

The Influence of Roman Public Law on Contemporary Administrative Law

Abstract

The subject of this study is to present the influence and impact of Roman public and administrative law on contemporary legal-administrative and institutional solutions. The organization of state administration is always flexible, meaning it adapts to changing political or social conditions. However, certain solutions are repetitive, and their legal and organizational structures are based on experiences and solutions which date back to ancient Rome. The research hypothesis is that many modern institutions within the structure of administrative bodies have their roots in institutions that functioned in Ancient Rome. Therefore, I used a descriptive method in the study, which allowed me to present Roman institutions with reference to contemporary solutions. In this respect, the work represents a novel contribution to both Polish and international literature. The study may also serve as an inspiration for contemporary administrative scholars to draw on the experiences of ancient states in their research.

KEYWORDS: Roman public law, administrative law, reception of Roman law

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1 | Introduction

Despite the deep social and ideological changes in European political and legal culture, it is impossible to disregard the fact that the culture of ancient Rome, especially Roman law, remains one of the three pillars of European culture. Therefore, every student who chooses to study law begins their

education with Roman law, often without realizing how much it has influenced the structure and functioning of modern legal systems, especially on the European continent. We must also begin by stating that the most widespread knowledge of Roman law concerns Roman private law. Who among lawyers in Poland does not know the textbook on Roman law by Kazimierz Kolańczyk,^[1] Wacław Osuchowski,^[2] Wiesław Litewski,^[3] Rafał Taubenchlag,^[4] Władysław Bojarski,^[5] or the more contemporary textbook by Tomasz Giaro, Wojciech Dajczak, and Franciszek Longchamps de Berier^[6]. Of course, textbooks in Italian, German, or Spanish languages could be also mentioned here.

On the other hand, Polish and international studies on Roman public law, especially administrative law, are less well-known. However, in this area, numerous Polish works can be pointed out, including those done by authors such as Antoni Dębiński,^[7] Jan Zabłocki and Anna Tarwacka,^[8] Anna Pikulska-Radomska,^[9] Renata Kamińska,^[10] and Bronisław Sitek.^[11] It is also impossible to list all international authors writing on Roman administrative law and their publications, so I have decided to reference selected important works in the footnotes when discussing specific issues.

¹ Kazimierz Kolańczyk, *Prawo rzymskie* (Warszawa PWN, 1986).

² Wacław Osuchowski, *Rzymskie prawo prywatne* (Warszawa: PWN, 1986).

³ Wiesław Litewski, *Rzymskie prawo prywatne* (Warszawa: PWN, 1990).

⁴ Rafał Taubenchlag, *Historia i instytucje rzymskiego prawa prywatnego* (Warszawa: Gebethner i Wolff, 1945).

⁵ Władysław Bojarski, *Prawo rzymskie* (Toruń: TNOiK, 1994).

⁶ Tomasz Giaro, Wojciech Dajczak, Franciszek Longchamps de Berier, *Prawo Rzymskie. U podstaw prawa prywatnego* (Warszawa: PWN, 2014).

⁷ Antoni Dębiński, Joanna Misztal-Konecka, Monika Wójcik, *Prawo rzymskie publiczne* (Warszawa: C.H. Beck, 2017).

⁸ Jan Zabłocki, Anna Tarwacka, *Publiczne prawo rzymskie* (Warszawa: Liber, 2011).

⁹ Anna Pikulska-Radomska, *Fiscus non erubescit. O niektórych włoskich podatkach rzymskiego pryncypatu* (Łódź: Wydawnictwo Uniwersytetu Łódzkiego, 2013).

¹⁰ Renata Kamińska, *W trosce o miasto. „Cura urbis” w Rzymie okresu republiki i pryncypatu* (Warszawa: Wydawnictwo Uniwersytetu Kardynała Stefana Wyszyńskiego, 2015).

¹¹ Bronisław Sitek, *Lex Coloniae Genetivae Iuliae seu Ursonensis i lex Irnitana. Ustawy municypalne antycznego Rzymu. Tekst, tłumaczenie i komentarz* (Poznań: Ars Boni et Aequi, 2008); idem, *Tabula Heracleensis (Lex Iulia municipalis). Tekst, tłumaczenie, komentarz* (Olsztyn: Wydawnictwo Uniwersytetu Warmińsko-Mazurskiego, 2006); Idem, *Advocatus fisci – system ochrony praw i interesów imperium Rzymskiego jako inspiracja dla współczesnych rozwiązań*, [in:] idem, *Wybrane systemy prawnej i instytucjonalnej ochrony praw i interesów państwa* (Warszawa: Difin, 2020).

