Part 17: Book 4, Chapter 4: The Roman Comitia

Records of the first period of Rome not so great. Many stories told about it merely fables.

Yet Rousseau is planning to use what we have, fable or not, to talk about what makes good government.

The "most instructive part of the history of peoples, that which deals with their foundation, is what we have least of."

Rousseau's obsession with the start of States is strange, when from a practical perspective, evolution and day-to-day operation are much more important.

Plus, he's already said that the goodness of government is dependent on the characteristics of the people! (See Book 2, Chs. 8-10 and Book 3, Ch. 8)

"Experience teaches us every day what causes lead to the revolutions of empires; but, as no new peoples are now formed, we have almost nothing beyond conjecture to go upon in explaining how they were created."

But he's already explained how they "must have been" created. Not that his explanation seems to carry much actual water, but he started there all the way at the beginning of Book 1. And if Rome wasn't built the way he says all legitimate States must be built, then why should we care about its details?

Newly-formed Roman republic was split into three tribes, each with ten curiae, each curia split into ten decuriae, with curiones and decuriones leading each organization. Each tribe had one hundred knights or equites, which was named a century. Military-esque organization.

The coercive nature and barely-hidden violence of the Rome example are not particularly reassuring.

Of the three tribes, two stayed constant but one, containing foreigners, grew continuously, and therefore gained political strength. Leaders of the time switched from race-based separation of tribes to splitting them based on where in the city they lived. A fourth tribe was added as well. Migration between quarters was forbidden.

Massive limitations on movement, and government-based identification and sorting of people to serve its own purposes. Sounds like something very far from "a free State."

More knights were added. "He also doubled the three old centuries of Knights and added twelve more."

These knights never seem to do anything, based on Rousseau's telling of the tale.

This went over without complaint by the people because the ruler kept old names in place. Knights and people were effectively separated.

The State using its authority and combining it with trickery to bamboozle the people as structures that they *might have agreed to* are pulled out from under them.

If this doesn't demonstrate the fundamentally corrupt nature of the State, it's hard to imagine what will. Recall that earlier Rousseau has said that "the established government should never be touched except when it comes to be incompatible with the public good." (Book 3, Ch. 18) Here we have the magistrates changing the organization of society in significant ways, and hoping to do so without the people noticing, by keeping old names in place. According to Rousseau's own statements earlier, this violates his principle that the people must be the ones to choose to reorder government.

Servius added fifteen rural tribes, to correspond with fifteen rural cantons. Fifteen more tribes were added later, making thirty-five tribes, which was the number maintained until the end of the Republic.

Early Romans preferred country living, so all of Rome's elites operated farms, keeping the urban tribes from monopolizing power and damaging the reputation of the rural tribes. Being transferred to an urban tribe was seen as a disgrace.

Having a Romantic perception of pastoral life is fine (even Jefferson did so), but to tie it to the fundamental goodness or badness of a State seems to arbitrarily limit what kinds of peoples can have good government.

Originally censors could arbitrarily transfer citizens from one tribe to another, but eventually this rule was changed for one of self-determination. "This permission certainly did no good, and further robbed the censorship of one of its greatest resources." After some time, the tribes became so muddled that only by reference to the official records could a citizen's tribe be known.

Rousseau's conception of self-determination as damaging certainly shows on which side his bread is buttered. Once a Rousseauean State begins to exist, it must clutch at all the minorities it is currently leeching from and the idea that groups might leave the State is seen as "damage" because Rousseau insists on the foolish metaphor of the Sovereign as a real, living person.

Why should a State, organized for benevolent purposes, care if some people decide it's not benefitting them? It's a weird "revenge" mindset that stems from a misguided sense of the right to rule, and not actual beneficence.

The urban tribes were often corrupted by rich men buying their votes and political power.

Yet Rousseau holds Rome up as a successful State, not because it governed well, but because it held so much territory.

Curiae became independent from the tribes as the number of tribes was changed, making curiae the more relevant distinction. However, many citizens were not in a curia, though all were members of a tribe.

Servius instead decided to separate Rome by class. He created six wealth-based classes, divided into 193 "centuries," (different from the earlier Knight centuries, I assume) with most centuries part of the richest class, and only one century for the sixth and lowest class.

Servius gave the whole thing a military feel by putting various war-making centuries in various classes, and by separating people by whether or not they had a duty to bear arms in service of the State.

Common tactics to promote "civil duties" and to build allegiance to the State by way of martial esprit de corps.

The lowest class had no obligation, since "a man had to possess a hearth to acquire the right to defend it." They were largely irrelevant in the operation of the State.

