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Pebbles, Points, or Ballots: The Emergence of the Individual Vote in Rome*

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Anyone setting out to investigate the origins of the taking of a formal vote in Rome is faced with a very substantial problem. No adequate records survive. All our evidence derives from a much later period, and, as so often, in a dishearteningly sporadic and vague form. In part because of this, our traditional picture of the Roman voting procedure is too consistent; it does not allow of any variation. But to a great extent this consistency is also due to the very way in which we use the evidence. A critic might say that our reconstruction of the procedure is nothing but a concoction of all possible odds and ends which derive from different sources. However, insofar as we apply the resulting picture only to the later part of the Republic this 'method of concocting' is somehow defensible. With some confidence we may agree with Fraccaro, who considered it unnecessary to follow a chronological order in his presentation of the ancient descriptions of tribal voting; for early Rome our sources (and their sources before them) have relied completely on inference from later conditions, and thus, according to him, these descriptions

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«rappresentano soltanto l'idea che dei comizi tributi si facevano gli annalisti usati dalle nostre fonti.»[1] It follows, then, that a great part of the Republican period is a grey area as to the method of voting. And it is only by accident, often in form of ancient formulae, that unaffected pieces of information of any earlier procedure survive.

The only spot of colour in the greyness of our sources is the report of Dionysius of Halicarnassus. In the present paper particular questions that arise from the study of Dionysius are examined. It is not my purpose to discuss the voting procedure through and through, but to concentrate on his hitherto universally discredited account of the early method of voting. The sources for this study are scanty, and the information gained is, therefore, in great part conjectural. Nevertheless, I shall argue that Dionysius' report of the voting method has been misinterpreted by his modern critics, and that he may have been right after all.

Comments on traditional theory

The essence of the Roman *comitia* was the question (*rogatio*) placed before the people by the leading magistrate, and the vote (*suffragium*) which took the form of an answer to this question. Scholars have traditionally seen three different stages in the development of the method used to give this answer: (1) the acclamation, (2)

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[1] Plinio Fraccaro, La procedura del voto nei comizi tributi romani, Opuscula II (1956) 240; Lily Ross Taylor limited her book Roman Voting Assemblies, Ann Arbor 1966, to consider only the period from the Hannibalic War to the dictatorship of Caesar because of the unreliability of the sources for the earlier period. The lack of information is admitted by Livy himself in the beginning of the sixth book (6, 1, 2): *res cum vetustate nimia obscuras, velut quae magno ex intervallo loci vix cernuntur, tum quod parvae et rarae per eadem tempora litterae fuere, una custodia fidelis memoriae rerum gestarum, et quod, etiam si quae in commentariis pontificum aliisque publicis privatisque erant monumentis, incensa urbe pleraeque interiere.* (Cf. also Plut. Per. 13, 12).

The surviving sources themselves give quite a good idea of the kind of information that could have been transmitted by literary tradition. The most laconic is Polybius who fails to give us any information at all concerning the procedural matters. Livy's comments are vague; in fact he does not once mention what the physical form of the vote was.

the oral vote, and (3) the written vote.[2] One may suspect, however, that this division presupposes quite unjustifiably that these would have been the only methods the Romans ever used, thus disregarding how ill-informed we are as to early Rome. The written vote is the only method adequately attested by our sources. And the reasons for this are obvious. In the first place, our sources all belong to the time period when this form of vote was used. Second, its introduction was a hot political issue because, for the first time, it brought secrecy into the Roman comitial voting.[3]

In theory we may indeed distinguish three stages of development, namely the collective vote, the open individual vote, and the secret vote. The emergence of each of these stages can be seen as a result of a certain political development. But there were also other changes and modifications in the method of voting which served no political purpose but were carried out simply in order to achieve some procedural benefits. Causes for such changes could have been for instance the growth of the citizen body, the emergence of electoral malpractice, or the need to facilitate the counting of votes. It is absurd to believe that a procedure would have endured centuries without undergoing any changes in course of time.[4]

Furthermore, to consider that the method by which the votes were taken would always have been uniform in all different assemblies, or indeed in all of their comitial functions, even of the same period, is clearly fallacious. Why should we believe that the Romans of the early Republic elected their magistrates in the same

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[2] This division can be found (although not always in an explicit form) in every standard work. See for example E. S. Staveley, Greek and Roman Voting and Elections, London 1972, 157ff.

[3] Cic. leg. 3, 33 *versabor in re difficili ac multum et saepe quaesita, suffragia in magistratu mandando ac de reo iudicando sciscendaque in lege aut rogatione clam an palam ferri melius esset.*; Plin. epist. 3, 20, 1 *meministine te saepe legisse, quantas contentiones excitaret lex tabellaria, quantumque ipsi latori vel gloriae vel reprehensionis attulerit?* On the written ballot see most recently W. Harris, Ancient Literacy, Cambridge, Mass. & London 1989, 168ff. and U. Hall, Greeks and Romans and the Secret Ballot, in 'Owls to Athens', Essays on Classical Subjects Presented to Sir Kenneth Dover, ed. by E. M. Craik, Oxford 1990, 191-199.