The purpose of this study is to present selected public institutions or solutions from Roman administrative law and relate them to contemporary legal-administrative or constitutional solutions. Another goal is to demonstrate the indirect reception of selected Roman solutions in contemporary legal or institutional frameworks. Therefore, the main hypothesis of my work is the assertion that ancient Rome was a well-organized state which laid down the foundations for the organization and functioning of modern public administration.

In this paper, I primarily used the descriptive-historical method, due to the quantitative limitations imposed by the standards of the journal “*Studia Prawnoustrojowe*.” One must be aware that a comprehensive presentation of the similarities and differences between Roman administrative law and contemporary law would require writing a multi-volume work. Therefore, this article is merely an introduction for administrative law scholars interested in further exploring Roman administrative law and the organization of public administration bodies and offices in ancient Rome.

2 | Are the Ideas of Roman Law Still Alive?

At the very beginning of this study, one can refer to the often-repeated statement that the ideas of Roman private law are still alive,^[12] despite the passage of more than 1500 years since the end of the Western Roman Empire, and almost six hundred years since the fall of Byzantium. Roman private law is often referred to as timeless law.^[13] Such a statement is justified by the fact that with the end of the Middle Ages, the reception of Roman law

¹² Henryk Kupiszewski, *Prawo rzymskie. Historia i współczesność* (Warszawa: PWN, 1988), 215; Radosław Zych, “Prawo rzymskie – wiecznie żywe źródło inspiracji” *In Gremio. Miesięcznik Szczecińskich Środowisk Prawniczych*, No. 4 (2022): 28-30.

¹³ Wojciech Dajczak, „Problem ‘ponadczasowości’ zasad prawa rzymskiego. Uwagi w dyskusji o ‘nowej europejskiej kulturze prawnej’” *Zeszyty Prawnicze UKSW*, No. 2 (2005): 7-22; Okko Behrends, “Institutionelles und prinzipielles Denken im römischen Privatrecht” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, No. 95 (1978): 187-231.

into judicial practice took place, and the provisions of Roman law became the foundation for positive law until the 19th century.^[14]

The timelessness of Roman law is evident not only in the field of private law, but also in public law, including the law concerning the organization and functioning of public administration. These similarities are both in institutional and procedural aspects. As an example, one can point out the similarity between the electoral system of the President of the United States and the electoral system of the consul in republican Rome.

During the curial electoral assemblies, votes were cast for candidates within individual curiae, which were units of society based on personal rather than territorial division. The representative of each curia then voted for the candidate chosen by his curia. The candidate who received the most votes from the various curiae, rather than the total number of votes from voters, would become a consul.^[15] The principle of group voting was applied in the curial assemblies, and this principle still exists, in a slightly modified form, in the presidential elections in the United States of America.^[16]

In the United States, voting occurs within states, which are territorial units assigned a specific number of electoral votes. The presidential election is won by the candidate who receives the most electoral votes.^[17] It is therefore possible for the President of the United States to be the candidate who received the most electoral votes, rather than the candidate who received the most popular votes, as was the case with George W. Bush's victory over Al Gore.^[18]

¹⁴ Wojciech Dajczak, *Rzymska res incorporalis a kształtowanie się pojęć „rzeczy” i „przedmiotu praw rzeczowych” w europejskiej nauce prawa prywatnego* (Poznań: Wydawnictwo Naukowe Uniwersytetu im. Adama Mickiewicza, 2007), 11-12; Heinrich Honsell, Iole Fargnoli, *Römisches Recht* (Heidelberg: Stämpfli Verlag, 2021), XXIII.

¹⁵ Anna Ludwikowska, Rett Ludwikowski, “System wyborów prezydenckich w Stanach Zjednoczonych na tle porównawczym” *Krakowskie Studia Międzynarodowe*, No. 3 (2008): 19-54.

¹⁶ Szczerbowski Jakub, “Prawo wyborcze”, [in:] *Rzymskie prawo publiczne. Wybrane zagadnienia*, ed. Aldona Jurewicz (Olsztyn: Wydawnictwo Uniwersytetu Warmińsko-Mazurskiego, 2011), 144-145.

