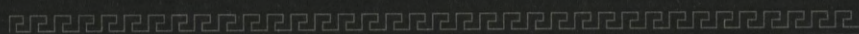


ΔΗΜΟΚΡΑΤΙΑ



DEMOCRACY



The Tradition of  
Ancient Greek Democracy  
and its Importance for  
Modern Democracy

Mogens Herman Hansen

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## *Abstract*

The two studies printed here investigate to what extent there is a connection between ancient and modern democracy. The first study treats the tradition of ancient Greek democracy, especially the tradition of Athenian democracy from ca. 1750 to the present day. It is argued that in ideology there is a remarkable resemblance between the Athenian democracy in the Classical period and the modern liberal democracy in the 19th and 20th centuries. On the other hand no direct tradition connects modern liberal democracy with its ancient ancestor. Not one single Athenian institution has been copied by a modern democracy, and it is only from ca. 1850 onwards that the ideals cherished by the Athenian democrats were referred to approvingly by modern champions of democracy. It is in fact the IT technology and its potential for a return to a more direct form of democracy which has given rise to a hitherto unmatched interest in the Athenian democratic institutions. This is the topic of the second study in which it is argued that the focus of the contemporary interest is on the Athenian system of sortition and rotation rather than on the popular assembly.

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## The Tradition of Democracy from Antiquity to the Present Time<sup>1</sup>

What role did ancient Greek democracy play in the emergence and development of democracy from the American and French revolutions and to the present day? Did the cradle of modern democracy stand on the Pnyx in Athens? Was Athens *the school* not only *of Hellas* – as Perikles claimed in his funeral speech<sup>2</sup> – but also of the political system and ideology that is universally accepted in the western world of today? Or, alternatively, is the Athenian example just one small piece in the great jigsaw puzzle that constitutes modern democracy and even a fairly unimportant piece, one of those elusive pieces that has nothing but sky or water on it and, accordingly, is almost impossible to place correctly?

I will elucidate this problem by comparing a standard description of contemporary democracy with Perikles' description of Athenian democracy in the Funeral Speech as reported by Thucydides at 2.37. The first lines of this chapter were used in 2003 as the opening of the preamble of the EU-convention's proposal for a European constitution.<sup>3</sup>

In the 14th edition of the Encyclopedia Britannica the opening of the entry *democracy* runs as follows: "Democracy is a form of government based upon self-rule of the people and in modern times upon freely elected representative institutions and an executive responsible to the people, and a way of life based upon the fundamental assumption of the equality of all individuals and of their equal right of life, liberty (including liberty of thought and expression) and the pursuit of happiness."<sup>4</sup>

In his Funeral Speech Perikles offers the following description of Athenian *demokratia*: "It has the name democracy because government is in the hands not of the few but of the majority. In private disputes all are equal before the law; and when it comes to esteem in public affairs, a man is preferred according to his

own reputation for something, not, on the whole, just turn and turn about, but for excellence, and even in poverty no man is debarred by obscurity of reputation so long as he has it in him to do some good service to the State. Freedom is a feature of our public life; and as for suspicion of one another in our daily private pursuits, we do not frown on our neighbour if he behaves to please himself or set our faces in those expressions of disapproval that are so disagreeable, however harmless".<sup>5</sup>

These two passages illustrate – in my opinion – a striking similarity between ancient Athenian *demokratia* and modern liberal democracy. Just like democracy *demokratia* is both a political system and a political ideology – As a political system democracy is rule by the people; and as a political ideology democracy is inextricably bound up with liberty, with equality and with the right to live as one pleases.<sup>6</sup>

Why this striking similarity between contemporary liberal democracy and ancient Athenian *demokratia*? The explanation preferred by many classicists and sometimes advocated by political scientists and philosophers as well is that the modern democratic ideals were inspired and shaped by a strong classical tradition and that modern democracy would not have taken the form it has today if it had not been for the classical tradition in general and the tradition of the Athenian democratic ideals in particular.

Furthermore, it is believed that this classical tradition had its strongest impact on political thought during the enlightenment in the second half of the 18th century. Accordingly, students of the classical origins of modern democracy tend to focus on the American and French revolutions as the two principal events through which ancient *demokratia* left its mark on modern democracy. I will refer to the political philosopher Hannah Arendt as an exponent of this view. In her book *On Revolution* she analyses the intellectual background of the American and French revolutions and writes that “without the classical example ... none of the men of the revolution on either side of the Atlantic would have possessed the courage for what then turned out to be unprecedented action.”<sup>7</sup>

“The classical example” is a sweeping expression. It covers all

aspects of the Greek and Roman world. To what extent was the tradition of *Athenian democracy* an important element in the classical tradition that – allegedly – inspired the revolutionaries on either side of the Atlantic and paved the way for modern democracy?

### *Greek Democracy versus Athenian Democracy*

First, in an investigation of the impact of ancient democracy on modern political thought an important – but often disregarded – distinction to make is between the tradition of Greek democracy in general and the tradition of Athenian democracy in particular.

The Athenian democracy was abolished by the Macedonians in 322 B.C. but re-established for shorter or longer periods in the 3rd and 2nd centuries B.C. In the early Hellenistic period most of the other city-states in the Greek world were democracies too,<sup>8</sup> but with the Roman conquest of Greece in 146 B.C. constitutions became gradually more oligarchical and in the course of the later Hellenistic period democracy disappeared from the political scene.<sup>9</sup> Between antiquity and the Enlightenment democracy was a Sleeping Beauty, with two major differences. She did not sleep for a hundred years only, but for almost two thousand, and she did not wake up by being kissed by a loving prince. When she was roused from her sleep, she was feared by princes, detested by philosophers and found impossible by statesmen.<sup>10</sup> Democracy was seen as revolutionary mob rule always torn by factions,<sup>11</sup> and this view was only confirmed when Robespierre described France as a democracy in a speech held in the Convention a year after the execution of King Louis 16.<sup>12</sup> In Europe it took about a century before the Goddess of Democracy became a respectable lady.

But these considerations concern, first of all, democracy as a political system and the tradition of Athenian democracy. As a political idea democracy was still alive – though it lived in obscurity – throughout the Middle Ages and the Early Modern period. In political philosophy from ca. 1200 to ca. 1800 references to ancient democracy are almost always derived from the



descriptions of democracy found in Aristotle's *Politics* Books 3-6, in Plato's dialogues (especially the *Statesman* and the *Republic* books 8-9) and in Polybios Book 6.

In these works Plato, Aristotle and Polybios discuss democracy in general and there are very few references to Athenian democracy. Admittedly, Athens, and especially 5th century Athens, had been the model of many democracies, all over classical Greece, but Athens was an oversized polis, with many political institutions not found in other Greek cities; and we must not forget that, in the age of Plato and Aristotle, democracy was the most common form of constitution, probably to be found in one form or another in hundreds of the Greek city states.<sup>13</sup> Moreover, Plato and Aristotle are rightly praised for their faculty of generalisation. Plato refers explicitly to Athens in his early dialogues, for example in *Gorgias*,<sup>14</sup> and has many implicit references to Athenian institutions in *Laws*,<sup>15</sup> but the discussions of democracy found in *Republic* and the *Statesman* have hardly any mention of Athens, apart from a concealed reference to the trial of Sokrates.<sup>16</sup> Next, of some 270 historical examples adduced by Aristotle in *Politics* no more than 30 concern Athens, and a third of those refer to the tyranny of the Peisistratids or to the oligarchic revolutions of 411 and 404.<sup>17</sup> What Aristotle has to say about Athenian democracy is restricted to a fairly long account in Book 2 of the mixed Solonian democracy<sup>18</sup> and some scattered references to ostracism, naturalisation of foreigners by Kleisthenes, and a few other institutions.<sup>19</sup> When democracy is discussed, the mention of Athens is outnumbered by references to Kyrene, Syracuse, Rhodes, Kos and other cities. Thus, Plato's and Aristotle's critical account of democracy is, in my opinion, what it purports to be: an evaluation of democracy in general combining elements from many different *poleis* (including Athens) but at the same time disregarding many of the typical Athenian institutions.<sup>20</sup> On the other hand, it is idiosyncratic in so far as it reflects Plato's and Aristotle's hostile view of popular rule. Democracy is seen as the rule of the poor or the mob (*demos* in its social sense) and not as the rule of the whole of the people, which was the Athenian democrats' understanding of *demos* and *demokratia*.<sup>21</sup>

So much for Plato and Aristotle. Polybios took no interest in Athenian democracy and dismissed it in one sentence.<sup>22</sup> But it is the Plato – Aristotle – Polybios view of democracy as one of the three basic types of constitution that is reflected in political philosophy and in political thought from the recovery of Aristotle's *Politics* about 1250<sup>23</sup> and to the rise of history in its modern sense in the beginning of the 19th century. During this period of 600 years the standard description of ancient Greek democracy includes the following elements:

1. Democracy is not described in its own right but only as one of the three basic forms of government, monarchy, oligarchy and democracy.
2. The description is theoretical rather than historical. Democracy, that is government by the majority of the people, is mentioned in passing only as a possible form of government which nobody needs to take much notice of.
3. The view of democracy is mostly hostile, and when it is positive, democracy is nevertheless regarded as impracticable.
4. It is commonly held that the best form of government is some kind of mixed constitution, combining monarchic, aristocratic and democratic elements.
5. In so far as democracy can be accepted it is one of the elements in a mixed constitution not a pure constitution.
6. Occasional references to Athenian institutions are mostly to the famous legislator Solon, who was believed to be the father of a moderate mixed democracy.
7. The sources upon which this account of ancient democracy is based are Plato, Aristotle and, sometimes, Polybios. In so far as the Athenian democracy is mentioned the main source is Plutarch's lives of Solon, Perikles, Demosthenes and Phokion, as well as his other lives of Athenian statesmen.

Let me adduce an example to illustrate the seven points I have listed here. In 1576, in the second of his six books on commonwealth, Jean Bodin wrote: "there are only three types of state, or commonwealth, monarchy, aristocracy and democracy. A state is

called a monarchy when sovereignty is vested in one person, and the rest have only one to obey. Democracy, or the popular state, is one in which all the people, or a majority among them, exercise sovereign power collectively. A state is an aristocracy when a minority collectively enjoy sovereign power and impose law on the rest, generally and severally. All the ancients agree that there are at least three types of commonwealth. Some have added a fourth, composed of a mixture of the other three. Plato added a fourth type, or rule of the wise. But this, properly speaking, is only the purest form that aristocracy can take. He did not accept a mixed state as the fourth type. Aristotle accepted both Plato's fourth type and the mixed state, making five in all. Polybios distinguished seven, three good, three bad and one composed of a mixture of the three good."<sup>24</sup> Then follow references to Dionysios of Halikarnassos and Cicero, and later, when democracy is briefly discussed Solon is the only Greek statesman mentioned by Bodin.

Similar descriptions of democracy as one of the three forms of government can be found in the works of Thomas Aquinas, Marsilius of Padua, Machiavelli, Thomas Hobbes, John Locke, Pufendorf, Blackstone, James Mill, and many others.<sup>25</sup> Thus, it would be misleading to say that the tradition of Athenian democracy was an important part of the 18th-century revolutionaries' intellectual background.

The classical example that inspired the American and French revolutionaries as well as the English radicals was Rome rather than Greece.<sup>26</sup> Thus, the Founding Fathers who met in Philadelphia in 1787, did not set up a Council of the Areopagos, but a Senate, that, eventually, met on the Capitol. And the French constitution of 1799, designed by Sieyès, had no board of *strategoï* but a triumvirate of consuls.

