

The introduction of the vote by ballot in the General Council of the Republic of Geneva (1707)

The vote by ballot is introduced in the General Council of the Republic of Geneva in 1707 as a one of the few concessions granted by the government to find a way out of the first of the « Genevan revolutions » of the 18th century¹. This demand of the « popular party » is meant as a way among others to restore the power of this assembly of all burghers and citizens², which officially enjoys the sovereignty of the Republic but has long been deprived of its exercise at the benefit of the *de facto* aristocratic smaller Councils³. These are the Small Council or Council of the twenty five, which is the true organ of power, and its antechamber the Great Council or Council of the Two Hundred, « the Small Council reappearing under another form » as Rousseau puts it⁴.

How are we to understand, through a documentation which is abundant in 1706-7 but has not been studied in detail so far, the introduction of ballots in place of the auricular vote (literally, in the ear of secretaries)? How do these two voting techniques⁵ relate to the concepts of public or secret/private voting? How to understand their use in a society which is experienced as a community rather than a society of individuals likely to express their own personal yearnings or desires⁶ ; in a Republic where elections are less a competition than an occasion for the

¹ The crisis lasts from January to May 1707, as both a movement in defence of the sovereignty of the General Council and a protest against the oligarchic drift of the Republic. The expression « popular party » can be misleading as there is no organized movement but only a complex succession of events where a few leaders play a key role, the most important of them being Pierre Fatio, a legally-trained younger son of a prominent family, and member of the Two-Hundred. The reforms put forward by the « popular party » are the vote by ballot in the General council, the limitation of the number of parents in the Small and Great Council, the publication of the political *Edits* of 1568, which are seen as the constitutional basis of the Republic, the election of the Two Hundred by itself (rather than by the Small Council), this last request being replaced successively by that of the popular proposal (a way to submit petitions to the government) and of periodic extraordinary General Councils. The crisis ends with 3 sessions of an extraordinary General Council on May 5, 12 and 26, the government finally granting very limited concessions –publication of the Edits, vote by ballot, a cautious limitation of the number of parents, a legislative General council every 5 years which is actually held only once, in 1712. The power of the Small Council is confirmed, especially after the severe repression of any supposedly seditious behaviour in the months which follow. For more details about 1707 crisis, see O. Fatio, N. Fatio, *Pierre Fatio et la crise de 1707*, Genève, Labor et Fides, 2007.

² To be more concise, I will refer to the « burghers and citizens » simply as citizens in the rest of the article. The “citizens” descend from the burghers born in Geneva whereas the “burghers” strictly speaking are only the burghers of the first generation who are less numerous and do not have full political rights (they cannot be part of the Small Council). The burghers and citizens stand for one third of the adult male population at the end of the 17th century, the two other categories being the *habitants*- the foreigners who reside in the city- and their descendants *the natifs*, who do not have any political rights.

³ On the distinction between enjoying sovereignty and exercising sovereignty, see “Le discours des patriciens genevois sur la souveraineté” dans P. Barbey, *Etat et gouvernement. Les sources et les thèmes du patriciat genevois entre 1700 et 1770*, Genève, 1990, thèse de Droit, Genève, 1990, p. 262-282

⁴ J.-J. Rousseau, «lettre VII état présent du gouvernement de Genève fixé par l’édit de la médiation », *Lettres écrites de la Montagne*, Amsterdam, Chez Marc Michel Rey, 1765, p.41. The so called « great families » which controlled the Small Council placed their younger sons in the Two Hundred. For more details about the social composition of the Small Council, see A. Pronini, *une approche sociologique du Petit Conseil de Genève au début du XVIIIe siècle*, mémoire de licence d’histoire, Genève, 1979.

⁵ In addition to the auricular vote and the vote by ballot, other voting techniques could be : by shouting, by show of hand, by sitting and standing, by division (going on the left or on the right), by correspondence (postal vote), electronic voting, roll call vote (« Le vote », Jon Elster lecture at the College de France 09/04/2009).

⁶ F. Tonnies, *Communauté et société : catégories fondamentales de la sociologie pure*, Paris, Retz C.E.P.L, 1977 (1^{ère} ed. 1887).

people to express their trust in their magistrates, their gratefulness for their « good government »?

I will deal only with elections since the General Council has not been called for votations between 1584 and 1707⁷. Its only power is to elect twice a year the first magistrates of the Republic : in January the 4 syndics, in November the Lieutenant of justice and his assistants⁸. To be more precise, I will focus more particularly on the election of the syndics. After going back 25 years before the crisis to understand its function in practice and describing briefly the ritual organization of this election, I will first deal with the auricular vote : the only truly free kind of voting, which gives a « reasonable authority » to the better sort or a technique which puts voters under pressure at the expense of the sincerity of the vote, preventing citizens from following « the feelings of their conscience »? Then I will move to the problems raised by the vote by ballot : how to use concretely this unfamiliar voting technique, what is its effect on the result of elections, on vote buying?.

The electoral system

The election of the syndics is a « collective tribute»⁹ of citizens to their magistrates rather than an electoral contest, an occasion to express their trust in the Councils and in the logic of rank. Its organization reflects the uneven balance of power between the Councils. As almost all elections in Geneva, it includes 4 basic elements : the indication, which determines who is eligible, the nomination, the *grabeau* or scrutiny of the moral qualities of candidates¹⁰, the *rétenion*, which is the final vote. The election mostly depends on the first nomination in double number by the Small Council, which is almost always confirmed by the Great Council (see **diagram below**)¹¹. The ballot is used in the votes by the Small and the Great Council

⁷ In 1584, it ratified the treaty of alliance and « combourgeoisie » with Bern and Zurich. The General Council of 26 May 1707 puts an end to the 1707 crisis, as a list of reforms is adopted. A debate arises about voting techniques between the government and some members of the popular party behind Pierre fatio. After a long deliberation, where every body speaks in his rank, a vote is taken to decide between ballots and the traditional auricular vote. The auricular vote prevails but the result is contested : some voters who had said “billet” instead of “ballote” have been recorded as in favour of the auricular vote. Pierre fatio asks for another vote and proposes a vote by division (left or right), in vain (see O. Fatio, N. Fatio, op. cit., p. 174-180). One of the reforms introduced on 26 may is a an extraordinary General Council every 5 years. That of 1712 is the first and the last of these General Councils. The voting techniques used on this occasion are clearly meant to keep the upper hand on the popular assembly. Unlike 26 may 1707, there is no deliberation before the vote, which is in the ear of the secretaries of State rather than secretaries *ad actum* nominated for the occasion (see J. Sautier, *La médiation de 1737-8. Contribution à l'histoire des institutions politiques de Genève*, Thèse pour le doctorat d'État (non publiée), Paris II, 1979, p. 215-6 and J.-J. Rousseau, «lettre VIII », *Lettres écrites de la Montagne*, Amsterdam, Chez Marc Michel Rey, 1765, p. 81 sq.).

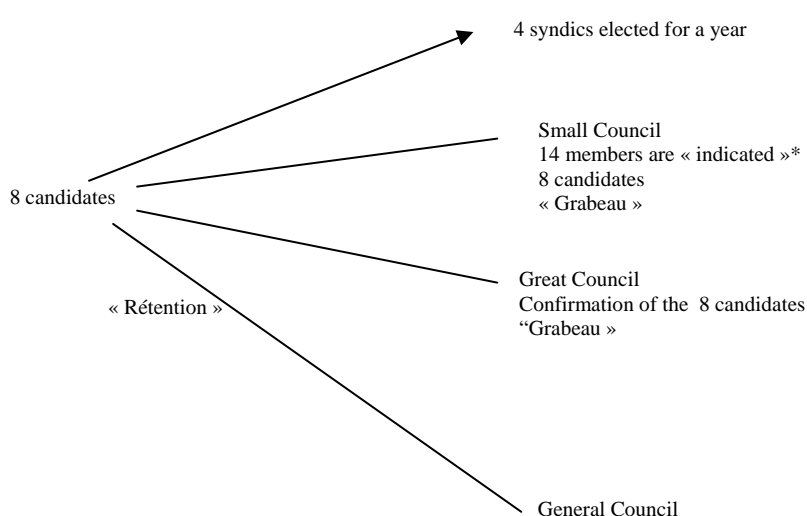
⁸ The General Council also votes in November on the price of wine and, every 3 years, elects the treasurer and the *procureur general*, a magistrate who was meant to combine with the office of state prosecutor some elements of popular tribuneship. He was supposed to be « the voice of the people » and could transmit requests by the citizens to the Small Council.

