The Doctrine of Imperium

Outline:

I. The Republic

II. The Principate

I. The Republic

A. There were 3 elements to the Roman constitution under the Republic:
   1. Officials (magistratus)
   2. People (comitia)
   3. Senate (senatus)
B. The Emperor with his consortium administered the government during the Roman Empire beginning with Augustus!
C. An official was called in the Latin magistratus denoting the governing office.
D. In Roman terminology, the magistrate included all political officials, from the consuls down.
E. The government of the Republic consisted of the following magistracies:
   1. Consulership consisting of 2 men who conducted foreign and military affairs.
   2. Praetor:
      a. Praetor urbanus (city praetor) administered justice among Roman citizens.
      b. Praetor peregrinos (alien praetor) administered justice among citizens and aliens and among aliens.
   3. Aedilis kept state archives, supervised streets, buildings, bridges and aqueducts, maintained order in the public market place.
   4. Quaestor, the lowest of the magistacies and usually sought by young men who aspired to political office.
      a. Quaestores paricidii: investigators of murders, detectives.
      b. Financial quaestors
   5. Censor consisted of 2 men elected every 5 years who administered a census of Roman citizens.
   6. Dictator was elected in times of emergency whose authority was greater than the consuls.
   7. Tribunes of the Plebs consisted of patricians elected by the plebeians who were not subject to the coercion of holders of the imperium.

II. The Principate

A. The government of the Roman Empire or the Principate, which the apostle Paul and our Lord subjected themselves to, was centered upon the Emperor himself with his consistorium of high military, civil and ecclesiastical dignitaries.
   1. Praefecti praetorio, “commander of the Praetorian Guard,” the emperor’s right hand man and chief military officer over the emperor’s imperial guard!
   2. Praepositus sacri cubiculi, “chief of the imperial household”
   3. Magister officiorum, “master of the offices” directed the administration apparatus of the Empire
   4. Comes sacrarum largitionum, “count of imperial liberalities” supervised the payments of bonuses to soldiers and officials.
   5. Comes rerum privatuarum, “count of the private patrimony” administered the imperial domain.
B. The provinces in the Roman Empire were governed by a proconsul.
   1. He held imperium or authority in place of the Consul during the Republic.
   2. He was the head of a senatorial province during the Empire.
   3. According to custom, a proconsul held his post for 1 year and then surrendered his authority to a successor and departed within 30 days of his expired term.
   4. He was, in official capacities, accompanied by 6 lictors, 12 if he had once served as consul.
   5. A proconsul in the Republic commanded any legions in his province, while an imperial proconsul had no units available to him.
6. His powers were called *imperium proconsulares*, which in principle gave him control over the territory under his command, with 2 major restrictions.

7. The *imperium proconsulare* of one proconsul could not be greater than that of any other unless the Emperor provided him with a special status called *imperium maius*.

8. Secondly, all authority of the *imperium* ended when the official crossed the *pomerium*, or the sacred boundary of Rome.

9. Any official visiting Rome was subject to the laws and magistrates of the city.

C. The cities were governed by the *praefectus urbi* or urban prefect, prefect of the city.

1. Under Augustus, they were to be a leading citizen of the city who would govern Rome not just when the consuls were away but at all times.

2. He would decide all cases of law that fell within the jurisdiction of the city, up to the 100th milestone from Rome.

3. He was responsible for maintaining order with the *urban cohorts* (police).

4. They possessed *imperium*, which means that they ordered the death penalty for criminals and those who rebelled against the laws of the empire.

D. There was 2 categories of power and authority which an official under the Roman constitution held:

1. Potestas
2. Imperium

E. The 3 highest officials in the Republic, the dictator, consul and praetor possessed not only *potestas* but also *imperium*.

F. The Emperor wielded *imperium* in the Empire!

1. Hans Julius Wolff notes this power called *imperium* in his book *Roman Law, An Historical Introduction*, he writes, “This power originated and was properly at home in the military sphere where it meant the absolute power of the commander in chief to issue and enforce orders, a power which existed with respect to the soldiers under his command as well as to the population in the area of military operations. It involved the authority to take any measure of coercion the commander saw fit to take, including corporal and even capital punishment. In the Roman conception of the state, the command of the army was the primary function of the highest magistrates, and from this function, in which the magistrate’s power found its fullest expression, the Romans derived the nature of his office and authority in general. The concept of imperium was the pivot of all Roman constitutional thinking. It is possible but not certain that it was brought to them by the Estruscans. As an awe-inspiring sign of their power, magistrates vested with imperium appeared in public accompanied by their lictors, who carried the fasces-i.e., a bundle of rods surrounding an ax (like the sign on the American dime)” (page 28).

G. An *archon* in the apostle Paul’s day was a government official of the Roman Empire who possessed *imperium*!

1. *Imperium* extended to matters of life and death, law, military command and all decisions of policy.

2. The individual with *imperium* had supreme and absolute power.

3. The first kings of Rome held *imperium* but during the days of the Republic elected officials possessed it.

4. Consuls, praetors and specially chosen officers could be granted the *imperium* for a set period of time, normally one year or the time necessary for the completion of a particular task such as Pompey’s military commission in 67 B.C.

5. The dictator Sulla withheld such privileges.

6. In 27 B.C., Augustus reformed this system in such a way that he ultimately gained control over the entire Roman Empire when he worked out an agreement with the Senate to divide the Empire between imperial and senatorial provinces.

7. He retained control as proconsul of those regions on the frontier that required legions, extending his *imperium* outside of Rome and within as well.

8. In 23 B.C., when Augustus resigned his consulship, he was allowed to maintain this in perpetuity.

9. He also gained control over the imperial provinces and the imperial administration.

10. The *imperium* was voted to Augustus for 5 years in 18 and 13 B.C. and for 10 in 27 and 8 B.C. and in 3 and 13 A.D.
11. Subsequent emperors also gained *imperium* upon ascending the throne!

H. There were 2 categories of *imperium*:
   1. *Imperium maius* was the power and authority wielded by the Emperor himself.
   2. Augustus was voted the *imperium maius* in 23 B.C. as part of his settlement with the Senate over the division of the Roman Empire.
   3. Augustus’ *maius* extended over every province under imperial jurisdiction.
   4. He shared the *imperium maius* with Marcus Agrippa in 18 B.C. and again in 13 B.C.
   5. *Imperium proconsulares* was the power and authority held by a *proconsul*.

I. An *archon* in the Roman Empire who possessed *imperium* had the power and authority to issue the death penalty, capital punishment to convicted criminals.
   1. The *lictors* performed the execution of these convicted criminals!
   2. They walked ahead of a magistrate in a single column, bearing the *fasces*.
   3. Their very presence called for attention and respect.
   4. They protected personages and carried out their instructions.
   5. When a sentence was passed, the lictor was often called upon to use the axe part of the *fasces* to decapitate a convicted criminal.