to be inspired by the ancient example. Alternatively, we may find similarities that are unrelated to the Classical tradition. With this in mind we can move from the question when and where there have been democratically governed states to the question: what are the similarities between ancient *demokratia* and modern democracy?

[24] R.A. DAHL, *On Democracy* (New Haven 1998), 196-9.

[25] M.H. HANSEN, *The Tradition of Ancient Greek Democracy and its Importance for Modern Democracy* (Copenhagen 2005), 7-18.

ANCIENT *DEMOKRATIA* - MODERN DEMOCRACY[26]

Today the term democracy denotes both a set of political institutions and a set of political ideals.[27] What connects the two different aspects of democracy is the common belief that these ideals are furthered by the *democratic* political institutions more than by any other form of government.[28]

As a set of political institutions democracy is commonly defined as a political system in which power — directly or indirectly — rests with the whole of the people.[29] And in this context it is extremely common — almost inevitable — to refer to the etymology of the term: democracy is derived from ancient Greek *demokratia*, *demos* means people *kratos* means power; thus, democracy means "the power of the people" and signifies the rule of the people.[30] As a set of ideals democracy is connected first of all with liberty next with equality.[31]

It is remarkable how in this respect modern democracy resembles ancient Greek *demokratia*. First, *demokratia* was both a political system and a set of political ideals. Second, the political ideals singled out by the Athenian democrats were liberty (called *eleutheria*) and equality (called *isonomia* and other compounds with *isos*). To illustrate my point I find it sufficient to refer to Perikles' description of Athenian democracy in the funeral oration as reported by Thucydides at 2.37: as today,

[26] The following section (down to note 47) is a revised version of M.H. HANSEN, *Was Athens a Democracy?* (Copenhagen 1989), 4-7.

[27] G. SARTORI, "Democracy", in *International Encyclopedia of the Social Sciences* (New York 1968), 112.

[28] Stated in the preamble to the European Convention on Human Rights of November 1950.

[29] B. HOLDEN, *The Nature of Democracy* (London 1974), 4; ID., *Understanding Liberal Democracy* (London 1988), 5.

[30] A. LIJPHART, *Democracies. Patterns of Majoritarian and Consensus Government in Twenty-One Countries* (New Haven 1984), 1: "The Literal meaning of democracy — government by the people — is probably also the most basic and most widely used definition".

[31] B. HOLDEN, *op. cit.* (n. 29) (1988), 28: "Democracy, equality and liberty form, as it were, the three points or angles of a triangle".

democracy (δημοκρατία) is associated with equality (πᾶσι τὸ ἴσον), liberty (ἐλευθέρως) and tolerance (ἀνεπαχθῶς) and for each of these three ideals Perikles describes how it operates both in the private sphere and in the public sphere (τὰ ἴδια διάφορα [...] ἐς τὰ κοινά — τά τε πρὸς τὸ κοινόν [...] τὴν πρὸς ἀλλήλους ὑποψίαν — τὰ ἴδια [...] τὰ δημόσια). In my opinion this passage from Thucydides illustrates a basic similarity between modern democracy and ancient *demokratia*.[32]

Nevertheless, it has become fashionable to emphasise the basic 'difference' between modern democracy and ancient *demokratia*. Students of ancient history as well as students of political science tend to assert that it is a gross anachronism to speak of Athenian democracy. Conceptually democracy and *demokratia* are homonyms, not synonyms.[33] According to Tocqueville the name was the only similarity between the ancient Greek and the modern American form of democracy.[34] Consequently, in our analysis, we ought to distinguish between ancient *demokratia* and modern democracy and emphasise all the differences. Some students of political science are inclined first to invoke the etymology in their definition of the term democracy but then to deny that ancient Greek *demokratia* was a democracy according to the definition they propose. Others prefer to focus on similarities. One is Robert A. Dahl. In his small but illuminating book *On Democracy* he argues that "to deny that Athens was a democracy would be rather like saying that what the Wright brothers invented was not an airplane because their early machine so little resembled ours today".[35]

[32] M.H. HANSEN, *op. cit.* (n. 26), 3-4; ID., "Thucydides' Description of Democracy (2.37.1) and the EU-Convention of 2003", in *GRBS* 48 (2008), 26.

[33] G. SARTORI, *Democratic Theory* (Westport 1988), 250-77; CHR. MEIER, "Bürger-Identität und Demokratie", in *Kannten die Griechen die Demokratie?*, hrsg. von CHR. MEIER (Berlin 1988), 47-94; P. VEYNE, "Les Grecs ont-ils connu la démocratie?", in *Diogène* 123 (1983), 3-33; F. GSCHNITZER, "Von der Fremdartigkeit griechischer Demokratie", in *Demokratia. Der Weg zur Demokratie bei den Griechen*, hrsg. von K.H. KINZL (Darmstadt 1995), 412-31.

