

## **Democracy Building in Post-Saddam Iraq: ‘Historical Memory’ and ‘Primitive Democracy’**

This paper is hereby submitted for peer review as part of the Oceanic Conference on International Studies, University of Queensland, 2008. It should also be noted that I am a postgraduate student and would like this paper to be considered for the special issue of *Global Change, Peace and Security* if it is deemed appropriate.

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### **Abstract:**

Iraq’s long and complex past has played a particularly poignant role in establishing and legitimating the various political movements that have ascended to power since the nation state was first created by the British in the early 1920s (Davis, 2005b). For example, the installed Hashemite monarchy that ruled Iraq until the 1958 revolution utilised their ancestral connection to the Prophet Muhammad to legitimate their claim of being the rightful legatees of the Arab lands, while later Saddam Hussein invoked the power of Iraq’s Mesopotamian past to build nationalism and unite the people against ancient enemies such as during the Iran-Iraq war of the 1980s. What is problematic about these examples of ‘historical memory’ in Iraq is that they have also been used to justify a series of autocratic and despotic regimes that have attempted to quash Iraq’s civil society and curtail any semblance of democratic reform. However, this paper argues that such ‘historical memories’ may well be useful in reinvigorating the Iraqi public sphere and enabling the transition from despotism to democracy. To do this, this paper focuses on the ancient Mesopotamian practise of ‘Primitive Democracy’ and argues that reinvigorating such histories may serve to legitimate and promote democratic governance within Iraq.

## Introduction:

It is only in relatively recent times that we have come to understand the historical importance and influence of the region known as Mesopotamia in the Ancient World and currently known as Iraq. Amongst these achievements are those of the early city-states that developed across the region around 3200 BC. As is now commonly understood, this era witnessed the development of some of humankind's earliest agricultural and architectural feats, including early farming practices and animal domestication, complex irrigation networks, sophisticated artistic and structural wonders as well as a relatively complex, urbane and cosmopolitan society. Very early on, these complex societies – with their large hydraulic projects and complicated temple and city economies - prompted the development of the world's first written language (Frankfort, 1968: 49-50; Jacobsen, 1977 [1951]-a: 129; Van de Mieroop, 1997: 36). This involved using a split reed to create the distinctive wedge-shaped marks now known as cuneiform on clay tablets (Greaves, Zaller, Cannistrano, & Murphey, 1997: 18) which evolved from early markings concerning systems of weight and measurement through to a rich body of literary texts (Pritchard, 1968; Silvestro, 1965).

This rich and complex history of ancient Mesopotamia became politically significant even before the birth of the modern nation-state of Iraq in 1921, as various early Pan-Arab and Iraqi nationalist groups utilised its symbology in their rhetoric to encourage unity amongst the ethnically diverse population (Davis, 2005b: 13). However, the efforts of these early political movements pale in comparison to the Ba'ath Party who underwent an extensive and sustained cultural campaign in which the successes of the ancient world became a symbol of Iraq's potential as a united and prosperous state. Probably the most exhaustive study of the Ba'ath's manipulation of Mesopotamian symbology and folklore is found in Amatzia Baram's *Culture, History and Ideology in the Formation of Ba'athist Iraq, 1968-1989* (Baram, 1991). Of particular centrality to Baram's study is his critical analysis of the manipulation and utilisation of Iraq's ancient Mesopotamian history by the Ba'ath in order to both encourage national unity and patriotism as well as to justify the party's power. This is perhaps best evidenced by the launch of an extensive cultural campaign under the Ba'ath consisting of Iraqi folklore (such as music, folktales, poetry, dances and arts somehow linked to the early Near East), the funding of extensive archaeological excavations and museums as well as grandiose reconstructions (such as Saddam's attempt to re-build Babylon in the late 1980s) and the re-enactment of the ancient Mesopotamian spring festival across the nation (Baram, 1991; 1994: 302-303). His examination indicates the degree to which the Ba'ath understood the maintenance of hegemony via the manipulation of cultural and social artefacts to gain the consent of the people and maintain power.

What is particularly problematic about these contemporary invocations of Mesopotamian history as a political tool is that, aside from its role in fostering some degree of national unity, it has also been used to justify the ruling hegemony of the

time via a vague connection to a long line of ‘Oriental despots’<sup>1</sup>. This is perhaps best illustrated by the grandiose murals and portraits that scattered Iraq in the time of Saddam Hussein in which he was frequently cast alongside infamous Mesopotamian kings such as Nebuchadnezzar in scenes riddled with ancient symbology and motifs. This is arguably due to the fact that, up until recently, the political history of the ancient Middle East had long been assumed to reveal a lineage of autocratic tyrants and the grand, menacing armies they gathered together in order to conquer and rule the region by fear, bloodshed and domination (Manglapus, 1987: 19). “In the traditional view of Historians,” as Daniel Bonneterre points out, “...Mesopotamia has stood out among the lost civilisations as a pessimistic world under the dark shadow of violence...[which] emphasised terror and ferocious actions” (Bonneterre, 1995: 11). The result of this understanding, which arguably dates back to ancient Greece, “...is a simplistic book image of the ancient Near East civilisations as naturally despotic and most savagely cruel” (Bonneterre, 1995: 11).