[4] Admittedly the «constitutional, legal and religious institutions and practices» preserved in themselves much information about the past, and this is especially true of the religious institutions to the limit when the meaning of old practices and formulae had become unknown even to the priests themselves. However, I would be careful in considering the constitutional or legal «institutions and practices which survived into a much later period as self-evident fossils from the distant past» (Drummond, CAH^2 VII:2, 29) since in reality they must have gone through much more changes than our sources can tell us.

way as they passed their legal judgement, or voted on a bill? Suffice it to say for comparison that at Athens in the classical period the normal method employed in legislation was *kheirotonia*, but in some particular cases *psephoi* were used.[5] So it may well have also been the case at Rome that more than one method of taking a vote was in use at the same time. In the late Republic the ballot-laws (*leges tabellariae*) were not introduced at once to all types of popular assemblies, but during one generation the oral vote coexisted with the written one.

When the Romans first started to give a formal expression of their will in an assembly it was probably through noisy applause in response to a proposal. This is suggested by the etymology of the word *suffragium* as well as by comparative study.[6] It is impossible to say when this method of voting fell into disuse. It depends greatly on what functions and powers the early assemblies had, and whether any of these required the taking of votes individually from each citizen. The reason for this innovation, however, must have been the desire for greater accuracy in judging the outcome of the vote.[7] The idea that this desire was felt especially in the judicial functions is attractive. It is difficult to conceive of the giving of the verdict by noisy acclamation in trials by popular assemblies.[8] And it may be well to recall that at Athens from the earliest times an exact count was needed in trials, while in elections and voting on bills the form of voting employed was a show of hands (*kheirotonia*), where an exact count was never carried out.[9] In any case, this fragmentation of the collective vote resulted the need to somehow 'materialize' the individual vote so

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[5] M. H. Hansen, The Athenian Assembly, Oxford 1987, 41-44.

[6] About the etymology see the chapter on *suffragium* below. About the comparative study see G. W. Botsford, The Roman Assemblies, New York 1909, 152-157.

[7] The taking of formal vote is often connected with the secret ballot; see for example J. A. O. Larsen, The Origin and Significance of the Counting of Votes, CPh 44 (1949) 164-181. This, however, was not the case at Rome, and almost certainly not even in Greece. For the use of *psephoi* as voting-tokens in an open balloting see A. Boegehold, Toward A Study of Athenian Voting Procedure, Hesperia 32 (1963) 366-374, esp. 369, and also Staveley 84f.

[8] In addition to the desire for accuracy one might expect also some solemnity in the procedure. The verdict was associated with the lot or fate, which can be seen for instance in the name *sorticula* used sometimes of the ballots of the judges (see note 27; *Lex repetundarum*).

[9] Hansen *loc. cit.* The fact that the formal resolution of the popular assembly was called *psephisma* might indicate that *psephoi* (i.e. pebbles) were originally used in all voting; see Staveley 84.

that it could be counted; and without some mechanical aid the counting of votes would have been impracticable.

According to the generally accepted theory, during the greater part of the Republican period votes were given orally. Each voter passed a teller (*rogator*) who marked off the vote on a tablet (*tabula*) with a point (*punctum*). This theory rests on no direct evidence, but instead on what we know about the casting (or rather the sorting) of the written ballot (*tabella*) in Cicero's time.[10] Nevertheless, the theory has won such acceptance among modern scholars that today it can be found in all of the standard reference works and monographs presented practically as a fact. And even though the method seems quite laudable in itself and may well have existed before the introduction of the written ballot, it does not exclude the possibility that there might have been earlier a different kind of procedure about which the later historians knew nothing, and failed therefore to make mention of it – just as they failed to tell us about the voting by acclamation. Adding *puncta* on waxed tablets appears to be an incredibly sophisticated method for materializing a vote in a period, when popular assembly itself as a Roman institution was still in its infancy.

The pebbles

For the reasons mentioned above I would like to draw some attention to the report of Dionysius of Halicarnassus, which provides us with an alternative voting method for the earliest times, and which in my opinion deserves reconsideration. In some passages describing the voting procedure, Dionysius makes one understand that voters in early Republican times used some kind of balloting token (*psephos*),

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[10] Th. Mommsen, Römisches Staatsrecht, Leipzig 1887-8, III^3, 404. Of the vote being oral our main evidence is Cicero who in his *De legibus* refers to *vocis suffragium*. These passages are Cic. leg. 3, 33 *ego in ista sum sententia...nihil ut fuerit in suffragiis voce melius*; 3, 34 *itaque graviora iudicia de potentissimis hominibus extant vocis quam tabellae*; 3, 36 *vocis suffragium*; 3, 39 *ut minus multos tabella condemnet quam solebat vox.*

which was put in an urn (καδίσκος, ἀγγεῖον).[11] This gave Mommsen the reason to conclude that «Dionysius scheint von der späten Einführung der Stimmtafeln nichts gewusst zu haben.»[12] The first ballot-law (*lex tabellaria*) was not introduced until 139 BC.

