Notes on Voting in Athens

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UNTIL RECENTLY it has been assumed that in the Athenian assembly, whether the vote was taken by ballot or by show of hands, a precise count was made of the votes cast. M. H. Hansen, however, has persuasively argued that when the decision was by show of hands (which was the normal practice except on motions for which a quorum of six thousand was required) votes were not precisely counted but were estimated:[1] first those in favour of the proposal, or of the first alternative in a διαχειροτονία,[2] would raise their hands; then those against the proposal, or in favour of the second alternative in a διαχειροτονία; and the presiding officers would judge which alternative had attracted the greater number of votes (τὰς χειροτονίας κρίνουσιν, Ath.Pol. 44.3 cf. 30.5). Of the inscriptions, from Athens and elsewhere, which record a count of votes,[3] none unambiguously refers to voting by show of hands,[4] and many refer explicitly to ballots;[5] in Athens, the count of votes (by ballot) in a δικαστήριον may be recorded from the fifth century onwards,[6] but voting figures for the assem-

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[1] GRBS 18 (1977) 123–37 (hereafter 'Hansen').

[2] E.g., Meiggs/Lewis 65 (IG I³ 61) lines 5–9 with 29–32, where the assembly is called on to choose between two courses of action with regard to the tribute of Methone. On διαχειροτονία as a choice between two alternatives see Hansen 124, ClMed 32 (1980) 93 with 94 n.5.

[3] Cf. A. Wilhelm, AEM 20 (1897) 79–82; SitzWien 183.3 (1916) 4–7 = Akademieschriften zur griechischen Inschriftenkunde (Leipzig 1974) I 295–98; L. Robert, REA 65 (1963) 304–07 = Opera Minora Selecta III (Amsterdam 1969) 1499–1502; G. Roux, L'Amphictionie, Delphes et le temple d'Apollon au IVe siècle (Lyon 1979) 68–69.

[4] IGBrit.Mus. IV 788.21–24 (SGDI 3505: Cnidus, first century A.D.) has χιροτονία but also ψᾶφοι; in IG XI.4 1057.10–11 (Delos, second century B.C.), for [. . . ἐκυρώθη χειροτονί]/αις· ἔδοξε πάσαι Wilhelm (supra n.3) suggested [. . . ψῆφοι ἐγένοντο]/αῖς ἔδοξε· πᾶσαι.

[5] In particular, SEG IV 513.11–13 (Phygela, ca 300 B.C.); IG II² 1035.3 (Athens, early first century B.C., cited by Hansen 132 n.22 as ArchEph 1884, 167–68); SEG IX 354.26 (Cyrene, first century B.C.).

[6] IG II² 1641.25–33 (mid fourth century); cf. 1646.8; 1647.6; Hesperia 16 (1947) 155–57 no. 51.57–60. In literary texts, Ar. Vesp. 1206–07 (pointing to first half of fifth century); Pl. Ap. 36A, Diog. Laert. 2.41–42 (condemnation of Socrates); Isae. 3.37; Dem. 21.75; 23.167, 205; Aeschin. 3.252; Hyp. 4.28; [Plut.] X Or. 840C. The counting is described in Ath.Pol. 69.1, and a precise count is required by the institution of penalties for prosecutors who obtain less than one fifth of the votes (e.g., Andoc. 1.33).

bly and other bodies are not found until the first century B.C.[7]
The only text which positively states that hands were counted is a
scholium on Dem. 21.2;[8] references to challenges and repeated
votes (Xen. *Hell.* 1.7.34 and Pl. *Leg.* 756B) are best explained on
the assumption that the results when declared were open to dis-
pute and the disputes could be resolved only by taking a second
vote;[9] and practical considerations suggest that at a meeting in
which many votes were needed precise counts would be too time-
consuming.