In the age of Cicero and Caesar Rome was a republic, but not a democracy.<sup>27</sup> Rome was no longer a city-state like Athens, in which the citizens could be gathered in the assembly place. Rome had been a city-state only during the first century and a half after the expulsion of the kings in 510 B.C.<sup>28</sup> The principal source for the history of Rome in this period is Livy, and his

account is often legendary rather than historical. In early modern European political philosophy, however, the tradition about the early Roman republic was of some importance. Machiavelli's commentaries on the first decade of Livy treats the Roman constitution during this period and especially during its early phase.<sup>29</sup> Almost all Machiavelli's references to Livy are to the first six books which cover the period down to 387. The early Roman republic was also the ideal of Jean Jacques Rousseau and adduced as an example of sovereignty exercised by the entire people. Rousseau imagined that the Roman popular assemblies were attended by several hundred thousand citizens!<sup>30</sup> In the 18th century Rome was often taken to be a democracy, like Athens.<sup>31</sup> But the Roman constitution was not particularly democratic in the age of Cicero, and when Rome was preferred to Athens by the Founding Fathers in Philadelphia one reason may have been that Rome was a republic with a mixed constitution and not a pure democracy like Athens.<sup>32</sup>

When tradition focused on Greece, the model was Sparta rather than Athens.<sup>33</sup> The leaders of the French Revolution praised the laws of Lykourgos and several schemes of public education – proposed during the Terror – were inspired by Sparta: children were to be taken away from their parents and subjected to a system of public education which was the same for all children.<sup>34</sup> Even as late as 1819, when Benjamin Constant published his lucid pamphlet *De la liberté des anciens comparée à celle des modernes*, he took the Spartan concept of political liberty to be typical of ancient Greece, whereas the Athenian concept of *eleutheria* – which, he admitted, was strikingly similar to the modern concept of liberty – was brushed aside as an exception.<sup>35</sup>

### *Solon as the Father of Athenian Democracy*

When, occasionally, the model was ancient Athens, the praise goes, almost invariably, to the moderate, mixed Solonian democracy. John Adams, the second president of the United States, wrote as early as 1787 a long defence of the new constitutions of

the liberated colonies and here he devoted some 20 pages to a description of Athenian democracy.<sup>36</sup> It is an uncharacteristically long account of Athenian democracy but it is, characteristically, about Solonian democracy and not, as a modern reader would expect, about the Athenian democracy from Kleisthenes to Demosthenes. Similarly, on the other side of the Atlantic, Montesquieu, in *De l'esprit des lois*,<sup>37</sup> followed by Jaucourt in the *Encyclopédie*<sup>38</sup> referred to Solon as the father of Athenian democracy whereas Perikles is not mentioned, not even once. In 1787 in the Crimea, Catherine 2., the Tsar of Russia, met Joseph 2., the German emperor. Precisely as one would expect, one of the main issues was troubles in the Balkans, but once when Greece came up for discussion, Catherine spoke about reviving Lykourgos and Solon. The French ambassador de Ségur, from whose hand we have the account of the conversation, dropped a word about Alkibiades, but Joseph – always level-headed and down to earth – said: what in Hell shall we do about Constantinople?<sup>39</sup> Since she was interrupted, we shall probably never know more about how Catherine thought Greece could be liberated, but it is significant that the first two names to come up in that connection were Lykourgos and Solon. Similarly, in 1789, Friedrich Schiller contrasted Athenian democracy and Spartan oligarchy in two lectures, one about Solon and one about Lykourgos.<sup>40</sup>

For us today Athenian freedom is associated not with Solon, but with Perikles and his funeral speech as reported by Thucydides. But in the 18th century, when occasionally Perikles was mentioned, he was held up as a bugbear to warn champions of popular rule against the excesses of democracy. Two examples will suffice: according to Rousseau Perikleian Athens was no longer a democracy, but a tyrannic aristocracy governed by “*savans et orateurs*”<sup>41</sup> and in the *Federalist Papers* no. 6 Alexander Hamilton has the following judgement to pass on Perikles: “The celebrated Pericles, in compliance with the resentments of a prostitute, at the expense of much of the blood and treasure of his countrymen, attacked, vanquished and destroyed, the city of the Samians. The same man ... was the primitive author of that fa-

mous and fatal war; which, after various vicissitudes, intermissions and renewals, terminated in the ruin of the Athenian commonwealth."<sup>42</sup>

But Solonian democracy is a historical myth known to the revolutionaries – directly or indirectly – from one page in Aristotle's *Politics* Book 2 and from Plutarch's life of Solon. In Aristotle's *Politics* Solon is represented as the father of Athenian democracy while Ephialtes and Perikles are made responsible for its decline.<sup>43</sup> And in Plutarch's *Life of Solon* one can read a favourable description of the Solonian reforms: the four census classes, the Council of Four Hundred, the Council of the Areopagos, the Heliaia, etc.<sup>44</sup> Signs of the decline of democracy appear in Plutarch's lives of Kimon, Perikles and Nicias,<sup>45</sup> and in the *Life of Phokion* he paints a dark picture of fourth-century Athenian democracy.<sup>46</sup>

We simply have to admit that for the Enlightenment's understanding of Greek history Plutarch was more important than Herodotos, Thucydides, Xenophon and Demosthenes combined. One example will suffice. In 1771, a certain Robert Skipwith asked his friend and neighbour, Thomas Jefferson, to draw up a list of books that would form a basic library for a cultivated Virginia gentleman. The list is still preserved and under "History. Antient" we find Livy, Sallust, Tacitus and Caesar representing Roman historiography, but apart from Josephos only one of the Greek historians is listed, *viz.*, Plutarch's *Lives* translated by John and William Langhorne.<sup>47</sup>

So two pages of Aristotle's *Politics* combined with Plutarch's lives of Athenian statesmen are responsible for the 18th-century picture of the origin and development of Athenian democracy. According to Aristotle and Plutarch it was Solon who introduced democracy to Athens during his archonship in 594 B.C.<sup>48</sup> According to Herodotos it was Kleisthenes who did it in 507 B.C., but in the 18th century no one took notice of Kleisthenes.<sup>49</sup> If Plutarch had written a life of Kleisthenes it would have been different, but that he did not do, and Kleisthenes had to wait for George Grote's *History of Greece* before he became accredited with the birth of Athenian democracy.<sup>50</sup> In accordance with the

new methods applied to the study of history in the German Universities, Grote based his account on Herodotos and Thucydides whereas Plutarch receded into the background.

### *The Classical democracy from Perikles to Demosthenes*

There is one important exception to the enlightenment's negative and distorted picture of Athenian democracy, *viz.* the German neo-humanistic movement. In the Germany of Goethe, Schiller, Herder and Hölderlin Greece was preferred to Rome and Athens attracted more interest than Sparta. Moreover, the ideal was not Solonian Athens, but Athens in the classical period when liberty and democracy were given the pride of place. The German neo-humanism spanned half a century from Winckelmann in the mid 18th century to Wilhelm von Humboldt in the early 19th century. According to Winckelmann, it was the Athenian liberal, democratic constitution that was responsible for the unmatched quality of Athenian art,<sup>51</sup> and, inspired by reading Demosthenes, Humboldt planned in 1807 to write the counterpart of Gibbon's *Decline and Fall* called: *Geschichte des Verfalls und Unterganges der griechischen Freistaaten*. As far as we can see from the preserved fragments, the *Leitmotif* was to be the individual freedom, cherished above all in classical Athens.<sup>52</sup> But the German liberal humanism was quenched by the Prussian reactionaries in the 1820s and, after a short revival in the wake of the 1848 revolutions,<sup>53</sup> it was quenched once again by Bismarck and the conservatives. Contrary to what happened in all other countries, the classical tradition in 19th-century Germany turned from Athens to Sparta;<sup>54</sup> and the praise of the Dorian race, exemplified by Spartan law and order, eclipsed the earlier admiration of Athenian liberty and equality.

But the opposite development took place in America, Britain and France. In the course of the 19th century most people came to take a positive view of democracy both as an ideology and as a political system. The first really important political mass movement launched under the banner of democracy – that is represen-

tative democracy – was Andrew Jackson's democratic party set up in 1828 and centered in the south and west of the United States.<sup>55</sup> And on the other side of the Atlantic, it was Alexis de Tocqueville's *De la démocratie en Amérique* more than any other work that led to a general acceptance of the idea of democracy, now seen as representative democracy.<sup>56</sup> Similarly, the focus of interest shifted from Sparta to Athens and from Solon to Perikles. And finally, during World War One, the British and the French expressed their admiration for the classical Athenian democracy, whereas the Germans with equal pride tended to identify themselves with the Spartan alliance of land powers that fought against the naval confederacy led by Periklean Athens or with Macedon under Philip 2. who fought against the Athenian democracy, led by the lawyer Demosthenes.

Again a few examples will suffice: In 1915 all London buses had stuck up a bill with an English translation of Perikles' praise of liberty in the funeral speech.<sup>57</sup> And in 1920 when Georges Clemenceau withdrew from politics he devoted his remaining years to literary work, including a biography of Demosthenes who defended Athenian liberty against the Macedonian imperialism.<sup>58</sup>

Why did the British choose Perikles and the French Demosthenes as their champion? Thucydides' version of Perikles' speech is such a lucid passage and I admit that it would be difficult to find a passage in Demosthenes that would do as nicely in a London bus. But why did Clemenceau write a life of Demosthenes rather than one of Perikles? That is, of course, a complicated question, but part of the answer emerges, I think, if we turn from the two Athenian democratic statesmen to their opponents. The Athenians under Perikles had to face the Spartan oligarchy, whereas Athens under Demosthenes was opposed by the Macedonian monarch Philip 2. Admittedly, Sparta was a monarchy too, but the powers of the Spartan kings were insignificant compared with those of Philip 2. So Philip of Macedon was a much better parallel to the German Kaiser Wilhelm than king Archidamos of Sparta would have been, and that may be why Demosthenes appealed to Clemenceau, the leader of republican France. The English, on the other hand, did not oppose the idea of monar-



chy itself, and preferred to see the war as a confrontation between a free democracy organised as a naval empire and a continental power whose strength was in the army. So they preferred the opposition between Periklean democracy and Spartan oligarchy.

This explanation can find some corroboration if we look at the issue from the German point of view. During the late 19th and early 20th centuries it was not uncommon to compare Kaiser Wilhelm 2. to Philip 2. of Macedon, and the preface of Engelbrecht Drerup's book *Aus einer alten Advokatenrepublik* (1916) is notorious for matching the Athenian lawyer Demosthenes with the British lawyer Lloyd George.<sup>59</sup> But after 1918 when the Hohenzollern dynasty had been deposed, the Macedonian parallel was no longer as obvious as it had been, and now, when classical parallels are cited, the praise of Sparta tends more often than before to replace the praise of Macedonian monarchy. It is in tune with this trend that the German defeat at Stalingrad in 1943 was compared to the Spartan defeat at Thermopylai in 480 B.C.<sup>60</sup> And even after the final defeat in 1945 the German admiration of Sparta can be seen in the frequent quotes of the epigram *Wanderer kommst du nach Sparta ... viz.*, Schiller's famous rendering into German of the famous Greek epigram written by Simonides to commemorate King Leonidas and the 300 Spartans who were killed at Thermopylai.<sup>61</sup>

There is yet another difference between Perikles and Demosthenes which may have influenced one's choice of champion. Throughout world history Demosthenes has always been connected with freedom more than with democracy,<sup>62</sup> but Perikles with democracy more than with freedom. In the famous chapter of the funeral speech Perikles praises the democratic freedom *in* the *polis* whereas Demosthenes fought for the freedom *of* the *polis*, including *poleis* that were not democracies. And as a political ideal in early modern Europe, freedom has had a much longer history than democracy.<sup>63</sup> Whenever a statesman had to defend the freedom of the people against a barbaric or tyrannical monarch, and wanted to adduce a classical example, the obvious champion was Demosthenes. Let me provide a few instances: in

1470 Cardinal Bessarion called for a crusade against the Sultan, and inserted in his pamphlet a translation of Demosthenes' *First Philippic*. A century later Elizabeth 1. of England commissioned a translation of the *Olynthiacs*, and in the preface Philip 2. of Macedon is compared to Philip 2. of Spain.<sup>64</sup> In 1805 the German historian Niebuhr dedicated his translation of the *First Philippic* to Tsar Alexander of Russia imploring his help against Napoleon.<sup>65</sup>

The inclination to invoke Perikles has a much shorter history, since the liberty he advocates is specifically connected with democracy. Therefore, Periklean liberty came to be an object of praise only after democracy had become an ideal, that is in Europe after the mid-19th century.

The re-appraisal of Athenian democracy during the 19th century was a result of the rise of history as a separate scholarly discipline with its own method. Until and including the Enlightenment of the 18th century philosophy overshadowed history, but the roles were reversed when critical history emerged in the wake of the romantic movement of the early 19th century. The change from the philosophical to the historical analysis of ancient democracy and from the critical view of the general type to the more positive account of the Athenian form took place gradually during the first half of the 19th century. The principal sources referred to were no longer Plato, Aristotle, Polybios and Plutarch, but rather Herodotos, Thucydides, Demosthenes, the growing number of inscriptions recovered in Greece and, after 1890, the Aristotelian *Constitution of Athens*. Solon was eclipsed by Pericles as the central figure, and the negative view of Greek democracy was supplanted by a more favourable description of the classical Athenian democracy.