So pervasive is this understanding of the ancient Middle East and its tendency to despotism that even journalists such as CNN’s Sandra Mackey, in a piece covering the career of Saddam Hussein in the lead up to the invasion of Iraq in 2003, invoked several of the key assumptions about ‘Oriental despotism’ and its ancient origins by claiming that “The kings of Assyria never accepted the reality that empires, like modern states, survive only through a measure of consent by the governed. Like a series of ancient Saddam Husseins, each failed to lay the basis of a durable state” (Mackey, 2002: 37; as cited in: Mirzoeff, 2005: 22-23). This perceived connection between ancient Mesopotamian kings and the reign of Saddam Hussein seems here to offer further justification for the notion that Iraq is simply antithetical to democracy. Succinctly outlining this issue, Gareth Stansfield has recently observed that

For many observers, Iraq is synonymous with dictatorship. Indeed, Iraq’s association with authoritarian and totalitarian methods of governance is so strong that it has been considered, by some commentators, that there exists some inherent trait within Iraqi society predisposing it to be managed by a ‘strong man’ heading an all-pervasive, all-controlling, state. In supporting this line of argument, evidence from Iraq’s history and pre-history is often deployed, with notable examples of authoritarian leaders and seemingly aggressive peoples being used to contextualise modern Iraq as being not unusual when the wider sweep of Iraqi and Mesopotamian history is considered. The strictures placed upon Babylonian society by Hammurabi, the martial expertise of the Assyrians and the cruelty of the Mongols have all been referred to in order to illustrate that manifestations of authoritarianism in Iraq are, in fact, the norm. (Stansfield, 2007: 75)

What is particularly problematic about this view is that the archaeological excavations and anthropological work done across the region throughout the nineteenth and

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<sup>1</sup> *As has been demonstrated elsewhere by the author, the Occidental notion of ‘Oriental despotism’ is in fact a long-held and frequently invoked discourse which continues to impact Western understandings of contemporary political events in the Middle East, including the Iraqi elections of 2005 (Isakhan, 2008).*

twentieth centuries have begun to uncover a very different image of the machinations of power and authority in the ancient Middle East. This has provided an understanding that the history of democratic politics, usually understood to have begun around 400 BC in Greece, can be traced further back to early Mesopotamia. As is illustrated in some detail below, this work has therefore inverted the traditional dialectic between 'Western democracy' and 'Oriental despotism' to instead provide evidence that

When the Mesopotamian state first emerged in the early periods, royal power did not play an important role and only many centuries later did it become despotic. Originally kings were merely the first among equals and were obliged by laws or by long social traditions to respect the rights of the various groups of the population. In addition, royal power was restricted by popular assemblies which sometimes had a real and even decisive influence and which made citizens proud of their civil rights. (Dandamayev, 1995: 23)

Building on earlier work by the author (Isakhan, 2006, 2007), this article argues that a more thorough understanding of the early political developments of ancient Mesopotamia might serve as a powerful 'historical memory' for Iraq's contemporary political scene. By focusing on democratic movements indigenous to Iraq, such as that of 'Primitive Democracy', Iraq's nascent democracy might better garner support for a genuine, inclusive and robust political future.

## Ancient Iraq and 'Primitive Democracy'

According to Thorkild Jacobsen, the earliest signs of the crystallisation of Mesopotamian civilization at around the middle of the fourth millennium BC, include: the appearance of planned large-scale irrigation projects such as canals; a spectacular increase and density of population; and the emergence of the city-state (Jacobsen, 1977 [1951]-a: 128). Concurrently, the Mesopotamian people also acquired "...the controlling framework within which Mesopotamia is to live its life, formulate its deepest questions, evaluate itself and evaluate the universe, for ages to come" (Jacobsen, 1977 [1951]-a: 128). Evidence for such advanced philosophical thought is found in the early myths and legends of Ancient Mesopotamia, where – in the ethereal plane of the gods we see the inner functioning of the 'Ordained Assembly of the Great Gods'. This assembly was made up of 50 gods and goddesses<sup>2</sup> in total and was the highest authority in the universe. As Min Suc Kee notes, this body served as "...a vital decision-making agency responsible for juridical judgements" (Kee, 2007: 259, n 1), where the gods would listen and debate until the pros and cons of each issue were clarified and a virtual consensus emerged (Jacobsen, 1977 [1951]-a: 150). When the council reached a full agreement, the seven senior gods would announce the final verdict and each of the members would voice their approval with a 'Let it be' (Jacobsen, 1970 [1957]: 138). This unified command meant that the will of the assembly had become divine law. While this body largely served as the judicial court of the universe, passing judgement on the wrongdoings of gods and humans alike, the assembly was also vested with the authority to elect and depose the kings of both the divine and earthly realms (Jacobsen, 1976: 86-87; Mullen, 1980).