The lowest class was separated into proletarians, who were not completely destitute, and capite censi, who were completely irrelevant until Marius decided to enroll them.

This arrangement was only practicable because of the "simple morals, the disinterestedness, the liking for agriculture and the scorn for commerce and for love of gain which characterized the early Romans." Rousseau laments greedy, riotous, secretive moderns.

I find it funny that Rousseau has already warned us that some of what we've heard about Rome might be fables, only to fall directly into the fable of the angelic Roman versus the devilish modern.

Lawful assemblies were called comitia, and had three types: curiata (founded by Romulus), centuriata (founded by Servius), and tributa (founded by the tribunes of the people). Only in comitia could laws be passed or magistrates elected. Since everyone was in a curia (while these assemblies were used, this was possibly true), every citizen could vote and the people were truly Sovereign in Rousseau's estimation.

Three conditions to assemble: 1. Body or magistrate calling them together had to have proper authority, 2. Held on a day allowed by law, 3. Favorable auguries. Days allowed by law were not festivals or market days, so that the rural citizens had enough time to travel to and assemble in the public square.

"By means of the third, the senate held in check the proud and restive people, and meetly restrained the ardour of seditious tribunes." The "seditious tribunes" often found ways around the requirement.

In short, the magistrates could largely check any undesired assemblies by saying it was a bad horoscope day. And Rousseau is all for it.

Assemblies also dealt with questions on how to handle external conquered territories.

And since those conquered territories weren't represented, they were slaves, and Rome was illegitimate, right?

[Right?!](#)

Romulus set up the curiae to use the power of the people to check the senate, but not himself. The patricians could influence their clients to maintain power. Rousseau calls this a "great example, which never led to any abuse."

I worry about Rousseau's historical accuracy and his definition of abuse. Both are suspect.

Servius got rid of the assemblies by curia. This was seen as bad by the senate and tribunes alike. Curiae "fell into disrepute."

Division by centuries favored aristocracy greatly. "[O]f the hundred and ninety-three centuries into which the six classes of the whole Roman people were divided, the first class contained ninety-eight; and, as voting went solely by centuries, this class alone had a majority over all the rest." A very small number of people effectively held all the power, as long as they agreed, and money was a major element in voting.

Literally government arranged in such a way as to benefit a small minority at the expense of the rest of society.

The first century to vote was chosen by lot, with others following on different days based on rank, and elections were always repeated for confirmation.

The idea of repeating votes for confirmation is at least interesting...

The cooling off period between first vote and confirmation gave citizens time to look into nominees, but the cooling off period was quickly abolished.

And it dies quickly, which seems to support my evaluation that the government was not actually administered for the whole people.

Comitia Tributa excluded the senate from participation and thus made the senators "less free" than citizens. "This injustice was altogether ill-conceived, and was alone enough to invalidate the decrees of a body to which all its members were not admitted."

I'm sure the senators spent a lot of time worrying about how unfree they were, on top of their huge beds made of stolen money.

Rousseau's conclusions: Tributa for democracy, Centuriata for aristocracy, and Curiata for tyranny and evil. All "majesty of the Roman people lay solely in the Comitia Centuriata, which alone included all."

Yet it was an explicitly aristocratic institution. How odd.

Votes were declared aloud, which was good for honest citizenry, since people would be ashamed to vote for unjust laws or magistrates. Secret voting was instituted after the people became corrupted and vote-buying was common.

The notion that there are pluses and minuses to open and secret ballots is not really a justification for anything. It's a trade-off, like everything else.

Rousseau disagrees with Cicero that the change from public to secret ballot was a major factor in the collapse of the republic. "[F]or want of enough such changes, the destruction of the State must be hastened. Just as the regimen of health does not suit the sick, we should not wish to govern a people that has been corrupted by the laws that a good people requires." Venice has clung to life so long because its laws suit the wicked.

Rousseau is really vague here, because his idolatry for the Roman Republic is mixed with a fuzzy idea that at some point its destruction needed to be hastened. While he could have spent some time exploring when this point was and why, he just kind of hand-waves over it.

Does Venice similarly deserve to be destroyed? What does it mean to have wicked people? Again, these are interesting questions worth exploring, but Rousseau typically glosses over them, making vague references, and the reader is supposed to implicitly agree with him.

Late republic was characterized by lots of sudden expedients to deal with problems due to bad laws. Yet the government continued to function in this way for a long time.

What made certain expedients good, and others bad? Why did the government continue to function? What did the people think about their government as it decayed? Rousseau glosses over all that might be helpful toward identifying and judging various systems of government, as implemented.