[34] A. DE TOCQUEVILLE, *De la démocratie en Amérique* [Paris 1835-40], 2, 3, 15, éd. par J.-CL. LAMBERTI, J.T. SCHLEIFER (Paris 1992), 737.

[35] R.A. DAHL, *op. cit.* (n. 24), 102.

The objections regularly raised against Athenian democracy are twofold. First, democracy is the rule of the 'whole' of the people to the exclusion of minors and maniacs only. Athenian *demokratia* was the rule of the male citizens only to the exclusion of women, resident foreigners and slaves. Thus, by our standards it was oligarchy, not democracy.[36] Second, the rule was exercised directly by the people whereas modern democracy has become government by representatives of the people. Direct democracy has been made impossible by the size of modern nations and undesirable by the complex nature of modern society in which important decisions cannot any longer be left to ordinary citizens.[37]

Thus, Athenian *demokratia* is criticised for being both 'more' democratic and 'less' democratic than democracy. It is more democratic by being government by the people instead of government by those elected by the people. It is less democratic by narrowing down the concept of *demos* to denote the adult male citizens in assembly. Admittedly, there is some truth in both objections against taking *demokratia* to be democracy. On the other hand, both objections show a surprising lack of historical perspective.

Comparing ancient Athenian *demokratia* with modern democracy we must keep in mind that the history of modern democracy spans more than 200 years from the American and French revolutions to the present day. In a historical investigation, do we want to compare *demokratia* with the concept of democracy in the 19th, the 20th or the 21st century?

[36] M.I. FINLEY, *Democracy Ancient and Modern* (London 1973), 15-16; J. LIVELY, *Democracy* (Oxford 1975), 12. This objection to Athenian democracy goes back to J. BENTHAM, *A Fragment on Government* (1776), ch. 2, Section 34, and further back to D. HUME, *On the Populousness of Ancient Nations* (1752), 396, here cited from the World Classics edition of *Essays* (London 1903), 381-451.

[37] G. SARTORI, *op. cit.* (n. 33), 252-7; J. LIVELY *op. cit.* (n. 36), 29-32. This objection goes back to J.S. MILL, *Considerations on Representative Government* (London 1861), 8 in C.V. SHIELD's edition.

Before 1850 no one would object to calling *demokratia* democracy. On the contrary, democracy was usually taken to be direct government practised in a small society by a rather narrowly defined people. Two important testimonies to this fact are the entries "démocratie" and "democracy" in, respectively, Diderot's *Encyclopédie* (1754) and the first edition of the *Encyclopædia Britannica* (1771). In the French *Encyclopédie* the democracies mentioned in de Jaucourt's article were Athens and Rome and the only modern example is San Marino. In the *Encyclopædia Britannica* the short entry reads as follows: "Democracy, the same with a popular government, wherein the supreme power is lodged in the hands of the people: such were Rome and Athens of old; but as to our modern republics, Basil only excepted, their government comes nearer to aristocracy than democracy".[38] In both articles democracy is seen as a purely historical phenomenon. The common belief in the Enlightenment that Rome was a democracy goes back to Jean Bodin who wanted to disprove the view that Rome had a mixed government and therefore argued that the Roman republic must have been a pure democracy.[39] Modern republics were aristocracies, and to list the Swiss canton of Basel as a unique example of a modern democracy was in fact a mistake. In the eighteenth century Basel was a republican city-state governed oligarchically by one small and one larger council, and there was no popular assembly (*Landsgemeinde*). Representative government was called republic not democracy.[40]

The term "representative democracy" made its first feeble appearance in a letter written by Alexander Hamilton in 1777.[41]

[38] *Encyclopædia Britannica* (1771), II, 415.

[39] J. BODIN, *Methodus ad facilem historiarum cognitionem* (1566), in *Œuvres philosophiques de Jean Bodin*, éd. par P. MESNARD (Paris 1951), 177. I owe this observation to Pasquale Pasquino.

[40] J. MADISON, *The Federalist Papers* (1787), n° 10.