Specifically, in the myth of creation, *Enuma Elish*, the gods form such an assembly in order to elect a leader or 'champion of the gods' who will defeat their powerful enemy, Tiamet, the primal mother. After some deliberation, the Ordained Assembly of the Great Gods elect Lord Marduk as the new king of the gods (Frankfort, 1978 [1948]: 234-237; Jacobsen, 1976: 165-191; Roux, 1980: 109). Armed with an invincible weapon, Marduk was then able to smite Tiamet and, after returning home to a reception worthy of such a powerful and victorious god, Marduk set about creating the known universe including the first slaves, human beings, who were put on earth to do the bidding of the great gods.

In much of his work, Jacobsen stated that such myths are a form of allegory whereby ancient humankind projected the world around them onto the realm of the gods (Jacobsen, 1970 [1943], 1970 [1957], 1976, 1977 [1951]-a, 1977 [1951]-b). This notion of myth is reinforced in the introduction to *The Intellectual Adventure of Ancient Man*, entitled 'Myth and Reality', where Henri Frankfort and H. A. Frankfort argue that myth "...is nothing less than a carefully chosen cloak for abstract thought. The imagery is inseparable from the thought. It represents the form in which the experience has become conscious" (Frankfort & Frankfort, 1977: 7). In this way, the

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<sup>2</sup> *There is in fact some evidence to suggest that both genders played an active role in the deliberations of the gods (Jacobsen, 1970 [1943]: 164; Saggs, 2004: 131; Wolf, 1947: 100).*

myths come to reveal more than the political machinations of the council of the great gods; at the very least they indicate just how long the will to democracy has been alive in human society and that “the egalitarian values of the primitive population were successfully translated into religious legend” (Manglapus, 2004). Beyond this, many have speculated that these myths also reveal the actual systems whereby ancient humankind governed itself. The general consensus is that in order for the people of Ancient Mesopotamia to have attributed such complex democratic systems to their gods, they must have experienced analogous assemblies themselves (Easton, 1970: 82-83; Hallo & Simpson, 1971: 39; Schultz, 1981: 146; Wolf, 1947: 101).

To describe these earthly versions of the divine assemblies, Jacobsen coined the term ‘Primitive Democracy’ (Jacobsen, 1970 [1943]). This political mechanism functioned more like a classical, participatory than a modern, representative form of democracy in the sense that it was

...a form of government in which internal sovereignty resides in a large proportion of the governed, namely in all free adult male citizens without distinction of fortune or class. That sovereignty resides in these citizens implies that major decisions – such as the decision to undertake a war - are made with their consent, that these citizens constitute the supreme judicial authority in the state, and also that rulers and magistrates obtain their positions with, and ultimately derive their power from, that same consent. (Jacobsen, 1970 [1943]: 157)

Jacobsen also goes on to justify his use of the word ‘primitive’ to describe this early form of democracy, by stating that “...the various functions of government are as yet little specialized, the power structure is loose, and the machinery for social coordination by means of power is as yet imperfectly developed” (Jacobsen, 1970 [1943]: 157).

From what we know of these early days in Mesopotamian history, ‘Primitive Democracy’ seems to have functioned much like the aforementioned divine assembly. Although it was called together to make decision regarding matters as diverse as irrigation projects, trade missions, land surveying, administrative issues and to judge the serious offences of citizens, it was primarily assembled when the security of the city-state was under threat (Adams, 1994: 16; Jacobsen, 1970 [1957]: 138; Saggs, 2004: 131). This formed the nucleus of the city-state’s municipal administration and allowed the collective resources of the community to be pooled in order to reach consensus for concerted action (Jacobsen, 1970 [1957]: 138; Oppenheim, 1964: 114; Schultz, 1981: 144). The counsel further mirrored that of the gods by functioning as a bicameral assembly in that it was divided between “...an upper house of ‘elders’ and a lower house of ‘men’” (Kramer, 1963: 74). Although the elder men or “fathers” seem to have held most of the power (Frankfort, 1978 [1948]: 215), some research suggests that these assemblies also resembled those of the gods in the fact that, “...women as well as men took part in decision-making – sometimes with a dominating role” (Saggs, 2004: 30). During an assembly each of the citizens had the right to express their opinion and discussion would continue until a virtual unanimity was reached and the final decisions were then announced by the elders. Just as the gods elected Marduk their king when under threat from Tiamet, so too did the early city-states of Mesopotamia convene for the specific purpose of electing a ‘king’ or

'big man' as it was called in the Ancient Near East (Kramer, 1963: 74) when the security of the city-state was under jeopardy, usually from threat of attack by a neighbour (Schultz, 1981: 144-145). Although this meant that the new 'king' became the supreme leader of the people and was able to "...promulgate and carry into effect new law" (Jacobsen, 1970 [1943]: 158), the appointment was to be held for a limited term by each incumbent and expired when the pending emergency had been resolved (Frankfort, 1978 [1948]: 215; Jacobsen, 1970 [1943]: 167; 1970 [1957]: 139; 1977 [1951]-a: 129).

