

## ANCIENT ROMAN POLITICAL THOUGHT

Ancient Roman Political Thought was much influenced by Stoicism. Stoicism founded by Zeno was an influential philosophical school for five centuries from 300 BC to about 200 AD. Stoicism itself had three stages of development namely Early Stoicism, Middle Stoicism and Later or Roman Stoicism. Romans imbibed the principles of Stoicism to meet their philosophical needs. When Rome expanded into a great empire, they needed some philosophy to support their world view. They found that Stoicism was the best philosophy which would meet their needs. Stoic principles of Universal Brotherhood and World Commonwealth suited the Romans needs. Romans spread the Stoic concept of one world to conceal their own objective of imperialism. Thus it can be seen that Stoic ideals found a refuge in Rome which provided a good home for the former. Greece was the birth place of Stoicism; but Rome was its home. The success of Stoic ideas was due to the fact that it fit perfectly to the Roman aspirations of a world empire. As a matter of fact, Romans were a very practical minded people. They had no time for philosophy. But the Stoic idea of one world was good enough for Romans. Stoicism, in fact lost much of its fundamentals at the hands of the Romans. But its central principle became very famous among Romans. The Romans with the help of their military power tried to convert the Stoic idea of Universal Empire into practice. They wanted to get rid of all barriers such as race or nationality.

The Roman Political thinkers were not as good as the Greek thinkers. They were not as intelligent as Greeks. But their contributions were very lasting. The Romans were highly practical people. However, they were able to establish a world-wide empire. They presented to the world a highly developed law and administrative system. They did not produce any great political thinker like Plato or Aristotle. But they spread the Greek political ideas all over Europe. Thus the Romans acted as a medium for Greek ideas. They mixed their own practical ideas with Greek philosophical ideas. In the hands of the Romans, the Greek ideas underwent changes. Thus the ideas of universal law, *ius naturale*, brotherhood of man and world citizenship spread all over Europe. To maintain an empire, it was very essential to have sound set of laws applicable to varied and heterogeneous population. With the help of Stoicism and the Greek background, the Romans in the course of time invented many sets of laws. The development of these laws was very systematic and based on practical usage. It can be said that it was the Romans who established a codified and systematic set of laws first in Europe. To some extent it can be compared to what Chanakya (350-275 BC) or Vishnu Guptha, the Prime Minister of Chandraguptha Maurya of Maurya Dynasty did in India.

### Roman Legal System

In the making of the legal system, the Romans were much influenced by the traditions and practices over a period of time. They were much influenced by the philosophy of Greek Political Thought also. The Roman law was codified into 12 tables in 450 BC. The

classified the law into sections. They presented the law in a very systematic way. It was no more possible for the elite of the Roman society to influence the law anymore. It became impossible to interpret the law in a vague way according to the whims and fancies of the noble classes. They were all bound by the written codified law, which was applicable to all. The interpretation of law was systematic so that the possibility of disputes also lessened. These laws could be amended only by the Emperor or through a system of plebiscite.

**Different types of Roman Laws:** There were different sets and kinds of Roman law evolved from time to time. They can be summarised as follows:

**Jus Civile:** It was the set of laws meant only for the Romans. These were not applicable to foreigners living in Rome. These laws were not applicable to people belonging to the conquered territories also. It consisted of Twelve Tables of laws. The property and family rights of the citizens were determined according to these laws.

**Jus Gentium:** In the initial period, the Roman law was applicable only to the Roman citizens. However, when the Roman Empire spread, they came in contact with multitude of civilizations. Then disputes arose in which men from different cultural backgrounds were involved. It became necessary to formulate laws which were applicable to law. Equality of men became the fundamental of law. The law should be applicable to all. It should be acceptable to all also. Therefore, it had to be based on the principle of natural justice. To initiate such a legal system, magistrates were appointed. They considered the existing customs and practices and traditions in deciding disputes. While doing so, they referred to the edicts of their predecessors also. Slowly and steadily, a comprehensive system of law emerged which was applicable people belonging to different backgrounds. Thus Jus gentium was born. These laws were applicable to both citizens and foreigners. It was a combination of the Stoic ideas and the local law. These were generally recognized by the people as reasonable ideas.

**Jus Naturale:** The natural law is higher than the law of nations or Jus Gentium. It is based on the nature of man. It is the natural path of man. Since the meaning of 'nature' is not very clear, the content of natural law also is not clear. But, the law of the land could be criticized on the basis of the natural law. These were the works of philosophers. These laws were based on philosophy. It very well influenced the Roman law makers.

**Roman Law:** In the course of time, the Roman Empire spread. Then, there was a need for the fusion of jus gentium and jus civile and Jus Naturale. For this purpose, the Roman Emperor appointed a set of Jurists. The Roman Jurists combined Jus Civile and Jus Naturale in the light of Jus naturale. Thus, the Roman law was born. So the Roman Law was a combination of Jus Civile, Jus Gentium and Jus Naturale.

The Code of Justinian: The Code of Justinian was developed during the reign of emperor Justinian. It had profound influence on the Western Civilization. It consisted of the following:

The Institute: These were the legal achievement of Roman Lawyers called Gains, Marcian and Florentinus.

The Digest: It contained excerpts from the famous pronouncements of some of the well-known legal pronouncements.

The Decrees: These are the laws from the earliest period of the Empire.

The Novelli: These were the laws of the Emperor Justinian.

The Roman contribution to Law can be summarised as follows:-

- **Secularisation of Law:** The most important feature Roman Law is the Secular nature of Law. Earlier, law was made by religions. The state had no role in making laws. But by now, making law became the duty of state. Law separated from ethics and religion. The law is no more a product of religion or ethics. Therefore, people of all religions could follow the same Secular Law. This was the greatest contribution of Romans to Europe.
- **Universal nature of Law:** The Roman Law was universal in character. It was applicable to people of all religion and all places. Law became cosmopolitan.
- **Individual as the Centre of Legal Thought:** In Roman thought, Individual was the centre of Law. A race or a religion was not the centre of law. Law was made not for a race or religion. It was made for all. It was made for the individual members of society. Each person had their own rights and duties. It was the function of the state to protect the rights of the individual.
- **State as a Legal Person:** The State was viewed as a legal person exercising its authority within certain limits. Like an individual, the State can sue<sup>29</sup> and be sued. The purpose of state is the protection of the individual's rights.
- **People, the source of Law:** Rome was a Monarchy<sup>30</sup>. Later it became a Republic. The ultimate authority resided in the people. The Emperor was only an agent of the people. He was responsible to the people.
- **Contractual Nature of Law:** The Roman Law was a contract between the case parties and the jurists. The magistrate or the jurists proposed<sup>32</sup> the law and the people ratified it. The law was not imposed upon people. But it was like a contract. It was like a mutual agreement.
- **Power of the Community:** There is one concept developed by the Romans without the help of the Greeks. This is the idea of imperium. It is nothing but sovereignty. It is with the people. It is the power to issue orders. It means executive authority. This is an original contribution of the Romans. In the initial period, the authority

to issue orders was vested with the Monarch. Later on, when the Republic was formed, the Imperium got transferred to few officers. It indirectly was vested on the people. This concept gave a legal personality to the state.

- Changing Nature of Power: During the period of Monarchy, imperium or sovereignty resided with the king. On the death of the King, imperium passed on to the successor. During the period of Republic, the imperium was with a number of officers. These officers were responsible to the people. So ultimately, the power of the state reached the peoples from the Monarch.

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