

Abstract

The Influence of Roman Legal Institutes in International Public Law

Nowadays, international law is perceived as a common part of our legal systems. Nevertheless, the inception and evolution of international law still remains quite unclear. According to many authors, international law is a concept founded in the modern times. However, the idea of regulating international relations existed already in antiquity and was first solidified in detail in ancient Rome.

The primary goal of this thesis is to reveal and explain that many of the current legal institutes of international law can be traced back to ancient Roman law. The concept of international law was however not a Roman invention – to a certain extent, it was adopted from Hellenic city-states through a variety of traditions and customs. However, Romans made significant progress in the actual regulation and codification of international relations. These included diplomatic law, status of and relations with foreigners, immigration and naturalization. Further, Roman law contained regulations related to maritime law, international dispute resolution and rules regarding conclusion of international treaties. Finally, law of war and peace was one of the most important and extensive areas strictly regulated by the Romans. The concept of just war, declaration of war and conduct of war were of great importance.

Ancient Romans also made significant progress with regard to theory of law. They created *ius gentium* and *ius fetiale*, two legal systems that may be compared to the modern version of international law. *Ius gentium* (law of nations) contained legal norms addressing relations between foreigners and Romans in Rome, as established by the *praetor peregrinus*. As such, it mostly represented norms of international private law. *Ius fetiale*, on the other hand, was a system of religious norms regulating a variety of acts between Rome and other states. These acts were conducted by a body of priests known as fetials and included declarations of war, negotiations of peace treaties and more.

Many of the above mentioned regulations were rediscovered between the 15th and 17th century, when modern societies again became interested in regulating relations on an international level. As such, the second part of this thesis focuses on the reception of Roman law in the area of international law and sheds light on its historical connection. The first use of Roman international law can be seen in medieval times, however, a more detailed reception follows in the 17th century. Alberico Gentili and Hugo Grotius, founders of modern international law, were inspired by Roman law and used it as a basis for their works in diplomatic law, law of war and peace, maritime law and theory of law. Thanks to their work, Roman international law and its individual institutes were transferred into modern times.

Therefore, this thesis argues that modern international law is directly connected to and uses the international legal norms first established by the Romans.