The Spartan assembly, notoriously, voted by shouting, a method
which made counting impossible (Thuc. 1.87.1–3, Plut. *Lyc.*
26.3–5, *cf.* Arist. *Pol.* 2.1270b27–28, 1271a9–10): as Hansen
remarks (127), Aristotle may have regarded this as childish not
because shouts were not counted but hands were, but because, if
there is not to be a precise count, estimating the loudness of dif-
ferent shouts is far less reliable than estimating numbers of hands
as a way of gauging the size of different groups of voters. Hansen
does not discuss the assembly which in 432 considered whether to
go to war with Athens: Thucydides says that Sthenelaidas called
for a division not because the result was really unclear but because
he wished to emphasize it; there was a large majority in favour of
war, but Thucydides does not say, and it may not be the case, that
the two groups of men were counted.

J. A. O. Larsen[10] and G. E. M. de Ste Croix[11] have emphasised
the originality of the archaic Greeks in making decisions by ma-
jority vote, and A. L. Boegehold[12] has suggested that when ballots
were first used for voting the purpose was not secrecy but an ac-
curate count. The occasions when the Athenian assembly voted by
ballot were occasions when a quorum had to be reached if the
decision was to be valid, and the reason for the ballot on these
occasions may well have been a desire not for secrecy, or even for
a precise count of votes cast for and against the motion, but for a
precise count of the total number of votes cast, to check that the
quorum was achieved.[13]

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[7] *IG* II² 1035.3 (*cf. supra* n.5); 1051c.26–27; 1053.11–13; 1343.44–46; 1353.5–6.

[8] 98 B 41 Baiter & Sauppe (not in Dindorf); repeated in various lexica (*cf.* Hansen 126 n.8).

[9] *Cf.* Hansen's interpretation (133–34) of Ar. *Plut.* 724–25, Aeschin. 3.3.

[10] *CP* 44 (1949) 164–81.

[11] *The Origins of the Peloponnesian War* (London/Ithaca 1972) 348–49.

[12] *Hesperia* 32 (1963) 366–74, esp. 368–72.

[13] *Cf.* Hansen 131 and *GRBS* 17 (1976) 126–27, pointing to this conclusion. It is stated in passing in an unpublished paper by Dr D. Lotze, which I thank him for showing me.

It is not clear when it was first realized that secrecy was sometimes desirable and could be obtained through a suitable method of ballotting. Boegehold sees the earliest evidence for a secret ballot in Aeschylus' *Eumenides* (709, 734–53); but in fact, although the result is not known until the votes are counted, it is by no means obvious that the vote is envisaged as secret: Athena, voting last, declares how she is voting (734–35). The fourth-century system of voting in the δικαστήρια, where each juror had one ballot with a solid and one with a hollow axle (*Ath.Pol.* 68.2–4), evidently was intended to ensure secrecy; but as Boegehold acknowledges[14] votes cannot so easily have been secret in the earlier system, in which each juror had a single ballot to be cast into one of two receptacles standing apart (Phrynichus fr.32 Kock, Ar. *Vesp.* 986–91, Xen. *Hell.* 1.7.9, *cf.* Aesch. *Ag.* 815–17). But if this system did not ensure perfect secrecy, neither did it subject the voter to full publicity, as did the method used in the *boule* of 404/3, by which the members had to deposit their ballots on one of two tables immediately under the eyes of the Thirty (Lys. 13.37, implying a contrast between this publicity and democratic practice; *cf.* Lys. 12.91, implying secret voting in the courts immediately after the restoration of the democracy): in the late fifth century the amphorae into which the ballots were cast had a wicker funnel (κημός) (Ar. *Eq.* 150, *Vesp.* 99, with schol.; Poll. 8.123), and if the voter placed his clenched fist in each κημός in turn no one could see, though men standing near might hear, which way he had voted.[15] The law on νόμοι ἐπ' ἀνδρί in the revised code required not only a quorum of six thousand in the assembly but a secret ballot (ἐὰν μὴ ἐξακισχιλίοις δόξῃ κρύβδην ψηφιζομένοις, law *apud* Andoc. 1.87, *cf.* Dem. 24.59), and secret ballotting is found in the 'Demotionid decrees' of 396/5 (*IG* II² 1237.81–84); but the word κρύβδην does not appear in the index of *sermo Atticus* in *IG* I², and I do not know any reference to secret voting, either in Athens or elsewhere, before the end of the Peloponnesian War. The placing of the amphorae apart, rather than close together so that the voter could simultaneously place one fist over each, suggests that secrecy was not an objective when this system was first adopted; the κημός may be a later addition made in the interests of secrecy (*cf. Lex. Rhet. Cant. s.v.* κημός).