Fortunately, however, the arguably tenuous notion that earthly political processes were projected onto the realm of the gods and became myth is not the only evidence we have to support the view that Primitive Democracy existed in Ancient Mesopotamia. Since the beginning of the twentieth century, there have been numerous archaeological studies in the ancient Mesopotamian region, uncovering a fund of information about the early city-states and later empires of the region. Some of the earliest examples from amongst this body of data concern the extended Epic tales which "...reflect a period a century or two later than the myths, probably about 2800-2700 BC" (Saggs, 2004: 131). These epics differ substantially from the earlier myths in that they centre "...around a human or semi-human hero, [such as] Enmerkar, Lugalbanda, Gilgamesh, etc. rather than around a god" (Jacobsen, 1970 [1957]: 143).

The most famous of these Ancient Mesopotamian epics is that of Gilgamesh (Jacobsen, 1976: 193-219; Storm, 2003: 62-99) which dates from around 2800 BC<sup>3</sup>. In this epic, we see a ruler who is "...scrupulously refraining from action in the matter of peace or war until he obtains the consent of the assembly in which, therefore, internal sovereignty of the state would seem to be vested" (Jacobsen, 1970 [1943]: 162). Uruk, the city of which Gilgamesh is ruler, is under threat from the armies of Kish. Instead of commanding the armies according to his will, Gilgamesh consults the bicameral congress of the city, which are striking in their similarity to those already discussed. First, he consults with the conservative council of the elders who appear to have been made up of the heads of the powerful families within the state (Evans, 1958a: 11), who advise Gilgamesh against fighting the armies of Kish. However, Gilgamesh has the authority to veto their decision and appeal to a second assembly of all arms-bearing men (Braude, 2003: 7; Kramer, 1959: 29-31). This assembly decides to fight and Gilgamesh – despite the advice of the elders – goes into battle for the freedom and liberty of Uruk. In the *Epic of Gilgamesh*, we see, as Jacobsen concludes,

...a state in which the ruler must lay his proposals before the people, first the elders, then the assembly of the townsmen, and obtain their consent, before he can act. In other words, the assembly appears to be the ultimate political authority. (Jacobsen, 1970 [1943]: 163)

Although there can be no doubt that the assemblies held at Uruk during the time of Gilgamesh were more primitive than those held in later Greece or Rome, they do

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<sup>3</sup> Although some evidence suggests that the tablets on which the story is written date from a period much later than when the events took place (Kramer, 1959: 3).

problematise the notion of ‘Oriental despotism’ in so far as they not only reveal a sophisticated political structure, but also a truly “...urban civilisation with a considerable period of settled life behind it” (Evans, 1958a: 11). In fact, as Kramer points out, the situation that brought about the convening of Uruk’s bicameral assemblies is not dissimilar to the one that ancient Greece faced some 2400 years later (Kramer, 1959: 30-31). Sumer, like Greece, was made up of a number of independent city-states, each of them vying for power and supremacy over the region and its people. In a reversal of the veto power that the assembly of the arms-bearing men had over the elders in Uruk, the Spartan elders (a council of twenty-eight men, all over sixty years of age) had the power to overrule any ‘crooked decree’ that was passed by the popular assembly (Evans, 1958a: 4). Indeed, further parallels can be drawn between the *Epic of Gilgamesh* and the deliberative practices of the Roman Republic in the prelude to their war against Carthage (around 265 BC). Here, the senate refused to authorise the war and therefore the consuls summoned the *Comitia Centuriata*, or military assembly, which gave the final approval for war (Easton, 1970: 83 n1).

Over time, however, the deliberative and direct forms of democracy revealed by epics such as *Gilgamesh* began to fade for several different reasons. Firstly, the city-states of the Ancient Near East grew in terms of both population and geographical size. This meant that not only was it difficult for all citizens to physically reach the assembly on a regular basis, but it also became harder for the people to come to consensus (Frankfort, 1978 [1948]: 215; Jacobsen, 1970 [1957]: 146). With this increase in population came a second factor in the dissolution of democracy across Mesopotamia: a corresponding increase in battles to determine control of key irrigated land and trade routes (Saggs, 2004: 131). Unfortunately, this occasional warfare quickly descended into a bloody and bitter state of cyclical violence (Jacobsen, 1970 [1957]: 143). This meant that military leadership was urgent and needed to be relatively consistent in order to maintain the necessary strategies and defences (Frankfort, 1978 [1948]: 218; Kramer, 1963: 74; Saggs, 2004: 131-132). In this way, those who were elected to kingship became disinclined to abdicate their position (Jacobsen, 1970 [1957]: 142; Saggs, 2004: 132; Schultz, 1981: 145). Not only was the king the supreme commander of the military, the sole creator of new laws and very wealthy as the administrator of the temple, but he<sup>4</sup> was also too often the victim of his own megalomaniacal lust, “...striving to become the one who would unite all of southern Mesopotamia into a single centralized state under a single ruling hand – his own” (Jacobsen, 1970 [1943]: 158). As is noted by Evans, “...the presence of an external threat is always a good excuse for the abridgement of liberty” (Evans, 1958a: 2). Finally, the kings began to “...seek a more independent and more stable basis for their power than that of popular favour and election in the popular assembly; divine favour and election were stressed instead” (Jacobsen, 1970 [1957]: 145). Ironically, the kings were therefore able to forego the democratic process here on earth by claiming that they had been elected by the auspicious Council of the Gods. This meant that the kings were directly accountable to the gods, not to their fellow citizens, thus allowing them to establish their own despotic dynasties (Jacobsen, 1970 [1957]: 149-150). In this way, kingship developed from the temporary role of an everyday citizen, to the