[41] Letter from Alexander Hamilton to Gouverneur Morris dated 19 May 1777: "... but a representative democracy, where the right of election is well secured and regulated, and the exercise of the legislative, executive and judiciary authorities is vested in select persons". In the constitution of the Helvetic

The concept is earlier; it can be found in Montesquieu.[42] It flourished briefly in the last decade of the 18th century but disappeared again in the Napoleonic era. And as late as 1848 the new Swiss Federal constitution distinguished between cantons with democracy (a popular assembly) and cantons with representation (an elected parliament).[43]

As regards the concept of people, democracy was believed to be compatible even with slavery. In the seventh edition of *Encyclopaedia Britannica* published in 1842 The United States are praised as "the most perfect example of democracy".[44] This evaluation was written twenty-two years before the abolition of slavery. And in 1858 one could read in the *Ohio State Journal* that: "Negro slavery is the foundation of liberty and the essence of democracy".[45]

Between 1850 and 1920 anyone would admit that there was an essential difference between ancient direct and modern representative democracy. It was Alexis de Tocqueville's account of American democracy which was responsible for the

Republic of 1798 Article 2 proclaimed that the government shall at all times be a "démocratie representative", cf. R.R. PALMER, "notes on the use of the word 'democracy' 1789-99", in *Political Science Quarterly* 68 (1953), 203-26.

[42] In *De l'esprit des lois,* in the chapter about republican government and laws concerning democracy (Book 2 Chapter 2), Montesquieu writes: "Comme la plupart des citoyens, qui ont assez de suffisance pour élire, n'en ont pas assez pour être élus; de même le peuple, qui a assez de capacité pour se faire rendre compte de la gestion des autres, n'est pas propre à gérer par lui-même" (p. 240 in the Pléiade edition). And again in the famous Chapter 6 of Book 11 he notes: "Comme, dans un état libre, tout homme qui est censé avoir une âme libre doit être gouverné par lui-même, il faudroit que le peuple en corps eût la puissance législative. Mais comme cela est impossible dans les grands états et est sujet à beaucoup d'inconvénients dans les petits, il faut que le peuple fasse par ces représentants tout ce qu'il ne peut faire par lui-même" (p. 399). "Tous les citoyens, dans les divers districts, doivent avoir droit de donner leur voix pour choisir le représentant" (p. 400). I believe that, once again, it was Montesquieu who invented the concept of representative democracy and set the agenda for the growth of the idea that in the macro-states of the modern world democracy had to be based on popular election of representatives.

[43] *Constitution Fédérale de la Confédération Suisse du 12 septembre 1848.*

[44] *Encyclopædia Britannica* ([7]1842), VII, 708.

[45] *Ohio State Journal* (September 30, 1858).

dissemination in Europe of the concept of representative democracy. From now on direct democracy was invariably a historical concept and the concept of democracy — without further qualification — was closely linked with the idea of representation. But very few had qualms about democracies that excluded half the population, namely the women who obtained political rights only in the years after World War One, to some extent as a reward for their work in the factories during the war. When president Wilson on the 2 of April 1917 launched the slogan "to make the world safe for democracy" it was a democracy in which women had no political rights.

It is only after 1920, when Wilson's slogan was echoed worldwide by statesmen and scholars, that both objections against Athenian *demokratia* were valid: First the opposition between direct and representative government and second the opposition between the rule of adult male citizens as against the rule of the whole of the people.

But today in 2009 both objections against *demokratia* begin to sound somewhat hypocritical. First the concept of 'the whole of the people'. Since World War Two and especially since the 1960s Western democracies have experienced a substantial immigration, first of guest workers then of refugees.[46] Thus over 7 million people live and work in Germany without having political rights and in Switzerland — allegedly the most democratic country in Europe — over 20 % of the population are without political rights.[47] Modern European democracies have got a metic-problem, just like ancient *demokratia*. The whole of the people no longer means the entire adult population but all 'citizens', just as the term *demos* did in ancient Athens. Again, in the United States only two thirds of the adult citizens have registered and thereby activated their political

[46] L. BOSNIAK, *The Citizen and the Alien. Dilemmas of Contemporary Membership* (Princeton 2006).

[47] *Tatsachen über Deutschland* (2009); *Switzerland in its Diversity* (2007-8), 26.

rights, and only half the adult population vote in the election of Presidents. In the midterm elections participation is down to a third of the population. If democracy presupposes that the whole of the people have political rights and that the majority of the adult population make use of their rights, the United States is no longer a democracy but an oligarchy.[48]

The other issue is the difference between direct *demokratia* and representative democracy. It is commonly argued that all the many hundred *polis* democracies were direct[49] whereas all modern democracies are indirect and representative. In outline that is correct but on closer inspection it is a qualified truth.

Aristotle in the *Politics* refers to a type of democracy where the only function of the Assembly of the People is to choose the magistrates and call them to account for their conduct in office, while all political decisions are taken by the magistrates without the People having any say.[50] That is, if not necessarily representative, then at least indirect democracy and it must have been much closer to modern democracy that the direct democracy found in Athens. So the conventional distinction between ancient direct and modern indirect democracy is not quite as sharp as usually believed.[51] But Athens, at any rate, was a direct democracy, the best known in history to date. It is in fact the only ancient democracy for which we have contemporary sources, sufficient to describe its institutions, its structure and its ideology. Accordingly, it is the only ancient democracy that may have served as a model for later democracies and inspired philosophers and statesmen of later ages. Therefore the theme of this conference is a comparison of Athenian and modern democracy, rather than a comparison of ancient and modern democracy.