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[14] *Supra* n.12: 367–68. He supposes that the two amphorae were so close together that one κημός could cover both, but Ar. *Vesp.* is at variance with this.

[15] Hansen suggests to me that a voter anxious to keep his vote secret might tap the outside of the amphora with one hand while he put the other into the κημός.

Although most decisions of the assembly were taken by show of hands, and elections were called χειροτονίαι, decrees of the assembly in Athens and elsewhere were regularly called ψηφίσματα, and ψηφίζεσθαι could be used of voting in general, whether by ballot or by show of hands.[16] In Aeschylus' *Supplices* the decisions of the Argive assembly are termed ψηφίσματα (601, *cf.* 640, 644), though it is clear that there the vote was taken by show of hands (607, *cf.* 604, 621). It is not likely that the assembly originally voted by ballot but changed to voting by show of hands as the attendances and the number of votes in the course of a meeting increased.[17] Probably, whenever and wherever votes were first counted in order to arrive at a majority decision, ballots were used to facilitate counting: either (in a very small body) the chairman would ask voters for their opinion one by one and would himself use ballots,[18] or else each voter would use a ballot; vase painters (none earlier than the fifth century) envisage voters as using ballots to decide who should have the arms of the dead Achilles.[19] Linguistic usage suggests that voting by show of hands was not earlier than voting by ballot, as Busolt thought.[20] Rather, votes were first counted in a small body in which balloting was practicable; it was not feasible to use the same method in a large assembly, but later it was realised that estimating numbers of raised hands was an improvement on judging shouts, and the already-established ψηφίζεσθαι as well as the more accurate χειροτονεῖν was used of votes taken in this way; later still the Athenians decided that for certain kinds of decision they would require a quorum and use ballots, however cumbersome this was, to ensure that the quorum was achieved. .

In Draco's homicide law, the kin of the deceased had to be unanimous to pardon a man who had killed unintentionally,[21] but the Areopagus and the fifty-one ephetae presumably had to arrive

[16] D. M. MacDowell, *JHS* 95 (1975) 70, *cf.* Hansen 124, claims that the contrary is not true, but χειροτονεῖν is always used of voting by show of hands. *Ath.Pol.* 34.1 (a passage inaccurate in other respects) either is mistaken or is using χειροτονία as a general term, and 41.3 is using χειροτονία as a general term for votes which were more often taken by show of hands than by ballot, but I know no other exception to this claim.

[17] That view was rightly rejected by G. Busolt, *Griechische Staatskunde* I (Munich 1920) 454–55; but it is accepted by Larsen (*supra* n.10) 173–74 and E. S. Staveley, *Greek and Roman Voting and Elections* (London/Ithaca 1972) 84–86.

[18] My attention has been drawn to the judicial scene on the shield of Achilles (*Il.* 18.503–08): there is no mention of a chairman or of counting, but the elders give their judgement one by one.

[19] J. D. Beazley, *Attic Red-Figure Vase-Painters* I² (Oxford 1963) 369 no. 2, 416 no. 7, 429–30 no. 26, 459 no. 11; *Paralipomena* (Oxford 1971) 367 no. 1 *bis*.

[20] *Supra* n. 17.

[21] Meiggs/Lewis 86.13–16 (*IG* I³ 104), restored from law *apud* [Dem.] 43.57.

at their decisions by majority vote, and I should guess that from the time of Draco they voted by ballot: the Areopagus is represented as using ballots in Aeschylus' *Eumenides*. There is no evidence on the method of voting used by the undivided heliaea, but the δικαστήρια into which the heliaea were subsequently divided voted by ballot: it may be that the heliaea, by analogy with the Areopagus and the ephetae, voted by ballot, and in turn that it was by analogy with the assembly meeting as heliaea that the Athenians decided that the assembly in making certain kinds of decision should vote by ballot. That decision was taken not later than the time of Cleisthenes: ostracism required a quorum of six thousand,[22] and the writing of names on ostraca may be seen as an application of the principle of ballotting to a situation in which the range of alternatives was unlimited.