⁹ J. Sautier, op. cit., p. 67.

¹⁰ I will use the term of candidate only because it is more convenient, though it is not accurate strictly speaking : in the system instituted by the *Edits* of 1568, there is no procedure by which one can declare himself a candidate in an election. There are reforms in the 1700s (in December 1705 concerning the election of syndics) which allow people to declare themselves candidate to the Secretaries of State but their effect is very limited in practice and the logic of nomination prevails (R.C. 205, 30/12/1705, p. 626-627).

¹¹ Except in 1694 and 1706 when one of the candidates is refused at the *grabeau*. A new nomination then takes place in the customary way, first in the Small Council, then in the Great Council. Since the councils are embedded (the Small Council is part of the Great Council which is part of the General Council) members of the Small Council actually vote three times and members of the Great Council two times.

since 1655¹², which supporters of the government justify by the essential difference not only in number but also in the social composition of these assemblies, discarding the vote by ballot in a General Council made up of « hundreds of persons who are all of different talent and conditions »¹³. The social composition of the General Council is indeed far from uniform: one has to distinguish the rich merchants and the petite bourgeoisie made up of lawyers and the élite of the fabrique system (in the clockwork industry and at the end of the 17th century still largely in goldsmithing) from another part made up of often very poor craftsmen in the less prestigious traditional urban industries (textile, leather etc.)¹⁴. Voters have to be above 25¹⁵, and abstention seems quite significant, even though it is very difficult to assess it precisely : in any case, the General Council hardly gathers more than a thousand citizens¹⁶. The vote is taken at every step at a relative majority (“à la pluralité des voix”)¹⁷. Those who have more votes are elected syndic but the dignity of 1st, 2d, 3d, 4th syndic does not depend on the number of votes but only on the rank within the Small Council¹⁸.



*Of the 28 members of the Small Council (25 councillors plus the Lieutenant of justice and the two Secretaries of State), the 12 former syndics of the 3 last years are ineligible, as is the Lieutenant and one of the Secretaries of State, who cannot be both nominated the same year.

Of the 8 candidates listed according to their rank, the General Council retains in most cases the first 4 which can give the impression that this election can be reduced to a simple confirmation, ensuring the renewal of the same 4 syndics every 4 years –a syndic must wait for 3 years before he can hold this office again. It is indeed the case when none of the syndics

¹² «CC, 24/12/1655 », SDG, p. 245.

¹³ Speech of the syndic Chouet during the General Council of May 5 1707 quoted by J. Sautier, *op. cit.*, p. 204.

¹⁴ J. Sautier, *op. cit.*, p. 61-64. For more details on the social composition of the General Council, see « Ch. 3 la société genevoise : classes politiques et hiérarchie des fortunes », A. Perrenoud, *La population de Genève du seizième au début du dix-neuvième siècle. Etude démographique t. 1 Structures et mouvements. Mémoires et documents de la SHAG t. 47*, Genève, A. Julien, Paris, Honoré Champion, 1979, p. 182-229.

¹⁵ Above 22 in 1672, above 25 in 1694

¹⁶ 1028 voters in 1697, 996 in 1702, 950 in 1703, 778 in 1704, 1015 in 1706, 1004 in 1707 (R.C.197 and Manuscrit historique n° 145/Note des suffrages pour les élections faites en Conseil général, p.360)

¹⁷ In January 1707, the election as fourth syndic of doctor François mestrezat with only 405 votes for 1004 voters is experienced by many as a denial of popular sovereignty (see O. Fatio, N. Fatio, *op. cit.* p. 84).

¹⁸ In the Registers of the Small Council, the number of votes obtained by each candidate is recorded only from 1728 on—which does not necessarily mean it was made public before the General Council.

have died in the interval : one who is elected syndic is assured of being re-elected in this office every 4 years until his death or resignation, most often for old age (an ami lefort is syndic in 1684-88-92 and so on every 4 years until 1716). However, a degree of electoral competition exists when one or several of the syndics have died in the interval, which happens 15 times between 1680 and 1707, or a bit more than every 2 years on average. In this case, the syndics who are still alive are followed by simple councillors listed according to their rank which the General Council sometimes dares to « skip » (primary sources use the expression *faire sauter*), as happens 8 times between 1680 and 1707, or a bit less than every 3 years on average. Most often, the 4th candidate is skipped in favour of the 5th, who is elected 4th syndic¹⁹. These conquests have repercussions over the years : one who has conquered the place of 4th syndic is certain of being reelected every 4 years whereas his unlucky rival has to wait for another similar configuration to stand a chance again. These conquests are suspect : if voters did not follow the logic of rank, they may have been bribed, the candidates in the middle of the list (5th and 4th, and sometimes the 3d and 6th) being suspected of caballing and vote buying.

Year	Candidates	Elected	Syndicate
Year w-4			Syndicate A
Year x-4			Syndicate B
Year y-4			Syndicate C
Year z-4			Syndicate D
Year w	1A 2A 3A 4A 5 6 7 8	1A 2A 3A 4A	Syndicate A
Year x (every 3 years on average in 1680-1707)	1B 2B 3 4 5 6 7 8	1B 2B 3E 4E	Syndicate E
Year y			Syndicate C
Year z			Syndicate D
Year w+4			Syndicate A
Year x+4			Syndicate E
Year y+4			Syndicate C
Year z+4			Syndicate D

Year w, y and z illustrate the most frequent situation : the 4 syndics are still alive and are confirmed (same syndicate A for years w-4, w, w+4). Year x illustrates cases when one or

¹⁹ In 1682-4, 93-4, 1703-7 whereas in 1683 the 4th and 5th candidate are skipped (the 6th candidate is elected syndic) and in 1706 the 3d candidate is skipped (the 4th and 5th candidate are elected syndic).

two of the syndics have died in the interval –3B and 4B died between year x-4 and year x- and one or two of the seats of syndics are « conquered » -new syndicate E for year x, which is confirmed on year x+4. This happens on average almost one year over three between 1680 and 1707 (the 5th candidate becomes 4th syndic in 1682-4, 93-4, 1703-7 (full arrow) ; the 6th candidate is elected 4th syndic in 1683, 1706 the 5th and 4th candidate are elected 4th and 3d syndic in 1706 (dotted arrows).

The electoral ritual

Before moving to the issue of public/secret voting, I will say briefly a few words about the ritual organization of the election. The election takes place on the first Sunday of January behind closed doors in the temple of Saint Peter. The session begins with an exhortation by a minister of the Church who warns voters against their « passions » and « human affections »²⁰. It is followed by a speech of the first syndic who thanks the people for the year which has passed. Then, the secretary of State reads the passage of the Edits concerning the election and the « oath of election », which is divided in two parts : the citizens will vote for « those who are fit » (« for the fittest » since 1705) and have not taken part in any « cabal » or received money in exchange for their vote²¹. Each of them takes the oath by touching the Bible which stands on the table of the syndics just before voting in the ear of one of the three secretaries. They finally go to the back of the temple, where they wait for the end of the vote, the counting and the proclamation of the results, the oath of office of the 4 newly elected syndics who receive their maces (« *batons* »). The doors are opened again, the Small Council going in a procession to the town hall, where the new syndics are congratulated. I will not expand here on the function of these rituals, which is, one the one hand to inspire to the citizens a responsible choice, on the other hand to stage –in a very ambiguous way- the model of popular sovereignty –the citizens wear their swords, the first syndic calls them sovereign (« *souverains seigneurs* »). I will just underline that the election takes place behind closed doors : the doors are closed after the reading of the oath of election by the secretary of State, which makes it possible for some citizens to come only after the exhortation of the minister. The idea of assembly voting is essential here, the presence of the whole assembly from the beginning to the end of the vote being necessary to its legitimacy²². In 1707, this is an argument against the use of ballots which are supposed to require too much time, and to be therefore incompatible with assembly voting (see later in this article).