¹⁷ Matthew S. Shugart, “Elections: The American Process of Selecting a President: A Comparative Perspective” *Presidential Studies Quarterly*, September (2004): 641.

¹⁸ In 2000, G. Bush Jr. secured 271 electoral votes and support in thirty states, while A. Gore garnered only 266 votes, backed by twenty states and the District of Columbia. Nevertheless, G. Bush received 47.9 % of the popular vote, whereas Al Gore obtained 48.4 %. See: Paul R. Abramson, John H. Aldrich, David W. Rode, *Change and Continuity in the 2004 and 2006 Elections* (Washington DC: CQ Press, 2007), 54, footnote 10.

Undoubtedly, what remains of Roman administrative law refers to a set of legal principles and practices which regulated the public administration and organization of the Roman state, particularly during the Roman Republic and the Roman Empire. However, it must be emphasized that the Romans did not have a fully developed administrative law in the modern sense. Yet, many of the principles and mechanisms developed at that time became the foundation for later systems of administrative and public law, including the system in Poland. Therefore, it is worth briefly discussing at least some of the selected, fundamental, and simultaneously key characteristics of Roman administrative law.

3 | Key Features of Roman Administrative Law

Among the fundamental normative solutions of Roman administrative law, we can include, among others: the law serving as the basis for the organization of the public bodies system and its authority, as well as civil service law; the law of provincial and municipal administration; the public finance system and the tax system; the possibility of appealing administrative decisions; the creation of public infrastructure and services; and the separation of the military administration from the civil one done by Diocletian. Each of these topics could constitute a separate, extensive article. However, I will now limit myself to discussing the most important state organs and offices during the Republic, the Principate, and the Dominate periods.

3.1. Public bodies (*magistratus*), their authority, offices, and officials during the Republican period

In contemporary times, authority is understood as dignity, recognition, prestige, as well as social acknowledgment for an individual or an institution. Even in ancient times, it was believed that there could be various sources of authority for public officials. These sources could include professionalism, truthfulness, charisma, as well as the mere fact of holding

power or assuming a specific office. “The authority of the administration, as well as the authority of administrative law, is institutional authority”.^[19]

Dignity, recognition, and prestige, and thus authority, can also be discussed in reference to the power of Roman administrative bodies and the individuals holding them. In Roman terminology, the term *auctoritas* was used, which referred more to moral prestige than legal authority. Such authority was enjoyed by groups of people as well as individuals who held specific power. Some sources suggest that *auctoritas* was also attributed to the Roman people (*populus*). Nevertheless, the term *auctoritas* most commonly referred to individuals holding specific public offices, especially the consul in the Republic or, in the Principate, the emperor (*principis*), as well as other Republican or later imperial officials, such as judges.^[20] Authority was also held by famous jurists, such as Ulpian, Papinian, and Paulus. Similarly, in contemporary times, one can mention the names of jurists and administrative law experts who have great authority not only in academic circles but also in social and political environments. The source of their authority was their profound knowledge of the law, which is called – professionalism.

The Romans did not know the modern concept of the separation of powers. However, *de facto*, during the Republic, it is possible to distinguish three groups of public bodies which align with the contemporary system, namely the legislative branch, represented by the Senate and the popular or plebeian assemblies in the Republican period, the Senate and *princeps* during the Principate, and in the Dominate, the law was mainly constituted by the emperor. Judicial bodies played a significant role, although they will be omitted in this discussion.

When it comes to executive power in ancient Rome, it can be said that even then, in the organization of public administration, it was possible to distinguish between bodies and offices. The decision-making bodies during the Republic were divided into *magistratus maiores* and *magistratus minores*. *Magistratus maiores*, or the highest officials who held the power defined by the term *imperium*, included the consul, the praetor, and the dictator. The first two offices were held for one year, while the dictator held

¹⁹ Sławomir Pilipiec, Piotr Szreniawski, “Administracja a autorytet prawa administracyjnego” *Acta Universitatis Lodzensis. Folia Oeconomica*, No. 270 (2012): 137-147.

²⁰ Adolf Berger, s.v. “Auctoritas”, [in:] idem, *Encyclopedic Dictionary of Roman Law* (Philadelphia: The American Philosophical Society, 1953), 368.

office for no longer than six months. Both the consul and the praetor were elected during electoral assemblies (*comitia*).

