

Tamar Tarkhnishvili (Tbilisi)

The Council as the Form of the Governing in the Ancient World and in Georgia

Advisory bodies had certain functions in case of any form of state governance - monarchy or republican system. While the advisory body was subordinate to the King under the monarchy, Public Assemblies and Councils represented top governance authorities under the republican rule.

We will try to briefly review the role of advisory bodies for state governance and people in Greece, Rome and Georgia, starting from the monarchy rule to the democratic system and how these bodies adhered to democratic principles, outline similarities and differences between them.

The state governance structure in Greece and Rome consisted of the Public Assembly and the Council (Gerusia, Areopagus, Boule and Senate). Existence of collegial bodies is evidenced in Georgia since ancient times. The Public Assembly/Council represented an important governance body in the mountain and in the feudal Georgia this role was assigned to the Advisory Body under the King and was headed by the King.

As we have mentioned, Councils already existed in the period of monarchical rule, such as Areopagus in Athens, Senate in Rome, Darbazoba/Darbazi, Savaziro (holding advisory meetings)¹ in Georgia. These collegial bodies continue to exist with changed functions under the republican form of government in Athens and Rome. Various democratic institutions with a significant role in state governance are created next to them.

The Council used to assemble on the Hill of Ares in Greece since ancient times. Later, another Council - Areopagus - was established, whose

¹ The term "სავაზირო" / "savaziro" (The Council of Viziers) is derived from the word "vizier".

name originates from the place of assembly. Under the monarchical rule, Areopagus was convened and chaired by the King. Its initial function was advising to the King (similar to the Senate). During the monarchical rule, the Council entirely consisted of Eupatrids, and after Solon, all Archons were members of the Council after expiration of their term of office. By joining 9 Archons annually, the Areopagus gradually turned into the institution encompassing all classes. Accordingly, the Areopagus council was made up of 200 or 300 people.

Similar to Areopagus, the Council of Elders – Senate existed in Rome under the monarchical rule. During the rule of Romulus, heads of 100 families were the members of Senate. Later their number increased to 200. During the republican system, 300 people were included in the Council, in the period of the Empire, their number ranged between 1000/600 and 200. Initially, patrician origin was required to be elected as Senators here, but after reform of Servius Tullius, they were elected among dignified plebeians as well. The Senate, similar to the Areopagus, was convened by the King. Later, the right to convene the Senate was assigned to Consuls and Consular Tribunes, as well as Tribunes plebis and Magistratus.

“Darbazi” was a feudal advisory body under the King, which existed in Georgia in the 11th-18th centuries. It was headed by the King, who personally led the advisory meeting. The members of “Darbazi” were divided into two groups: public officials (scholar, doorkeeper, “amirejibi”, treasurer, deputy treasurer etc.) and the rankless, which did not occupy any public position. Viziers enjoyed particular advantage in “Darbazi”, later “Darbazi” was controlled by the Council of Viziers. The King was trying to subdue the “half-kings” of “Darbazi” by means of the Council of Viziers.

The Council of Viziers did not exist in Georgia in the 12th century, as the governance body. As we mentioned, its functions were performed by high-rank officials of the palace, led by the Royal Chancellor Chkondideli. During the rule of David Agmashenebeli, a comparatively well-arranged and improved system was created, which was formed as the Council of Viziers in the 13th century. Until creation of the Council of Viziers, the vizier personally reported to the King of the situation in his jurisdiction. Together with increase of the number of viziers, the demand of coordinated work and carrying out a common policy arose.

For this reason, the Council of Viziers was created to ensure collective reporting to the King by viziers and agreed governance of the country by viziers, according to the highest ordinance of the King.

Representatives of the high class (feudals) were members of “Darbazi” in Georgia and despite this fact, the final decision was made by the King,

existence of advisory bodies is already a sign of democracy, as it is based on participation of many people in discussions. As we can see, at the initial stage, advisory bodies are mainly represented by upper layers of society in Greece and Rome. But their principles were much more democratic, as representatives of low layers, plebeians, participated in them to a certain extent.