The auricular vote

The auricular vote perfectly fits with the idea of the election as a « collective tribute » of citizens to their magistrates, where the sake of the community comes before the expression of the individual yearnings of its members. The election is not legitimate because voters are protected from the influence of their social environment and can express a free individual

²⁰ *Edits faits et revus en Conseil général sur les offices de la ville le 29 de janvier 1568* [désormais EDITS], Genève, Société des libraires, 1707, p. 1

²¹ EDITS, p.2 ; the part concerning cabals has been introduced for good in 1674 (« CC, 11/09/1674 », SDG, p.416).

²² On the importance of assembly voting in elections under the Ancien Régime, see P. Gueniffey, *Le nombre et la raison : la Révolution française et les élections*, Paris, Editions de l'Ecole des hautes études en sciences sociales, 1993

choice, but precisely because a « reasonable authority » is granted to « men of quality », to the better sort.

An implicit praise of the auricular vote can be read in the pamphlets and governmental reports written against the introduction of ballots in December 1706 and in 1707. It is the only kind of a truly free vote, as it maintains “an honest liberty and a reasonable authority to men of quality” [*“hommes de bien”*]. The infamous example of the tabellar laws which introduced « ballots » in the Roman republic is put forward (pamphlets use the word “ballots” when referring to the little tablets of wax where Roman citizens wrote the initials of the candidate of their choice). When magistrates voted out loud, the people was « restrained » by a principle of honour and would have been ashamed to vote for unworthy candidates who could do harm to the Republic²³. The auricular vote is also the sign of a healthy trust of the people in the Councils, in their preliminary choice and in the logic of rank. Asking for ballots is a sign of suspicion, as are the recently and reluctantly introduced lines of « new election » at the bottom of the secretaries’ papers, which enable voters to reject the 8 candidates altogether and to ask for a new nomination : they are a « vile » practice, which « opens the door to caballing »²⁴. Likewise, the project to examine the moral qualities of candidates in the General Council as it is done in the other Councils (the « *grabeau* ») is rejected as openly subversive. The auricular vote is finally accompanied by a series of precautions deemed sufficient to guarantee the secret of the vote. Secretaries have to swear to « keep the votes secret » when they record the votes, as do the syndics who are responsible for their counting. From 1707 on, secretaries have to take the oath before the General Council in the hands of the syndics²⁵, rather than in the Small Council on the eve of the election²⁶. There are also material precautions : a curtain is hangs before the syndics to prevent them from seeing citizens when they give their votes at the table of secretaries.

The Criticism of the auricular vote by the citizens

The auricular vote is nonetheless heavily criticized in the popular movements of the 1700s, the introduction of ballots in the General Council being requested repeatedly. It is one of the political claims to be found in the movement of 1704 against the tax on foreign wine²⁷. A memoir submitted to the *procureur général* on 1 December 1706 requests its introduction²⁸ and it is the first article on the list of reforms of the « popular party » in 1707²⁹. I will focus in particular on the memoir of 1 December 1706, which is the most articulated and detailed critique of the auricular vote and is considered as a reference during the crisis of 1707. The memoir has been submitted to the procureur général Jean du pan by 4 citizens “in the name of

²³ Ms 56. « dialogue tiré de Cicéron sur l’usage de la ballote », f°131 (probably April-May 1707). Let us notice that before the tabellar laws, the romans voted by show of hand and not in the ear of a secretary.

²⁴ R.C. 206, 20 Décembre 1706, p.510. These lines were introduced in November 1704 in the election of the Lieutenant, in December 1706 in the election of the syndics (for January 1707), but reluctantly « without writing ahead the words of new election » (RC 204, 15/11/1704, p. 533-4)

²⁵ R.C. 207, Dimanche 2 janvier. En Conseil général).

²⁶ SDG, « CC, 08/12/1648 », « CC, 15/12/1648 », p. 196-7.

²⁷ See PITTELOUD Jean-François, « Le vin suffit-il à faire tourner les têtes ? Essai d’interprétation des contestations politiques genevoises au début du XVIIIe siècle », Mémoire de licence, Université de Genève, 1979, p. 38

²⁸ R.C. 206, 01/12/1706, p. 471-2

²⁹ The only known precedent dates back to January 1578. The introduction of ballots in the general Council was one of a series of reforms submitted to the Small Council by Jacques Botellier, from the Two Hundred, which were meant to guarantee the “democratic “ nature of the government. The whole project was rejected and Botellier even had to repent and ask the Small Council for forgiveness (H. Fazy, *Les constitutions genevoises*, 1890, p. 73).

the generality of the people” (the General Council was sometimes called the *généralité*) so that he « puts forward the fact before the Small and the Great Council » (point 8 of the memoir)³⁰. The memoir sets out in 23 points the “Reasons that citizens and burghers have for using ballots in elections when they give their suffrage”, where we find the basic theoretical principles of secret voting, which relies on a double protection “first in the relationship between voters and their social environment, then in the interaction established between voters and members of the voting bureau”³¹. This double protection is supposed to guarantee the sincerity of the vote (a vote is sincere when the voter really expresses what he feels in his own conscience).

The influence of the “social environment” is exerted through the spatial organization of the vote in the temple, which gives great weight to the syndics and the Small Council. Space is distributed according to rank, members of the Small Council seating on the « bancs de la noblesse » (literally, the benches of the nobility) and keeping their hats on during the whole session³². They vote first, and are followed by the ministers and the Two Hundred and only then by ordinary citizens. When they go voting, bench by bench and two by two, citizens thus walk bareheaded past the Small Council, take the oath on the bible at the table of the syndics and finally vote in the ear of one of the 3 secretaries³³ (see diagram). According to the memoir, the presence of the syndics « before the place where one gives his suffrage » intimidates voters who are « struck by their presence » -despite the curtain which is supposed to prevent the syndics from seeing the table of secretaries³⁴. They do not dare to « follow the feelings of their conscience » and, rather than giving their suffrage to those « they have chosen in their souls (“*leurs âmes*”), they give it to the « parents » of the syndics. Influence is related to the oligarchic nature of government since voters claim the syndics are « parents to those who are in election [nominated], as the thing is common » (point 6)³⁵.

The behaviour of the voting bureau (the 3 secretaries who record the votes, the syndics who count them) is also strongly criticized, once again, despite ritual precautions (the oath to keep the votes secret). Let us notice that the votes are not recorded by the secretary of State as it used to be the case in the XVIth century³⁶ but by secretaries *ad actum* appointed for the occasion by the Small Council on the eve of the election, usually from within the Two Hundred, exceptionally the Small Council itself. Of the 28 secretaries serving between 1692 and 1707, only 3 belong to the Small Council ; however some secretaries are appointed multiple times (7 times between 1692 and 1707 for a Jacques de Harsu). According to the

³⁰ PH 4129/« Reasons that citizens and burghers have for using ballots in elections when they give their suffrage ». Two copies exist : Ms. Fr. 835, p.623-634 and SHAG 94, p.19 (Geneva Library). The citizens want ballots to be introduced “for the next elections” (point 23), those of January 1707, and ask for a list of candidates to be displayed in the temple, which will be granted on December 20, 1706. The 4 citizens in question are the jewell-maker Jean Georges Galline, his brother in law the clockworker Jacques Soret, Barthélemy Moilliet the elder who was a boxmaker (for watches), and the jewell-maker Mussard ; the last 3 have played an active role in the movement against the tax on foreign wine in 1704 (O. Fatio, N. Fatio, op. cit., p. 82).

³¹ O. Ihl, op. cit., p. 961

³² The syndics also keep their hats on, except during the speech of thanking for the year which has passed (« PC, 27/12/1687 » dans SDG t.4, p. 532-3). During the general Council of May 5 1707, Pierre Fatio insisted that the syndics were supposed to take their hats off each time they said « Sovereign Council » (O; Fatio, N. Fatio, op. cit., p. 154). There is no nobility *de jure* in Geneva, but members of the Small Council are still called « noble ». The expression « benches of the nobility » may date from before the birth of the Republic (1536).