What has been said above throws light on a much-discussed problem concerning elections held by the Athenian assembly, and especially the election of generals. Elections were not considered as a kind of νόμος ἐπ' ἀνδρί, requiring a quorum and a vote by ballot, but were decided by show of hands: in Athens χειροτονεῖν came to be used particularly of elections (*e.g.*, Ar. *Ach.* 598). When the board of ten generals was instituted, the whole assembly elected one candidate from each of the ten tribes (*Ath.Pol.* 22.2, 61.1);[23] in the second half of the fifth century and the first half of the fourth, it seems, the tribal basis of election was retained as a norm, but some exceptions were possible, so that at any rate one tribe might supply two generals and one other none.[24] Many theories have been advanced as to why this was done and (what particularly concerns us here) how it was done; but if, when the assembly voted by show of hands, votes were not precisely counted, then several theories may be ruled out as impossible—such as that of Wade-Gery,[25] that the tribal representative with fewest votes was eliminated to make way for a στρατηγὸς ἐξ ἁπάντων; and that of E. S. Staveley,[26] that all candidates who obtained more than a

[22] Plut. *Arist.* 7.6; six thousand votes against the victim, Philoch. *FGrHist* 328F30, Poll. 8.20, schol. Ar. *Eq.* 855, but see Jacoby's commentary on Philochorus.

[23] That the whole assembly elected each tribe's general is reaffirmed by N. G. L. Hammond, *CQ* N.S. 19 (1969) 111–12 = *Studies in Greek History* (Oxford 1973) 347–48; but C. W. Fornara, *Historia* Einz. 16 (1971) 9–10, thinks it more likely that at first each tribe elected its own general.

[24] Accepted by most scholars, but not by Fornara (*supra* n.23) esp. 19–27, who believes that the tribal basis was totally abandoned in the 460s.

[25] *CQ* 25 (1931) 89 = *Essays in Greek History* (Oxford 1958) 114–15.

[26] *Ancient Society and Institutions: Studies ... V. Ehrenberg* (Oxford 1966) 275–88, *cf.* *supra* n.17, 42–47.

specified number of votes were elected irrespective of tribe, and the remaining places were filled by the remaining candidates with the largest numbers of votes, but not more than one of these from any one tribe.

Instead the absence of a precise count provides a further reason for preferring a suggestion that has been championed more recently. When envoys were appointed, the number was decided first and that number of places was then filled.[27] Similarly we learn from an inscription, but not from Thucydides, that when the Athenians were considering their Sicilian expedition of 415 they were at one point called on to decide whether to appoint one general or a larger number (Meiggs/Lewis 78b.2–3 [*IG* I³ 93]), and they decided to appoint three. These three had to be chosen from the men already serving as generals for 416/15,[28] but otherwise the procedure will have been the same as for the appointment of envoys, and N. G. L. Hammond suggests: "Presumably someone nominated X and a show of hands voted him in or out; then Y; then Z and so on to the required number."[29] M. Piérart has argued that the annual election of generals was conducted on the same principles:[30] the presiding officers would start with one tribe, perhaps the first in 'official' order;[31] they would name one candidate, and invite votes for and votes against; if there was a majority against, they would proceed to a second candidate; if this time there was a majority in favour, this candidate would be declared elected and any further candidates in that tribe would lose their chance of election. In an election conducted in this way it might happen that none of the candidates in one tribe was elected: as long as no exceptions were allowed to the rule that one general should be elected from each tribe, the candidates in that tribe would presumably have to be voted on again (and possibly further nominations would be invited); when the tribal principle was modified, all surviving candidates, irrespective of tribe, could be reconsidered for the places that had not been filled on the first vote.

The modern student might object to Piérart that there is an obvious unfairness in this. The results of the election may be seriously

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[27] *E.g.*, Meiggs/Lewis 65.16–18 (*IG* I³ 61); *IG* II² 16b.10–13 (Tod II 103.17–20).