Since the times of the *leges Tabulariae*, elections were equal and secret, made possible by the use of voting tablets.^[21] The term of office for the most important state bodies during the Republican period always began on 1 January, which is why the new year is still celebrated on this day – the day the new consul assumed office. Importantly, during the Republic, individuals holding public office, whether in the state or in municipalities (local governments), did so without remuneration. The bodies of power during the Republican period were collegial, meaning that there were always two *magistratus* in each office.

The consuls were the highest authority in the state during the Republican period. Since there were always two consuls in the office, they had to make decisions jointly, but they could also make them individually. However, in such cases, the colleague in office had the right of veto (*intersessio*), which rendered the decision ineffective. The right of veto could be exercised by the body on its own initiative or at the request of someone dissatisfied with the decision.^[22]

The praetor, as an official, was responsible for the organization and functioning of the judiciary. This office can be compared to the modern position of the minister of justice, but with broader competencies. Praetors directed and supervised legal proceedings, while also performing various administrative functions. An important task of the praetor for the judiciary was issuing the edict (*ius edicendi*), a set of rules, primarily of a procedural nature, which were important for judges and litigants. Each praetor issued a new edict upon assuming office. In practice, however, the new praetor would review and update the edict of his predecessor. This led to the edict being referred to as *edictum translativum*. In this way, one of the branches of Roman law, *ius honorarium* (praetorian law), was developed. Ultimately, the edict was compiled by the jurist Salvius Julianus around the year 130 during the reign of Emperor Hadrian.^[23]

²¹ Nicola D. Luisi, “Sul problema delle tabelle di voto nelle votazioni legislative: contributo all’interpretazione di Cic. Ad Att. 1.14.5” *Index*, No. 23 (1995): 419 and the following.

²² D. Medicus, s.v. “Intercessio”, [in:] *Der Kleine Pauly. Lexikon der Antike in fünf Bänden*, Vol. II, ed. Konrat Ziegler, Walther Sontheimer (München: Deutscher Taschenbuch Verlag, 1979), 1420.

²³ Luisi, *Sul problema delle tabelle di voto nelle votazioni legislative*, 419 and the following.

A dictator, a one-man office, was appointed by the Roman Senate in the event of a threat to the state from war. The short duration of the office was due to the fear that the dictator would assume absolute power and transform the republican system into a monarchy. It was an institution with powers similar to the modern institution of the Supreme Commander of the Armed Forces (Article 134, Section 4 of the Constitution of the Republic of Poland).

The other group of officials during the Republican period consisted of the *magistratus minores*, or officials who held authority defined as *potes-tas*. This group of public administration bodies included a wide range of officials from the Republican era, and it is worth mentioning two of them. The first group were the *aediles*, both plebeian (*aediles plebis*) and curule (*aediles curules*). Their responsibilities included overseeing public roads, ensuring their maintenance and the safety of travelers, as well as supervising marketplaces. They also possessed the authority to impose fines or corporal punishment (*coercitio*) for minor offenses.^[24] Their function was similar to that of the modern Minister of Infrastructure.

The second group among the *magistratus minores* were the censors, whose task was to conduct a census every five years. They held office for 1.5 years. The subject of the census was to compile a list of Roman citizens (*cives Romani*), assess their moral conduct, and determine their financial status (*rationem pecuniae*), which served as the basis for tax assessment. The financial status included assets such as real estate, leasehold of public lands (*ager publicus*), cash, leases for public taxes, slaves, works of art, jewelry, and even expensive clothing worn by a wife.^[25] It is important to note that the inclusion of a slave in the citizen list was a form of manumission, which simultaneously granted Roman citizenship to the slave. The censor could impose the sanction of *infamia* (disgrace), thus discrediting a citizen,

²⁴ Renata Kamińska, "Sprawowanie urzędu edyla plebejskiego i edyla kurulnego w republice i w pryncypacie rzymskim" *Czasopismo Prawno-Historyczne*, No. 66 (2013): 165-176; Bronisław Sitek, "Uprawnienia edyla w świetle ustaw municypalnych. Studium prawno-historyczne", [in:] *Prawo - Administracja - Policja. Księga pamiątkowa Prof. Wincentego Bednarka*, ed. Jarosław Dobkowski (Olsztyn: Wydawnictwo Uniwersytetu Warmińsko-Mazurskiego, 2006), 406-413.