³³ C. Du Bois Melly, Chroniques de Genève en 1706. Nos annales au commencement du siècle XVIIIe. Pierre Fatio et les troubles populaires de l’année 1707, Genève, J. Jullien, 1870, p. 51

³⁴ The curtain has been raised in November 1704, but this is apparently far from sufficient (R.C. 204, 12/11/1704, p. 528).

³⁵ Which makes perfect sense if you consider the multiple family interconnections between the members of the Small Council, see A. Pronini op. cit.

³⁶ H. Fazy, *Les constitutions genevoises*, Genève, Bale, H. Georg, 1890, p. 66.

memoir, secretaries are biased : « there are sometimes secretaries who are parents to those in election » (point 3) or « who have very close ties with those who are in election » (point 4)³⁷. No less than 6 points are dedicated to the various ways secretaries try to intimidate voters. Most often, they look at voters at the moment of voting « so as to recognize them » (point 1). They take advantage of the fact that a great part of voters do not remember the names of the candidates –the memoir requests that a list be put on a board in the temple, which the government will grant³⁸. When voters come, secretaries keep their hand on the list, presumably « by mistake », hiding a part of the names of the candidates, the 4 first names only remaining visible. Voters then have to ask for the names and therefore to « speak out loud », which embarrasses them (point 19). Sometimes, secretaries simply cheat, writing a name instead of another : voters are then forced to tell them and thus « to make themselves be heard » (point 2). Some voters also choose only one of the candidates, letting secretaries pick whoever else they want, « which is of very dangerous consequence » (point 5)³⁹.

The counting of the votes is also criticized –the memoirs criticize the counting of votes on the secretaries papers by the syndics, as it is practiced so far, but also suggests ways of counting ballots if they are introduced. According to the memoir, it should not be the task of the syndics but of « 10 or 20 people from the Small or the Great Council who are not parents to those in election » (point 13). Likewise, a memoir written by partisans of Pierre Fatio in view of the General Council of May 26 1707 advocates that votes should be counted out loud by the syndics and by some assistants chosen in the General Council « on the spot from within the people »⁴⁰. In 1671, the trial of a Isaac Gradelle has even revealed that votes were sometimes not counted at all, which could be very controversial if the seat of 4th syndic was open to competition⁴¹.

I would like to finally underline the materiality of the pressure voters are submitted to. It materializes very concretely through visual codes –the secretaries looking at the voters-, auditory conditions –when voters are forced to “speak out loud”-, through the spatial organization, and even the time left to voters : secretaries make voters hurry whereas in a polling booth (“loge”), “they will have the required time to keep up to the feelings of their conscience (point 19)”.

In these conditions, how could voters fulfill their oath to elect « the fittest »? If a voter is not convinced deep in his soul that the “fittest” are the 4 first candidates, should he still confirm

³⁷ Though there never was a secretary who had the same name as one of the candidates, most of them belong to families seating in the Small Council.

³⁸ There is a quite comical anecdote in 1683 about this question. The widow Andrion who had made a fortune in the goldsmithing industry was used to give banquets in favour of some candidates. A drunk voter coming out of a banquet insists on voting for “andrion”, her recently deceased husband. In the mid 18th century, Ami-Théophile Perdriau transcribes his words as follows : “Bouti Andrion vo diu, répeta ce citoien qui passoit, il faut bien qui (ait) Andrion en élection, n’ai-je pas enco le got de pati que j’ay megia chi Madama... » (« Conseils et préceptes par Ami-Théophile Perdriau » Ms Micheli (non paginé) aimablement mis à la disposition de Anne Marie Piuz par M. Dominique Micheli, cité dans A.m.Piuz, « Un aspect de l’économie genevoise au XVII^e siècle : la fabrique de dorures d’Elisabeth Baulacre » dans *Mélanges offerts à Paul-E. Martin*, Genève, 1961, p. 525).

³⁹ Such practices have already been denounced in September-October 1704 : « among the complaints of the people, there was one about the elections in the General Council in which they said they did not have all the liberty they yearned for, because of the too close presence of the sir syndics and the Small Council ». They accused secretaries not to have had all the required faithfulness and accuracy when recording the votes and to have shown very little secrecy, which had brought some voters under the disgrace of some very powerful families (RC 204, 29/09/1704, p. 465).

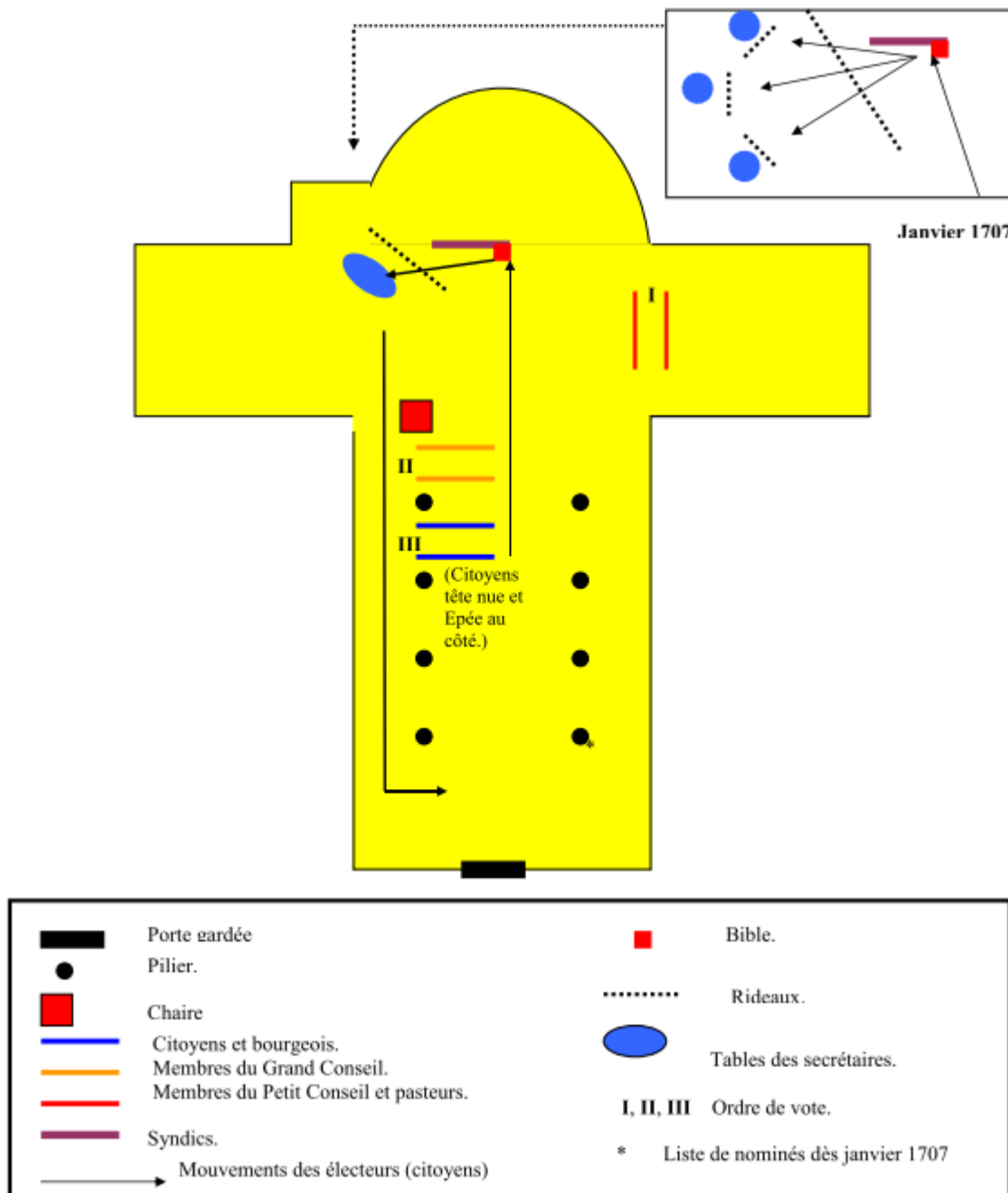
⁴⁰ PH 4129. « Proposition des citoyens », p.1

⁴¹ PC 4139. 1671- 4 Février Informations prises contre (honorable) Isaac Gradelle (72 ans), consignateur à la porte de Neuve au sujet de propos qu’il avait tenus touchant l’élection des syndics [« if voices had been counted, some who are syndics would not be so»]

them and commit perjury? Thus reinterpreted, the argument of perjury is turned against the smaller councils and contributes to justify the introduction of ballots, as citizens insist in 6 different points of the memoir (points 6, 7, 8, 18, 20, 23). Reminding the smaller councils that they use ballots since 1655 but refuse to introduce them in the General Council, citizens point out that the same reasons which drove them then are now driving the people which “has a soul to save as well as they do” (point 20).