The new understanding of Athenian democracy can be traced back to three major historians, one English, one French and one German. The most important was George Grote who in the decade 1846-56 published his monumental *History of Greece* in 12 volumes.<sup>66</sup> In 1851 appeared in France the *Histoire de la Grèce ancienne* by Victor Duruy.<sup>67</sup> And in Germany Ernst Curtius wrote a *Griechische Geschichte* in 3 volumes, published in the decade

1857-67.<sup>68</sup> It is worth noting that these three men were not just great scholars, they were also prominent persons. Grote was the leader of the small group of radicals in the House of Commons, Duruy was minister of education during Napoleon 3., and Ernst Curtius was private tutor to the Prussian crown prince, Frederick Wilhelm I who, for a short period in 1888, was emperor of Germany. The three leading historians were all liberals, and they all took a favourable view of Athenian democracy, especially the democracy in the age of Perikles. The British historian George Grote was undoubtedly the most important of the three and the most influential but as a historian he was inspired by the German critical school especially by Böckh and Niebuhr,<sup>69</sup> and the early German admiration for Periklean democracy and Athenian liberty, though on retreat in Germany itself after 1820, survived and was – via Grote – transplanted to the Anglo-American sphere.<sup>70</sup>

Because of the historians' new approach, the description of ancient democracy in political thought and philosophy has changed considerably during the last century and a half. It is no longer confined to a few theoretical remarks in connection with the enumeration of the three Aristotelian forms of government. Ancient democracy is now often described in more detail, sometimes in a separate section that deals with the history of the concept of democracy. The reference is no longer to ancient democracy in general but rather to the Athenian democracy, especially the democracy in the age of Perikles.<sup>71</sup>

I conclude that Athenian democracy may have inspired modern champions of democracy, but the tradition is later than usually believed. The focus of interest must be moved from the 18th century to the 19th and 20th centuries.

### *The Marxist Tradition*

There is one modern European tradition of ancient Greek democracy which I have left unmentioned, namely the Marxist tradition. The reason for that is that it has very little to do with the tradition of *Athenian* democracy. Admittedly, in Engels' account of

the origin of family, private property and state we find yet another version of the view that Athenian democracy was introduced by Solon and re-established by Kleisthenes, after a short intermission under Peisistratos.<sup>72</sup> As pointed out above, this is the tradition found in Aristotle's *Politics* Book 2, in his *Constitution of Athens*, and in Isokrates' essays. But much more important for Marxist thought is Aristotle's account in Books 3-6 of the *Politics* where he defines democracy as the rule of the poor over the rich whom they can outnumber in the Assembly. *Demokratia* is taken to be class rule rather than popular government, and *demos* is understood in the sense of the common people, not the whole of the people as Perikles, Demosthenes and other Athenians preferred to believe. Aristotle's analysis of democracy in *Politics* Books 3-6 fits in nicely with Marx's and Lenin's thoughts about democracy as the rule of the proletariat,<sup>73</sup> but neither in Engels nor in Marx nor in Lenin is there any explicit reference to Aristotle as the source for this understanding of democracy. However, the parallel between the Marxist and the Aristotelian definition of democracy is often pointed out in Marxist literature, for example in C.B. Macpherson's books.<sup>74</sup>

In conclusion, from ca. 1850 onwards we have a socialist tradition based on Aristotle's sixfold typology of constitutions in *Politics* Book 3, and we have a liberal tradition invoking the Athenian democracy either under Perikles in the 5th century or under Demosthenes in the fourth; this tradition is based on the historians, Herodotos, Thucydides and Xenophon, and the ten Attic orators headed by Demosthenes. The Marxist view is a continuation of the philosophical tradition and treats ancient Greek democracy in general. The liberal tradition emphasises the Athenian view of liberty and equality as the basic democratic values, and *demos* is understood in the constitutional sense as denoting the whole of the people, i.e. all adult male Athenian citizens. In the Marxist tradition, on the other hand, the *demos* is taken in its social sense; it denotes the common people, i.e. the poor who are exploited by the rich but in a democracy can use their majority in the political institutions as a weapon in the class struggle.<sup>75</sup>

### *Democracy as a Political System*

Democracy is both a set of political institutions and a set of political ideals. The two different aspects of democracy are – of course – closely connected, and democrats believe that the democratic ideals are furthered by the democratic institutions more than by any other form of government.<sup>76</sup> But, in an analysis of democracy, it is advisable to treat institutions and ideals separately; and this methodological principle applies not only to the study of contemporary democracy but also to the study of the history of democracy. Thus, – beginning with democracy as a political system – I will ask two questions: does any of the typical Athenian political institutions turn up later in world history? And second – if parallels can be found – did Athens serve as a model for those who introduced the institution in question? In this brief survey I will discuss three possible parallels: the first concerns the people's assembly, the second voting procedures and sortition of magistrates, and the third judicial review of laws.

In democratic Athens the most characteristic political institution was undoubtedly the *ekklesia*, in which every adult male citizen had the right to speak and the right to vote. Several thousand citizens did in fact turn up regularly to debate political issues which were presented to the people after a prior consideration by the council of five hundred. Then, after a debate in the *ekklesia*, the issue was decided by a majority vote taken by a show of hands.<sup>77</sup>

The most striking parallel to the Athenian *ekklesia* is the Swiss *Landsgemeinde*. It was introduced in the 13th century and until the 1990s it existed in one canton and four half-cantons. Today it is still upheld in one canton, Glarus, and one half-canton, Appenzell Innerrhoden. The *Landsgemeinde* is a major open air political meeting attended by several thousand citizens. Every participant has the right to speak and the right to vote. All important matters must be laid before the people, but only after they have been considered by the council, the *Kantonsrat*. Then follows an open debate in the *Landsgemeinde* itself, whereafter the people decide the issue by a majority vote taken by a show of hands.<sup>78</sup>

The Athenian *ekklesia* and the Swiss *Landsgemeinde* are strikingly similar institutions, but they cannot be connected. The free Swiss peasants who lived in the forests, and created the medieval Swiss *Landsgemeinde* in opposition to the Habsburg princes, had no idea that their institution – in many respects – was an exact parallel to the Athenian *ekklesia*.

Another historical example of a popular political decision-making assembly is the Town Meeting in the New England colonies in North America. They go back to the early colonial period, and the first attested provision that regular town meetings be held was made in Cambridge, Mass. in December 1632.<sup>79</sup> The town meeting, however, sprang from the puritan congregation, the *ekklesia* in the Christian meaning of the term,<sup>80</sup> and there is no indication that the New England colonists had the Athenian *ekklesia* in mind when they created their town meetings.

My second example concerns election and sortition of officials. The elaborate Athenian procedures are matched by the sometimes even more complicated procedures for election and selection by lot of magistrates practised in most Italian city states in the Middle Ages.<sup>81</sup> The election in Venice of the Doge<sup>82</sup> and in Florence of the priors and the Gonfaloniere<sup>83</sup> are the two best known examples but there are scores of others in other cities. The way the ballot and sortition was practised in the Italian cities is often strikingly similar to the Athenian way of voting by ballot and selecting by lot. But, once again, the parallel is not due to any tradition. There is no unbroken line from the Greek city states to the Medieval Italian cities.

If there is a tradition, it is Roman and not Greek; but the Roman way of voting was very different from the Greek, and the lot was used mainly for establishing a sequence or for the distribution of tasks among, e.g., the *praetores*. The Romans did not approve of and did not adopt the Greek democratic method of selecting magistrates by lot.<sup>84</sup> Furthermore, the complicated voting procedures and sortition of magistrates in the Italian cities can be traced back to the mid-thirteenth century, before the rediscovery of Greek literature.<sup>85</sup> Thus, for chronological reasons alone, we can reject all attempts to connect the Italian use of the

lot and the ballot with the renaissance and the revived knowledge of ancient Athenian political institutions.

My third example concerns judicial review of laws, i.e. a 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 is now found in most modern democracies<sup>86</sup> and can be traced back to the United States where, in 1803, the power to test and overthrow congressional acts was exercised for the first time by the Supreme Court chaired by John Marshall.

The modern judicial review of laws is remarkably similar to the Athenian *graphe paranomon* and *graphe nomon me epite-deion theinai*, 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* if (a majority of) the jurors found that the decree or law in question was unconstitutional (i.e. in conflict with any of the laws included in the revised law code and/or with the principles on which the democratic constitution was based).<sup>87</sup> But, to the best of my knowledge, in spite of the similarity there is no evidence that the Athenian institution served as a model for the American judicial review by the Supreme Court.<sup>88</sup>

To sum up, the three examples I have discussed show that strikingly similar institutions have existed without any sign of tradition to explain the similarity. 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, boards of volunteering magistrates by professional civil servants, and annual rotation among all citizens by a closed hierarchical bureaucracy 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.<sup>89</sup>

And yet, during the last generation, Athenian democracy has

been regarded by a growing number of people not as a historic curiosity but as a source of inspiration for new forms of democracy.<sup>90</sup> 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 1918, when universal suffrage became universally accepted, the democrats had to face the problem that the people did not use the democracy they had got. Especially since the 1950s a growing ignorance and apathy among the voters is felt, in USA in particular, to be a major threat to democracy in the real sense of the word.<sup>91</sup> Participation in the elections has dropped to under 50% of the adult resident population.<sup>92</sup> As a political system the US is no longer a democracy but an oligarchy.

In this context it has become common to look back to ancient Athens and to envy the Athenians their degree of political participation. The most amazing aspect of Athenian democracy is indeed the degree of participation by the ca. 30,000 adult male citizens. Every year the Athenians convened 40 *ekklesiai* which were regularly attended by no less than 6,000 citizens. On about 200 court days thousands of jurors were appointed by lot from a panel of 6,000 citizens aged 30 or more. Most Athenians served at least one year in the council of 500. And every year at least 700 other magistrates were elected or selected by lot.<sup>93</sup> This massive participation is unparalleled in world history. It has elicited admiration in some,<sup>94</sup> but envy in others who then prefer to point out, correctly, that political participation was restricted to adult male citizens who constituted only a minority of the population of Attika and, furthermore, that even in democratic Athens power was in the hands of a small élite of politically active citizens who dominated the democratic institutions.<sup>95</sup> But some politicians and students of political science who advocate more popular participation in political decision-making take a different line: what could be achieved in ancient Greece 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.<sup>96</sup> And here a highly relevant historical example is the



Athenian democracy in which major political decisions were made directly by the people and not by elected representatives. Others prefer to leave political decisions to randomised panels of citizens selected by lot from all citizens.<sup>97</sup> Advocates of this system, often called demarchy,<sup>98</sup> usually acknowledge their debt to the Athenian use of rotation decided by sortition.

In conclusion, it was not the philosophers of the enlightenment but the historians in the wake of the romanticism who were responsible for the reconstruction and reassessment of the Athenian classical political institutions. And, apart from Thomas Paine, Camille Desmoulins and a few others the Athenian example was of little importance to the revolutionaries on both sides of the Atlantic. Nor was much to be learned from the classical authors when, since the mid-nineteenth century, democracy was seen as representative democracy. It is only the contemporary – still utopian – ideas about a return to direct democracy which have fostered a new interest in Athenian democracy as a political system.

### *Democracy as an Ideology*

A study of democracy as an ideology must, first of all, discuss the relation between democracy, liberty and equality. Let me illustrate the contemporary connection between the three concepts by quoting a passage from Barry Holden's seminal book: *Understanding Liberal Democracy*: "Democracy, equality and liberty form, as it were, the three points or angles of a triangle so that lines of relationship go not only from equality and liberty to connect with each other at the third point, democracy, but one also forms the final side of the triangle connecting equality directly with liberty."<sup>99</sup>

Similarly, in Classical Greece the concepts of *demokratia*, *eleutheria* and *isonomia* were closely connected. The three concepts were interpreted approvingly by Perikles in his funeral speech, which I quoted before,<sup>100</sup> but disapprovingly by, for example, Isokrates in one of his speeches about the Athenians' ancestral constitution and the decline of that constitution in his

own time. The ancestors did not introduce a constitution, says Isokrates, "which trained the citizens in such a fashion that they looked upon insolence as democracy, lawlessness as liberty, impudence of speech as equality, and licence to do what they pleased as happiness."<sup>101</sup>

In Classical Athens and again in our times we meet the same juxtaposition of liberty, equality and democracy. But in Montesquieu, in Jaucourt's article about democracy in Diderot's *Encyclopédie* and in other sources as well, democracy was associated with equality, not with liberty.<sup>102</sup> Quite the contrary: democracy was seen as a threat to liberty. We must therefore ask two questions: (1) Who in Europe since the Enlightenment combined democracy with liberty and equality so that the three concepts came to form a unified political ideology? (2) When the triangle was formed, was Classical Athens conceived as the model of modern democratic ideology?

The appraisal of liberty and equality as the two basic political values has sprung from three different sources: the American Revolution, the French Revolution<sup>103</sup> and the English utilitarians. But only the British radicals and utilitarians were prone to connect liberty and equality with democracy.<sup>104</sup> The three leading figures were Jeremy Bentham, James Mill, and his son John Stuart Mill, but Thomas Paine can reasonably be grouped with the utilitarians as an advocate of democracy. He does praise classical Athens, and his work testify to a classical tradition of some importance.<sup>105</sup> In his essay *On Government*, however, James Mill has only one reference to Classical democracy, and a rather critical one at that.<sup>106</sup> And if Bentham was inspired by ancient Greek democracy he concealed it remarkably well.<sup>107</sup> Furthermore, the early utilitarians were isolated in their praise of democracy, as Bentham admits.<sup>108</sup> Apart from a few years just before 1800, the negative evaluation of democracy prevailed in the United States until the new Jacksonian democracy in the 1820s<sup>109</sup> and in Europe until the revolutions of 1848, and on both sides of the Atlantic it is hard to connect the re-appraisal of democracy with the Athenian example.