Along with decline of monarchy, the influence of the Areopagus council and the Senate grew.

The Athenian statesman and lawmaker, Solon (VII-VI centuries BC) created the Council of Four Hundred, with 100 persons from each phyle. However, it is assumed, that the Council of Four Hundred functioned before Solon. Solon also maintained the Areopagus, whose functions included: 1) right of veto to all resolutions made by the Council and the Public Assembly; 2) rights of the Supreme Court and 3) right to supervise the morality of citizens. The Council of Four Hundred prepared the resolutions of the Public Assembly and actually controlled it together with the Areopagus. Sometimes, the Boule could act independently from the Public Assembly under the oligarch rule.

The rule of Areopagus lasted until 462 BC.

After reforms of Ephialtes, Areopagus lost its political importance. Its privileges were assigned to the Council of Five Hundred, i. e. the Boule, created by reform of Cleisthenes in 507 BC, partially to the Public Assembly and courts. It was deprived of the function of protector of laws and consideration of certain part of criminal cases - mainly murders, blasphemy and physical injury. Its jurisdiction was also restricted.

Under the oligarch rule, members of the Council of Four Hundred (Boule) were supposedly elected by voting or they inherited this position. They served as members of the Boule for several years or throughout their life. Under the democratic regime, citizens became members of the Boule as a result of elections by balloting and their term of office was limited to one year. It was possible to be re-elected to the second term only after a certain interval. Former Magistratus who were members of the Rome Senate performed this duty until the end of their life.

In the period of Cleisthenes, the Council of Four Hundred was replaced by the Council of Five Hundred, which consisted of 50 members from each phyle (10 X 50). Any person over the age of 30 could become a member of the Advisory Body (including, the one from the class of thetes). The age of Rome Senate members was also defined. A Senator should have had a definite property status and had to be older, above the age of 46, though Sulla reduced the age of Senators to 30 (or 27) in the 2nd century

BC. We do not have any information whether the age limit of members of the Public Assembly/Council was identified.

There was the Council of Elders – Gerusia – in Sparta too. It consisted of 28 geronts and 2 kings. Geronts were men above 60 years old, who were unsuitable for military service due to their old age. They were represented from the limited circle of aristocratic families. Like ephors, they were elected by voting (shouting). In the 5th century BC geronts held their position till the end of their life.

The days of assembly of the Council were different everywhere. The Boule used to assemble in Athens on a daily basis, except certain public holidays. The following days were selected for sessions of Rome Senate: Kalends, Nones, Ides and public holidays. The session began with sacrifice and fortune telling. Sacrificing was a mandatory ritual for opening the session of Areopagus council and before the Public Assembly in Athens. At the same time, the oar was attached the greatest importance in case of Senate, Areopagus and Public Assembly. An oar was made to confirm that they would not mislead the session and say the truth. We find similar traditions in the mountainous Georgia during execution of justice by Svans.

Temples were intended for sessions of the Senate, while in Athens, Boule used to assemble in preliminarily defined bouleuterions which were mainly located on market squares.

As the Senate sessions were not held every day, they were convened by an orderly or announcements. Such form of convening was not new to the mountainous Georgia as well. In Racha, people were notified about meeting (Public Assembly) by a specially selected young man, called “The Caller”. In Svaneti, people were gathered by playing drum and pipe. In lowlands, the King personally ordered to hold “Darbazoba”.

After abolishment of monarchy, a committee consisting of 50 pritans carried out the activities of the Council in Athens instead of the King, and it was replaced by a committee consisting of new members after a certain period of time (the annual activities in 10 cycles were called “Pritania”. One committee led the activities of Boule during 1/10 of the year). In the 5th century BC, pritans used to elect a chairman – epistates – from their members on a daily basis and he used to chair at the Public Assembly if the Public Assembly was convened the same time. In the later period, the chairman was elected from proedros.