[48] On the low American voter turnover, see J.S. FISHKIN, *The Voice of the People. Public Opinion and Democracy* (New Haven ²1997), 45-7. Similarly in France ca. 20 per cent of the citizens have not registered in their constituency and are accordingly barred from voting in elections to the *Assemblée Nationale*.

[49] CHR. MEIER, *op. cit.* (n. 11), 85, 165, 218.

[50] ARIST. *Pol.* 1318b21-2, 28ff; 1274a15-8; 1281b32-4.

Conversely, in the course of the 20th century referenda have come to play an increasing role in several modern democracies. In some European states and in 26 of the 50 states of the USA a small but growing number of political issues are decided directly by a vote of the people.[52]

Furthermore, modern technology has made it possible — if we want it — to re-introduce at least some forms of direct democracy. A much larger number of issues can be decided by referenda conducted electronically. Alternatively it is possible to select, from among all voters, a randomised panel of, say, 1,000 persons who can meet and debate an issue and vote about it after some weeks of deliberation. What they decide will indeed be 'the voice of the people' more than any decision made by a parliament. This form of democracy, often called "demarchy", is a form of direct and representative democracy combined. The champions of traditional representative democracy can no longer disregard direct democracy as an 'impossible' form of government in a modern society. They must come out in the open and argue that the most democratic form of government is 'not' the best form of government and that direct democracy is technically possible but undesirable. In such a debate *optimum* will have to be dissociated from *maximum* and we shall have to focus — once again — on the best documented historical example of direct democracy, namely the Athenian democracy in the Classical period.

Tradition and Inspiration

The second half of the title of these *Entretiens* is "Tradition and inspiration". *A priori* both tradition and inspiration suggest similarity; but studying 'long' traditions in particular we may

[51] M.H. Hansen, *The Athenian Democracy in the Age of Demosthenes. Structure, Principles and Ideology* (Bristol ²1999), 3.

[52] I. Budge, *The New Challenge of Direct Democracy* (Oxford 1996). In a more modest form, M. Gallagher, P.V. Uleri, *The Referendum Experience in Europe* (London 1996) and B.R. Barber, *Strong Democracy* (Berkeley 1984).

find that the differences between the early and late stages of a tradition outweigh the similarities. We must also take into account that there can be similarity without any tradition or inspiration, sometimes even a striking similarity. In such cases it is the absence of tradition and inspiration that is interesting.

'Tradition' is a complex concept and I find it important to distinguish between unbroken and broken traditions. By an 'unbroken tradition' I understand institutions, ideas, customs, patterns of material culture etc. transmitted directly from generation to generation. Unbroken traditions can be upheld as they are or changed in the course of time, sometimes changed almost beyond any recognition. By a 'broken tradition' I understand institutions, ideas, customs, patterns of material culture etc. that disappear at a certain point but later are intentionally and artificially revived. Some examples may serve to illustrate the distinction.

In our civilisation the ritual of baptism is an example of an unbroken tradition that has been upheld for almost two millennia. In spite of innumerable variations and divergences, it has been practised in essentially the same form and with the same significance from early Christianity to the present day.[53]

Conversely, monarchy too has an unbroken tradition in Europe from about 500 A.D. and to the present day, but there is an enormous difference in status and powers between Clovis, the first Merovingian king of France and Elizabeth II of the United Kingdom.[54]

The Olympic Games may serve as an instance of a broken tradition. The games were abolished in 393 A.D., but they were revived in 1896, and ever since the link with the ancient Olympics has been an important part of the ideology behind the games.[55]

[53] *Die Taufe. Einführung und Praxis,* hrsg. von C. LANGE, C. LEONHARDT, R. OLBRICH (Darmstadt 2008).

[54] M. CHARLOT, "Monarchy", in *The Blackwell Encyclopaedia of Political Institutions*, ed. by V. BOGDANOR (Oxford 1987), 374-6.

[55] D.C. YOUNG, *The Modern Olympic Games. A Struggle for Revival* (Baltimore 1996).