But did Dionysius mean by *psephos* a voting tablet in the sense of the later *tabella*, as has been taken for granted by modern scholars, or something quite different?[13] To designate Dionysius' account anachronistic is the easy way out of this problem. The other solutions will necessarily present further complications. We need to ask for instance, why was he able to supply more detail of the early procedure than any of his Latin-writing colleagues? How well could Dionysius know the Roman system? Or, to what extent was he capable of describing it in Greek terms? As to the last question, it is true that Greek writers in translating the Roman institutions into their mother tongue were more concerned about the literary aspects than about the accuracy in describing the institutions themselves: the terms they used were those of the Greek institutions, which, naturally, fitted quite badly in the Roman world.[14] But here we are not dealing exactly with this kind of problem: if Dionysius had used only a term such as *psephophoria*, or *kheirotonia*, one of course could not draw any conclusions about the procedure – that is whether the

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[11] Such places are especially: ant. 10, 41 (τὰ ἀγγεῖα τῶν ψήφων); 11, 52 (where a καδίσκος was used). Furthermore, one finds such expressions as τὴν ψῆφον ἐπιφέρειν (2, 14; 7, 59), ἀναδιδόναι (4, 12; 4, 71; 7, 17), ἀναλαμβάνειν (5, 6), and ἀποτίθεσθαι (11, 52).

[12] Mommsen III^3, 404 n. 2.

[13] In addition to Mommsen, for example Taylor 11: «he represents the Romans of the beginning of the Republic making use of written ballots», and U. Hall, Voting Procedure in Roman Assemblies, Historia 13 (1964) 267-306, esp. 274, who vitiates Dionysius' whole account of the early voting procedure on the basis that he «believed that a written vote was in use from the beginning of comitial procedure». However, Dionysius' *psephos* has not always been interpreted as a *tabella*; e.g. Forcellini writes in his *Totius Latinitatis Lexicon s.v. suffragium*: «* Aliter de hac re, sed, ut nobis quidem videtur, rectissime statuit *Wunderus* in *praef.* ad *varr. lectt.* cet. p. 167 sqq. Etenim non duplicem, vel voce vel tabella, sed triplicem sententiae dicendae rationem ap. Romanos fuisse, i.e. antiquissimis temporibus *voce* et *calculis*; et latis deinde legibus tabellariis, *tabellis*. Quam sententiam primum quidem firmari recte putat elocutionibus *suffragium ferre, mittere in suffragia, inire vel ire in suffragium*, quae minime possent ad vocem referri. - - Alterum argumentum depromit ... ex multis Dionysii locis, ubi ratione antiquiss. temp. habita, de eo, qui comitia habuisset, ἀναδιδόναι et ἀποδιδόναι τὴν ψῆφον: contra de populo, sententiam declarante, τὴν ψῆφον ἀναλαμβάνειν, ἐπιφέρειν, φέρειν diceretur.»

[14] See H. J. Mason, The Roman Government in Greek Sources, Phoenix 24 (1970) 150-159.

vote was by ballot, or by show of hands, or by some other means. But since he actually talks about ballots which were cast into the urns, we are not left in doubt as to what he believed had happened.

To the second question we could answer that Dionysius lived over two decades in Rome studying its past in order to write it down;[15] if Livy, writing his own work at about the same time, was familiar with the *leges tabellariae*,[16] why would these have escaped Dionysius' notice? In fact, it would be more likely to expect the contrary. To quote R. M. Ogilvie: «Dionysius' work is characterized by three special qualities. The first is the detailed research that went into it. Dionysius, unlike Livy, read voraciously, especially the earlier historians who, writing in Greek, had touched on Italian affairs – Pherecydes and Antiochus of Syracuse (fifth century BC) and Timaeus and Q. Fabius Pictor (third century). Again, unlike Livy, he had investigated at first hand the Roman antiquarians – men like Cato, Tuditanus and Varro, who collected the oddities of the Roman past whatever their bearing on actual history might be.»[17] I believe this suffices to make the point. As compared with Livy, Dionysius proves to be «an extremely well-read and careful scholar».

Why, then, should we interpret Dionysius' *psephos* as a written ballot[18] if it clearly militates against the facts known to us about the voting procedure? In the following I shall argue that the very same passages in Dionysius which are presented as proofs of anachronism, if studied more closely, give us a good reason to think the contrary.

In principle there are two basically different ways of expressing the choice when voting by ballot: (1) the ballots are all alike and there are different urns for each choice, or (2) there is only one urn, and the choice is expressed by the difference in ballots. The voting with *tabella* belongs, of course, to the latter group. The one passage dealing with these *psephoi* which is relevant to our argument is Dionysius' ant. 11, 52 where he quite explicitly mentions that there was a separate urn for each choice: Two towns, Aricia and Ardea, had a dispute over a piece of land, and in

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[15] Ant. 1,7,2-3.

[16] This is suggested by Livy Oxy. Per. 54.

[17] R. M. Ogilvie, Early Rome and the Etruscans, Glasgow 1976, 21-22.