The leading democrats in USA were middle class business

men with little education in general and none in classics; whereas the strong classical tradition lived on among the planters of the southern Atlantic States, and their ideal was not Athenian democracy but an Aristotelian mixed constitution with natural slaves at the bottom level.<sup>110</sup>

In Europe, the first important attestation of the triangle democracy – liberty – equality is in Tocqueville's *De la Démocratie en Amérique*.<sup>111</sup> But Tocqueville had hardly anything to say about the classical tradition. One short chapter on the educational effect of reading classical literature, that is all.<sup>112</sup> In his opinion ancient and modern democracy were radically different forms of constitution, and the only thing they had in common was the name.<sup>113</sup> Furthermore, Tocqueville had mixed feelings about democracy and tended to believe that democracy might be conducive to equality but could easily become a threat to liberty.<sup>114</sup> And Tocqueville valued liberty more than equality. He predicted, correctly, that democracy would eventually be the constitution and way of life adopted by all nations. And he had mixed feelings about it.

The picture changed only slowly. In the course of the 19th century democracy became gradually a positive concept compatible with both liberty and equality. An early unquestionable attestation in French political thought of a positive view of the triangle democracy, liberty and equality can be found in Vacherot's book *la Démocratie* from 1860 in which he writes: "Démocratie, en bon langage, a toujours signifié le peuple se gouvernant lui-même; c'est l'égalité dans la liberté."<sup>115</sup> The book was published under Napoleon 3. and cost its author a short term of imprisonment.

In Germany the revolutions of 1848 brought back in a glimpse the political ideals from the turn of the century *Demokratie – Gleichheit – Freiheit*. But reaction came soon,<sup>116</sup> and in so far the democrats looked back for a model they praised *Die germanische Urdemokratie*, briefly described by Tacitus and again by Montesquieu,<sup>117</sup> whereas the classical Athenian democracy was less important.

In Britain the concepts of democracy – liberty and equality-

were juxtaposed first by George Grote in his *History of Greece*<sup>118</sup> and later by John Stuart Mill, in his essays *On Liberty* and *On Representative Government*, but, deeply influenced by Plato, Mill believed, like most of his contemporaries, that ancient political liberty was fundamentally different from modern individual liberty.<sup>119</sup> Thus, George Grote's appraisal of individual liberty as a principal feature of Periklean democracy was far from generally accepted even in his own circles. And among historians his work was soon eclipsed by Fustel de Coulanges who, in *La cité antique*, successfully advocated the erroneous view that individual liberty was unknown in the ancient world.<sup>120</sup>

### *Conclusion*

In the 18th century, when the classical tradition was a strong element in the creation of public opinion, the tradition of Athenian democracy did not count for much. The ancient democracy referred to in passing by the philosophers was the general type critically described by Plato and Aristotle. If the Athenian example was referred to specifically, it was the ancestral Solonian mixed democracy, a historical myth known from Aristotle and from Plutarch's life of Solon.

In the nineteenth century, when Periklean democracy became better known and figured more prominently in historical debates, the classical tradition did not matter as much as it did in the age of the revolutions. Thus, no *direct* tradition connects the Athenian triad *demokratia* – *eleutheria* – *isonomia* with its modern counterpart: democracy – liberty – equality. And I will end my study with a warning. Tradition must not be overrated, and, conversely, we must not underrate man's capacity in similar circumstances to develop strikingly similar – but basically unrelated – institutions and ideals. A study of the institutions of direct democracy, principally the people's assembly convoked by a probouleutic council, reveals a striking similarity between the ancient Athenian *ekklesia* and the medieval Swiss *Lands-gemeinde*; the Italian city-state practised sortition in a way that looks like an imitation of Athenian institutions; and the judicial

review of laws in modern democracies resembles the *graphie paranomon*. But there is no trace of any Greek impact on any of these three institutions. Again, a study of the democratic political ideals shows a striking similarity between Athenian democratic values and the liberal democratic values of the 19th and 20th centuries. Here there was a classical tradition of some importance, but I think it came later than often believed and that the direct Athenian impact on modern political ideology was negligible compared with other forces.

At this point I would like to emphasise that it is not my intention to minimise the importance of the classical tradition in general. Let me therefore produce a counterexample, *viz.*, a major political reform for which the classical tradition did play a decisive role. In 1787-89 the United States adopted a federal constitution according to which sovereignty was divided between the thirteen member states and the federal government. Consequently there was no sovereign in the classical sense (according to which sovereignty is indivisible). The antifederalists saw such a constitution as a monstrosity. But the champions of federalism argued that there were historical examples demonstrating that such a political system was not only viable; if improved and adapted to the political situation it was also the best solution. The principal historical examples adduced during the debate were some of the Hellenistic federations, particularly those formed by the Achaians and by the Lycians. Here the ancient world was indisputably an inspiration for the Founding Fathers and one may argue that, without the classical example, the thirteen former colonies might never have emerged as a federal state which since has set the example for the rest of the world.<sup>121</sup>

By rejecting the importance of the classical tradition for the emergence of modern democracy I have answered one question but only to raise a new and more important one: 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 could be explained as a resumption of ancient democracy inspired by a tradition.

### Notes

1. This study is a revised and updated version of Hansen (1992), originally a lecture held at Boston University in 1989 to celebrate the 80th birthday of Meyer Reinhold. I have incorporated parts of Hansen (1994), originally a lecture held at Christ Church, Oxford in 1993 to celebrate the 65th birthday of David Lewis and the 2500th anniversary of Athenian democracy. In its present form this article was discussed in June 2005 in a workshop in Rome sponsored by the Olivetti Foundation and attended by Professor John Ferejohn, Professor Stephen Holmes, Professor Wilfried Nippel, Professor Pasquale Pasquino, Professor Alessandro Pizzorno, Professor Adam Przeworski and myself. I am most grateful to the participants for their comments on my paper and for all I learned from their papers.
2. Thuc. 2.37.1: "We practice a constitution which does not imitate the laws of our neighbours. We set an example to others rather than following their example."
3. Draft treaty establishing a constitution for Europe (of 10.6.2003): "Preamble: χρώμεθα γὰρ πολιτεία ... καὶ ὄνομα μὲν διὰ τὸ μὴ ἐς ὀλίγους ἀλλ' ἐς πλείονας οἰκεῖν δημοκρατία κέκληται. Our constitution ... is called a democracy because power is in the hands not of a minority but of the greatest number." – During the revision of the draft the quote was omitted from the preamble.
4. *Encyclopædia Britannica* 14th edn. (1955) vol. 7. p. 182.
5. Thuc. 2.37.1-3. "is in the hands of" in Greek: τὸ μὴ ἐς ὀλίγους ἀλλ' εἰς πλείονας οἰκεῖν means literally: "is governed with a view not to the few but to the majority". For οἰκεῖν as a passive in the sense "is governed", cf. Pl. *Resp.* 547c; Xen. *Cyrop.* 8.1.2. For ἐς ὀλίγους in the sense "in the hands of" cf. Thuc. 5.81.2, 8.38.3, 8.53.3 and 8.89.2. "Turn and turn about" (in Greek ἀπὸ μέρους) refers to sortition, see Hornblower (1991) 300.
6. Hansen (1989a) 3-4.
7. Arendt (1963) 196.

8. O'Neil (1995) 103-20; Ma (1999) 161; Jones (1940) 113-15, 120-21.
9. Gauthier (1993) 223.
10. In *The Federalist* no. 55 (p. 374) Madison wrote: "Had every Athenian citizen been a Socrates; every Athenian assembly would still have been a mob". In 1790 Burke held that "a perfect democracy is the most shameless thing in the world" (p. 90), and in 1792 George 3. noted with outspoken disgust that some "democratic" whig members of the parliament had shown sympathy for an association called *The Society of the Friends of the People* (Ayling (1972) 357).
11. Madison in *The Federalist* no. 10 (p. 61): "A pure Democracy, by which I mean, a society, consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert results from the form of government itself; and there is nothing to change the inducements to sacrifice the weaker party, or an obnoxious individual. Hence it is, that such Democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security, or the rights of property; and have in general been as short in their lives, as they have been violent in their deaths".
12. "Rapport sur les principes de morale politique qui doit guider la convention", speech delivered 5.2.1794, cf. *Discours et rapports de Robespierre* (1908) 327.
13. Hansen and Nielsen (2004) 80-86 and 1338-40.
14. Pl. *Grg.* 515c-19a.
15. Chase (1933).
16. Pl. *Pol.* 299b-c.
17. Hansen (1998) 104-05.
18. Arist. *Pol.* 1273b35-74a21.
19. Ostracism: *Pol.* 1302b18-19; Kleisthenes' naturalisation of foreigners: *Pol.* 1275b35-37. For a list of Aristotle's altogether 17 references to Athenian democratic institutions, see Hansen (1998) 190 n. 546.
20. Hansen (1998) 104-5 with nn. 542-44.
21. Hansen (1991) 69, 125, 301.
22. Polyb. 6.43.
23. On the rediscovery of Aristotle's *Politics* with Wilhelm of Moerbeke's Latin version, see Aubonnet (1968) cxlvii ff.

24. *Les six livres de la république* (1576) 2.1.7, here quoted from Tooley's translation (Oxford 1951) 51-52. For the French original, see the 10th edn. Lyon 1593 reprinted Paris 1986. In this passage – as in many other passages in the book – Bodin uses *République* to denote what we call a state or a country and *estat* to refer to the form of state, i.e. monarchy, aristocracy or democracy, see Hansen (1998) 140-1. *Estat* is also often used in the sense of “order” to denote one or all of the estates: clergy, nobility and commoners. On the mixed constitution, see Nippel (1980) 27, 165-66.
25. Thomas Aquinas, *De Regimine Principum* 16; Marsilius of Padua *Defensor Pacis* 1.8.2-3; Niccolò Machiavelli, *Discorsi* 1.2.3-4, 11-12; Thomas Hobbes, *De Cive* 7.1, 7.5-7; John Locke, *The Second Treatise of Government* 132; Pufendorf, *De officiis hominis et civis* 2.8.3; William Blackstone, *Commentaries* 1.2.7; James Mill, “Government” i *Encyclopædia Britannica* (1820) 7-10.
26. Reinhold (1979) 225, 233 *et passim*.
27. Bleicken (1982) 120-38.
28. Cornell (2000) 215-17.
29. Machiavelli, *Discorsi sopra la prima decca di Tito Livio*.
30. Rousseau (1762) Book 3 Chapter 12 (pp. 425-26 in the Pléiade edn.).
31. See, e.g., the entry *Democracy* in the first edition of the *Encyclopædia Britannica* from 1771 (2: 415): “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.” Similarly, “les républiques d’Athènes & de Rome” are classified as “démocraties” by Jaucourt in the entry *démocratie* in the French *Encyclopédie* (4: 816). See Millar (1998) 11, 226.
32. As classified by Polybios at 6.3-4, see Nippel (1980) 142-56, esp. 149ff. – The mixed constitution of Rome during the republic was held up as a model by John Adams, the second president of the United States: the senate was the aristocratic element, the consuls the monarchical and the popularly elected tribunes constituted the democratic element (Adams (1787) 4: 520-48). The pure Athenian democracy was an unstable constitution that led to discord between rivalling factions, massacres, proscriptions and unjust executions (4: 491), see Richard (1994) 123-68.
33. Rawson (1969) 268-300; Reinhold (1979) 228 *et alibi*. The typical



*polis* was Sparta, not Athens, cf. Rousseau (1782) 957: "Sparte n'étoit qu'une ville, il est vrais; mais par la seule force de son institution cette ville donna des loix à toute la Grèce, en devint la capitale, et fit trembler l'Empire persan. Sparte étoit le foyer d'ou sa législation étendoit ses effets tout autour d'elle".