'Inspiration' is related to the broken tradition and to the unbroken changed tradition, but it is different: An institution, idea, custom or pattern of material culture is influenced by a similar institution, idea, custom or pattern of material culture known from an earlier period of the civilisation in question or from a different civilisation. When the source of inspiration is an earlier stage of the same civilisation, the model can be either an institution or idea that disappeared long ago and is known from history only. Or the model can be an institution or idea that has a long unbroken tradition but has changed. The difference between an inspiration and a broken tradition is that with inspiration there is no intention to copy or revive what has been the source of inspiration, but to learn from it and perhaps incorporate some of its features, but not in the same form. *Or*: the source of inspiration can be held up as a bugbear. In such cases the inspiration is focused on something one has to avoid, not on something that deserves to be revived.

The federal state is an example of 'positive inspiration'. The Aitolian and Lycian federations of the Hellenistic period were federal states, each composed of a number of city-states with a set of federal institutions above the government of each of the dependent member states. Federal states disappeared with the demise of city-states in the course of the Roman imperial period. But in 1787 when representatives from the new American states met in Philadelphia to draw up a new constitution for the former British colonies, the Hellenistic federal states came to serve as a model alongside the Swiss confederacy of 1291 and the Dutch Republic of 1579. The ancient example showed that it was possible to have a state in which sovereignty was divided between some central federal institutions and the governments of the member states. But the Founding fathers did not intend just to copy and revive the ancient federations. They wanted to transform the federation from micro-state to macro-state and to create a new form of political institution. Nevertheless, the inspiration from antiquity cannot be questioned, and the constitution of USA would probably not have

taken the form it has today if it had not been for this inspiration: the basic idea was taken over from the Hellenistic federal states, but at the same time the Founders tried to avoid some of the 'shortcomings' of the Hellenistic federal state, e.g., the disunity of its members which resulted in the Achaians being defeated by the Romans.[56]

The Founders' view of democracy can serve as an example of 'negative inspiration'. They were scared of ancient democracy and disliked direct rule by the people. In a popular assembly passions would often prevail over rationality and democracy would inevitably foster factions. The Founders had this view of democracy from their reading of the classical authors, in particular Xenophon, Plato, Aristotle, Polybios and — above all — Plutarch. Here the ancient Greek example had a strong negative impact, and the influence of the classical tradition was a major reason why it took some decades for Jefferson and Madison to accept that a representative republic could be a democracy and that 'factions' in the form of 'parties' had to be accepted as an inevitable and even beneficial aspect of the new political system.[57] Negative inspiration is in my opinion an important but much neglected field in the study of the Classical tradition.

An obvious example of 'similarity without tradition or inspiration' is the Swiss *Landsgemeinde* which in important respects is strikingly similar to the Athenian *ekklesia*. Every citizen is entitled to address the *Landsgemeinde*, all votes are by show of hands and the majority is roughly assessed by those who chair the meeting. All proposals have been debated and drawn up in advance in the *Kantonsrat* which in this respect is strikingly

[56] C.J. RICHARD, *The Founders and the Classics. Greece, Rome and the American Enlightenment* (Cambridge, Mass. 1994), 105-15; M.H. HANSEN, "Conclusion. The Impact of City-State Cultures on World History", in *A Comparative Study of Thirty City-State Cultures*, ed. by M.H. HANSEN (Copenhagen 2000), 612-3.

[57] R.A. DAHL, *How Democratic is the American Constitution?* (New Haven ²2003), 29-31, 35-7.

similar to the Athenian Council of Five Hundred. A meeting of the *Landsgemeinde* runs for a couple of hours, and there are a dozen of items on the agenda. But the free peasants who created the *Landsgemeinde* in opposition to the Habsburg princes had no idea that their institution in many respects was similar to the Athenian *ekklesia* and *boule*.[58]

What happens when the concepts of tradition, inspiration and similarity are applied to a comparison of ancient and modern democracy?

Because democracy disappeared towards the end of antiquity and did not appear again until the 19th century, no modern democratic institution has an unbroken tradition that can be traced back to antiquity. For representative democracy there is an unbroken tradition which connects modern legislatures with the medieval parliaments of the 13th century onwards, and modern governments with the king's council as known from the high Middle Ages onwards.

A search for 'broken traditions' also leads to negative results. The only attested attempts to re-introduce Athenian institutions came to nothing. Thus, in France in 1802 there was an abortive attempt in a law about special courts to re-introduce ostracism.[59] Again, the legislative commissions proposed by John Stuart Mill in *Representative Government* as an attempt to balance the powers of the elected parliament were inspired by the Athenian fourth-century Boards of *Nomothetai*[60] which Grote, erroneously, had projected back into the age of Perikles.[61] No one ever took up Mill's idea.

[58] M.H. HANSEN, "The Athenian Ecclesia and the Swiss Landsgemeinde", in M.H. HANSEN, *The Athenian Ecclesia. A Collection of Articles 1976-83* (Copenhagen 1983), 207-26.