[18] In fact *psephos* was not 'a written vote'; Plutarch for instance when referring to a *tabella* employs the word δέλτος (Cato min. 46, 2). An other word for a written vote was πινάκιον (Plat. leg. 753 b).

order to solve it they asked the Romans to be their judges. In the Roman assembly, however, there were citizens who claimed that the territory in dispute really belonged to the Romans, and so a third urn was placed before each tribe for that choice:[19]

> ταῦτα δὴ λογιζόμενοι καὶ ἀγανακτοῦντες τρίτον ἐκέλευσαν τεθῆναι καδίσκον ὑπὲρ τῆς πόλεως Ῥωμαίων καθ' ἑκάστην φυλήν, εἰς ὃν ἀποθήσονται τὰς ψήφους.

Clearly the vote here was not by *tabella*. In another passage (ant. 10, 41) Dionysius describes how the young patricians interfered with the tribal voting (455 BC) and seized the urns (ἀγγεῖα τῶν ψήφων) from the officials. Since the tribes voted in succession in legislative assemblies the mention of the urns in plural supports the suggestion that there perhaps was a separate urn for 'aye' and 'no'.[20]

The Greek word *psephos* finds its natural equivalent in Latin *calculus*.[21] In the early days of Athenian popular assembly the vote was taken with the aid of pebbles.[22] And later the *psephoi* were used in the *ekklesia* in cases which required a *quorum*, and in the popular courts.[23] In other words, when an accurate count was needed, pebbles were used to facilitate the counting of votes. For this purpose the pebbles were a natural choice since, as we know, both *psephoi* and *calculi* were used also as counters.[24]

The idea that a person could be represented by a token of some kind for the counting purposes can be found in Rome also in another context. In his Roman

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[19] This incident took place in 446 BC. The same story is found also in Livy (3, 71, 3 - 3, 72, 7), who describes the *contio* at length, but mentions about the vote only that *vocatae tribus iudicaverunt agrum publicum populi Romani esse.*

[20] Admittedly, this second example is open to the objection that each tribe had its own urn. But I consider it more probable that Dionysius was describing a similar procedure in both cases.

[21] Word *calculus* itself is a derivative of *calx* 'lime, limestone', and its original meaning is thus 'a small (lime)stone, a pebble'. Ernout-Meillet, Dictionaire étymologique de la langue latine, 4. ed., Paris 1959, *s.v. calx* (2).

[22] Staveley 84-86 and A. Boegehold 367-368.

[23] M. H. Hansen *loc.cit.*

[24] About the use of *psephoi* as counters see Boegehold *art. cit.* who makes a similar connection between counters and ballots. As for the *calculi*, their appearance in this function seems to

Antiquities (4, 15), Dionysius[25] supplies some detail concerning the *Paganalia* showing how the survey of the population was carried out with the aid of certain kind of tokens (νόμισμα),[26] which each inhabitant of the same district (*pagus*) gave to the men who presided over the feast. The men gave one kind, the women another and the children a third kind, so that by counting these tokens it was then possible to get the head count of the district by sex and age. The step from the idea of using tokens as substitutes in this manner into the voting by ballot is very small.

Thus far Dionysius. But how does this square with the other evidence? It should be mentioned at the outset that since the idea of voting with the aid of *calculi* in early Rome is not found in modern literature we may assume scholars have found no direct evidence of this method in Latin literature. Nevertheless, in order to know with certainty that they are right some investigation needs to be done.

The entry of *calculus* in *Thesaurus Linguae Latinae* makes several references to the use of *calculi* as voting tokens for trials. But the examples are all very late. They become more frequent after the first century A.D. giving good reason to believe that the ballots used by the jurors were called *calculi* in imperial times. But in the late Republic the ballots were tablets, probably double-faced, the one side carrying the acquitting vote, the other the condemning vote. And before casting his ballot into the urn the juror erased the unwanted verdict.[27] These *calculi* on the other hand

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be quite late. The normal word for counting was *computo*, and the derivatives from *calculus* 'the counter' such as *calculator*, *calculatio*, *calculo(r)* etc., are all creations of the imperial period. The counting with the aid of pebbles is, however, such a common and natural phenomenon, that there is no reason to believe that they were not used also in early Rome. Cf. the old custom of driving a nail into a wall of the temple of Jupiter Capitolinus, on which Livy remarks: ... *cum clavum, quia rarae per ea tempora litterae erant, notam numeri annorum fuisse ferunt* (Liv. 7, 3, 6).

[25] In this passage Dionysius mentions as his sources Fabius, Vennonius and Cato, and later also L. Piso. Cf. also Festus 272-3L.

[26] τὸ νόμισμα can mean 'anything sanctioned by current or established usage; esp. current coin' (LSJ).