The smaller councils answer to this memoir nonetheless comes as a disappointment. They only grant a few concessions : a list of candidates is displayed in the temple on the day of the election, secretaries swear the oath of secrecy on the day of the election before the General Council. Ballots are rejected and a strange middle-of-the-road solution is adopted, which is used only once, in January 1707. The 3 secretaries no longer seat at the same table, maybe to avoid that voters overhear each other. Each of them seats instead in a “cabinet” where a curtain prevents them from seeing voters but let voters see the paper where theirs votes are recorded⁴². I have reconstructed in the following diagram the spatial organization of the vote and the changes introduced in January 1707.

⁴² RC 207, 02/01/1707, p.2. For a description of this new voting device by minister of the Church Turretini in his book of memory see FATIO 2, p.82



SPATIAL ORGANIZATION OF THE VOTE IN THE TEMPLE OF SAINT-PETER

To conclude this part, I would like to add a few remarks about the degree of publicity in the auricular vote and on how to define this notion of publicity. First, the auricular vote is not public *per se* but publicity exists in this case only because of the inappropriate behaviour of secretaries and the inefficiency of the ritual obligations which are supposed to guarantee the secrecy of the vote. Second, the complaints of the citizens are not only about the expression of the vote but about the 3 successive phases of the voting process : the first phase of authorization and information, the second phase of the expression of the vote, the third and final phase of collecting and counting the votes. The fact that many voters ignore the names of the candidates derives from a lack of information in the first phase, which makes it easier for secretaries to intimidate voters. In the third phase, the counting, and sometimes the absence of

counting of the votes by the syndics makes the result suspect of political manipulation. We may keep in mind that contemporary guarantees of secret voting are about these 3 phases⁴³ and that a study of public/secret voting which would be limited to the only phase of the expression of the vote may be at the risk of missing part of the problem⁴⁴. Third, the pressure which is exercised on voters is not only related to the organization of the voting process but also to the ritual organization of the election : members of the Small Council have the first seats, keep their hats on during the whole session, the speech of the 1st syndic and of the minister of the Church are always very conservative⁴⁵ etc. Even after ballots are introduced, this ritual organization is unchanged and continues to give a great weight to political authorities. These last two remarks show that we may need a broad definition of publicity/secretcy, which is not only about the confidentiality of the vote but is understood as a protection against all kinds of influence of political authorities and of the community during the election. In this sense, public voting could be opposed to private, rather than secret, voting (from the latin *privatus*, which is particular, proper, individual)⁴⁶.

The vote by ballot

The vote by ballot is finally granted by the smaller councils in the General Council of 26 May 1707 and it is used for the first time in the election of the lieutenant of justice on 20 November 1707. As most of the arguments in favour of ballots have already been pointed out when talking about the memoir of 1 December 1706, I will just focus on a few key questions. Can we relate the introduction of ballots to a claim for more democracy? Can we talk of secret voting? Were there some discussions as to how it should be put in place concretely? Was it considered as a really peculiar practice? What was its immediate effect on the result of elections? On vote buying?

First, can we apply to the case of Geneva Frederic Connes' overall interpretation that throughout history, secret voting was not generally adopted to strengthen democracy (most often it was not related to the extension of the suffrage) but rather for pragmatic reasons, often reasons of electoral strategy⁴⁷? The introduction of ballots concerns only genevan citizens and

⁴³ Y. Deloye, « Le bureau de vote » dans *Regards sur l'actualité n°329 Campagnes électorales*, Mars 2007 ; F. Connes, *La sécurité des systèmes de vote*, thèse de Droit dirigée par Monsieur le Professeur Jean Morange soutenue le 4 février 2009, Université Panthéon-Assas Paris II

⁴⁴ I am puzzled for instance by this quite surprising note by the translator of an article by Hubertus Buchstein : « let us notice finally that the introduction of « secrecy » is above all about the act of voting itself and resides in the fact that one can express his vote out of the sight of the community, thanks to the ballot and the envelope, and possibly the polling booth, and not about the whole electoral process. In this sense, the notions of “secret voting” and “geheime abstimmung” do not concern strictly speaking the poll, since its convocation, the collection of ballots and their counting have always been public, that is to say, visible and accessible by all citizens with the required qualities” (Note of the translator in H. Buchstein, « Démocratie et secret du vote. La controverse entre scrutin public et scrutin secret dans les luttes électorales en Prusse » dans *Politix. Revue des sciences sociales du politique*, vol. 14 n°55, 2001, p.61). In today's France, the counting of ballots may be public in the sense that some people can attend but there is a very careful selection of the people responsible for the counting, precisely in order to prevent any influence of the community, and of partisan sympathies in this last phase (see Y. Deloye, op. cit. and article L65 of the French electoral code).

⁴⁵ The political proximity between the government and the ministers of the Church results from close family ties and similar social origins (E. Rochedeu, « Une controverse entre Antoine Léger et David Sartoris au sujet des rapports entre l'Église et l'État en 1695 », *Bulletin de la société d'histoire et d'archéologie de Genève t. 10*, 1954, p. 111-129 ; A. Pronini, op. cit).

⁴⁶ O Ihl, « vote privé et vote public », *Dictionnaire du vote*, Paris, 2001, p. 961.

⁴⁷ “the study of historical mechanisms by which secret voting was adopted, in the Antiquity as much as in France, in the United-Kingdom, in Australia or in the U.S.A., shows that shows that the confidentiality of votes

the question of extending the right to vote to the *natifs* or *habitants* is never even raised in 1707. They have yet no role to play on the political scene, as they do during the Genevan revolution of 1762-8. The claims of the citizens in 1707 are not democratic in our contemporary sense. There is however a will to protect the free expression of the votes of citizens. The introduction of ballots thus results from a popular movement and from the pressure it was able to put on the smaller councils, rather than from electoral strategy from above. One might argue that despite their reluctance, the smaller councils could guess that the introduction of ballots would have limited effects on the results of elections. Such anticipation on the part of extremely conservative aristocrats is not that obvious and we will see that the introduction of ballots did affect the result of a few elections.

Second, can we talk of secret voting in this case? Let us remind how the vote is organized concretely. Ballots are printed on the eve of the election, signed by one of the syndics and countersigned by the secretary of State, with a line of new election for each office. Voters take their ballot from the hands of the secretary of state on the table of syndics after swearing the oath on the Bible⁴⁸. Then they move to one of the 4 polling booths (“*loge*”) –to a secretary seating in a “cabinet” for illiterate voters-, fill out their ballot, which they fold and drop in a ballot box (one box outside each polling booth). There are several reasons why we cannot talk of secret voting. The envelope is not used, as voters only fold their ballot and we are far from the theoretical requirement that the voting space should be “a space neutralizing social allegiances and contributing to isolate the act of voting from the fabric of daily social activities”⁴⁹. The ballot is received from the hands of the secretary of State, the electoral ritual, which is unchanged, still gives a great weight to the Small Council and to the syndics, who are still responsible for the counting of the votes, though out loud as in the Two-Hundred⁵⁰.

3 particular problems are raised as to the concrete organization of the vote by ballot. Is it compatible with assembly voting? Should it be discretionary or compulsory? How was one supposed to fill out his ballot?

