1.Features of Roman Political thought

Ans: We are well-acquainted with the imperialist designs of Rome. Roman emperors were mainly preoccupied with the expansion of empire through their aggressive activities. Hence Roman civilization had hardly anything to do with political thought or political philosophy.

It is practically impossible to discover an academic of the stature of Plato and Aristotle. In spite of these minus points we very often use the term ‘Roman political thought’ and the use of the term is the source of a lot of confusion.

All these questions are pertinent. But in order to understand the nature of Roman political thought we shall have to throw light on Roman concept of law and related subjects.

In the light of above analysis we can state some salient features of Roman political thought. Plato and Aristotle thought of an ideal state which was far away from real world. Polybius and Cicero, two Roman thinkers, although thought of the world- state, analysed the nature of state in the light of the extant Roman state. They did not try to idealize the state. The Romans had no intention to deify the state.

State, to them, was a political organization and its purpose was to fulfill certain definite purpose. The state to them was not an object of heaven, but an institution of the mortal world. This idea of Romans about the state is unique. In fact the Romans completely changed the Greek conception of state and introduced a new one which is modern.

The credit of completing the separation between ethics and politics should definitely to go the Roman thinkers. The Greek philosophers had put a garb of ethics and morality upon politics and made it an abstract concept. To them, the state was the highest manifestation of ethics and its purpose was to enrich the ethical and moral values of individuals.

As a result of this, politics, in the hands of the Greek philosophers, failed to establish its separate identity. On ethical and moral consid­eration the Greek philosophers demanded unconditional allegiance from the citi­zens. Roman thinkers supported the allegiance to the universality of law of nature and this was based on practical ground.

Greek philosophy made no attempt to draw a distinction between individual and the state. This has been reversed by the Roman thinkers. The Romans have separated the individuals from the state and have also expounded the eternal democratic principle that they have certain rights and duties.

The state is a legal institution and the individuals are its legal units. Their rights are to be protected from illegal encroachments.

The citizens also discharge their duties towards the state. Romans have enacted laws to implement this idea. Once the rights are recognized the powers of the state automatically come to be limited. Insertion of duties along with rights is a clear indication of the fact that rights are not absolute.

So far as the exercise of rights and enjoyment or privileges are concerned. Romans have made spectacular advance over their predecessors. For two centuries Rome was divided into two great classes—Patricians and Plebians—and there was continuous conflict between these two classes. Ultimately, these two classes com­bined together and they made a composite body of citizens. The Plebians began to enjoy civil rights.

Theory of checks and balances is another contribution of Roman political thought. The consul, the senate and the popular assemblies were placed against each other, and there was no scope for any organ to go the autocratic way.

Polybius thought that in every form of government there was the germ of disintegration and corruption. Roman thinkers were very much obsessed with the expansion and retention of their empire and that is why the question of stability occupied their mind.

Law and administration are the two great contributions of Rome to the concep­tions and practices of government and politics of the western world. The Roman law constantly adapting itself to changing environments is still the law of a goodly portion of the globe. For the administration of a vast empire a clear and well defined legal system was necessary and they devised that.

Again, they did not neglect the implementation of law. The building up of the legal system and the attempt to make it responsive to the needs of the empire reveal the Roman people’s love for realism.

Roman political thought is characterized by the conglomerate of absolutism, divine right theory and people’s authority. Sometimes kings declared themselves as the representatives of God and resorted to absolute power.

But because of the predominance and universality of the land of nature the divinity of the kingship could not get any opportunity to last long. Moreover, people had also power to exercise checks upon the authority.

The state to the Romans was a corporate body and affairs of the people. Emperors were said to receive their authority from the citizens and were considered to be responsible to them.

The Romans did not believe in the contract as an instrument of establishing civil society. But they accepted another form of contract. Ulpian was a famous jurist of Rome. He said—the will of the emperor has the force of law, because by the passage of the lex regia the people transfers to him and vests in him all its own power and authority.

This is a beautiful mixture of people’s power and king’s power. Carlyle observes **“few phrases are more remarkable than this almost paradoxical description of an unlimited personal authority founded upon a purely democratic basis. The emperor’s will is law, but only because people choose to have it so.”** This transfer of power was in the form of contract. Romans delegated their power to the officials and the latter had full freedom to exercise power within the legal system. This was nothing but a contract with the government.

Not only in the delegation of power, but also in other fields, Romans followed the principle of contract. Contract in Rome was a potential source of law. New laws were the result of contract between the magistrates and the popular assemblies.

Law was never the command of sovereign power upon his subjects. Religious functions and faiths were also the results of agreement.

The worshipper agreed to perform certain ceremonial duties to gods in exchange of certain expected benefits from them. In Rome there were various private laws dealing with the private affairs. The Romans entered into understanding among themselves as regards their own private affairs.

We have already noted that the Romans were practical-minded people. Roman citizens were bound to obey the law not because of its ethical or moral content, but because of the fact that was the command of the supreme political authority.

Similarly, Roman theory of rights had a practical basis. Rights were not the Gifts of God or not based on religion and ethics. Every aspect of Roman political idea had a practical foundation.

Hence secularisation and practicalisation of politics may be regarded as chief feature of Roman political thought.

Although in many respects Roman political thought differs from the Greek political thought, yet the influence of the latter upon the former does escape our attention. Polybius’s classification of government and his formula of mixed form of government as an instrument of stability are drawn from Plato and Aristotle. Cicero’s two works—Republic and Laws—are the obvious references to Plato’s works.

The idea of legal rights was also derived from the Roman theory of law and jurisprudence. Religious and ethical view of law cannot be the real source of legal rights. By freeing law from the clutches of religion and ethics the Romans built up a concrete theory of legal rights. Subsequently this view founded a strong basis of an elaborate system of various rights.

Another aspect of Roman contribution to political thought is the separation between state and individual. Gettell writes “The Romans separated state and individual each having definite rights and duties. The state was a necessary and natural framework for social existence; but the individuals rather than the state, was made the centre of legal thought, and protection of rights of the individual was the main purpose for which the state existed. The state was thus viewed as a legal person, exercising its authority within definite limits, but the citizen was viewed as a legal person having rights which were to be safeguarded against other persons and against illegal encroachment by the government itself.”

The Roman political thought made this important distinction between the individual and the state as well as the relationship between them. It is no doubt a very important contribution. Maxey says that this contention of Roman political thought created a positive impact upon the later day political thought of Western Europe and America. The individu­als came to know that they had certain rights and the state authority was legally bound to protect them.

The Romans had developed a legal system applicable for several nations. This is called law of nations or international law. The jus gentium of Romans constitutes the basis of modern day’s international law.

The Romans developed certain basic principles of jus gentium in order to establish legal authority upon the foreigners. The Romans also gave special importance to the natural law because of its reasonableness. Even today we hold the view that we obey law because it is reasonable.