[27] These wooden tablets were either waxed or the letters were written in ink. The latter is suggested by Mattingly's restoration of the *Lex repetundarum* 51 based on the F fragment in JRS 59 (1969) 129-143, and now rediscovered and certified by A. Lintott (forthcoming): ... *sorticolam unam buxeam longam digitos IIII la[tam digitos ? ...scri]ptam atr[amento...* The verdict was written in an abbreviated form: 'L' for *libero*, 'A' for *absolvo*, 'D' for *damno*, and 'C' for *condemno*. In modern literature these four legal terms are normally linked together in pairs *Libero – Damno* and *Absolvo – Condemno*, but J. Cody has argued in her article (The Use of *Libero – Damno* and *Absolvo – Condemno* in the Judicial Proceedings of the Late

were white and black pebbles, a white one being thrown into the urn to acquit and a black one to condemn the defendant.[28] The earliest reference to the white and black *calculi* we find in Ovid's Metamorphoses (15, 38-41) in the founding legend of Croton. According to Ovid, Heracles appeared in a dream to Myscelus advising him to leave his hometown Argos and found a colony in southern Italy. At that time there were laws in Argos which forbade its citizens to move abroad, and Myscelus, who after some hesitation decided to obey Heracles' orders, was brought to court. The judges all condemned him by each casting a black pebble into the urn:

> Mos erat antiquus *niveis atrisque lapillis*,
> his damnare reos, illis absolvere culpae.
> Nunc quoque sic lata est sententia tristis; et omnis
> *calculus* inmitem demittitur *ater* in urnam.

Myscelus was saved miraculously by Heracles who made all the pebbles turn white. The passage is rather puzzling, since we do not find this version of the legend elsewhere.[29] According to a more common version Myscelus was an Achaean, a native of Rhypes, whom Apollo instructed through the Delphic oracle to found

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Republic, CPh 68 (1973) 205-208) that in Republican usage they were not inseparable terms, and that there was no distinction in the use of these terms as to the trials held in the *quaestiones* and the trials held in the judicial *comitia*. In some cases also a third verdict was available: the tablet could be *sine suffragio* as seen in the *Lex repetund.* 54. There also seems to have been cases when each verdict had its own tablet (sometimes the third tablet was 'NL' for *non liquet*; e.g. Ps.-Ascon. Verr. p. 231), as in Suet. Aug. 33: *et cum de falso testamento ageretur omnesque signatores lege Cornelia tenerentur, non tantum duas tabellas, damnatoriam et absolutoriam, simul cognoscentibus dedit, sed tertiam quoque, qua ignosceretur iis, quos fraude ad signandum vel errore inductos constitisset.* Also Caes. civ. 3, 83, 3.

[28] Cf. English 'blackball', both verb and substantive. Black and white balls were used in England as tokens used for voting by ballot for or against a candidate for membership of a club or other association; hence *to blackball* is 'to exclude (a person) from a club or other society by adverse votes, recorded by the placing of black balls in the ballot-box, or in other ways' (OED s.v.).

[29] Excepting of course Ps.Lact.Plac. fab. Ov. 15, 1.

Croton.[30] Either of these versions produced the proverbial Μυσκέλλου ψῆφος, which later was certainly connected to the latter.[31]

But why talk about Greek mythology in a study which concerns Roman voting? True, the vote took place in Argos, and thus it is possible that this *mos* is to be found in the Greek world. Two observations, however, can be made. Strictly speaking Ovid's first remark is quite general («It was the custom in ancient times to condemn the accused with black pebbles, to acquit them with white.»), and only the second part of the citation refers to Argos («On this occasion, too, the stern verdict was given in this way»). Second, my attempts to find this custom in the Greek world have been futile. There are a few Greek writers who make mention of the black and white *psephoi* but they are not any earlier than the Roman ones.[32] Moreover, when a Greek writer does refer to the use of white and black *psephoi* it is very difficult to interpret it as anything other than a metaphor.[33] Those who used this expression

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[30] The earliest (c. 300 BC) writer known to give this version was Hippys of Rhegium (FGrHist. 554 F 3-5 = Zenob. prov. 3, 42). After him it is told by several authors, e.g. Diod. 8, 17; Strab. 6, 262 and 269, and scholiasts. For more details see Zwicker, Myskellos, RE XVI,1 1189-1191.

[31] Mant. proverb. II 762 Paroem. Gr. explains Μυσκέλλου ψῆφος as Myscelus' choice of health instead of wealth; cf. Suda s.v. Archias 4104 and s.v. Myskellos 1473. Also Strab. 6,2,4: «They say that when Myscellus and Archias went to Delphi to consult the oracle, the god asked whether they preferred wealth or health. Archias chose wealth and Myscellus health, and the oracle then assigned Syracuse to the former, and Croton to the latter...». For the idea of placing the health (*hygeia*) first, see e.g. Plat. Gorg. 451e and Arist. rhet. 1394b.

[32] Plut. Alkib. 22; Aelian. var. 13, 38; Lucian apol. 15; *id.* pisc. 21; *id.* harm. 3; cf. schol. in Lucian. apol. 15 and pisc. 21; schol. Aristoph. vesp. 106; Suda s.v. ψῆφος μέλαινα. The first Latin writers to mention the *calculi* as balloting tokens (excepting Ovid) are Pliny the Younger (epist. 1, 2, 5) and Quintilian (inst. 8, 3, 14).