An argument against ballots is that they would make voting operations last much longer, forcing citizens to stay endlessly in the cold of the temple. In practice, they would be incompatible with assembly voting. Several solutions are put forward. The memoir of 1 December 1706 plans to call citizens earlier, at 6h30 in the morning, the exhortation replacing the sermon (point 22) and to use 10 ballot boxes, one for each polling booth : the votes in each of them could be counted at the same time, which would require “not more than an hour” (point 13). Another memoir proposes to move elections in the General Council to a warmer period of the year, when days also last longer, in April, May or June⁵¹. These precautions are actually unnecessary. After 1707, citizens soon go back to the old habit of gathering after the

did not originally appear as a condition of the democratic nature of institutions and that was often adopted for pragmatic reasons rather than to guarantee the free expression of individual preferences [...] Most often, it was only after people had got used to it that confidentiality was seen as essential to the liberty of voting, and no government could now come back on this obligation, which is required by many international conventions” (“L’extension progressive du vote secret”, in F. Connes, op. cit., p. 157)

⁴⁸ Ballots are signed and received from the secretary of State in order to prevent ballot stuffing, for instance by voters who would fold a second ballot inside their ballot. The confirmation of candidates in the Two Hundred is moved from the Saturday to the Friday to have enough time to print ballots -R.C. 207, 03/10/1707, p. 736-8 : « règlement sur les billets des élections dans le conseil général » (articles 1, 4, 5, 11)-.

⁴⁹ Y. Deloye, op. cit., p. 46

⁵⁰ R.C. 207, 03/10/1707, « règlement sur les billets des élections dans le conseil général-art. 7», p. 736. There are 2 teams, in each of them 2 syndics (The 1st and 2d, the 3d and 4th) who « decipherers” the ballots and one of the secretaries of states, who records the votes.

⁵¹ PH 4129. »Copie du mémoire que le sieur Fatio fait circuler parmi le peuple sur les articles », n.p.

9 o'clock⁵², sermon, the session ending between noon and 2. pm, depending on the years and the number of voters⁵³.

Should the use of ballots be compulsory or left at the discretion of voters? There are actually three possibilities. Ballots can be compulsory, discretionary (each voter can choose between ballots and the secretary) or a secretary can be kept for illiterate voters only. The question is related to the presence of illiterate voters within the General Council, a recurrent argument against the use of ballots. If compulsory, they would deprive illiterate voters of their right to vote, which would be preposterous since the right to vote is attached to the very quality of citizen and “cannot depend on external qualities nor on natural accidents”, a man who is blind, one-eyed or with a lame being no less a citizen than any other. If discretionary, their use would turn the General Council into a “motley assembly” [ballots would introduce a “*bigarrure*”], some voting according to the old usage, some taking ballots, which would necessarily disgust a part of the people and make the assembly less numerous”. Cabaling would then be favoured in a less numerous assembly, making it easier for a small number to gain control over the elections⁵⁴. The answer of the popular party is quite complex and sometimes difficult to account for. Surprisingly, a doctor Chenaud, who is a moderate and finally rallies the government on 12 May, wants to make ballots compulsory⁵⁵, which seems a quite radical solution whereas Pierre Fatio who is clearly more radical than Chenaud stands for discretionary voting, « notwithstanding the fact they [voters] can read and write”⁵⁶, which seems a more middle of the road and not entirely reliable solution, since who chose to vote by ballot can be openly seen as distrusting the Councils⁵⁷. These differences account for the somewhat chaotic evolution of the smaller Councils on the question, which successively concede discretionary and compulsory voting, eventually introducing a secretary for illiterate voters only⁵⁸. The question of illiterate voters is more a strategic argument than an actual problem. There were very few of them and the government largely exaggerates their number when arguing that “most voters” cannot use ballots⁵⁹. The 4 citizens who submit the memoir of 1 December 1706 to the *procureur général* have conducted an enquiry, collecting from street wardens (“*dizainiers*”) the lists where all citizens have to be recorded since 1694. They

⁵² Despite the settlement of October 3 1707 (article 2 states that the citizens should enter the temple at 8 and that the exhortation should replace the sermon).

⁵³ There are great variations though : from 9 o'clock to noon in 1711 and 1716 (respectively 685 and 730 voters), from 9 to 2.30 p.m. in 1709 (1092 voters).

⁵⁴ R.C. 206, « Journal de la commission complète sur les élections en Conseil général », 14 folios, n.p., 16-17 Dec. 1706 » (le rapport a été glissé entre les pages 506 et 507)

⁵⁵ PH 4129. « Avis du sieur médecin chenaud ».

⁵⁶ PH4129/ « propositions des citoyens », n.p. ; « propositions populaires », n.p. ; « Copie du mémoire que le sieur Fatio fait distribuer parmi le peuple » n.p..

⁵⁷ At the some points under the French Revolution when a choice was possible, those who chose the ballot were seen as counter-revolutionary (O. Ihl, op. cit., p.962 ; a choice was left by the French constitution of 1793 between the ballot and voting out loud (Art. 16).

⁵⁸ They accept discretionary voting on April 2 (R.C. 207, 2 Avril 1707, p. 242-3) but reverse their position on 26 May when ballots are introduced «generally and without any exception” (R.C. 207, 26 Mai 1707, p.482-489). In the final settlement of October 3d, a secretary in a cabinet is added for illiterate voters only, “so as to avoid disorder and confusion” (R.C. 207, 03/10/1707, p. 736-8 : « règlement sur les billets des élections dans le conseil général »).

⁵⁹ « il étoit à propos de ne pas s'abandonner tout d'un coup à un changement absolu, surtout ayant égard à la plupart qui ne pourroient pas se servir de ces billets et pour prévenir divers inconvénients, pour conserver aussi une égale liberté » (avis de la commission du 7 mars reproduit dans R.C. 207, 2 Avril 1707, p. 242-3.). Such exaggeration is illustrated by the trial in December 1706 of the young Pierre perdriau from the Two Hundred, who had spread the word around the town that there were between 200 and 300 illiterate people in the General Council. He had had an argument with two of the 4 citizens who had submitted the memoir to the Procureur Général (PH 4129. « information prise contre Pierre Perdriau 23-25 Déc. 1706 » et « Du Pan, procureur général, 24 Décembre 1706. Lettre au Petit Conseil »).

conclude that there are no more than 20 or 30 illiterate voters in the General Council, a number which is confirmed a few months later by similar enquiries conducted by Pierre Fatio⁶⁰.

How was one supposed to fill out his ballot? Should voters cross out the names of those they want to exclude, as is done in the smaller councils since 1655, or should they “cross the line” [*croiser la ligne*] in front of the names of those they choose, as secretaries do in the General Council on their paper? The first solution is first envisioned, for instance in the memoir of December 1706, which even plans to use a pencil to avoid that the ink runs on names which the voter wishes to remain blank (point 21, see also point 12 and 16). But several memoirs written in the first months of 1707 insist that voters should cross the lines in front of the names they choose, providing graphic illustration⁶¹. Though the General Council of May 26 is still extremely vague about the question⁶², the matter is finally settled on October 3d (article 6) : voters will cross the line corresponding to those they chose as secretaries used to do on their paper. Opening the General Council of November 20 1707, the first syndic takes time to explain voters how they will “cross the line”, a short explanatory text or “warning” concerning the “form of ballots” being displayed on the columns of the temple, at the bottom of the ballots⁶³, and reproduced in the Registers of the Small Council (**see fac simile**)⁶⁴. Only 30 ballots “of no value” are finally recorded⁶⁵.

These debates show that the use of ballots is unfamiliar to Genevan citizens. Members of the Small Council even point out ironically that some of them are asking for the introduction of “barrots” [*la barrote*]⁶⁶.

Is the use of ballots such a peculiar practice in the early 18th century? The question is only about the use of ballots in popular assemblies : their use in the de facto aristocratic smaller councils do not raise the same problems. In Zurich, one of the claims of the corporations during the 1713 revolt is the direct election of the burgomaster by secret ballot, but it is refused by the government⁶⁷. Lottery is much more common than the secret ballot in the Swiss cantons, in the *Landsgemeinde* cantons for the election of magistrates⁶⁸, in the other

⁶⁰ « PC5761 24 décembre 1706. réponses de noble Pierre Perdriau » ; R.C. 206 p. 514-516. The government accused Fatio of cabaling among the people and bribing street wardens (Corbaz op. cit., p.91).

