

Examining the role of “jus gentium” (Law of the Nations) during Roman Empire

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Roman law emerged as a private law, which mainly focused on contract, property and family relations. But many legal elements began to infiltrate into the body of law when Rome became a powerful empire. During Justinian’s period the “Corpus Juris” became the hand book of Roman legal affairs relating to international affairs and other public laws. The most important fact of the laws compiled by Corpus Juris is it recognized non-citizens as a subject to the legal validity and this was uncommon to Greeks. Firstly Romans organized the legal system on foreign relations on the basis of certain customs introduced by a special group of priests in the republic era. This practice was known as “archaic jus fetiale”. Gradually this practice was turned into a broader understanding on international law which was known to Romans as “jus gentium”. Ulpian, a jurist who lived in 2nd century A.D further developed the concept of “jus gentium” into sub themes such as the state of law in the issues on slaves, marriages between Romans and non-citizens. Under the thread of jus jentium concept Romans made treaties with other foreign nations and it led them to uphold their “Pax Romana” in the frontiers of the empire. As an example the Roman emperor Marcus Aurelius and the German tribe Macromanni made a pact in 175A.D as palpable example for “jus gentium”. Apart from that Roman jurists in the empire widely wrote on how Rome should act during war with other nations. This principle was called “bellum justum” (the concept of just war). In later Roman history it had vanished but it was revived as a moral conception by St. Augustine (354-430). As a matter of the same right of bellum justum became the inspiration of Hugo Grotius who is considered as the father of modern international law to compose his advanced theory on law of war (jus ad bellum). This paper intends to trace how “jus gentium” worked out in the period of Roman Empire and also it further discusses the influences laid down by Roman law upon the foundation of modern international law. Reader will be able to understand the contribution made by Romans to shape the evolution of modern international law. In order to achieve the objective authors have adopted a methodology which is mainly based the works of Roman jurists and other historical sources. In addition to that juristic works of Hugo Grotius have taken into consideration to highlight the Roman influences on the evolution of international law.

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