[33] This is the case for instance when Plutarch places these in Alcibiades' Athens, (Alcib. 22, 2): 'But then someone recognized him again and said: «Have you not any reliance on your fatherland, Alcibiades?» He replied: «In everything else yes, but when my own life is at stake I wouldn't rely on even my own mother, in case she might unknowingly give the black *psephos* instead of the white (τὴν μέλαιναν ἀντὶ τῆς λευκῆς ἐπενέγκῃ ψῆφον)».' The same story is told also by Aelianus in his *Varia Historia* (13, 38) whose source was probably Plutarch. The vote by white or black pebbles is unknown to us at Athens, and therefore the allusion is either wrong or must be taken as a metaphor. Similarly also Lucian, who writes to some Roman called Sabinus (apol. 15): οὐκ ἐν παρέργῳ θέμενος τὴν λευκὴν (sc. ψῆφον) παρὰ σοῦ καὶ πλήρη μοι ἐνεχθῆναι. In this case the use is certainly metaphorical, since he refers both to a λευκή and to a πλήρης ψῆφος, which both meant the vote given for the defence but which belonged to the different voting methods. This metaphor of white

were closely connected with Rome: Plutarch and Lucian were both known to have held a post in the Roman administration,[34] while Claudius Aelianus was pontifex in Praeneste and taught rhetoric in Rome. Thus it is not unreasonable to assume that they were familiar with the contemporary custom of the Roman courts of justice to vote with the aid of black and white *calculi*. All this leads to the possibility that this custom was not Greek but Roman.

To return to Ovid's account, it remains obscure where he got this idea of voting with white and black pebbles. *Tabellae* were used for trials in Ovid's time.[35] Would Ovid have felt it necessary to explain the procedure, or talked about a *mos antiquus*, if these pebbles were used in some cases instead? Whatever may be thought of Ovid's mention of a voting procedure with pebbles, we may at least suspect that, for a Roman of the Augustan age, its use rang with the sound of antiquity. And it is noteworthy that Ovid's *calculi* are *lapilli*; the *psephoi* at Athens had not been pebbles any more for centuries. Perhaps the reason why he thought these pebbles had been white and black was the fact that at his time the *calculi* (used in the abacus, board games and calendars) actually were white and black.[36]

As expected, the investigation of the *calculi* in Latin literature does not bring forward any decisive proof concerning voting with *calculi* in early Rome. But there is still one possible body of evidence left, which we have touched so far only in passing, namely some old Latin expressions or formulae which have to do with voting.

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pebbles calls to mind a passage of Pliny the Younger, who in his letter to Arrianus Maturus (epist. 1, 2, 5) writes: *si modo tu fortasse errori nostro album calculum adieceris.*

[34] Plutarch taught at Rome, and according to Eusebius (Suda) Trajan and Hadrian gave him some office (perhaps procuratorship) in Achaea. Lucian held a post under the Roman administration in Egypt.

[35] E.g. Suet. Aug. 33 cited above in n. 27. Also later e.g. Seneca benef. 3, 7, 7 *de quibusdam etiam imperitus iudex dimittere tabellam potest*; contr. 7, 8, 7 *quam tulit de reo tabellam.*

[36] Perhaps the most influential of the other uses was the alleged custom of the Thracians of putting a white or a black pebble every day in an urn to represent the happiness or unhappiness of that day. This way they could assess the happiness of their lives by computing the pebbles. (Plin. nat. 7, 131). Marking a day with a white or a black pebble is a common metaphor of a happy or unhappy day in Latin literature; e.g. Catull. 68, 148; 107, 6; Hor. carm. 1, 36, 10; Martial. 8, 45, 2; 9, 52, 4; 11, 36, 2; 12, 34, 5-7; Plin. epist. 6, 11, 3.

Suffrāgium

The basic question of this paper is, to what did the word *suffragium* refer in the early Republic? The original meaning-form relation signalled by *suffragium* is revealed by an etymological analysis of the word. The conventional view maintains that *suffrāgium* derives from the same root as *frăngo* 'to break' and *frăgor* 'a noise of breaking', 'crash'. Thus the original meaning of the word would have been 'a breaking into din in response (to)'.[37] This is in agreement with our knowledge of the earliest known form of the European popular assembly.[38] In view of the peculiar Roman practice of group vote and the plural form of the word *comitia* it is tempting to suppose that the Roman popular assembly was originally not one but in fact many assemblies. Consequently, a *suffragium* would not have been the vote of the whole Roman community, but the vote of a voting unit (originally a *curia*).[39] In support

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[37] This derivation has been recently challenged by Oswald Szemerényi, An dem Quellen des lateinischen Wortschatzes. Innsbrucker Beiträge zur Sprachwissenschaft, Bd. 56, Innsbruck 1989, 31-33. According to him the derivation of *suffrāgium* from *frăngo* is quite impossible on phonetic grounds: *frăgor* has a short *ă*, while *suffrāgium* exhibits a long *ā*. Instead he connects it with *suffrāgō* 'a joint in the hind leg of a quadruped, hock' which also has a long *ā*. This again, according to him, is a derivative of an old name of a part of the body **frāg(o)*- 'a rump, buttocks'. Thus the original meaning of *suffrāgium* would have been 'etwas zum Hinterbug Gehöriges', that is the strap which passes under the draught animal's tail, 'a crupper'. This strap became to mean 'support' or 'help', in which sense it got adopted into the political vocabulary, and finally it became a technical term in polling.