²⁵ Aul. Gell. N.A. 6.11.9; Liv. 39.44.2; Plaut, *Cato mai.* 18.2; Cic. *Flac.* 80. See: Sitek, *Tabula Heracleensis*, 76-77; Wolfgang Kunkel, Roland Wittmann, *Staatsordnung und Staatspraxis der römischen Republik. Zweiter Abschnitt, Die Magistratur* (München: C.H. Beck, 1995), 226 and the following.

for example, if they worked as an actor or gladiator.^[26] This office disappeared in the first century AD. As we know, censuses are still conducted today, but in a much narrower scope.

The aforementioned bodies had the assistance of numerous officials, collectively referred to as *apparitores*. These were individuals employed by the previously discussed public authority bodies, and as such, one can speak of the existence of offices even at that time. This group of officials included, among others: scribes (*scribae*), messengers (*viatores*), and those who publicly announced the decisions of the authorities (*praecones*). These people were paid, unlike the public authorities themselves, who were held without remuneration, as I mentioned earlier. Even tablets have been found which contain a tariff for the remuneration of these officials. It was also common for highly skilled slaves to hold these office positions.^[27]

1.2. Public bodies (*magistratus*), their authority, offices and officials during the Principate and Dominate periods.

The period of the principate marked a thorough restructuring of public administration. Although Augustus Octavian retained some republican institutions, the emperor deprived them of real power. This power was gradually taken over by the emperor and the organs of the imperial administration. From the very beginning of the principate, a process of centralization of public administration began, reaching its peak during the reign of Diocletian, who modeled his organization on the Persian kingdom. The emperor referred to himself as the Persian king, that is, as a god and ruler (*deus et dominus*). Consequently, this period is called the dominatus. At that time, emperors were held in high esteem (*auctoritas*) by society.^[28]

²⁶ Bronisław Sitek, *Infamia w ustawodawstwie cesarzy rzymskich* (Olsztyn: Wydawnictwo Uniwersytetu Warmińsko-Mazurskiego, 2003), 99 and the following; Anna Tarwacka, *Cenzor w sypialni: Urzędnicza kontrola moralności w życiu rodzinnym okresu Republiki* (Warszawa: C.H. Beck, 2021); idem, *Prawne aspekty urzędu cenzora w starożytnym Rzymie* (Warszawa: Wydawnictwo UKSW, 2012).

²⁷ Bronisław Sitek, "Autonomie lokalne – municypi", [in:] *Rzymskie prawo publiczne. Wybrane zagadnienia*, ed. Aldona Jurewicz (Olsztyn: Wydawnictwo Uniwersytetu Warmińsko-Mazurskiego, 2011), 280-281.

²⁸ Ryszard Sajkowski, "Podstawy władzy cesarskiej za rządów Oktawiana Augusta i dynastii julijsko-klaudyjskiej (30 a.C. – 68)", [in:] *Rzymskie prawo publiczne*.

The power of *princeps*, and later of the emperors during the dominatus period, was vast. It encompassed not only civil and military power but also religious authority (*pontifex maximus*). They had the right to appoint the highest officials in the state. Augustus Octavian was the first to adopt the title *pater patriae*, a title that was continued by subsequent emperors.^[29]

As part of the new administration centered around the emperor, new offices emerged. The Senate gained new powers. It no longer only ratified laws passed by the popular assemblies, but *senatus consulta* (senate resolutions) became law, thus acts of legislation. The Senate's decisions most often dealt with public matters. Additionally, the Senate could conduct investigations and pass judgments in extraordinary procedures (*cognitio extra ordinem*). It appointed certain officials to existing republican offices. The Senate had authority over the senatorial provinces, appointing governors for these provinces and overseeing the *aerarium Saturni* – it means the treasury from the republican period. During the principate, the role of the state treasury was taken over by the *fiscus*, the private wealth of the emperor.

Additionally, the Senate ratified the election of a new emperor, but this was mostly a formality. The Senate could also declare an emperor to be a god, but it could also carry out a procedure known as *damnatio memoriae*, in which, usually at the instigation of the current emperor, it ordered the name of the previous ruler to be erased from all public documents and places, as Constantine the Great did with his co-emperor Licinius. Today, the institution of *damnatio memoriae* still exists in a somewhat different form. The driving force behind it is social media platforms, sometimes influenced by politics, which effectively eliminate individuals or even entire groups from public life by disseminating only negative information or fake news about them.^[30]

As I mentioned earlier, new bodies of public administration were established around the emperor. The first to be mentioned is the creation of the

Wybrane zagadnienia, ed. Aldona Jurewicz (Olsztyn: Wydawnictwo Uniwersytetu Warmińsko-Mazurskiego, 2011), 58-63.