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<sup>4</sup> *In the interest of political correctness, it is worth noting that to the best knowledge of the author the supreme ruler during this era of Mesopotamian history was always a ‘he’.*

more familiar system whereby a particular blood lineage has the blessing of the divine (Kramer, 1963: 74). This model was gradually adopted across Mesopotamia, giving birth to vast empires such as that of the Assyrians, who arguably laid the foundations for first the Persian, and later the Hellenistic and Roman empires (Jacobsen, 1970 [1957]: 156).

Once again however, democracy – in one guise or another – seems to have survived this early political shift towards despotism. Although there was no doubting that the king held the supreme authority of the state, there are a number of examples whereby the long tradition of assemblies continued throughout Mesopotamia and further abroad. One such example is the extended kingdom of Ebla, the remains of which can be found today in north-western Syria. According to Raul S. Manglapus, excavations in 1976 revealed astonishing details about this kingdom of some 250,000 people, which had flourished in the East around 2500 BC. The “...15,000 clay tablets or fragments written in Sumerian cuneiform” that were unearthed by archaeologists, exposed a sophisticated political culture involving some 11,000 public servants (Manglapus, 2004; Springborg, 1992: 8). According to their law, the king of Ebla was “...elected for a seven-year term and shared power with a council of elders” (Manglapus, 2004). Then, after serving his first term, the incumbent was entitled to run for a second and, in the event that he was not re-elected to office, the former king was able to retire on a state pension! (For more details on Ebla, see: Bermant & Weitzman, 1979; Matthiae, 1980.)

Geographically closer to the early developments of Mesopotamia already discussed, the people of Kish (very near to ancient Babylon) held a general election to nominate their king around 2300 BC. This particular king even took the “...throne-name *Iphur-kish* (‘Kish assembled’) to emphasise the popular basis of his rule” (Saggs, 2004: 132) (see also: Frankfort, 1978 [1948]: 218). At around the same time, the people of Lagash (which is further south, closer to the coastline of lower Mesopotamia) were embroiled in an early struggle against the upsurge of despotic regimes. It seems as if the power of the throne had seduced the authorities of Lagash to the point of bloodthirsty megalomania and that they were prepared to deny their citizens the basic political, social and economic freedoms that one generally expects from a free state. It is here in Lagash, according to Samuel Noah Kramer, that we see a “...bitter struggle for power between the temple and the palace – the ‘church’ and the ‘state’ – with the citizens of Lagash taking the side of the temple” (Kramer, 1963: 79). In Early Dynastic states such as Lagash, the temple community wielded enormous political power and “...showed a strongly democratic character” (Frankfort, 1978 [1948]: 221). Not only were all citizens of the state – irrespective of their status or wealth – expected to contribute their labour to the maintenance and harvest of temple land, but the authorities of the temple fulfilled a vital watchdog function over the government, monitoring instances of corruption and other abuses of power (Frankfort, 1978 [1948]: 221-223). The extent of the temples’ role in balancing the authority of the state is evident in the role that it played in generating and advocating resistance amongst the people of Lagash towards state-imposed terror and despotism. So significant was this movement that it is here we find some of the earliest evidence of collective political action against oppressive systems of power and the first recorded use of the word “freedom” (Kramer, 1963: 79).

In the central Babylonian plain, approximately half-way between Lagash in the south and Kish in the north, the people of Nippur had long been familiar with the practises of ‘Primitive Democracy’. It was here, according to Jacobsen, that the various rulers of the city-states of Mesopotamia had met in assemblies similar to those already discussed for the purpose of debating and resolving broader regional issues and conflicts as well as the election of a temporary king to rule over the collective states under the confederacy known as the ‘Kengir League’<sup>5</sup> (Jacobsen, 1970 [1957]: 139-140). Here, the leaders of the early city-states of Mesopotamia demonstrate an extraordinarily advanced political culture where the differences and disputes between the city-states were either resolved or rendered superfluous in the face of common issues such as those which required the decisive action that only a sole leader could implement. While it would seem that the political climate of Nippur might tempt the more ambitious members of the society to overthrow such isonomous models of governance, the city managed to preserve its democratic tendencies well into the Ur III period (around 2150-2000 BC). While many of Nippur’s neighbours had since witnessed the rise of a centralised authority under the blood-line of a particular king, Nippur remained “...governed by a heterogenous collective, the assembly of Nippur citizens, the governor (*Ensi*) of the city, and the highest priests of the Enlil and Ninurta temples” (Leick, 2001: 159).