⁶¹ PH4129/ « proposition des citoyens », n.p. :

Celui qui choisit Jean croise sur sa ligne Pierre.....
Jean .../... .

See also PH4129, « Copie du mémoire que le sieur Fatio fait distribuer parmi le peuple sur les articles », n.p.

⁶² Ballots will be filled out “in the manner which will be settled” (R.C. 207, 26 Mai 1707, p.482-489).

⁶³ R.C. 207. 20/11/1707, p.807

⁶⁴ The text reads :

« Avertissement au bas du billet imprimé et affiché à une colonne du temple. Chaque électeur est averti que suivant les résolutions des conseils il ne faut rayer aucun nom, mais seulement croiser la petite ligne qui est au bout du nom de celui à qui on veut donner son suffrage, par exemple sil’on veut Noble Marc Dupan pour sieur Lieutenant, il faut croiser la ligne qui est au bout de son nom par un petit trait de plume de cette manière
Noble marc Dupan...../.....

Et ainsi du reste

Après cela il faudra ployer son billet , et le jeter dans la boete qui sera à l’entrée de sa loge » (R.C. 207. 20 Novembre 1707. En Conseil général, p.807)

⁶⁵ Ms 56. Mémoire sur les troubles de 1707, Folio 67 recto. Opponents of ballots thought they would be used to write libels or insult the Councils (C. Du Bois Melly, op. cit., p.127).

⁶⁶ «Le peuple parle de ces cabales alors qu’il ne comprend même pas de quoi il s’agit , ignorant même le nom, certains parlant de la « barrote » (R.C. 207.Mercredi 25 mai 1707. Cabales et pratiques pour faire passer la ballote, p. 447)

⁶⁷ R. Braun, *Le déclin de l’Ancien régime en Suisse. Un tableau de l’histoire économique et sociale au 18^e siècle*, Lausanne, Editions d’en bas, Paris, Editions de la maison des sciences de l’homme, 1988, p. 212

⁶⁸ In the cantons of Appenzell, Glaris, Zug, Unterwald, Schwitz and Uri, the sovereign is the assembly of all adult men or *landsgemeinde*. Magistrates are elected by lottery since the early 17th century and the introduction

cantons as a way to prevent vote buying and oligarchic concentration. It is used in Geneva since 1691 in the election of the *auditeurs* –the assistants of the Lieutenant of justice- : each year, 2 of the candidates nominated by the smaller councils are excluded by the black ball in the General Council⁶⁹.

For the genevan government, ballots constitute a “novelty” which is to be feared as it has no equivalent in the rest of the world, except for the bizarre case of the Republic of Venice. In 1578, the Small Council has already pointed out in his reply to the request of Jacques Bottellier that using ballots in the General Council would make the Republic seem ridiculous since it would give the impression it is imitating the Republic of Venice⁷⁰. In 1707, a pamphlet written against the use of ballots in votations reminds that ballots are not practiced “in any place in the world today” and there is no reason why “the smallest of republics” should be ruled by laws which do not exist anywhere else. Little balls may be used to vote in the Republic of Venice but they are used “in the sight and under the judgment of others”⁷¹ and in any case, this way of voting has been considered by all those who are « wise in politics » [*les sages politiques* »] as “a bad, suspect and harmful way to give one’s opinion”⁷². The comparison with Venice is understandable even though the voting assembly in Venice is not a bourgeois assembly. As Rousseau puts it when he compares The Great Council in Venice to the General Council in Geneva, “though the people does not take part in the government, the nobility itself is the people there”⁷³. The Great Council –around 2500 people- includes indeed all the social levels of the nobility, including some poor nobles⁷⁴.

The only historical precedent to be mentioned is the Roman republic, and the fateful effects of the tabellar laws⁷⁵, which Cicero had denounced in the third book of the *Treaty of Laws*⁷⁶. When ballots (actually wax tablets) were introduced, they did not protect voters from the pressure of great men but instead favoured cabaling and vote buying. For Cicero, the people never asked for ballots as long as it was free but requested them “only when it was oppressed

of fixed sums (or “obligations”) for each office. Lottery is used as a way to prevent office buying in addition to the obligations and replaces the old system where offices were open to purchase and voting was by show of hands. Candidates to the lottery are elected by show of hands (Ibid., p. 174).

⁶⁹ Though the office of *auditeur* seemed quite unrewarding, it was a way for young aristocrats to begin their progress in the *cursus honorum*, as until 1691 *auditeurs* gained a higher rank within the Two-Hundred as they left office. As a result, there was a lot of caballing for this election (« CC, 14/09/1691 », « C.O., 28/10/1691 » dans SDG, p.569-570). Lottery is introduced as a threat to discourage vote buying in Berne (1710) and Zurich (1718) : if an intrigue is uncovered, the election will be done by lottery.

⁷⁰ Henri FAZY, *Les constitutions genevoises*, 1890, p. 71

⁷¹ This allusion is unclear. It is true that in elections in the Major Council, voters picked the ball from a hat and had to show it to the person holding the hat before dropping it in the ballot box “without the others being able to see”. A similar custom existed in some medieval communes in Italy where voters had to give their ball of approbation or rejection to a churchman who then put it in the ballot box. Likewise, another pamphlet which draws arguments against ballots from Cicero’s *Treaty of laws* insists that for Cicero, “even if one was to use ballots, each voter should be able to show to men of quality how he acts” (Ms 56/« dialogue tiré de Cicéron sur l’usage de la ballote » f° 131).

⁷² PH4129/ « Mémoire sur les ballotes », n.p.

⁷³ J.J. Rousseau, *Du contrat social* (1762), livre IV, Ch. 3 dans *Ouvres complètes*, vol. III, Paris, Gallimard, 1964, p. 442 quoted in B. Manin, *Principes du gouvernement représentatif*, Paris, Calmann-Lévy, 1995, p. 91

⁷⁴ The proportion of the Venetian Great Council in the overall population is clearly smaller than that of the General Council in Geneva, as there are only 16 000 inhabitants in early 18th century Geneva, against over 120 000 inhabitants in Venice.

⁷⁵ After practicing the vote by show of hands for more than four centuries, Romans adopted secret voting by a series of tabellar laws between 139 and 107 BC. See F. Connes, op. cit., p. 60-65. Though these examples are never mentioned in our primary sources, we can remind the reader that ballots were used in the Middle Ages in the church and in the Italian communes (which by the early 18th century have all become patrician or monarchic regimes). See L. Moulin, op. cit.

⁷⁶ Two pamphlets written against ballots in the first months of 1707 explicitly refer to this text by Cicero : Ms 56 « dialogue tiré de Cicéron sur l’usage de la ballote » f° 127-131 ; « PH4129. mémoire sur les ballotes », np.

by the power of some leaders”. Under the cover of “preventing powerful people from having too much credit in the elections”, the tabellar laws provided the people with “a hiding place where men of quality ignored what each person thought and risked a vote which went against the public good”⁷⁷. When ballots were established, the people was no longer restrained by any “principle of honour” towards men of quality : “the intrigues of evil men were favoured and the door was open for them to the first magistracies because each voter was at ease to have the liberty to vote for whoever he wanted to without having to risk the shame of declaring himself openly for dishonest people”. The argument can seem to us a bit surprising but it is quite logic in an aristocratic society like ancient Rome or early 18th century Geneva. The outsiders in the 6th or 5th position on the list proposed by the smaller councils were suspected to organize cabals to conquer the place of 4th syndic. Would not a citizen who wants to vote for one of these outsiders be more at ease in the polling booth than face to face with a reproachful secretary? We might notice that the historian Jochen Bleicken recently suggested that the tabellar laws actually did encourage vote buying because it made possible for voters to sell their vote to multiple candidates⁷⁸.