²⁹ Suet. *Divus Augustus* 58; Tom Stevenson, "Acceptance of the Title Pater Patriae in 2 BC" *Antichthon*, No. 43 (2009): 97-108.

³⁰ Florian Krüpe, *Die Damnatio memoriae: über die Vernichtung von Erinnerung. Eine Fallstudie zu Publius Septimius Geta (198-211 n. Chr.)* (Gutenberg: COMPTUS Druck Satz und Verlag, 2011); Valérie Huet, "Images et damnatio memoriae" *Cahiers du Centre Gustave Glotz*, (2004): 237-253; Sajkowski, „Podstawy władzy cesarskiej za rządów Oktawiana Augusta i dynastii julijsko-klaudyjskiej (30 a.C. – 68)“, 64.

Consilium (*consilium principis*)^[31] at the emperor's side, which, during the dominatus period, was transformed into a council known as the consistory (*consistorium*).^[32] This council was composed of individuals close to or known to the emperor. It served as an advisory body on state affairs. Today, a parallel can be drawn to a team or council of political advisors to a minister or prime minister. In the Catholic Church, there is also a *consistorium*, composed of cardinals, who are the closest advisors to each pope.^[33]

An important function during the principate and dominatus periods was held by the prefect of Rome, and later the prefect of Constantinople (*praefectus urbi*). This office can be compared to the mayor or president of a city, though the title of prefect was reserved exclusively for the prefects of Rome or Constantinople. It is also worth noting that Rome was a huge metropolis, with over 1.2 million inhabitants during the reign of Augustus. The next city to surpass a million residents in history was London, which reached this milestone in 1803.^[34] The city prefect was responsible for the daily affairs of the city. His powers were termed *coercitio*, which gave him the authority to punish thieves and those who disturbed public order. The prefect issued decrees regarding the city, including those related to traffic,^[35] and also handled some judicial appeals brought to the emperor,^[36] In the Catholic Church, the pope is the bishop of Rome, but he is *de facto*

³¹ Wilhelm Ensslin, "Consilium Principis, Imperial Councils and Counsellors from Augustus to Diocletian" *Historia: Zeitschrift für Alte Geschichte*, No. 4 (1955): 475-479.

³² V. Bileta, *The venatio in the Emperor's Presence? The consistorium and the Military Men of the Late Roman Empire in the West, Gaining and Losing Imperial Favour in Late Antiquity* (Brill, 2019), 73-101.

³³ Józef Wroceński, "Wakat Stolicy Apostolskiej" *Prawo Kanoniczne*, No. 4 (2016): 3-30.

³⁴ Nearly a million residents lived in Baghdad in the year 900, in Kaifeng in 1200, in Beijing in 1500, and in Ayutthaya in 1700. See: Sebastian Ruciński, "Czy starożytny Rzym był milionowym miastem?" *Meander*, No. 3 (2007): 294-307; Abadi Mark, "Od Jerycha do Tokio - największe miasta świata w różnych epokach" *Business Insider*, 7 March 2018. <https://businessinsider.com.pl/lifestyle/najwieksze-miasta-swiata-w-roznych-epokach-historycznych/4815lff> [accessed: 19.09.2024].

³⁵ D. 1.12.1 pr.

³⁶ D. 11.12.1.13. See: Sebastian Ruciński, *Praefectus Urbi. Strażnik porządku publicznego w Rzymie w okresie wczesnego cesarstwa* (Poznań: Wydawnictwo Poznańskie, 2008), 231-232; Juan De Churruca, "Die Gerichtsbarkeit des praefectus urbi über die argentarii im klassischen römischen Recht" *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, No. 1 (1991): 304-324; Magdalena Sitek, "Commercium iure gentium commune esse debet" *Studia Prawnoustrojowe*, No. 27 (2015): 65.

represented in the Roman Diocese by the Vicar General of the Roman Diocese, who has the rank of cardinal^[37].

The competencies of the *praefectus urbi* in managing Rome concerned events which occurred during the day. Meanwhile, the authority over the city at night was held by the *praefectus vigilum*, who, in the administrative hierarchy, answered to the prefect of the city. His responsibilities included ensuring the safety of the city at night, such as extinguishing fires, combating robberies, and preventing burglaries of homes, shops or warehouses.^[38] Another crucial task was cleaning the streets of filth which accumulated overnight, as well as removing the bodies of the deceased before dawn. This official had the right to punish criminals, typically by flogging or imposing fines, and for more serious crimes, he would imprison the offenders. He had several *cohorts vigilum*, it means order services, at his disposal.^[39] In modern times, these tasks are carried out by law enforcement agencies under the authority of the city government.