Similarly, in the north of Mesopotamian, the citizens off Sippar (some 20 kilometres south of modern Baghdad) managed to retain models of collective governance until surprisingly late periods. For example, from approximately 1890-1590 BC, the city appears to have been governed by a bicameral assembly made up of an upper house of nobility and a lower house of commoners (Oppenheim, 1969: 9-10). Here, the upper house consisted of the more senior, qualified and wealthy members of the society who rotated leadership of the various magisterial and administrative positions on an annual basis. Unfortunately, as the city of Sippar came under the jurisdiction of the central Babylonian government, the elite citizens who made up the upper house were gradually infiltrated by royally appointed officials (Leick, 2001: 176). Here, the emphasis shifted further away from the original impetus of serving the citizens towards the role of a mediating body between the authority of the king and the subjugation of Sippar. However, even in this situation the upper house retained its judicial role and presided over the affairs of the state with the rights of the citizen extended to the request of a royal verdict should a particular case require a higher body to exact justice (Leick, 2001: 176).

More generally, the grand empires of the time – namely, the Babylonian and the Assyrian – also appear to have had democratic tendencies despite the common misconception that they were the very epitome of “Oriental despotism”. The Babylonian kings, for example, would often delegate the judicial duty of settling minor disputes to the “...town mayor and town elders” (Manglapus, 2004). However, the more important and complex cases were brought before the whole town in the form of an assembly which tried both civil and criminal cases and had the power to issue the death sentence, with their final decision being “...ceremonially confirmed by the king” (Manglapus, 2004). As Jacobsen points out, this judicial system is democratic in nature, with the major decisions over right and wrong or life and death

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<sup>5</sup> ‘Kengir’ is the Sumerian word for the Mesopotamian region.

vested in the assembly, a forum open to the entire community of citizens (Jacobsen, 1970 [1943]: 159-163).

The population of the Assyrian capital, Ashur, were able to congregate in an assembly which reached agreement under the guidance of the more senior, wealthy and influential members of the community. Knowing all too well the popularity and power of the elders to influence the wider community of citizens, the kings of Assyria were "...always careful not to offend their high administrative officials, whose loyalty to the dynasty they at times had to secure by oaths and agreements" (Oppenheim, 1964: 103). When differences of opinion between the king and the elders did occur, they "...were quite ready to revolt against the king if they did not approve of his policies" (Oppenheim, 1964: 103), taking their case to the people. In particularly serious matters, the elders would convene an assembly of the free citizens and work with them in writing a letter addressed to the king (Oppenheim, 1964: 12). In this way, the citizens of Ashur were able to fight for exemptions and privileges, "...make legal decisions, sell real estate within the city that had no private owner, and assume corporate responsibility in cases of murder or robbery committed even outside the city, within a specified distance" (Oppenheim, 1964: 12).

In addition, the power of the Assyrian elders can be seen in the fact that the king was not able to directly appoint his own successor, but instead he nominated a potential heir who was then subject to the consent of the council (Oppenheim, 1964: 103)<sup>6</sup>. More broadly, the power of the state was also mitigated against a thriving private sector as the merchants of the Assyrian empire grew in wealth and, subsequently, in influence. The great merchant families appear to have convened in a building commonly known as the 'city house' where they "...made decisions on commercial policy, fixed the rates of export tax...acted as a diplomatic body...and controlled relations with Anatolian rulers on whose cooperation and protection the caravans and resident merchants relied" (Leick, 2001: 203). From among this body of wealthy merchants, one member was chosen by lot annually to serve as the chairman of the board. This individual was conferred with the highest honours underneath the authority of the king and "...was responsible for public works, for overseeing the judiciary, and took a leading part in the city's religious and ceremonial rites" (Leick, 2001: 203).

Speaking generally about the democratic developments across Mesopotamia during the time of the Babylonian and Assyrian empires, Schemel notes that "...historical documents describe assemblies of citizens deliberating for days, each session including new members" (Schemel, 2000: 104). It appears that due to the size of the community it was often hard to garner consensus and therefore the circle of delegates became wider as deliberations continued, often involving commoners, teenagers and women. At every stage, the assemblies appear to have been lively places, with participants openly pointing out the contradictions and inconsistencies in their opponents' arguments. When each of the participants had been given a chance to state their case at least once, the proceedings ended before debate became cyclical, emotional or counter-productive. When the time came for the citizens to vote, they

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<sup>6</sup> *For more on the complex laws governing ancient Assyria, see The Assyrian Laws (Driver & Miles, 1935).*

did so by either kneeling or walking to the speaker to approve or by sitting to disapprove (Larsen, 1976: 323; Moran, 1992: 401-402, n24). Although "...majority votes were often sought and reached...it was always possible that minority views would raise the problem again if its legal solution was a failure" (Schemeil, 2000: 104). Similar to the Ordained Assembly of the Great Gods, the proceedings of these later assemblies were concluded by the chair sternly pronouncing 'Let it be'.