It seems to me, however, that Szemerényi has harnessed the horses, so to speak, behind the carriage. In the first place, I have not found any evidence of the existence of such cruppers in ancient harness-types. Later these can be found in a saddle, but this is certainly too late for this argument – and even then the name seems to have been *postela* or *postilena*. Second, Szemerényi cannot present a single example which would connect *suffragium* with the crupper; the fact remains that *suffragium* is always found in a political context. And finally, even though the change short/long is troublesome to linguists, there are also other examples such as *ambāgēs* (*amb+ăgo*) and *contāgium* (*con+tăngo*) which show the same change. For a more detailed discussion see J. Vaahtera, The Etymology of Suffragium (forthcoming).

[38] About the characteristics of this assembly see Botsford 152.

[39] Cf. R. E. A. Palmer, The Archaic Community of the Romans, Cambridge 1970, 202: «The most important aspect of the curiate constitution was the vote by discrete units which originally represented diverse peoples incorporated into the Roman state of the Quirites. Each curia met and conducted its own balloting.» The meeting of a curia was a *comitium*, and «...when the curias held meetings to decide matters touching all the curias, the sum of the meetings constituted a state assembly (*comitia curiata*).» Also G. Prugni, Quirites,

of this view is the phrase *sex suffragia*, applied to the six ancient centuries of knights, where we find *suffragium* in a transferred meaning 'a voting unit'.[40] In later times when a vote had become individual[41] also the old connotation gradually disappeared, but traces of this can still be seen in such expressions as *cunctis suffragiis facere*; e.g. Cic. Pis. 2: *me cum ... praetorem primum cunctis suffragiis populus Romanus faciebat.*[42] This must have meant that someone became elected with the votes of every century (but not of every elector). When Livy mentions how the censors of 179 BC *mutarunt suffragia regionatimque generibus hominum causisque et quaestibus tribus discripserunt*, if we have not here a mention of a change in the method of voting, it must refer to the tribes.[43]

In a very old context we have the word *suffragium* in the formula *ite in suffragium.*[44] *Suffragium* here has been translated as 'the action of voting, the exercise of one's vote' (OLD s.v. *suffragium* (2)), and the whole phrase «proceed to vote» or «zur Abstimmung schreiten».[45] In this expression, however, *suffragium* must have originally referred to the place where the vote was given. Similarly we find also *in ius vocare*[46] and *ire in sacramentum*[47] referring to the place.

Athenaeum 65 (1987) 134: «Ma è molto più probabile a mio avviso ... che le curie e le asemblee curiate fossero in origine entità autonome anteriori alla nascita della *civitas*, costituendo una tappa fondamentale nel processo di superamento della frammentazione iniziale verso un assetto politico di tipo (con)federativo da cui con ulteriori passi in avanti sorse lo stato unitario.»

[40] Kübler's Stimmkörper (RE IVa, 1931, 654-8 s.v. *suffragium*).

[41] Kübler's Einzelstimme.

[42] Also Cic. fam. 15, 12, 1; Mil. 96; off. 2,59; p.red. ad Quir. 25; rep. 2, 35 and Vatin. 11.

[43] Livy 40, 51, 9. About this passage see L. Grieve, Livy 40, 51, 9 and the Centuriate Assembly, CQ 35 (1985) 417-429.

[44] E.g. Staveley 153, and Taylor 2-3 and 79. As a command in Livy: 31, 7, 14; 34, 2, 5. Also *redire in suffragium*: 26, 22, 7; 26, 22, 9; *inire suffragium*: 1, 17, 9; 2, 56, 10; 3, 17, 5; 3, 25, 4; 3, 71, 3; 4, 25, 12; 10, 13, 11; 24, 8, 2; 24, 9, 3; 26, 2, 9; 26, 22, 13; *mittere in suffragium*: 3, 64, 5; 31, 7, 2; 31, 8, 1; *vocare (revocare) in suffragium*: 4, 5, 2; 24, 8, 20; 25, 4, 4; 40, 46, 3. More rarely also with *ad*: 6, 35, 7 (*inire*); 6, 38, 4; 10, 21, 13; 10, 24, 18; 25, 3, 15; 45, 39, 20 (*vocare/revocare*).

[45] Staveley 153 and Kübler 655 respectively.

[46] *Lex XII tabularum* 1, 1: *Si in ius vocat, ito*; also 3, 2 *in ius ducito*. About the meaning OLD s.v. *ius* (6). Cf. Paul. dig. 1, 1, 11: *ius dicitur locus in quo ius redditur.* Plaut. Curc. 621 *ambula in ius.*

[47] See E. Benveniste, Indoeuropean Language and Society, London 1973, 393.