34. Mossé (1989) 107-12. The two exceptions were Camille Desmoulin and Thomas Paine. In his periodical *Le Vieux Cordelier* Desmoulin praised the Athenian democracy and suggested reforms inspired by Solon (Mossé (1990) 93-103). Together with Danton he was guillotined in the Spring of 1794. In 1792 Thomas Paine published *Rights of Man* as a rejoinder to Edmund Burke's *Reflections on the French Revolution* (1790). He admired Athenian democracy and wrote: "what Athens was in miniature, America will be in magnitude" (Paine (1792) 167 and 170).
35. According to Constant (1819) individual liberty was an ideal cherished by the Athenians (496, 500 with n. 14) whereas political liberty was the only aspect of freedom found in Sparta which he took to be the typical *polis* (493, 495, 497, 499, 500, 504). The reason for the similarity between the Athenian and the modern view of liberty is, in Constant's opinion, that the Athenian economy was based on commerce (500). In his *Four Essays on Liberty* Isaiah Berlin overlooked what Constant has to say about Athens and believed that the Athenians had no notion of individual liberty (Berlin (1969) xl-xli), countered in Hansen (1989a) 9-11.
36. Adams (1865) 4: 472-92.
37. Montesquieu (1748) 2.2 (p. 242 in the Pléiade edn.); 5.5 (276); 6.5 (313); 12.21 (450); 19.21 (571); 20.15 (595); 25.7 (742); 26.5 (755); 27.1 (780); 29.3 (866); 30.14 (902).
38. *Encyclopédie* (1754) IV: 816-18.
39. De Ségur (1823-35) 3: 247.
40. Schiller, *Die Gesetzgebung des Lykurgus und Solon*, two lectures held in Jena in 1789 and published in 1790 (Schiller (1975) 758-89). The lectures contrast the despotic laws imposed by Lykourgos and the liberal ones imposed by Solon. Solon is seen as the father of Athenian democracy and the lecture about Solon is concluded with the remark: "Alles eilte dem herrlichen Zeitalter des Perikles entgegen".
41. J.J. Rousseau (1755) 246; (1750) 68.
42. A. Hamilton in *The Federalist* no. 6 (p. 29).
43. Arist. *Pol.* 1273b35-74a21, cf. *Ath. Pol.* 9.1, 42.1 (rediscovered only)

- in 1890). For Solonian democracy as a historical myth, see Hansen (1989b) 77-82.
44. Plut. *Sol.* 16.5-20.1.
  45. Plut. *Cim.* 15; *Per.* 9; *Nic.* 2.8, cf. Roberts (1994) 110-18.
  46. *Phoc.* 2.1-9; 8.4-5; 9.1-10; 16.4; 21.2-4; 23.2-3; 24.3-5; 34.3-35.5; 38.5. For the importance in the 18th. century of the *Life of Phocion*, see Gabriel Bonnot de Mably, *Entretiens de Phocion* (1763). Plutarch's consistently negative evaluation of the people's intellectual powers is perhaps best illustrated by the following anecdote reported in the *Life of Solon* 5.6: "Anacharsis having seen an assembly of the people at Athens, said, he was surprised at this, that in Greece wise men pleaded causes, and fools determined them" (translated by John and William Langhorne).
  47. Jefferson's letter to Robert Skipwith of 3.8.1771. A facsimile of the relevant page of the letter is printed in Bernstein (1987) 116.
  48. Solon: Arist. *Pol.* 1273b35-74a5, cf. *Ath. Pol.* 9.1, 42.1. Kleisthenes: Hdt. 5.69, 78; 6.131.
  49. If Kleisthenes was mentioned at all, it was not as the founder of Athenian democracy, cf. what John Adams had to say about him: "Cleisthenes, son of Megacles, head of the Alcmaeonides, was the first person of the commonwealth. Having no great abilities, a party was formed against him under Isagoras, with whom most of the principal people joined. The party of Cleisthenes was among the lower sort, who being all powerful in the general assembly, he made by their means some alterations in the constitution favoring his own influence. Cleisthenes was now Tyrant of Athens, as much as Pisistratus had been." (Adams (1865) 4.486).
  50. Grote (1847) 4: 300-49. As John Stuart Mill noted in his review of Vol 8 of Grote's work: "After Solon ... the first great constitutional change was the reformation of Cleisthenes, an eminent man, to whose character and historical importance no one before Mr. Grote has done justice" (*The Edinburgh Review*, Oct. 1853, in Mill (1978) 11: 327, cf. Hansen (1994) 26. For Grote's explicit rejection of the then universally accepted view that Solon introduced democracy to Athens, see Vol. 4, Chapter 11, in particular pp. 335, 337, 338, 340, 343.
  51. Winckelmann (1764) 1.4 (130-33).
  52. Humboldt (1807) 2: 74, 77, 84.
  53. Dowe (1998) 705-10, 764-68.
  54. Müller (1824). The classical philologist Hermann Diels (1916) dis-

cusses the *nomos-physis* antithesis and the German preference for Spartan lawabidingness (*nomos*) as against the Athenian liberty (*physis*) much cherished in England and France. He predicts that, in the great war, the German *nomos* will prevail over the English and French *physis*.

55. Roper (1989) 54-55. In the first phase the Democrats preferred the label "The Democratic Republican Party of the Nation" (*Ohio State Journal* 2.2. 1828). Jackson, however, never described himself as a "democrat" (Beard (1946) 30; Christoffersen in Naess (1956) 131).
56. The entry "Democracy" in the 7th edn. of the *Encyclopædia Britannica* (1842). The entry's assessment of USA as the most perfect example of democracy in the world is an echo of Tocqueville's *De la démocratie en Amérique* (1835-40).
57. Turner (1981) 187.
58. Clemenceau (1924).
59. Drerup (1916) 1-4: *Advokaten gegen Könige*.
60. Rawson (1969) 332-43; Wiesehöfer (1992) 61-83 mentions that the Spartan defeat of Thermopylai was compared by Göring to the German defeat of Stalingrad and by Hitler to the conquest of Berlin in 1945.
61. Simonides' epigram is quoted at Hdt. 7.228.3, see Rebenich (2002). The theme is used by Heinrich Böll in the short story: *Wanderer kommst du nach Spa ...* (1950).
62. Hansen (1974) 57-58.
63. Skinner (1998), (2002) 160-212, 308-43.
64. Carlier (1990) 287; Harding (2000) 258-60.
65. Carlier (1990) 291; Harding (2000) 265.
66. Athens in the age of Perikles is treated in Vol. 6 (1848) in Chapters 46-8, see in particular pp. 176-84, where a long quote from Perikles' funeral oration is followed by Grote's own eulogy of Athenian democracy, cf. Roberts (1994) 238-46.
67. Athens in the age of Perikles is treated in Vol 2 Chapter 19.1, pp. 145-54 (about Perikles) and 19.3, pp. 196-214 (about the Athenian democracy). My references are to the 2nd edn. 1887.
68. Athens in the Age of Perikles is treated in Vol. 2. Book 3. Chapter 3, pp. 157-280: *Die Friedensjahre*.
69. Grote (1846) 1, preface xvi; Mill (1853) 323, 328.
70. It has recently been discovered, however, that Grote had a fore-runner in Edward Bulwer Lytton who in 1837 published *Athens: Its*

*Rise and Fall*, now republished by Oswyn Murray (London 2004). He takes a much more positive view of Athenian democracy than most of his contemporaries but follows the older tradition by ascribing the Athenian democracy to Solon (196-200).

71. Sartori (1962) 250-77; Held (1987) 13-35.
72. Engels (1884) 140.
73. Lenin (1917) Chapter 1, Section 4. Apart from the key passages in Marx and Engels quoted by Lenin, one can mention the passage in the communist manifesto about die *Erkämpfung der Demokratie*, an article by Engels in *Deutsche Brüsseler Zeitung* 14.11.1847, and another by Marx and Engels in *Neue Rheinische Zeitung* in June 1848, commenting on the programme of the new Radical-Democratic Party.
74. Macpherson (1977) 9-12.
75. Ste. Croix (1981) 72-77, 279-86.
76. Claimed, e.g., in the preamble to the Council of Europe's convention for the protection of human rights in which the governments re-affirm "their profound belief in those fundamental freedoms which are the foundation of justice and peace in the world and are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the human rights upon which they depend."
77. Hansen (1991) 125-50.
78. Kellenberger (1965); Hansen (1983) 207-29.
79. Sly (1930); Mansbridge (1980).
80. Stout (1986) 22.
81. Elster (1989) 36-122; Manin (1997) 42-79.
82. Elster (1989) 81.
83. Elster (1989) 81-85; Manin (1997) 54-63.
84. Ehrenberg (1927) 1493-1504.
85. Jones (1997) 411.
86. Waltman and Holland (1988).
87. Hansen (1991) 205-12.
88. The similarity between the two institutions is mentioned by Goodell (1893) but there is no indication that the introduction of judicial review by the Supreme Court was inspired by the Athenian parallel.
89. The only attested attempts to re-introduce Athenian institutions were abortive. Thus, in France in 1802 there was an abortive attempt in a law about special courts to re-introduce ostracism (Constant (1819) 506), and 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* which Grote, erroneously, had projected back into the age of Perikles (Grote (1848) 19-26, see Urbinati (2002) 63-4).
90. Hansen (2002).
  91. Schumpeter (1950) 263; Sartori (1987) 115-20; Budge (1996) 14-15, 76.
  92. Holden (1974) 140-45; Fishkin (1991) 54-60; (1997) 45-46. In the presidential elections participation has sometimes dropped to under 50% of the resident adult population and in the midterm elections to under 40%.
  93. Hansen (1999) 313.
  94. McLean (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 not restricted to free men." Se også 5-12, 15-18, 28-29, 109, 127, 130-31, 158-59, 170-71. Fishkin (1991) 86-92; (1997) 18-26; 54-55; 80-81, 169. Resnick (1997) 21-23, 32-35, 88-89, 134-35. Carson & Martin (1999) 3-4, 31-33, 35, 40, 100, 104, 108, 116. Becker & Slaton (2000) 41.
  95. Budge (1996) 26.
  96. Fuller (1971); Budge (1996) 188; Gallagher (1996) 240-50.
  97. Dahl (1989) 340; McLean (1989) 157-61; Carson and Martin (1999) 102-14. Fishkin (1991) 81-86; (1997) 161-228 advocates consultative rather than decision-making panels.
  98. Burnheim (1985) 9, 156-87.
  99. Holden (1988) 28.
  100. Thuc. 2.37, *supra* 5-6.
  101. Isoc. 7.20.
  102. Montesquieu (1748) Book 8, Chapters 2-3; Jaucourt (1754) 817-18.
  103. Liberty and equality are the two principles singled out in the preamble to the American declaration of independence of 4.7.1776 and in the first section of the French *Déclaration des droits de l'homme et du citoyen* of 26.8.1789. Both documents emphasise popular sovereignty but neither has anything to say about democracy.

104. Urbinati (2002) 14-41.
105. *Supra* n. 34.
106. Mill (1820) 11: "In Greece, notwithstanding the defects of democracy, human nature ran a more brilliant career than it has ever done in any other age or country".
107. Bentham took no interest in a community in which, he believed, 9/10th of the population were women, metics and slaves who were all deprived of political rights, see *A Fragment on Government* (1776) 68 n.2.
108. *Plan of Parliamentary Reform* (1817) in *The Works of Bentham* (1839) 10: 438: "this bugbear word democracy". In a letter of 1794 Wordsworth wrote "I am of that odious class of men called demoracts" (Knight (1907) 1: 66), and as late as 1847 Grote asserted in his *History of Greece* (4: 346) that "democracy happens to be unpalatable to most modern readers".
109. Hanson (1989) 78-79.
110. E.g. John Calhoun and Georg Fitzhug. The only intellectual who showed some interest in Athens was Hugh Swinton Legare, cf. Briggs (1989).
111. Tocqueville (1835-40) 2.2.1, pp. 607-11 in the Pléiade edn.
112. Tocqueville (1835-40), pp. 573-75 in the Pléiade edn.: "Pourquoi l'étude de la littérature grecque et latine est particulièrement utile dans les sociétés démocratiques".
113. Tocqueville (1835-40) 2.3.15, p. 737 in the Pléiade edn.: "Je ne crains pas d'affirmer que ces prétendues démocraties étaient formées d'éléments bien différents des nôtres, et qu'elles n'avaient avec celles-ci rien de commun que le nom".
114. Tocqueville (1835-40) 2.2.1, pp. 607-11 in the Pléiade edn.: "Pourquoi les peuples démocratiques montrent un amour plus ardent et plus durable pour l'égalité que pour la liberté".
115. Vacherot (1860) 7.
116. Conze (1972) 885-86.
117. Tac. *Germ.* 11; Montesquieu (1748) 11.6, p. 407 in the Pléiade edn.
118. Grote (1846-56) 4: 345; 6: 180.
119. Mill (1859) 16, 51.
120. Fustel de Coulanges (1864) 3.17 (280-6): "De l'omnipotence de l'état; les anciens n'ont pas connu la liberté individuelle", cf. n. 35 *supra*.
121. Richard (1994) 105-15; Hansen (2000) 612-13.

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## Direct Democracy, Ancient and Modern<sup>1</sup>

Until Alexis de Tocqueville in 1835-40 published his *De la démocratie en Amérique* democracy was almost invariably taken to be direct democracy practised in a small community, such as ancient Athens or 18th-century Basle,<sup>2</sup> and democracy and representation were seen as opposed forms of government.<sup>3</sup> In the wake of de Tocqueville's book the concept of democracy became rapidly connected with the concept of representation, and in 1842 – before the abolition of slavery – the United States was praised as the “most perfect example of democracy”.<sup>4</sup> Democracy without further qualification came to mean representative democracy, and direct democracy was from now on relegated to historical footnotes. During the last generation, however, the concept of direct democracy has re-appeared as a possible alternative to the prevailing form of representative democracy.