[59] B. CONSTANT, *De la liberté des anciens comparée à celle des modernes*. Reprinted in B. CONSTANT, *Écrits politiques*, éd. par M. GAUCHET (Paris 1997), 609.

[60] N. URBINATI, *Mill on Democracy. From the Athenian Polis to Representative Government* (Chicago 2002), 63-4.

[61] G. GROTE, *History of Greece* (London 1848) vol. VI, 19-22, cited from the *Everyman's Library Edition* (London 1907).

Nor is there any inspiration that links institutions of a modern representative democracy to their ancient counterparts. The similarities that can be found are not due to tradition or inspiration. An obvious example is judicial review of laws, the procedure by which the supreme court of a country, or a special constitutional court, is empowered to hear any law passed by the parliament and to quash it if it is found to be unconstitutional. Such an institution now exists in most modern democracies[62] and can be traced back to the United States where, in 1803, the power to test and overthrow congressional acts was established and exercised for the first time by the Supreme Court chaired by John Marshal.[63]

The modern judicial review of laws is remarkably similar to the Athenian *graphē paranomōn* and *graphē nomon mē epitēdeion theinai*, the two types of public action by which the popular courts were empowered to hear and overrule any decree (*psephisma*) passed by the *ekklesia* and any law (*nomos*) passed by the *nomothetai*.[64] But, to the best of my knowledge, in spite of the similarity there is no evidence that the Athenian institution inspired John Marshall when he introduced judicial review by the Supreme Court,[65] or Hans Kelsen when in 1920 — inspired by the American model — he designed a constitutional court in Austria which — again — has served as a model for all the European constitutional courts set up after World War Two.[66]

[62] M. GALLAGHER, M. LAVER, P. MAIR, *Representative Government in Modern Europe* (Boston [4]2006), 93-111.

[63] *The Political Role of Law Courts in Modern Democracies*, ed. by J.L. WALTMAN, K.M. HOLLAND (London 1988), 6-7.

[64] M.H. HANSEN, *op. cit.* (n. 51), 205-12. See *infra* p. 20-8 (Pasquino) and p. 235-63 (Lanni).

[65] The similarity between the two institutions is mentioned by T.D. GOODELL, "An Athenian Parallel to the Function of our Supreme Court", in *Yale Review* 2 (1893-1894), 64 *sqq.*, but there is no indication that the introduction of judicial review by the Supreme Court was inspired by the Athenian parallel, cf. M.H. HANSEN, *The Tradition of Ancient Greek Democracy and its Importance for Modern Democracy* (Copenhagen 2005), 22.

[66] T. ÖHLINGER, "The Genesis of the Austrian Model of Constitutional Review of Legislation", in *Ratio Juris* 16 (2003), 206-22.

Not one single Athenian institution seems to have left its mark on posterity neither in the Middle Ages nor in the Early Modern period — when democracy was still conceived as direct rule by the people — nor in the 19th century — when democracy became conceived as representative government based on elections. Popular assemblies have been replaced by parliaments, sortition by election, volunteering citizens by professional politicians, boards of amateur magistrates by a bureaucracy of civil servants, and annual rotation among all citizens by a hierarchy of administrators who serve for decades. There seems to be no field of government in which modern representative democracy has learned from studying the Athenian example.

And yet, during the last generation, Athenian democracy has been viewed by a growing number of people not as a historical curiosity but as a source of inspiration for new forms of democracy.[67] Representative democracy presents a major problem: the problem of participation. It was not felt in the 19th century when democrats everywhere fought for universal suffrage but after World War One, when universal suffrage had become universally accepted, the democrats had to face the problem that the people did not use the democracy they had got.

In this context it has become common to look back to ancient Athens and to envy the Athenians their willingness to participate in politics. The most amazing aspect of Athenian democracy is indeed the degree of participation by the ca. 30,000 adult male citizens who lived in Athens in the age of Demosthenes and Aristotle.[68] This massive involvement in political decision-making and administration is unparalleled in world history. It has elicited admiration in some,[69] but envy in

[67] M.H. HANSEN, *op. cit.* (n. 25), 45-69.

[68] M.H. HANSEN, *op. cit.* (n. 51), 313.

