

## CONTRIBUTION OF ROMANS

The Romans were highly practical and legalistically minded people. They did not possess the intellectual qualities of the Greeks. However, they were able to establish a world-wide empire. They also presented to the world a highly developed law and administrative system. Though they did not produce any great political thinker like Plato or Aristotle, the Romans spread the Greek political ideas all over Europe. The Romans acted as a medium. They mixed with it their own ideas. In the hands of the Romans, the Hellenic Stoic Ideas underwent changes. Thus the ideas of universal law, *jus naturale*, brotherhood of man and world citizenship spread all over Europe.

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

***Jus gentium:*** In the initial periods, Roman law was meant only for the Roman citizens. But this situation created a problem. As the Roman Empire spread, many disputes involving Romans and foreigners arose. To deal with this situation, the Emperor appointed special magistrates to decide cases. They considered the customs, traditions as well as previous cases to decide cases. Thus *Jus gentium* was born. This law was applicable to the whole people. It was a fusion of the Stoic ideas and the local law. These were generally recognized principles and reasonable ideas.

***Jus naturale:*** The natural law came to be known as something higher than the general law. It depended on the nature of man. It represented the path which nature intended man to follow. The law of the land could be criticized on the basis of the natural law. Since 'nature' is very ambiguous, the content of natural law could not be well defined. These were the works of philosophers and profoundly influenced the Roman law makers.

**Roman Law:** As the Roman Empire spread, there arose a need for the fusion of *jus gentium* and *jus civile*. For this purpose, the empire appointed a set of jurists, who combined the both under the light of *jus naturale*. Thus, the Roman law was born. It was universal in character. Thus, *jus gentium*, *jus civile* and *jus naturale* fused together to form the Roman law. The most important feature of this development was the secularization of law. (The Greeks had not separated law from religion and ethics). Earlier, law was just religious regulations and rule. But by 450 BC secular laws were codified in the form of Twelve Tablets. Hence before, the state had no function of making law. But by now, making law became the duty of state. Law became divorced from ethics and religion.

## ROMAN CONTRIBUTION TO POLITICAL THOUGHT:

**Concept of Secular Law:** Secularisation of law is the greatest contribution of Romans to Political Thought. The law is no more a product of religion or ethics.

**Individual the Centre of Legal Thought:** In Roman thought, the individual was not absorbed by the state. Individual was separated from the State. Each person had their own rights and duties. The individual was the made the centre of legal thought. It was the function of the state to protect the rights of the individual. Thus, individual and his rights were the centre of Roman Law.

**State as a Legal Person:** The State was viewed as a legal person exercising its authority within certain limits. The purpose of state is the protection of the individual's rights.

**Universal Law:** One law governed the people belonging to the Roman Empire irrespective of their race or residence. Thus law became cosmopolitan. Law became universal also.

**Contractual Nature of Law:** Rome began with Monarchic city state and became a Republic later. The ultimate authority resided in the people. The Emperor acted as an agent of the people and was responsible to them. Moreover, the law was a contract between the parties and the jurists. The magistrate proposed the law and the people ratified it. According to Romans, the law was not to be imposed upon people. But it was a contract. The authority to make laws was delegated to the magistrates.

**Power of the Community:** There is one concept developed by the Romans without the help of the Greeks. This is the idea of *imperium* or sovereignty. The authority of a community to issue orders and compel obedience to them is called *imperium*.

**Changing Nature of Power:** In the beginning, *imperium* or sovereignty resided with the king. On the death of the King, *imperium* passed on to the successor. During the republic, the *imperium* was divided among a number of officers. They were ultimately responsible to the people. It meant popular sovereignty.

**Polybius:** Greek philosophic historian who studied the reasons for the success of Romans who subdued the world in just 53 years. It is due to the presence of three elements: the Monarchic represented by the Consuls, the aristocratic represented by the Senate and the democratic represented by the assemblies of people. The three powers checked each other from becoming too powerful. Thus the principle of checks and balances existed.

**Cicero:** Thinkers responsible for the spread of Stoic ideas in Rome. (brotherhood of man, world citizenship)

Previous Questions:

SHORT ANSWERS

1. Cicero 2004.