Apart from these examples where democratic practices formed part of the centralised authority of the major empires of the Ancient Near East, one also finds examples from across their colonies. Kanesh, one of the outlying merchant colonies of the Assyrian empire, serves as a near perfect case study. With archaeologists uncovering some 16,000 cuneiform tablets in, a picture of Kanesh's thriving economic and trade systems began to emerge (Leick, 2001: 199). Located today in Turkey's Cappadocia region, Kanesh flourished from around 2000-1800 BC (Saggs, 2004: 416) with evidence suggesting that a number of Assyrians moved there, purchased land and settled for long periods. Here, Geoffrey Evans (Evans, 1958a) finds parallels between the governmental machinations employed in Kanesh, and those used by the people of Uruk during the time of Gilgamesh – some 800-1000 years earlier. Although he rightly points out that there were a number of significant changes<sup>7</sup>, he does go on to state that "...the assemblies of Kanesh remain of the first importance historically. They possess features similar to the earlier ones, and we possess a little more information about the manner in which they operated" (Evans, 1958a: 4).

It appears that because these remote and generally wealthy citizens of the Assyrian empire preferred their governance to be closer to home, they were able to retain significant autonomy until surprisingly late periods. The more successful and influential among them formed the council of the elders and there can be no doubt that oligarchic and expedient tendencies emerged within the group. Although they remained the subjects of the king and therefore subscribed to his law, the elders presided over many domestic issues, including both political and judicial decision making (Evans, 1958a: 3; Manglapus, 2004). In these assemblies, there appear to have been rather advanced forms of voting whereby the congregation would divide into three groups and each group would deliberate and vote independently before reconvening in a plenary where the final votes were counted (Larsen, 1976: 319-323; Schemeil, 2000: 104). However, when the elders failed to agree, matters were brought before the full assembly of all adult males (Evans, 1958a: 9, 11), which was "... called into session by a clerk at the bidding of a majority of [the elders]" (Jacobsen, 1970 [1943]: 159). There is also evidence to suggest that once this assembly had convened, the citizenry of Kanesh also voted, although perhaps in a far less sophisticated manner than was practised by the elders. What is certain is that beyond the deliberations of the assembly was a civic culture and a complex bureaucracy that extended out into the social world of the ancient Middle East where citizens further discussed and debated social issues, often forming loose political alliances (Larsen,

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<sup>7</sup> *These changes included that the volume of public concerns directly under the assemblies' control had diminished, the majority of assemblies were made up only of elders and that the elders themselves had changed from wise heads of families to wealthy officials and merchants.*

1976: 161-170) (see also the contributions in: Gibson & Biggs, 1987). Although Evans (Evans, 1958a) is initially reluctant to cite these practices as democratic, in an addendum published later the same year he concedes that the various democratic procedures practised in Kanesh at the very least "...strongly suggest a liberal and democratic spirit among this small group of local dignitaries. In such an atmosphere, democratic procedures within the group might easily arise" (Evans, 1958b: 114-115).

En route between Ashur and Kanesh, caravans of traders, individual travellers and the messengers of the Assyrian empire passed through Mari (Saggs, 2004: 218). A much smaller empire that came to prosperity after the turn of the second millennium BC, Mari dominated that part of the western Euphrates that now falls just inside Syria's modern border with Iraq (the city of Mari is now known as Tell Hariri) (Saggs, 2004: 63-64). The ancient city of Mari was excavated by French archaeologists from 1933 onwards uncovering, amongst other things, "...an archive of over twenty thousand cuneiform tablets, mainly administrative and economic documents and letters" (Saggs, 2004: 64). It is these clay tablets that Fleming has claimed provide the "...ideal resource for the study of many aspects of ancient political life" (Fleming, 2004: 19). In Mari, as in Kanesh, there seem to have been few who would openly and directly challenge the authority of the king. However, Mari kingship was not the simple 'Oriental despotism' that is so often supposed of Near Eastern authority, but instead "...actual power seems to be a matter of constant negotiation, as he [the king] engages a panoply of traditional leaderships, each with its own constituencies and assumed prerogatives" (Fleming, 2004: xv). Through the immense resource uncovered at Mari, it is possible to trace the communicative patterns between and across a broad spectrum of sites of power, many full of both opinion and advice as well as appeals for consensus (Fleming, 2004: 166, 228). In this way, collective forms of governance appear to have held some influence over the state and, reminiscent of both the myth of *Enuma Elish* and the *Epic of Gilgamesh*, "...they appear most prominently in decisions of war and peace" (Fleming, 2004: 223).

The reason for Mari's dispersed power structure was due to the fact that it was a rather loose collective of various nomadic, tribal and village peoples. This resulted in a number of sheikhs, chiefs, officials, elders, assemblies and governors who vied for power and influence under the authority of the king (Saggs, 2004: 191). Fleming studied in detail the small Mari towns of Tuttal, Imar and Urgish, concluding that collective forms of governance were most prominent in such small communities and that it is likely to have been this way since the third millennium BC (Fleming, 2004: 223, 234). Although collective decision making appears to have occurred mostly in smaller groups of the elite, there were occasions where "...both the pastoralists of the steppe and the residents of towns did sometimes gather, not only to receive word from an outside king but even to speak for the group" (Fleming, 2004: 234). Ultimately, these antediluvian governmental systems evolved from simple tribal gatherings to incorporate decision-making aspects (Fleming, 2004: 207) and wield influence over the higher authority of the king. It is therefore conceivable that a king wanting to genuinely unite this heterogeneous region would encourage such collective decision making and accept the inherent challenges of a kingdom consisting of various systems and sites of power.