Senators were divided into groups of 10 people. Head of this group was the principal senator – princeps senates (compare, the first vizier). If none of the Consuls were present in Rome, the Supreme Magistratus

performed their functions. Only the principal senators were authorized to deliver a speech in the Senate. At the time, it was strictly defined who and when should speak. Patrician senators always spoke earlier than plebeians and their votes were more important during the voting. As we can see, the origin was still given an advantage, which was natural for this epoch.

The King used to define how the Georgian "Darbazoba" would be held and as already mentioned, he personally managed the Council. The hierarchy was observed here as well. The seats of members of "Darbazi" were strictly defined; however, they used to change by epochs. During the rule of Bagrat IV, members of "Darbazi" used to sit opposite to the King, while under the rule of King Tamar, officials were placed on both sides of the King. The more honourable was the member of "Darbazi", the closer he would sit to the King. The seats were also different. The most honourable persons - Viziers and Eristavt-Eristavi ("duke of dukes") had gold embossed chairs with chamois (carpet) and a pillow covered over them. Less honourable guests were given only chamois, without a pillow, persons of a lower rank had chairs without chamois and a pillow. Some members of "Darbazoba" used to stand on their feet. They were not members of "Darbazi", but the officials, required to keep order, protect the ceremony or perform the paperwork. Advancement of each member of "Darbazoba" was followed by change of the place of seat intended for him.

According to the Regulations of the Royal Court, session of the Council of Viziers was strictly scheduled. When the King attended the Council of Viziers, he would lead the session. But in general, the chairman of the Council of Viziers was the Royal Chancellor-Chkondideli, the first of viziers (compare: the Principal Senator), who had an access to all kinds of matters, including, military, financial, ecclesiastic.

A "group of three viziers" (Atabeg, Commander-in-chief, and Minister of the Interior) and "group of two viziers" (Chief Treasurer and Chief Attendant) were allocated for operative management. The "group of three viziers" was more influential and as it seems, the foreign political, military and internal matters of the country were considered in privy. The "group of two viziers" which took care about the financial-economic situation of the country must have been created relatively later.

The Senate session was opened by the principal attendant (Consul, Pretor, Tribune), who would familiarize the gathered people with the subject. Afterwards, those with the right to vote were called in strict sequence. During the Georgian "Darbazoba", this function (opening the session) was performed by the Chief Attendant. After he opened the session with the word "Please speak", the Royal Chancellor was given the floor.

Assemblies of Senate and Boule had a public nature, while "Darbazoba" was held behind the closed doors in the palace. Only the small "Darbazoba", the solemn session was publicly held. At this "Darbazoba", only such matters were discussed, which would not be dangerous to publicly discuss from the state point of view.

Certainly, it is difficult to talk about democracy in this case. Such narrow circle of viziers excludes participation of others in the advisory process. Apart from protection of the state secret, the limited number of viziers was also preconditioned by enhancement of the royal power.

The competences of the Boule included advisory, administrative and judicial functions. Any issue to be discussed at the Public Assembly had to be preliminarily considered at the Boule, which was followed by creation of a preliminary decree - probouleuma. The probouleuma would become the psephisma or the decree only after consideration by the Public Assembly.

Functions of the Public Assembly and the Senate were also interconnected. Functions of the Senate included development of legislative projects as well. The Public Assembly (comitia) was instructed to consider and approve these projects. If the Public Assembly did not approve the draft law, it would not become a law. The Public Assembly could submit a draft law too, but it would not become a law without the Senate's approval. "Darbazi" had not always been the body of unipersonal governance in Georgia. Like in Athens and Rome, the role of "Darbazi", i. e. the Advisory Body had been different at different times in the feudal Georgia. For example, "Darbazi" was subordinated to the King under the rule of David Agmashenebeli, while during the reign of George III, the King was subordinated to "Darbazi".