[69] I. MCLEAN, *Democracy and New Technology* (Cambridge 1989), 158: "Could we reinvent Athenian democracy; more pedantically, some combination of democracy and demarchy that was at least as good as the Athenians'? It would have to be better in one regard: it must be workable in an entire population, and

others who then prefer to point out, correctly, that political rights were restricted to adult male citizens and, furthermore, that even in democratic Athens power was in the hands of a small elite of politically active citizens who dominated the democratic institutions.[70] But a different line is taken by some of the politicians and students of political science who advocate more popular participation in political decision-making: what could be achieved in ancient Athens must be achieved again, either by reforming representative democracy or by re-introducing some kind of direct democracy. Some suggest frequent referenda implemented by electronic voting in which all citizens participate.[71] Others prefer to leave political decisions to randomised panels of citizens selected by lot from all citizens, or to have key political issues debated in such panels whose preliminary decision can serve as a recommendation to the parliament that afterwards debates the issue and makes the decision.[72] With a term coined by John Burnheim, this form of popular rule is often called "demarchy" instead of democracy.[73]

There is a noticeable difference in how modern proponents of direct democracy use the Athenian example. Athenian democratic institutions are often ignored or considered irrelevant by those who focus on the idea that all the people all the time must vote on all important political issues. In this context the issue is on how this can be done by electronic voting after the watching of political debates transmitted on TV. On the other

not restricted to free men." See also 5-12, 15-8, 28-9, 109, 127, 130-1, 158-9, 170-1; J.S. FISHKIN, *Democracy and Deliberation* (New Haven 1991), 86-92; ID., *op. cit.* (n. 48), 18-26; 54-55; 80-81, 169; P. RESNICK, *Twenty-First Century Democracy* (Montreal — Kingston 1997), 21-3, 32-5, 88-9, 134-5. L. CARSON, B. MARTIN, *Random Selection in Politics* (Westport 1999), 3-4, 31-3, 35, 40, 100, 104, 108, 116. J.S. FISHKIN, C. FARRAR, "From Experiment to Community Resource", in *The Deliberative Democracy Handbook,* ed. by J. GASTIL, P. LEVINE (San Francisco 2005), 71-2.

[70] I. BUDGE, *op. cit.* (n. 52), 26.

[71] *Ibid.* 188.

[72] C. Farrar, *infra* p. 197-217.

[73] J. BURNHEIM, *Is Democracy Possible? The Alternative to Electoral Politics* (Berkeley 1985), 9, 156-87.

hand, those who really find inspiration by studying the Athenian political institutions are less interested in the face-to-face assembly democracy for which there are contemporary institutions to study, such as the New England town meeting or the Swiss *Landsgemeinde*. They focus instead on the other aspects of Athenian democracy, particularly rotation and selection by lot for which the only modern parallel is the completely different jury system.[74]

Today the champions of modern direct democracy are in fact split between two models: one is the referendum model: to allow all citizens, not only to elect their political leaders but also to decide a large number of key issues by direct vote, which can be conducted electronically.[75] The other is the "demarchy" model: to replace, or rather supplement the elected legislators and their government with small panels of randomly selected citizens who can meet and debate the issues before they vote.[76]

The advantage of referendums over deliberative opinion polls is that all citizens can participate in a referendum. The drawbacks are the absence of a face-to-face debate among all citizens, as well as the difficulty in keeping all citizens sufficiently informed about all the issues that have to be debated and voted on. Conversely, the advantage of deliberative opinion polls over referendums is that a "minipopulus" of at most 1,000 citizens can get access to all the necessary information, they can meet and debate, and they can devote the time and energy necessary to arrive at a rational decision. From a democratic point of view such panels are immensely superior to the ordinary opinion poll panels of the Gallup type. The drawback, on the other hand, is that only a minute fraction of the population gets an opportunity to be directly involved in the

[74] The modern jury system has an unbroken tradition that goes back to the administration of justice in England and other European countries in the early Middle Ages. As in the case of the Swiss *Landsgemeinde* (*supra* p. XXIX-XXX) there is no tradition or inspiration that links the medieval institution to ancient Greece.

[75] See *supra* n. 71.

[76] See *supra* n. 69.

decision-making process. Even in small nations the chance of being selected to serve on a panel is minimal.

It is in this context the Athenian political institutions are studied today as a possible source of inspiration if one wants to reform the prevailing representative democracy.

Moving from institutions to ideology there is, I believe, some even more striking similarities between the ancient and the modern key concepts. In modern liberal democratic ideology "Democracy, equality and liberty form, as it were, the three points or angles of a triangle".[77] Similarly, in Athenian democracy *demokratia*, *eleutheria* and *isonomia* are closely connected. But although there is a similarity, there is no trace of tradition or inspiration. What can be inferred from this? When, as seems to be the case, liberty and equality are connected with democracy in different societies separated by millennia and without any evidence of a direct tradition, we have to presume that there is something fundamental about democracy which is conducive to liberty and equality and, conversely, that liberty and equality are conducive to democracy. It follows that a comparative study of ancient and modern democracy becomes even more important than if the emergence of modern democracy and its ideals of liberty and equality could be explained as a resumption of ancient democracy inspired by a tradition.[78]

THE TEAM OF INVITED SCHOLARS

These considerations inspired the composition of the team behind this volume of the *Fondation Hardt Entretiens* and the topics each participant was asked to cover.