Fleming, like Evans (see above discussion of Kanesh), is reluctant to use the nomenclature of democracy to describe the political machinations of the Mari.

Instead, he prefers the anthropological terminology of ‘corporate polity’ to explain the governance of Mari (and other ancient Mesopotamian empires and cities) (Fleming, 2004: 174-180, 222-228) as opposed to ‘Primitive Democracy’ which has been used by (and since) Jacobsen (Jacobsen, 1970 [1943]). Essentially, Fleming’s reluctance stems from his concern that the term ‘democracy’ may serve as a “...barrier to understanding the diverse Near Eastern tradition of group-oriented decision making that may somehow stand behind the remarkable development of Athens” (Fleming, 2004: 16). Beyond his concern over the loose application of the term ‘democracy’, Fleming also herein reveals that Greek democracy is not without precedent. While it is commonly assumed that ‘Western democracy’ arose triumphantly out of a dark history of despotic rule, cases such as the Mari and other Mesopotamian examples suggest a cross-section of egalitarian and collective traditions spread over the wider region that cannot have avoided impacting upon later developments.

As M. A. Dandamayev has illustrated, these various Mesopotamian assemblies continued throughout much of the first millennium BC. Despite the fact that this era witnessed a number of violent and prolonged battles including the various wars between the Assyrian and Babylonian empires as well as the Persian and Macedonian conquests, the local assemblies maintained jurisdiction over many local disputes and crimes (Dandamayev, 1995: 23, 25). Here Dandamayev lists various examples of civil, legal, administrative, private and temple-related cases presided over by the popular assemblies. These cases included murder, theft, rent and tenancy issues, paternity cases, prison escape attempts, disputes between civil officials and temple administrators, debts, complex contractual arrangements, business arrangements, slave ownership and inheritance issues (Dandamayev, 1995: 25-26). As with earlier examples, these assemblies were made up of the free male population of the city who were both permanent residents and property owners, with the more esteemed citizens such as high-ranking officials, temple representatives and wealthy merchants playing a more dominant role (Dandamayev, 1995: 25-26, 28). Dandamayev also documents the last known reference to the ancient Mesopotamian tradition of ‘Primitive Democracy’. Here, in the city of Cutha (just north of Kish and Babylon), the temple assembly convened as late as 187 BC, effectively marking the known conclusion of almost 3,000 years of collective governance across the ancient Middle East. In concluding his paper on this particular era of Mesopotamian politics, Dandamayev states,

On the whole, the Babylonian popular assemblies were stable bodies which outlived the empires of the Sumerian, Babylonian, Assyrian, Persian, and Macedonian kings. The final disappearance of the popular assemblies, perhaps at the beginning of the Christian era, marked both the loss of civil rights by the inhabitants of Babylonian cities and the end of ancient Mesopotamian tradition. (Dandamayev, 1995: 29)

## Conclusion

In a body of recent work, Eric Davis has argued that in order to build a robust and egalitarian democratic order in post-Saddam Iraq, there needs to be a significant campaign to revive Iraqi 'Historical Memory' (Davis, 2005a, 2005b, 2005c). Here Davis defines 'Historical Memory' as "...the collective understanding that a specific group of people shares about past events which this group perceives as having shaped its current economic, cultural, social, and political status and identity" (Davis, 2005c: 55). He goes on to argue that by isolating and reiterating moments from Iraq's past which demonstrate democratic and egalitarian tendencies we "...might help to unite and inspire Iraq's citizenry by emphasising broad political participation and respect for cultural diversity" (Davis, 2005c: 57). While Davis' work certainly makes passing reference to the rich history of Mesopotamia, he has not significantly engaged Iraq's 'Primitive Democracy' as a tool which might contribute to the broader project of building historical and democratic memories in Iraq. It should be remembered here that ancient Mesopotamia is not a distant, unknown past to the Iraqi populace; it is instead a rich cultural motif which has been frequently appropriated and worked into political, educational, sociological and literary discourses which have long underpinned notions of national unity and cultural pride amongst the Iraqis (Al-Musawi, 2006; Baram, 1991, 1994).

It is precisely because of this familiarity with Iraq's ancient Mesopotamian heritage that 'Primitive Democracy' could serve as such a powerful 'Historical Memory' in the process of building and legitimating democratic governance in Iraq. What this history reveals is that Iraq is far from antithetical to democratisation or somehow prone to despotism and autocracy. It is instead the home of some of the earliest forms of collective and egalitarian governance. Where modern Western democracies repeatedly invoke the much lauded advent of the British Parliament, the signing of the American Declaration of Independence, the events of the French Revolution, or recall with admiration the Athenian *polis* and Roman Republic, Iraqi citizens may well be able to engage 'Primitive Democracy' as their own indigenous example of democracy – an example which not only pre-dates the Western narrative but occurred at the very heart of the Middle East.

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