Another important office during the period of the Empire was the office of *praefectus praetorio*. Initially, his responsibilities included the protection of the emperor's person, and over time, his rank grew to the point where he became the second most important person in the state after the emperor. He accompanied the emperor during his public appearances. However, the most significant aspect was that he became the body that reviewed appeals of judgments issued by the provincial governors and sent to the emperor through the appeal process.^[40] An example of this can be found in the appeal made by St Paul from the verdict issued by Festus, the procurator of Palestine.^[41] But the most important fact is that the praetorian prefect was the head of all the state services. He could be compared, to some extent, to a minister coordinating special services, though he did not have judicial authority. This office was held by individuals with extensive knowledge of the state and experience in managing administration. Among the most

³⁷ Edward Szafrowski, "Kuria diecezjalna Biskupa Rzymskiego" *Prawo Kano-niczne*, No. 3-4 (1990): 27-45.

³⁸ D. 1.15.3.3-4; D. 1.15.3.3.1. See: Aldo Petrucci, *Corso di diritto pubblico romano* (Torino: Giappichelli, 2012), 150-151.

³⁹ Gregory N. Daugherty, "The cohortes vigilum and the great fire of 64 AD" *The Classical Journal*, No. 3 (1992): 229-240.

⁴⁰ V. Marotta, "Un esempio di amministrazione giudiziale. Decreti dei consigli cittadini e appealtio", [in:] *Amministrare un impero Roma e le sue province*, ed. A. Baroni (Trento 2007), 54.

⁴¹ Dz.Ap. 24.

famous prefects, we know figures such as Ulpian, Paulus, and Papinian. It was they to whom the empire owed its security and continuity, even though at times the emperors were very weak both intellectually and morally, such as Tiberius, Nero, or Commodus.^[42]

Among the important imperial officials was *praefectus annonae*^[43], who was responsible for overseeing the supply and distribution of grain to Rome. This official also had authority over the system of free grain distribution (*frumentatio*), which was a form of social welfare for the poorest classes in Rome and other cities of the empire. A list of people entitled to receive this aid was created, providing six modii (about fifty litres) of wheat per month for each family. This list was updated annually and could include up to 300,000 people.^[44] In modern times, such functions are performed by social welfare agencies.

4 | Final conclusions

The organization and functioning of public administration bodies and offices undoubtedly relies on a tradition which dates back to ancient Rome. However, this does not mean that public administration does not need to adapt to the ongoing civilizational changes, especially globalization, and in contemporary times, the digitalization of the world. Nevertheless, this particularly important tradition also includes ancient Rome and both private and public Roman law. Without the experiences and solutions developed during the organization of the Roman state, we would certainly not have such a well-organized and functioning public administration in Europe, as well as in both American continents.

⁴² Timothy D. Barnes, "Praetorian Prefects, 337-361" *Zeitschrift für Papyrologie und Epigraphik*, (1992): 249-260; Stein A., "Stellvertreter der Praefecti praetorio" *Hermes*, No. 1 (1925): 94-103.

⁴³ M. Ravizza, "Sui poteri giurisdizionali del praefectus annonae in età del principato" *JUS*, No. 3 (2020): 61-81; Lionel Casson, "The role of the state in Rome's grain trade" *Memoirs of the American Academy in Rome*, No. 36 (1980): 21-33.

⁴⁴ Sitek, *Tabula Heracleensis*, 31; Catherine Virlouvet, *Famines et émeutes à Rome des origines de la République à la mort de Néron* (Rome: École Française de Rome, 1985). 108 np.; Peter Gransey, *Famine and Food Supply in the Graeco-Roman World* (Cambridge: Cambridge University Press, 1998), 208-217.

The content presented above, though in a very narrow scope, allows us to state that the Roman state, from the Republic to the Dominate, was well-organized. It was therefore a state which existed continuously for the longest period of time in the history of the Earth. Many of the solutions developed by the Romans certainly serve as inspiration, or at least provoke reflection on the appropriateness and purpose of common institutional and competency solutions. This study includes references to Roman institutions in relation to contemporary offices.

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