[28] The expedition sailed well before the new year: K. J. Dover in A. W. Gomme *et al.*, *Historical Commentary on Thucydides* IV (Oxford 1970) 276.

[29] *Supra* n.23: 125 n.1 =366 n.2.

[30] *BCH* 98 (1974) 125–46; this method was earlier postulated without discussion by S. Accame, *RivFC* 63 (1935), esp. 352.

[31] *Cf.* Accame (*supra* n.30) 351–52.

affected by the order in which candidates are voted on, for the third candidate in one tribe may be more popular than the second, yet if the second secures a majority votes for the third will not even be invited. The objection can be answered, however. If all the candidates in the tribe are named before the voting begins, and the voters understand the implications of the system, this unfairness ought not to happen, for the voters will realise that it is detrimental to the chances of the candidate whom they prefer to give a favourable vote to any other candidate, and the danger will be not that a candidate with a small majority will leave no chance for a candidate who might have secured a larger majority but that none of the candidates will secure a majority at all. Common sense—our common sense, that is—suggests that all the candidates in the tribe ought to have been named before the voting on the first of them began: there is no direct evidence that the Athenians did conduct the elections in this way, but the facts that we hear of no complaints of unfairness in the election of generals, and that the modified system of election will have affected precisely those cases in which none of a tribe's candidates did secure a majority, suggest that the Athenians probably did do what we should regard as sensible. It is beyond dispute that in Roman elections, as soon as a candidate had secured the favourable votes of a bare majority of the tribes or centuries, he was declared elected,[32] though with the Roman system of block votes there was a genuine possibility that a different result might be obtained by counting the votes of all the tribes or centuries and electing the candidates with the largest majorities.

Piérart has remarked on the simplicity of this system as compared with the other systems that have been suggested.[33] We may go further, and say that, if votes were not precisely counted, the system which he suggests, of voting for and against each candidate until one secured a majority, will have been more practicable than any other in elections in which a choice might have to be made between more than two candidates for a single place. Hansen prefers to think that the Athenians followed the same practice as the Swiss Landsgemeinden: that all the candidates for one tribe's place would be named, first votes would be invited for each candidate in turn, then the least popular in the first vote would be eliminated and votes would be invited for each of the remainder in

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[32] E.g., Staveley (supra n.17) 179–81.
[33] Supra n.30: 142.

turn, and so on.[34] The Swiss parallel shows that such a system can work without the precise counting of votes; but the estimation is easier if the range of alternatives is limited to two, and Hansen himself has drawn attention to the fact that in διαχειροτονίαι the choice was always between two possibilities.[35] Estimated votes, and the modified tribal elections of the late fifth and early fourth centuries, both support Piérart's as the most likely method of electing Athenian generals.[36]

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February, 1981

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[34] *Det Athenske Demokrati i 4. Århundrede f. Kr., 5. Embedsmændene* (Copenhagen 1979) 39–41 with 106–07 nn.249–59. He follows Fornara (*cf. supra* n.24) in believing that there was no intermediate stage between the election of one general from each tribe and the election of ten generals irrespective of tribe.

[35] *Cf. supra* n.2. Similarly, the τίμησις in court cases was normally a διαψηφισμός between the alternatives proposed by prosecutor and defendant (*cf.* Pl. *Ap.* 35E–38B); but in διαδικασίαι to which there were more than two parties the decision was more complicated, and there the jurors were perhaps called on to give a favourable vote to any one party (A. R. W. Harrison, *The Law of Athens* II [Oxford 1971] 165–66, citing [Dem.] 43.10, Isae. 11.21). In Athens ostracism was a choice between more than two possibilities; in Sparta, if Plutarch's account is accurate, when there was a vacancy in the gerousia to be filled the judges might be called on to identify the loudest of several shouts.

[36] I should like to thank Dr M. H. Hansen for reading and commenting on a draft of these notes; also C. Habicht for helping with references when I was contemplating inscriptions in which a count of votes is recorded, and D. M. Lewis for making the numbers of inscriptions in *IG* I[3] available to me in advance of publication.