Comparing modern representative with ancient direct democracy, we have to admit that the differences far outweigh the similarities. But there are a few noticeable similarities between

[77] B. HOLDEN, *Understanding Liberal Democracy* (Oxford 1988), 28.
[78] M.H. HANSEN, *op. cit.* (n. 65), 28-9.

ancient and modern democratic institutions. One is the judicial review of law which in USA goes back to 1803 and in Europe to all the constitutional courts set up in connection with the restitution of democracy in Europe after 1945. The other similarity is the modern attempt to involve ordinary citizens in political decision-making either in the form of referenda or in the form of panels of randomly selected citizens who debate and vote on central political issues before they are decided by the parliament or by the people.

In the case of judicial review of laws there is a striking similarity with the *graphē paranomōn*, but no tradition or inspiration. On the other hand, the modern use of political lotteries is undeniably inspired by the Athenian use of sortition in the selection of jurors, legislators, councillors and magistrates. Similarly, the modern use of referendum seems to some extent to have been inspired by the ancient democratic custom to have political issues decided by the people in assembly.

The general comparison between modern representative and ancient Athenian democracy has been entrusted to Pasquale Pasquino who is both a classical scholar and a political scientist. The specific study of judicial review of laws has been assigned to Adriaan Lanni who combines degrees in law, history and classics. And the study of political lottery is undertaken by Cynthia Farrar, a classicist who for many years has been involved in experiments with political lottery and panels of randomly selected citizens.

A growing problem of modern representative democracy is the crisis of political participation which stands in sharp contrast to the massive political participation in the ancient Greek *polis*. One can conduct a historical study of Classical Athens and investigate the reasons for this unparalleled degree of political activity. Or one can conduct a more philosophical study of the claim that the ancient Greeks had a natural inclination for living politically. In this context Aristotle's dictum about man as a political animal takes central stage. And the two approaches can be combined as they are in Christian Mann's contribution.

Citizenship is a central institution both in the ancient and in the modern world, and it is particularly important in democracies because of the considerable political privileges which citizenship entails. Like democracy citizenship has gone through a peculiar historical development. It existed in the ancient world. It disappeared towards the end of antiquity and in the form of political membership of a state it re-appeared towards the end of the 18th century. The only form of citizenship known between the end of antiquity and end of the 18th century was to be citizen not of a state, but of a town or city. Karen Piepenbrink has undertaken to compare differences and similarities between ancient Athenian and modern democratic citizenship.

In political science ancient democracies have recently been in focus in connection with what is called the democratic peace theory, the theory that democracies tend not to go to war with one another. I found it obvious to invite the classical scholar who has really addressed this problem, *viz.* Eric Robinson. Furthermore, he is the scholar who has shown — in my opinion convincingly — that democracy was not invented in Athens in 508/7. In several *poleis* it can be traced back to the sixth century.

Moving from institutions to ideology there is, I believe, some even more striking similarities between the ancient and the modern key concepts: *demokratia, eleutheria* and *isonomia* as against democracy, liberty and equality. But again, the similarity is not due to any tradition or inspiration. For this conference I have chosen to present a comparison of ancient *eleutheria* and modern freedom. Ideally, my contribution ought to have been balanced by an investigation of the concept of *isonomia* compared with the concept of equality. The comparative study of democracy and *demokratia* is covered by Oswyn Murray's contribution.

For two reasons I wanted to have a contribution about religion in ancient and modern democracy. First, modern liberal democracy claims to be just a procedure, i.e., a set of political

institutions that leave it to the individuals to make their own decisions about purpose in life, moral and religion. All such issues belong in the private sphere. It follows that democracy and religion ought to have nothing to do with one another. Nevertheless, one of the most hotly disputed issues today is the place of religion in modern democracy. Second, in ancient history and in ancient scholarship in general the study of religion has come in focus, in particular during the last generation. A plethora of books and articles about antiquity assert that religion permeated all aspects of society. Consequently, religion must have permeated the democratic institutions and ideals. And that is of course true. To mention just one aspect of this issue, there was in democratic Athens a cult of Demokratia, and a cult of Zeus Eleutherios. Strangely enough there was no cult of Isonomia.[79] I have to confess that my own book about Athenian democracy does not include a chapter about religion but only scattered references in different contexts. If I had written the book today it would have included such a chapter. An obvious scholar to write the contribution about democracy and religion is Pauline Schmitt Pantel and I am happy that — hesitatingly — she undertook to write it.

Mogens Herman Hansen

[79] M.H. HANSEN, *op. cit.* (n. 26), 23.