The case for replacing representative by direct democracy is based on a combination of four propositions: The first is the almost universal belief that democracy is a “Good Thing”. The second is the proposition – often presented as a corollary of the first proposition – that maximum democracy equals optimum democracy. The third is the very plausible axiom that direct democracy is more democratic than representative democracy and thus constitutes maximum democracy. The fourth is the claim that modern technology has made a return to direct democracy possible.<sup>5</sup>

These propositions are, again, based on a number of beliefs which are invoked as justifications for direct democracy, ancient or modern. In my opinion at least five basic beliefs are involved, which I suggest here to call the five pillars of direct democracy. They are:<sup>6</sup>

1. The belief that ordinary citizens are *intelligent* people who are capable of making sound decisions about themselves and their fellow citizens.<sup>7</sup>

2. The belief that ordinary citizens are prepared to *disregard their self-interest* in case of conflict with the national interest.<sup>8</sup>
3. The belief that ordinary citizens can be kept sufficiently *informed* about the issues at stake.<sup>9</sup>
4. The belief that ordinary citizens are *interested* in participating in political decision-making instead of delegating politics to professional representatives.<sup>10</sup>
5. The belief that rational decision-making can be conducted on an *amateur basis* if one distinguishes between the *expert knowledge* required to prepare and formulate the measures, and the *common sense* required to make a political choice between formulated alternatives.<sup>11</sup>

In the ongoing discussion of direct versus representative democracy a major problem is that today direct democracy is attested only at municipal level, for example in the New England town meetings<sup>12</sup> and in village assemblies in Bhutan.<sup>13</sup> It is also attested in federations at member state level, for example in some of the smaller Swiss cantons.<sup>14</sup> But it does not exist any longer anywhere as a form of government of a state. Admittedly, referendum is widely used in Switzerland, in Italy and in twenty-six of the states of the US,<sup>15</sup> but even democratic states which allow some political decisions to be made by referendum are far removed from direct democracy in which every major political decision automatically has to be debated and voted on by the people.<sup>16</sup>

Consequently the five pillars of direct democracy have to be tested against historical evidence, and the only major well attested historical example of direct democracy is the type of democracy practised in the ancient Greek city-states from ca. 500 B.C. down to the end of the Hellenistic period.

It is commonly, but erroneously, believed that the many hundred *polis* democracies were all direct<sup>17</sup> and in this respect different from modern indirect or representative democracy. We know that there was a type of Greek democracy in which the principal function of the popular assembly was to choose the magistrates and call them to account for their conduct in office,

while all political decisions were taken by the elected magistrates. This is, if not necessarily representative, then at least indirect democracy.<sup>18</sup>

Most Greek democracies, however, were direct and so was Athenian democracy which, furthermore, is the only historical democracy for which we have sources enough to reconstruct its political institutions and democratic ideology.<sup>19</sup> Among modern champions of direct democracy there are two opposed assessments of Athenian democracy and its merits.

According to some theorists, ancient assembly democracy is essentially different from modern models of electronic democracy. Admittedly both are forms of direct democracy. But they are so different that next to nothing can be learned from studying the ancient form. These theorists usually take a negative view of Athenian democracy as, in fact, a disguised oligarchy. Modern direct democracy is not a return to something which once was, but, rather, the introduction of something completely new.<sup>20</sup>

Other theorists, however, hold that the Athenian example is a highly relevant historical example and that the methods to be used in modern direct democracy are adaptations to new technology of a political system which, essentially, was practised by the Athenians. There are, admittedly, major differences between ancient and modern direct democracy both in the form of debate and the way the vote is taken; nevertheless, some of the basic aspects of direct democracy are common to both forms.<sup>21</sup> Proponents of this more historical view of direct democracy tend to focus on the institutional and ideological aspects of Athenian democracy.<sup>22</sup> The fact that the Athenians excluded women and had slaves is, largely, irrelevant in this context – An obvious parallel is the American Declaration of Independence of 1776 and the American Constitution of 1787/9. We can appreciate the ideas and ideals advocated in these documents in spite of the fact that American women had no political rights before 1920, and that there was a large population of black slaves who were held neither to have been created equal, nor endowed by their Creator with inalienable rights such as life, liberty and the pursuit of happiness.



Thus, in spite of all the important differences between a small ancient city-state and a large, modern so-called territorial state, one important way of testing merits or draw-backs connected with direct democracy, is to study the political system of ancient Athens from 507 B.C., when Kleisthenes introduced *demokratia* in Athens, and 322 B.C., when this democracy was abolished in consequence of the Macedonian conquest of Athens.

The first thing to note is that what I call the five pillars of direct democracy were explicitly recognised by the Athenians as foundations of their political system.

1. The Athenians did believe in the intelligence and sound judgement of the ordinary citizen, and they put their belief to the test by letting all major political decisions be made by ordinary citizens either in the assembly (in which every citizen was entitled to speak and to vote) or in law courts and legislative committees manned with ordinary citizens (selected by lot for one day from a panel of 6,000 citizens selected by lot for one year).<sup>23</sup>

2. Ancient critics of Athenian democracy, in particular Plato and Aristotle, claimed that the poor, always being in the majority in any political assembly, would avail themselves of any opportunity to soak the rich, especially by confiscation of property. That may have happened occasionally, but Athenian democrats took pride in stating that although the jurors in the democratic courts were sometimes tempted by irresponsible prosecutors to have a rich man convicted and his fortune confiscated, they almost always resisted the temptation and acquitted the defendant.<sup>24</sup>

3. The Athenians believed that regular participation in the political institutions made the citizens sufficiently knowledgeable to make well-informed political decisions; and the democratic government at Athens was accompanied by publicity to a degree otherwise unheard of in past societies. Everything had to be publicised, either orally or in writing: assemblies were not only decision-making organs, they were the forum where many matters were brought to the notice of as many citizens as possible. It was a hallmark of democracy to have a written code of laws available to the public for inspection; and again and again in

the inscriptions the formula is repeated that a proposal or decision is to be published so that it can be read by anyone who wishes.<sup>25</sup>

4. For many Greeks and most Athenians, political activity was a positive value and participation in the decision-making process an end in itself and not just a means to self-advancement, or to obtain some other advantage. According to Aristotle, man was a "political animal", i.e. the very stuff of human life at its most basic was involvement in social and political organization. It seems that the Athenians derived actual enjoyment from the formal play with complicated procedures like sortition, voting and debates in political assemblies. Accordingly the citizens' participation in the running of the political institutions was astonishing and unmatched in world history.<sup>26</sup>

5. Although the Athenians supposed that every citizen would take an active part in the running of the democratic institutions, they also insisted that no citizen should be forced to engage in political activity at the top level. Political activity was divided into passive participation, that is listening and voting, and active participation, which included preparing proposals and taking an active part in political argument by speaking in the assembly and council and being an advocate in the popular courts. What the Athenians expected of the ordinary citizen was passive participation only, which demanded enough common sense to choose wisely between the proposals on offer, whereas active participation was left to those who might feel called to it. Democracy consisted in every citizen having the right to speak, *isegoria*, the genuine possibility to stand up and advice his fellow citizens; but the Athenians did not require or expect everyone to do so. Indeed, if every citizen had insisted on making use of his right to address his fellow citizens, assembly-democracy would have broken down there and then. The Athenians presupposed a fundamental divide between leaders and followers, in this respect there is no distinction between ancient Athenian and modern representative democracy. And this divide is connected with the distinction between those who possess expert knowledge, that is the leaders, and those who possess enough common sense to

listen to a debate and choose between the proposals submitted by the leaders.<sup>27</sup> The difference between the Athenians and us is that in direct democracy the choice is between the proposals, and has to be made every other day, whereas, in a representative democracy, the only choice left to ordinary citizens is between the leaders, and the choice is offered the citizens only once every third or fourth or fifth year. The English House of Commons is an obvious example both historically and today. At this point I find it relevant to quote what Jean Jacques Rousseau had to say about the English Parliament: "The English people believe they are free. They are grossly mistaken. They are free only on the day they elect the members of parliament. As soon as the members are elected, the people are slaves. They are nothing. During the short moments of liberty they enjoy, the use they make of it shows that they deserve to lose it."<sup>28</sup>

Moving from basic ideas to institutions there is a noticeable difference in how modern proponents of direct democracy use the Athenian example. Those who ignore Athenian democracy, or even take a fairly unfavourable view of it, tend to focus on the idea that all the people all the time must vote on all important political issues, and on how this can be done by electronic voting after the watching of political debates transmitted on TV.<sup>29</sup> In a historical context the problems discussed are whether such a debate can replace a proper face-to-face debate in a public assembly like the Athenian,<sup>30</sup> and whether electronic voting by millions of citizens can replace the direct voting by a show of hands taken among those who have listened to the debate.<sup>31</sup>

These problems are certainly relevant, but we must not forget that direct decision-making in a popular assembly was only one aspect of ancient Athenian democracy. Other important aspects were: (a) the appointment of magistrates, jurors and legislators by the drawing of lots instead of by election; (b) a short term of office (usually a year) combined with a ban on iteration to ensure maximum rotation, (c) payment for political participation to make it possible for even poor citizens to exercise their political rights, and (d) the separation of initiative and decision, so that initiative and preparation of all bills was left to highly active and

sometimes even semi-professional citizens in collaboration with a council which prepared all business for the popular assembly, whereas decision by vote was what was expected from the ordinary citizens.<sup>32</sup>

Those who really find inspiration by studying the Athenian political institutions are less interested in the face-to-face assembly democracy for which they have contemporary institutions to study, such as the New England town meeting or the Swiss *Landsgemeinde*. They focus instead on the other aspects, particularly selection by lot for which the only modern parallel is the completely different modern jury.

The extensive use of the lottery in democratic Athens is completely unknown today,<sup>33</sup> and if transformed to fit contemporary states and modern technology the analogy would be to have a small panel of citizens randomly selected from all citizens, but so few that they can carry on a debate, at least by telecommunication, and that they can be sufficiently informed about the political issues at hand. The idea is, then, to transform parliaments into preparatory and problem-formulating institutions whose proposals are to be voted on by deliberative and decision-making opinion poll panels, selected by lot from among all citizens. This form of popular rule is often called “demarchy” instead of “democracy”, a term invented by John Burnheim.<sup>34</sup>

So sortition instead of election, rotation to ensure maximum participation, payment to stimulate participation, and the acknowledged distinction between active and passive participation are aspects of direct Athenian democracy which have recently been drawn into the debate about a return to direct democracy.

In *Democracy and Its Critics* Robert A. Dahl suggested one model democracy which incorporated such institutions: “Suppose an advanced democratic country were to create a ‘minipopulus’ consisting of perhaps a thousand citizens randomly selected out of the entire demos. Its task would be to deliberate, for a year perhaps, on an issue and then to announce its choices. The members of a ‘minipopulus’ could ‘meet’ by telecommunications. ... The judgment of a minipopulus would ‘represent’ the

judgment of the demos. Its verdict would be the verdict of the demos itself.”<sup>35</sup>

By far the most sophisticated and best tested version of this form of direct democracy, however, is the deliberative opinion poll as developed by, especially, James Fishkin: a couple of weeks before an election or a referendum some 300-500 randomly selected citizens are first provided with information about the issue at stake, then they are brought together to participate in a weekend of deliberation on the issue. During this session they debate with one another and listen to experts and political leaders to whom they can put questions and ask for further information. Both before and after the weekend a vote is taken. All experiments so far conducted in accordance with this method show that some panelists have changed their mind in the course of the debates and, especially, that a number of “don’t know”s have made up their mind. If the group of citizens is randomly selected and really represents a cross-section of the citizenry, the experiment indicates both how the people would decide the issue if they had to vote offhand without any information and interactive debate, and how they would vote if *all* citizens had had access to the same amount of information and exchange of views in a prolonged debate.<sup>36</sup> The difference between the first and the second vote reveals the importance of information and debate as key aspects of democracy.<sup>37</sup> By contrast with other models of demarchy, Fishkin does not envisage that it is left to the panel to decide the issue. The deliberative poll is intended to be a guideline for the electorate when, a few weeks later, all citizens have to vote.

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.<sup>38</sup> 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.

In both cases the decision is “the voice of the people”. If a

panel is enlarged from the ca. 500 citizens used in most test polls to ca. 3,000, there is a very high probability that the panel will normally arrive at the same decision as that of a referendum with millions of voters (who had had the same information). The panel is, in fact, representative of the people in the true sense what the elected legislators hardly ever are, especially if they take the view that they have been selected for their personal qualities and judgement and are not bound to vote as constituents think.