After the introduction of the written ballot, according to Mommsen, the expression for 'to vote' was *suffragium ferre*.[48] In making such statement he obviously was thinking, and I believe quite correctly, that *suffragium* must have referred to something solid and tangible in order to cause such a phrase; cf. e.g. *Tabula Hebana* 24: *qui senatores et eq(uites) in quamq(ue) cistam suffragium ferre debeat*.[49] Problems arise when we think of Livy's use of this phrase. In his surviving books he is writing of periods before the introduction of the written ballot, and therefore we should not find this phrase there at all. Several explanations can be given. One explanation is that Mommsen was right, and Livy was wrong in using the phrase in his descriptions of early voting. For lack of texts from the time before the written ballot this view cannot be decisively disproved.[50] It is weakened, however, by two facts. First, we have the evidence given by Gellius 5, 19, 15-16 (=ORF^2 p. 126):

> Animadvertimus in oratione P. Scipionis, quam *censor* habuit ad populum de moribus, inter ea, quae reprehendebat, quod contra maiorum instituta fierent, id etiam eum culpavisse, quod filius adoptivos patri adoptatori inter praemia patrum prodesset. Verba ex ea oratione haec sunt: *In alia tribu patrem, in alia filium suffragium ferre*, filium adoptivum tam procedere, quam si se natum habeat; absentis censeri iubere, ut ad censum nemini necessus sit venire.

Scipio Africanus the Younger held the censorship in 142 BC,[51] that is to say three years before the first *lex tabellaria*. If Gellius really gives the words of P. Scipio, then we have here the evidence of the phrase *suffragium ferre* having been used before the introduction of the written ballot. Second, the surviving sources do not exhibit any other expression which meant 'to vote'. If *suffragium ferre* was a relatively new expression, how did the Romans say 'to vote' before that? Thus Livy might have used this expression simply because there was no alternative. And if

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[48] Mommsen III^3, 400.

[49] Cf. Wunderus' statement: «*suffragium ferre, mittere in suffragia, inire vel ire in suffragium*, quae minime possent ad vocem referri» (see note 13).

[50] The earliest text with *suffragium ferre* is the *Lex Latina tabulae Bantinae* (Bruns, Fontes^7, no. 9): *Mag(istratus) queiquomque comitia conciliumve habebit, eum sufragium ferre nei sinito*. The exact date of this law is uncertain, but most probably it is later than 130 BC. About the problems concerning the identification and dating of the law see A. Lintott, The *quaestiones de sicariis et veneficis* and the Latin *lex Bantina*, Hermes 106 (1978) 125-138.

[51] T. R. S. Broughton, The Magistrates of the Roman Republic, vol. I, New York 1951, 474.

suffragium ferre is older than the ballot-laws, what then was the physical referent of *suffragium*? In fact, at the time of the written vote *suffragium* had become something untangible: it was not the *tabella* but something that was written on it. Hence a voting tablet was a *tabella suffragiorum* (*Tabula Hebana* 18-19), and if there was no vote on it, it was *«seine sufragio»*.[52,53]

Conclusion

To sum up, Dionysius describes a voting method by tokens (*psephoi*) which could not have been *tabellae*. *Psephoi* were originally pebbles used at least in the Athenian popular assembly. From the semantic point of view *calculus* in Latin corresponds to Greek *psephos*. Thus it is natural to interpret Dionysius' *psephoi* as *calculi*. Another question, and far more difficult, is whether he was right in his view. Could this have been the method used in early Republican Rome? And if so, was it used only in judicial assemblies?[54] In addition to Dionysius' testimony there is an Ovidian passage, which seems to imply that the voting with the aid of pebbles had a sound of antiquity in it for a Roman of the Augustan age. Indeed, the Latin expression *suffragium ferre* would suggest that pebbles might have been used as balloting tokens. The use of pebbles would seem more 'primitive' a way of materializing a vote than points on waxed tablets.

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[52] *Lex repetund.* 54. Cf. also Cicero who writes in his *De legibus* (3,34): *tabella vitiosum occultaret suffragium.*

[53] It is not altogether impossible (though it seems to me unlikely) that *suffragium ferre* was a translation of the common Greek expression φέρειν τὴν ψῆφον (e.g. Aesch. Eum. 675 and 680; Plat. leg. 766b and 767d). After all, the first writers who might have provided our sources with some information about the voting method all wrote in Greek. Unfortunately we do not know what expressions the annalists used.

[54] In fact the use of pebbles would have been practicable in all balloting when votes were only 'aye' and 'no'. It is conceivable that the votes were recorded with *puncta* first in genuinely contested elections, that is in elections, where there were more candidates than open offices. This could have happened at the time when plebeians started to be elected, too. The first laws on *ambitus* are clear signs of real competition between the candidates.

These facts cannot be said to furnish any conclusive proof of the theory that there once was a vote by *calculi* in Rome. My conviction is, however, that since Dionysius' report seems probable and even slightly supported by other evidence, we should not disbelieve it. Therefore I suggest that there was an early period of voting by pebbles, the memory of which had been lost before the Romans started to write down their history in Latin.