The issues concerning various authorities were preliminarily considered at the Prive Council and common policy was developed. In this regard, the Council of Viziers becomes closer to the system, under which Public Assemblies and Councils acted in agreement in Athens and Rome.

Legislative issues were considered by a separate authority - Heliata in Athens, which existed in parallel to the Council of Five Hundred. They could accept or reject this or that draft law. The number of Heliastes was 6000 persons. 600 persons were elected from each phyle by voting. The issue of legislation in Georgia was considered by "Darbazi".

Functions of the Boule also included supervision of activities of various collegiums of Magistratus, reception of foreign guests at the Public Assembly, drafting agreements, supervision of the navy. Financial obligations were also imposed on it, such as taxes, taking and repayment of

loans, issue of money etc. The Council observed construction of public buildings and the altar, holding public festivals etc. Judicial competences of the Boule included various types of Dokimasia. The powers of investigation of illegal actions by official persons were assigned to the Boule from Areopagus. It was entitled to impose payment of penalty in the amount of 500 drachms on the perpetrator. In case of a stricter punishment, it had to send the case to the Public Assembly or Dikasterions for consideration.

Religious, financial issues were resolved, activities of official persons were considered in the Senate too. Its competence included foreign business, carrying out war policy or policy of other cities. Judicial power of the Senate was expressed by punishment of official persons, allies or foreigners, Roman citizens. As mentioned, legislative issues could not have been resolved independently, without the Public Assembly.

The Spartan Gerusia had both the advisory and judicial functions. It reviewed the public policy issues and prepared proposals for Apella. Gerusia considered cases related to death, expulsion and athymia. It was also entitled to judge the kings.

In the feudal Georgia, "Darbazi" used to assemble for consideration and resolution of significant state matters, as well as for the festival. Actually, "Darbazi" reviewed all the issues which were distributed between the Council and the Public Assembly or certain authorities in Athens and Rome. The following were considered at "Darbazoba": legislation and the supreme justice, issues of declaration of war, making peace, election and appointment of high officials, their coronation, as well as return of the army home and sending an envoy. During the reign of Tamar, all important military actions were preceded by assembly and discussions of the "Darbazi".

Distribution of functions began by David Agmashenebeli who created a separate judicial authority – Rooyal court of law (compare with Heliaea), where legal proceedings were carried out, however, consideration of judicial issues was still included in the powers of "Darbazi".

As for the mountainous region of Georgia, the Council and the Public Assembly are so organically connected to each other, that in fact, they are considered as one concept. Any internal or external problem was resolved at the Public Assembly in the mountain. These authorities were more independent and less subordinated to the King.

Introduction of the system of the Council of Viziers in the state management meant and facilitated enhancement of the royal power and

centralization of administration against the “Darbazi”. In this regard, it was a more progressive institution in comparison with “Darbazoba”.

A temporary governmental collegium – Decemviri, consisting of 10 persons was created in Rome. Election of Decemviri in Rome was carried out for the purpose of creation of laws. Collegiums were divided by functions: 1) Decemviri, whose responsibility was to distribute public lands among people; 2) Decemviri (decemviri legibus scribendis), who had to create legislation. It was the best means for plebeians and patricians to become equal. All governmental positions temporarily ceased to exist during that time. The Law of Twelve Tables was created during that time; 3) The ancient judicial panel which considered rights of citizens. Rights of plebeians were also protected here; they were appointed as the chairman of the Decemviri court; This court existed until the end of the republic; 4) Decemviri who considered religious issues.

There was also a Public Tribune introduced in 494 BC. The function of the Tribune was to protect plebeians. Tribunes were elected on an annual basis. Initially, two or five Tribunes were elected, while their number increased up to 10 since 457. The same person could not have been elected twice. They had a right to become engaged both in civil and criminal cases. They made decisions on organizing all administrative events and election of officials. Initially, Tribunes did not exercise any rights in respect to the Senate, however, later, they obtained the right to attend in the Senate. Moreover, they obtained the right to convene the Tribal Assembly. They could impose a penalty for disobedience or even arrest people. They obtained the right to carry out auspicia. Until 421 BC, the Tribunate was the only institution accessible by plebeians. In the late republican period, patricians also began to participate in elections for this position.