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 “minipolus” of at most 1000 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. The drawback, on the other hand, is that only a minute fraction of the population gets an opportunity to be directly involved in the decision-making process. Even in small nations the possibility of being selected to serve on a panel is minimal.

A possible compromise is, of course, to combine the two procedures as has in fact been practised in British Columbia in 2004-5.<sup>39</sup> Like people in other member states of the Canadian Federation, many citizens have long wanted to get rid of the “first past the post” system for electing their representatives in the legislature and to introduce some form of proportional representation instead. The ruling party – which was against any reform – was ousted in the 2001 election, and the winning liberal party decided to implement the reform – as they had promised to do if they won the election. What was unusual and truly innovative was that the liberals decided to bypass the legislature and leave the whole matter to a “citizens’ Assembly” composed of 160 ordinary citizens, one man and one woman selected by lot from each district.<sup>40</sup> The Assembly met in weekends, was briefed

by experts, arranged public hearings and – in response to its public call – it worked through over 1,000 public submissions. In the course of the year the Assembly prepared the reform its members became almost experts in the merits and defects of electoral systems. In the end the Assembly opted for a “single transferable voting system” in which voters rank candidates in order of preference. The Assembly’s proposal was submitted to a referendum which took place in May 2005. The reform obtained a majority of 57% of the voters, but that was not enough since the law about referenda requires a qualified majority of 60%. (Almost) all experts and political commentators have expressed their admiration for the way British Columbia handled the reform and the remarkable high quality of the performance by the citizens’ assembly.

A combination of a small randomised panel of citizens with a full-scale referendum about a matter is an obvious solution when the issue is a major reform of the constitution or the electoral system. To have a three-digit or perhaps even four-digit number of referenda every year is, I think, out of the question.

I know of only one model of direct democracy which avoids the dilemma. Inspired by the Athenian example, and explicitly acknowledging his debt to ancient Athens, Marcus Schmidt, a Danish university teacher, has constructed a very interesting model of modern direct democracy which combines all the abovementioned features.<sup>41</sup>

His model democracy is organised along the following lines. Denmark has a resident population of five million of whom four million have political rights. Danes are full citizens for, on average, fifty-seven years, namely from they come of age at 18 and till they die at, on average, seventy-five. 4,000,000 divided by 57 makes 70,000. Now, the idea is, on 1 January every year, to have 70,000 Danes selected by lot from among all the 4,000,000 adult Danes. These 70,000 constitute an Electronic Second Chamber and, using button-phones with PIN-codes, they have to vote some 1,000 times in a year on all major political decisions debated in the Danish Parliament. The following year another 70,000 electors are chosen by lot, etc. The result is that almost

every Danish citizen will be directly involved in the political decision-making process for one year by being a member of the electronic second Chamber. 70,000 Danes chosen at random is such a large number that the risk of their voting differently from what 4,000,000 would have done is insignificant. All proposals debated in parliament have to be submitted to the Electronic Chamber, both those passed and those rejected by the parliament. Every political decision presupposes agreement between the parliament and the electronic chamber. In the relatively few cases of disagreement between the parliament and the electronic Chamber, the issue has to be decided by a referendum involving the whole electorate of 4,000,000 persons. The parliament will continue to prepare all bills and will be elected on a party-political basis just as before, so that there will be a division between initiative and preparation, left to professional elected politicians and decision shared by the parliament and the electronic chamber. Of the 70,000 members of the electronic chamber those who have a job will have a paid day off every week to study and debate the proposals on which they have to vote; all 70,000 will be sent the relevant material, and they will receive some compensation for their political participation. Every time they vote they will obtain a reduction in direct taxation amounting to the equivalent of 2 £ which means that the reduction in income tax comes to £ 2,000 in the course of the year they are members of the electronic chamber. The total costs of such a political system would come to 5 billion Danish kroner per year, or  $2\frac{1}{2}$  % of the state budget (in 1993).

Here direct popular vote on all major issues is combined with sortition, rotation, political pay and the co-operation between professional policy makers in the parliament and amateur decision-makers in the electronic panel. Thus, all the five most prominent aspects of Athenian democracy are involved, and the result is a model which, in my opinion, is a much improved version of the traditional forms of teledemocracy. Rotation and sortition, combined with a ban on iteration ensures that all citizens for one year are actively involved in political decision-making. For the rest of their lives they have all the political rights they



have today under representative democracy. On the other hand, it is feasible and not too expensive to give 70,000 persons sufficient time to keep themselves politically informed; political pay is an extra incitement, and it is possible to have a political debate, thereby precluding direct democracy from degenerating into a vulgar push-button democracy.

*If* such a kind of direct democracy is workable, it is supposed to have the following beneficial effects. (1) As a result of the increased importance of the decisions left to citizens, there will be increased participation. (2) Direct democracy will counteract corruption. (3) Lobbyism will have to come out in the open and can no longer be confined to the corridors. (4) The focus of politics will be issues instead of persons. (5) Political parties will play a less prominent role in politics. If, on the other hand, one of the pillars collapses, the whole building collapses too. If, e.g., only ca. 20,000 out of the 70,000 members of Marcus Schmidt's minipopulus are prepared to take their obligations seriously it will thwart the whole idea of the reform.

So, whether this form of democracy is inferior or superior to the prevailing form of representative democracy remains to be seen. It presupposes the veracity of the five propositions here called the five pillars of direct democracy. What matters in this specific context is that this and similar model democracies are indisputably based on institutions and principles borrowed from ancient Athens, and – as long as such a system is just a model – one important way of assessing its merits is an investigation of the merits or defects of the Athenian political system from Kleisthenes to Demosthenes.

I shall round off this investigation by discussing one positive and one negative observation in connection with Athenian direct democracy.

(1) It is a common belief that it must be impossible to conduct a consistent line of policy in a state in which all major decisions are made directly by the people. Such decisions will be made on the spur of the moment, and the state will follow a zigzag course in domestic as well as in foreign policy.<sup>42</sup> If all states were democracies direct popular rule might be feasible, but a direct

democracy will always be unable to assert itself against its much more efficiently governed neighbours in which power rests with a single ruler or a government.

In classical Hellas, about half the city-states were monarchies or oligarchies, and half were democracies, most of them direct democracies of the Athenian type.<sup>43</sup> If it were true that a direct democracy is an unwise and inefficient form of government compared with oligarchies ruled by an elite, or monarchies ruled by a strong leader, it follows that the many hundred ancient Greek democracies would soon have succumbed to the oligarchies and monarchies, and they would have been eliminated from the political map in the course of the many centuries the city-states existed. But that did not happen. On the contrary, if we judge the Athenian democracy by the consistency and efficacy of its policy, we have to note that democratic Athens was much more efficient and much stronger than its oligarchic neighbours, though these neighbours were as populous as Athens.<sup>44</sup> Like Athens, Thebes was strongest, in fact the strongest city-state in Hellas, in the fourth century when the *polis* was democratically governed.<sup>45</sup> So direct democracy can be a highly efficient form of government and, again, both in the 5th and in the 4th century there is little evidence, if any at all, that the Athenians followed a zigzag course in their foreign policy.<sup>46</sup>

It is true that the alliance of Greek *poleis* led by Athens lost the war against Philip of Macedon in 340-38 and that Greece in the following period was dominated by Macedon. But that says more about the *polis* as a *type* of state than about democracy as a *form* of state. The alliance formed against Philip consisted of oligarchies as well as democracies and was – first of all – an alliance of *poleis*. It has always been difficult for a city-state culture to hold out against a strong and aggressive neighbouring macro-state and that has been the case irrespective of whether the city-states were monarchies, oligarchies or democracies.<sup>47</sup> The Hellenic city-state culture prevailed in the war against the Persian empire in the early 5th century, but it lost the draw in the struggle against Philip of Macedon in the mid 4th century.

(2) My second observation concerns what is called “The

democratic peace theory" according to which democracy will put an end to wars. It is claimed that democracies do not fight democracies, and if all states in the world become democracies, there will be peace in the world.<sup>48</sup> The theory is especially popular among US neoconservative politicians.

Since the Western democracies are young and even today constitute a minority of the close to two hundred states in the world, historical investigations have been adduced in support of the theory, and ancient Greek history in particular has been in focus. It is held that in the Greek world there is only one example of a democracy waging war against a democracy, namely the war between Athens and Syracuse in 415-13, and some advocates of the democratic peace theory hold that, after all, Syracuse was not a true democracy.

The theory does not stand up to scrutiny.<sup>49</sup> First, like Athens, Syracuse *was* a democracy in the second half of the 5th century B.C. Second, a more careful examination of the historical record reveals that there are in fact numerous examples of wars between democratic city-states. In the second half of the fifth century Taras, then a democratic *polis*, had a dedication sent to Delphi in which the Tarantines commemorated a victory over Thourioi, colonised in 444/3 and issued with a democratic constitution allegedly written by Protagoras. In 424 Athens attacked the democratically governed *polis* of Herakleia Pontike. In 373 democratic Thebes conquered and destroyed democratic Plataiai. In the 360s Athens made several attempts to reconquer Amphipolis, probably a democracy at the time. The Social War was fought in 357-55 between Athens and four members of the Second Athenian Naval League: Byzantion, Chios, Kos, and Rhodos. Of these Byzantion, Kos and Rhodos were democracies and only Chios had an oligarchic constitution.<sup>50</sup>

Thus on the basis of the argument from history it is not to be expected that democratisation of the world will entail peace in the world. Perhaps the converse proposition is more in place: that peace in the world may promote democracy all over the world.

The connection between peace and democracy has been claimed not only by neoconservative hawks but also by direct

democratic doves. Champions of this new form of participatory democracy have argued that the majority of people want peace and that representative democracies tend to become governed by élites who find it easier to send the citizens to war than the citizens would have themselves if it had been left to them to make the decision.<sup>51</sup>

The above examples, however, show that this version of the theory cannot be upheld either. The *poleis* in question were probably direct democracies, which indicates that, in each case, the war had been voted for by the people in assembly. Other examples can be found and they show that a whole people can be as militant and bent on war as a ruling élite or a monarch,<sup>52</sup> and that in spite of the fact that the people, will have to fight in the ranks.<sup>53</sup> In Thucydides and Xenophon there are numerous accounts of popular assemblies in which the war has been decided and later upheld by the majority of the people. And in Euripides' *Supplikes* this fact is formulated as a general truth:

For, when for war a nation casteth votes,  
then of his own death no man taketh count  
but passeth on to his neighbour this mischance.  
But were death full in view when votes were cast  
never war-frenzied Greece would rush on ruin.<sup>54</sup>

In this context it is pertinent to mention that a somewhat similar hope was crushed in the years after World War One. War is rooted in masculine aggressiveness, it was said. When women obtain the right to vote, there will be no major wars like the one we have just been through.<sup>55</sup> But the only central European state which kept itself out of World War Two was Switzerland in which women had no political rights. Historical examples do not support the view that democracies – representative as well as direct – will make our planet a more peaceful place to live in.<sup>56</sup>

### Notes

1. This article is based on Hansen (2002) and Hansen (2004).
2. *Encyclopædia Britannica* 1st edn. (1771) 2: 415, s.v. "Democracy: the same with a popular government, wherein the supreme power is lodged in the hands of the people: such were Rome and Athens; but as to our modern republics, Basil only excepted, their government comes nearer to aristocracy than democracy."
3. As late as 1848 the new Swiss federal constitution treated democracy and representation as direct opposites: the *Constitution de la confédération Suisse du 12 Septembre 1848* prescribes: "l'exercice des droits politiques d'après des formes républicaines – représentatives ou démocratiques". The distinction is between Kantons governed by an elected *Kantonsrat* and Kantons governed by a *Landsgemeinde*. – The first really important political movement launched under the banner of (representative) democracy was Andrew Jackson's democratic party set up in 1828, see Roper (1989) 54-55).
4. The concept of representative democracy appears in Blackstone's *Commentaries on the Laws of England* (1765-69) Book I, Chapter 2. Another early occurrence is in a letter from Alexander Hamilton of 1777 (to Gouverneur Morris, 19 May 1777); In the short-lived constitution of the Helvetic Republic of 1798 article 2 proclaimed that the government shall at all times be a "démocratie représentative", but in the early 19th. century the idea of representative democracy lapsed into oblivion and it took a long time "for the concept of representation to be ingrafted upon the concept of democracy", see Thomas Paine, *Rights of Man* (1792) 170. That happened in consequence of: A. de Tocqueville, *De la démocratie en Amérique* i-ii (Paris 1835-40), echoed in *Encyclopædia Britannica* 7th edn. 1842, s.v. *Democracy*: "the most perfect example of democracy is afforded by the United States of North America at the present day."
5. *Four propositions about direct democracy*: (1) Democracy is a Good Thing: see J.J. Rousseau, *Du Contrat Social* (Amsterdam 1762) Book 3 Chapter 15; Barber (1998); Carson & Martin (1999) 39. (2) Maximum democracy = optimum democracy: see, e.g. Barber (1984) especially 117-20, 131-2, 151. (3) Direct democracy = maximum democracy, see, e.g. Budge (1996) 190-2. (4) New technology has made a return to direct democracy possible: see, e.g. McLean (1989) 108-34, 171-2.