What is the actual effect of the introduction of ballots on the result of elections : on the relationship between the people and its magistrates, on the distribution of votes between candidates, on participation, on vote buying,? Though the effect is limited, one might point out some interesting evolutions in the two decades which follow. Between 1707 and 1720, there are only two years when the first four on the list proposed by the smaller councils are not elected, in 1709 and 1715⁷⁹. Such conquests are more frequent however in the 1720s –in 1722, 1724, 1726, 1728, 1730. In 1728, it is the first time a former syndic is not re-elected, in this case, the first syndic⁸⁰. There might be other social or economic causes to these changes but some quite surprising results seem to be related to the introduction of ballots. For instance, it is worth noticing these conquests are often by the last and eighth on the list, which was unthinkable before 1707 : in 1709, 1722, 1726, 1730, the eighth on the list conquers the seat of fourth syndic⁸¹. This is probably an effect of the introduction of ballots : it is easier to express oneself so clearly against the choice of the smaller councils and the logic of rank in the polling booth rather than face to face with a secretary. Since the number of votes obtained by each candidate is unknown before 1728⁸², it is difficult to say if these conquests result from a concentration of votes on one of the outsiders or from a more general dispersion of votes on all candidates. In the 1730s we know that votes are scattered between almost all of the candidates. In 1730 for instance, the eighth on the list Pierre Jaquet becomes fourth syndic with 515 votes but the fourth, fifth, sixth and seventh respectively have 337, 486, 58 and 118 votes (the first three, who are former syndics have more than a thousand votes). The General

⁷⁷Ms 56 « dialogue tiré de Cicéron sur l’usage de la ballote », f. 129 v°.

⁷⁸ Some roman citizens were under the protection of several patrons and public voting had become a problem because they had to choose one of them and risk the disgrace of all others. Secret voting was a way to avoid such a choice. Though patrons could not be sure their clients had voted for them, they gained the possibility to recruit voters who were not among their clients. Some patrons also simply bought whole voting units altogether, which made vote buying more rational since the costs could be calculated in advance (F. Connes, op. cit., p. 64-65). For more details, see J. Bleicken, *Die verfassung der Romischen Republik*, 7^e ed., 1995.

⁷⁹ In 1709, the eight on the list becomes fourth syndic, in 1715, the fourth on the list becomes third syndic and the fifth becomes fourth syndic.

⁸⁰ Contested elections are still frequent in the 1730s and magistrates increasingly depend on the people for their re-election : in 1731, 1732, 1737, 1738, 1740. In the two last cases, some former syndics are not reconducted.

⁸¹ And the fourth on the list also becomes third syndic in 1726.

⁸² Except for the election of January 1707, when the doctor François Mestrezat is elected fourth syndic with only 405 votes for 1004 voters which was experienced by many as a denial of popular sovereignty (Samuel de Livron à Pierre Fatio, Cointrin, 18 janvier 1707, PC 5820bis n°5) cité dans O. Fatio, N. Fatio, op. cit., p. 84).

Council is keener to show that its choice matters, not yet through the line of new election, which is considered a radical choice and is used in very small proportions until 1740⁸³, but rather showing through abstention⁸⁴.

The problem of abstention should not be misunderstood. Ballots do not encourage abstention. What happens is that voters largely abstain in the years when all the former syndics are alive – and are always confirmed- but are much more numerous when one of the former syndics has died in the interval of 4 years, as these elections are likely to be contested : only 847 voters on average between 1708 and 1719 in the first case, against 1112 voters in the second case. The pattern is confirmed with higher degrees of participation in the 1720s (respectively 1057 and 1231 voters on average between 1720 and 1729)⁸⁵. It is difficult though to draw a comparison with the period before the introduction of ballots : we know the number of votes only from 1697 on and only in cases of elections when one of the former syndics has died in the interval. Still, the average of 962 voters in such a case in 1697-1707, against 1112 voters for 1708-1719 points at a rise in participation.

Finally, Ballots may facilitate vote buying : “from the moment citizens mean to have an influence on the accession to magistracies, they become an electorate which should be reckoned with, or even gained, sometimes by some quite dishonourable practices”⁸⁶. If ballots and the polling booth make it easier to vote for the outsiders and if we assume that these outsiders are more likely to resort to vote buying (thus prompting the 3^d and 4th on the list to organize cabals in defence), the connection between ballots and vote buying does not seem absurd, even if this phenomenon remains marginal in practice. Further work is necessary to establish this connection with certainty, for instance for the election of 1709, where the suspicion is strong : only two years after the introduction of ballots, it is the first time the last and eighth on the list become 4th syndic, after reports of numerous cabals in the weeks before the election⁸⁷.

Conclusion

The second of the “Genevan Revolutions” takes place between 1734 and 1738, and finally results in new rights for the General council under the system born from the 1738 *Médiation*⁸⁸. For some aristocrats, these movements of protest can be attributed to the good

⁸³ Never more than 21 votes for the new election (1739) between 1728 and 1739. In 1740, the eight on the list Gédéon Martine is elected with 777 votes whereas all other candidates are rejected by the line of new election (691 votes), including 3 former syndics. In the new election, 6 new candidates are proposed to the General Council, the 1st, 2^d and 4th being elected.

⁸⁴J. Sautier, op. cit., p. 68

⁸⁵ This pattern is also confirmed in the 1730s (respectively 1214 voters and 1276 voters on average between 1730 and 1740). Relatively open elections, where one of the syndics has died in the interval are more frequent in the 1730s -8 between 1730 and 1740 or 80 % of elections, against 55% between 1680 and 1707 (15 in 27 years) and 33% in 1708-19 and 1720-29 (in each case 3 in 9 years).

⁸⁶ J. Sautier, op. cit., p. 68.

⁸⁷ In December 1708, the syndics and the Lieutenant are already inquiring for two weeks about the numerous cabals they have heard of (R.C. 208, 19/12/1708, p. 658-9). In 1722, 1726 and 1730 elections, the eighth on the list also becomes fourth syndic (and the fourth on the list also becomes third syndic in 1726).

⁸⁸ J. Sautier, op. cit., p. 68. The second of the « Genevan Revolutions » of the 18th century started as a movement of protest by the bourgeoisie against a tax on fortifications. The issue at stake was that the Small Councils could impose new taxes without summoning the general council, a right which it has given up in 1570 according to governmental theory. When the *Syndic of the Garde Jean Trembley*, who feared agitation, had twenty canons rendered inoperable by having wooden plugs hammered into them, disorder broke out and the bourgeois militias took control of the city and the government had to a general Council to be called on 8 July 1734. It ended with a “Mediation” overseen by France, Berne and Zurich, which was accepted by the General

relationships some magistrates want to maintain with the people, of which they now depend for their re-election⁸⁹. It is probably an exaggeration and an expression of their bitterness, but it is interesting to see how these apparently marginal changes in the elections can affect them. Of course, the introduction of ballots did not put into question the overall balance of power in the Republic, which remains strongly aristocratic. The complaints against the auricular vote, the biased behaviour of secretaries and the strong pressure put on voters by the spatial organization of the vote in the temple were certainly justified. But despite the use of ballots, the influence of political authorities and social elites is still strong through the procedure (the counting of ballots by the syndics) and the ritual organization of the election (distribution of seats, speeches by the first syndic and the minister of the church).

However ballots did change a few things in these elections. Citizens became familiar with this voting technique which proved not to be as bizarre as some assumed, and not incompatible with popular assemblies : the enquiries about the number of illiterate voters showed for instance that this argument was not justified. The use of ballots account for a few surprises, which can be considered as discrete reassertions of popular sovereignty, when citizens elect the last and eighth on the list or when they choose to participate *en masse* only in elections which are likely to be contested. They may be quite small changes, but in a such a rigid system, marginal changes cannot be neglected, unless we intend to write the history a the Republic by moving from one great crisis to another.

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Council on 8 May 1738 and recognized several a series of powers to the General Council (over war and peace, taxation, the fortifications, new laws, state borrowing and the election of officers of state). In 1738, the 2 first syndics F. Pictet and T. de Saussure are not re-elected because of their unpopular behaviour during the events of 1734. However, if the Mediation eliminated from the arena the most ferocious form of oligarchism, it did not question the patrician view that day-to-day government could not be the business of the General Council. In that sense, “the compromise Mediation uneasily sought both to close off the past and to keep it alive” (L. Kirk, “Genevan republicanism” dans D. Wootton (dir.), *Republicanism, liberty and commercial society 1649-1776*, Stanford, Stanford university Press, 1994, p. 286).

⁸⁹ J. Sautier, op. cit., p. 185