In the 12th century the Chief Treasurer in Georgia was Qutlu Arslan, a man of humble origin who became rich. He requested to establish an authority absolutely independent from the royal power – „კარავი“/“Karavi”. He requested to place the “Karavi” in Isani area, close to the palace. Thus he confronted the royal power. Along with large feudals, representatives of upper layers of the town had to be members of “Karavi”. “Karavi” would take reigns, govern the most important issues of the country, including benefaction of various officials, punish culpable officials, i. e. execute the supreme justice. The king would not have participated in the work of “Karavi”, would not have interfered in consideration of issues. According to the political program of Qutli Arslan, he would have been informed of already determined issues and would have executed the

decisions made by “Karavi”. The plan of Qutlu Arslan was not achieved, however, functions of “Darbazi” largely increased.

As we can see, an idea of creation of an authority similar to the parliament (representing a certain type of democratic governance) appeared in Georgia in the 12th century. It was not carried out, as it strongly confronted the royal power and aimed to overthrow it. But it is noteworthy that the structure and principles of “Karavi” developed by Qutlu Arslan and his party, did not arise from nothing. The self-governance authority of “Tbileli Berebi” consisting of merchants in Tbilisi as early as in the 11th century should have become the basis for it.

Unlike “Darbazi” and the Council of Viziers, existing during the monarchy period, Tbilisi urban self-governance authority temporarily appeared in the 11th century. Its members were elders of the town and they are known as “Tbileli Berebi”. Tbilisi elders were elected from upper layers of citizens. They become particularly stronger after weakening of the office of Emirs. The locks of the town were saved by the Council of 12 Elders. Their duties included: commanding the unit of Tbilisi guards, legal proceedings, supply of food to the population. After death of Emir Jaffar, son of Ali, Bagrat IV was invited as the patron of the town. He was forced to leave Tbilisi in 1051 and the elders governed the town for 10-12 years afterwards. Tbilisi was an independent town since that period and it was governed by a council of 12 persons, who governed the town by turns, for one month.

When comparing the democratic institutions of Greece and Rome and the advisory bodies existing in Georgia in the period of royal power, we can talk about democracy only conditionally. We mainly have to do with the signs of democracy and we should not expect more democracy under the feudal-monarchical system, but existence of signs of democracy in Georgia of that period to such extent is a significant phenomenon (we will not address the mountainous region, please see the Public Assembly). This is the evidence of the fact that each form of governance, even sole governance is sustainable only if it considers the requirements and interests of the society to a certain extent.

BIBLIOGRAPHY:

- › Javakhishvili Iv., *The History of Georgian Law*, Book 2, Part 1, Tbilisi 1928, 167-245 (in Georgian).
- › Berdzenishvili N., *Georgia in XI-XVIII Centuries*, in: *The History of Georgia (Collected Works)*, Book 6, Tbilisi 1973 (in Georgian).
- › Kavtaria G., *The Ancient Greece*, Tbilisi 2005, 169-184 (in Georgian).
- › Tsereteli A., *The Old Greece*, Tbilisi 1966, 333-341 (in Georgian).

- › The Oxford Classical Dictionary, 3rd ed., ed. by S. Hornblower & A. Spawforth, Oxford 2003, 435; 1385-1388.
- › Blackwell C. W., The Areopagus, in: Blackwell C. (ed.), Demos: Classical Athenian Democracy (Mahoney A., Scaife R. ed., The Stoa: A Consortium for Electronic Publication in the Humanities [[www. Stoa.org](http://www.Stoa.org)]), 2003. © 2003 C. W. Blackwell.