6. To illustrate the five “pillars” I adduce quotes from Budge (1996). Similar views can be found in, e.g., Barber (1988); Becker and Slanton (2000); Burnheim (1985); Cronin (1989); Fishkin (1997); Gallagher (1996); Resnick (1997); Schmidt (1993).
7. Budge (1996) 188-90 presents: “arguments and evidence which demonstrate that citizens in the mass are able to make policy-decisions which are not noticeably worse than those made by legislatures, if not somewhat better”.
8. Budge (1996) 109: “In the case of American States many individual results of individual initiatives (tax limitations, gun laws, harsh criminal penalties) can be satirized. However, there are always counter-examples where initiatives have supported public services against tax cuts, limited guns, upheld minority rights and protected the environment. Given the difficulty of saying what is “objectively” good or bad, perhaps the safest ground for evaluation is to compare popular initiatives with what State legislatures have done. Here very little difference opens up”. See also, e.g., Cronin (1989).
9. Budge (1996) 60: “Participation also educates and expands citizens’ capacities, which are not so limited anyway”. 113: “there seems little in the copious survey evidence for the United States and Switzerland to suggest that electors are copiously under-informed in relevant respects compared to other political actors”. See also Marcus & Hanson (1993).
10. Budge (1996) 19: “If we extended the definition of participation to actively informing oneself and being attentive to politics, as participatory theorists would urge, the distinction between agreeable private pursuits with benefits and disagreeable political ones with costs would, however, almost totally disappear”. 64: “after all participation can be pleasurable, and educational”. Cf. 186-8.
11. Budge (1996) 181: “Parliament would change into an advisory, investigative and debating committee informing popular discussion and voting, rather than substituting for it”. 186: “Most will be recipients of information rather than active contributors, thus disappointing the highest hopes of participation”. – Today the crucial distinction between experts and politicians is acknowledged by all parliamentarians who, not being experts themselves, distinguish between the technical aspects of an issue (to be left to the experts) and the purely political aspects (to be decided by the elected representatives of the people). The interesting point is that parliamentarians hardly ever allow this distinction to be made when debating whether

political decisions should be made by referendum. In this case they prefer instead to emphasise the distinction between their own expert knowledge and the ignorance of ordinary citizens.

12. Sly (1932); Mansbridge (1980).
13. Vinding (1998).
14. Kellenberger (1965) Carlen (1976). Until recently the cantonal popular assembly, the *Landsgemeinde*, existed in five cantons and half-cantons: Obwalden, Nidwalden, Appenzell Ausserrhoden, Appenzell Innerrhoden, and Glarus. During the last decade, however, the citizens have voted their assembly out of existence in Obwalden, Nidwalden and Appenzell Ausserrhoden.
15. Gallagher and Uleri (1996); Budge (1996) 84-104.
16. Gallagher & Uleri (1996); Budge (1996) 84-104.
17. Meier (1990) 85, 165, 218.
18. Aristotle *Politics* 1318b21-22, 28ff; 1274a15-18; 1281b32-4, see Hansen (1999) 3.
19. Hansen (1999) 1-2.
20. E.g. Budge (1996) 26: "Clearly the Greek model is unworkable today and functioned badly in Athens too. It is hardly a means for extended participation either, given the exclusion of the large majority of the population from debate and voting". 27: "The phone-in, the televised debate, the casting of mass votes after debate, all opened up discussion to strata of the population which would never have got a look-in at Athens". No mention of Athens at all in Arterton (1987). Gallagher (1996) 234 concludes that even Liechtenstein (population of 29,000) is too large to be governed by Athenian-style direct democracy.
21. McLean (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 not restricted to free men." See also 5-12, 15-18, 28-9, 109, 127, 130-1, 158-9, 170-1. Fishkin (1991) 86-92; (1997) 18-26; 54-5; 80-1, 169. Carson & Martin (1999) 3-4, 31-3, 35, 40, 100, 104, 108, 116. Becker & Slaton (2000) 41.
22. An important 19th century evaluation of Athenian democracy can be found in J.S. Mill, *Considerations on Representative Government*: "Notwithstanding the defects of the social system and moral idea of antiquity, the practice of the dicastery and the ecclesia raised the intellectual standard of an average Athenian citizen far beyond

anything of which there is yet an example in any other mass of men, ancient or modern.” (53-54 in the 1958 edn.), cf. Urbinati (2002) 6, 17, 92.

23. Dem. 3.15: “You have among you, Athenians, men competent to say the right thing, and you are the sharpest of all men to grasp the meaning of what is said, and you will at once be able to translate it into action, if only you do your duty” (transl. J.H. Vince). Cf. Eur. *Or.* 917-22; Pl. *Prt.* 319b-d, 322c-d, 323b-c. See also Ober (1989) 158-60. On the degree of participation in Athens, see Hansen (1999) 313.
24. Hyp. 3.33-34: “There is not in the world a single democracy or monarch or race more magnanimous than the Athenian people, and ... it does not forsake those citizens who are maligned by others, whether singly or in numbers, but supports them. Let me give an instance. When Tisis of Agryle brought in an inventory of the estate of Euthykrates, amounting to more than sixty talents, on the grounds of its being public property, and again later promised to bring in an inventory of the estate of Philip and Nausikles saying that they had made their money from unregistered mines, this jury was so far from approving such a suggestion or coveting the property of others that they immediately disfranchised the man who tried to slander the accused and did not award him a fifth of the votes” (Transl. J.O. Burrt) One more example is adduced at 35-36. Plato and Aristotle hold that, in a democracy, the majority of poor will inevitably vote according to class interests and soak the minority of rich (Pl. *Resp.* 565A; Arist. *Pol.* 1304b20-4; 1320a4-6).
25. Arist. *Pol.* 1281b3ff: “For each individual among the many has a share of excellence and practical wisdom, and when they meet together, just as they become in a manner one man who has many feet and hands and senses, so too with regard to their character and thought. Hence the many are better judges than a single man of music and poetry; for some understand one part and some another, and among them they understand the whole” (transl. B. Jowett), cf. 1282a14-17; Dem. 23.109. Political information brought to the attention of all citizens: Aeschin. 3.25, 32; Arist. *Ath. Pol.* 43.4; Eur. *Suppl.* 433-4.
26. Thuc. 2.40.2: “Here each individual is interested not only in his own affairs but in the affairs of the state as well: even those who are mostly occupied with their own business are extremely well-informed on general politics – this is a peculiarity of ours: we do not



say that a man who takes no interest in politics is a man who minds his own business; we say he has no business here at all" (Transl. Rex Warner). – According to Aristotle man is a "political animal" (*zoon politikon*, *Pol.* 1253a3). His purpose in life is to live an active political life (*bios politikos*, *Eth. Nic.* 1095b18ff; *Pol.* 1325b16ff) which is identical with being a citizen (*polites*) in a *polis*, and "citizens in the common sense of that term, are all who share in the civil life of ruling and being ruled in turn ... and under an ideal constitution they must be those who are able and willing to rule and be ruled with a view to attaining a way of life according to goodness" (*Pol.* 1283b42-84a2), cf. *Eth. Nic.* 1177b4-20.

27. Thuc. 6.39.1: "I say, on the contrary, first that the word *demos*, or people, includes the whole state, oligarchy only a part; next, that if the best guardians of property are the rich, and the best counsellors the wise, none can hear and decide so well as the many; and that all these talents, severally and collectively, have their just place in a democracy" (transl. R. Crawley). Active participation not expected of ordinary citizens: Dem. 18.308; 19.99; 10.70-4; 22.30; Aeschin. 3.233; Eur. *Suppl.* 438-41. – A philosophical formulation of the different levels of knowledge is found in Aristotle's *Politics* where he states that there are two forms of knowledge: one concerns how to make a thing, the other how to make use of a thing. It requires expert knowledge to build a house, but it requires common sense to choose a house that fits one's need. And it is not the cook but the guest who decides the quality of a meal (Arist. *Pol.* 1282a16-23).
28. Rousseau (1762) Book 3 Chapter 15 (page 430): "Le peuple anglois pense être libre; il se trompe fort, il ne l'est que durant l'élection des membres du parlement: sitôt qu'ils sont élus, il est esclave, il n'est rien. Dans les courts momens de sa liberté, l'usage qu'il en fait mérite bien qu'il la perde."
29. The first one to suggest a high number of electronically conducted referenda was R. Buckminster Fuller (1940). A recent champion of this form of direct democracy is Budge (1996) who imagines a total of ca. 50 such referenda per year (188). See also Gallagher (1996) 240-50.
30. The interactive electronic debate between a large number of citizens is the central element of what Barber calls "strong democracy", see Barber (1998) 254-78, but, according to Barber, the debate results in a limited number of votes (74): "not government by all of

the people all the time over all public matters, but government by all of the people some of the time over some public matters.”

31. Budge (1996) 24-33.
32. Important aspects of Athenian democracy (apart from direct decision-making in a popular assembly) are: (a) the appointment of magistrates, jurors and legislators by the drawing of lots instead of election, see Hansen (1999) 197-99; 235-37; 308; (b) a short term of office (usually one year) combined with a ban on iteration to ensure maximum rotation, see Hansen (1999) 225-27; (c) payment for political participation to make it possible even for poor citizen to exercise their political rights, see Hansen (1999) 315-17; and (d) the separation of initiative and decision, so that initiative and preparation of all bills was left to highly active and sometimes even semi-professional citizens collaborating with members of the council of 500, whereas decision was what was expected from the ordinary citizens, see Hansen (1999) 71-72, 143-46, 306-7, 309, 312.
33. Elster (1989) 78-93; Manin (1997); Carson & Martin (1999).
34. Burnheim (1985) 9, 156-87; Carson & Martin (1999) 102-14. McLean uses “demarchy” synonymously with what he calls “statistical democracy” (1987) 157-61.
35. Dahl (1989) 340.
36. Fishkin (1991) 81-96; (1997) 161-228; Carson & Martin (1999) 87; Becker & Slaton (2000) 66-8; for a critical view, see Merkle (1996).
37. I am pretty sure that if Rousseau had experienced the deliberative polls he would say that the difference between the vote before and after represents the difference between “la volonté de tous” and la volonté generale”, see *Du Contrat Social* Book 2 Chapter 3.
38. See 50 *supra* with note 29.
39. For a short description, see Milner (2005).
40. In fact 158 citizens were randomised in this way to whom were added 2 native American members, since none of those who had passed the initial random selection came out in the final sortition by lot.
41. Schmidt (1993). Marcus Schmidt is lecturer in marketing at University of Southern Denmark and he runs the largest Danish opinion poll institution with a carefully randomised panel of 1,500 persons. (*GfK, Observa*).
42. This critique of Athenian direct democracy goes back a long way, see for example Lord Acton (1877) and Beloch (1884) 18-19.

- Among the orators it is Demosthenes in particular who repeatedly complains that the Athenian democracy is an inefficient form of government compared with the Macedonian monarchy under Philip 2., cf., e.g., Dem. 2.23, 3.14, 8.32-34, 18.235. The best analysis of this issue is still Montgomery (1983).
43. Hansen and Nielsen (2004) 80-86 and 1338-40.
  44. According to Herodotos (5.78) democratic freedom of speech (*isegoria*) had made Athens much stronger than she had been under the tyrants.
  45. Buckler (1980) 20.
  46. Harding (1995).
  47. Hansen (2000) 17 with nn. 72 and 73.
  48. Weart (1998).
  49. Russet and Antholis (1993) 43-71, but see Hansen and Nielsen (2004) 85 n. 59. For a more solid critique of the theory, see Robinson (2001) 593-608.
  50. Hansen and Nielsen (2004) no. 47 (Syracuse); no. 71 (Taras) and no. 74 (Thourioi); no. 715 (Herakleia Pontike); No. 674 (Byzantion), no. 840 (Chios), no. 497 (Kos) and no. 1000 (Rhodos).
  51. This view goes back to Immanuel Kant, *Zum ewigen Frieden* (1795) 2nd section, 2nd article.
  52. Samons (2004) 100, 131 and *passim*.
  53. In November 1914 the pacifistic progressivist Walter Weyl wrote that "if anything is certain about the war of 1914, it is that the impulse came from the peoples", and when Italy joined the war in 1915 another progressivist, Charles Edward Russel, wrote: "it looks as if the people were forcing a reluctant government", see Thompson (1987) 92-102, the quotes are on page 98.
  54. *Eur. Supp.* 481-85, translated by Arthur S. Way.
  55. These views were advanced by, i.a., Jane Addams who in 1915 founded *The Women's Peace Party in USA*, see Degan (1939) and Marchand (1972) Chapter 6.
  56. Layne (1994).

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