Roman law in the writings of Paul—Aliens and Citizens

by Francis Lyall

Professor Lyall, who holds the Chair of Public Law in the University of Aberdeen, has already made a name for himself in New Testament circles by his studies of Roman law in the Pauline writings. We consider ourselves honoured in having the opportunity of presenting this further study in the same field.

IN other places I have sought to show that in his use of the metaphors of adoption and slavery Paul was referring to these concepts as they were known in Roman Law. This was done by demonstrating that these concepts had in Roman Law a fullness of meaning illustrative of the points that Paul was making, and that both Paul and his readers were likely to have known of these Roman ideas. The suggestion was then made that Paul's use of such imagery was deliberate.[1] In the following pages I intend to apply the same method of reasoning to concepts deriving from the laws of citizenship, aliens and alienage, sojourners and citizens, which are to be found in the Pauline epistles and in 1 Peter and in Hebrews. The wider use of such metaphoric language reflects the prevailing conditions of the time, when to be a Roman citizen made one a member of the elite of the earth, no matter how sorry one's own condition might be. Paul, the citizen, speaks of citizenship. The others, aliens, speak of alienage.

The use of such images expresses and elaborates the thoughts of Jesus in John 15: 16-20 and 17: 6-16 that the Christian is in the world but not of the world. The instances are scattered throughout the epistles. In Phil. 3: 20 Paul exhorts the hearers of his letter to imitate his walk with Christ "for our citizenship is in heaven". In Eph. 2: 19 they, through the death of Christ, are "fellow citizens with the saints". The corollary of this is that they are now "no longer strangers and foreigners" in relation to heaven. In their former state they had been "aliens from the commonwealth of Israel, and strangers from the covenants of promise" (Eph. 2: 12), and "alienated from the life of God" (Eph. 4: 18; Col. 1: 21).

Peter addresses his First Epistle "to the strangers scattered

[1] "Roman Law in the Writings of Paul—Adoption", *Journal of Biblical Literature*, 88 (1969), 458-466; "Roman Law in the Writings of Paul—The Slave and the Freedman", *New Testament Studies*, 17 (1970-1) 73-79. The form of argument was first used in G. M. Taylor, "The Function of ΠΙΣΤΙΣ ΧΡΙΣΤΟΥ in Galatians", *Journal of Biblical Literature*, 85 (1966), 58-76.

throughout" Asia Minor, or in some translations to "the sojourners of the Dispersion" in that area (I Pet. 1: 1). Later he takes up the idea of alienage inherent in these expressions, speaking to them as "strangers and pilgrims" and asking them to abstain from fleshly lusts (1 Pet. 2: 11), pointing out that they are now "a peculiar people . . . the people of God" (1 Pet. 2: 9-10, echoing Deut. 14: 2; 26: 18).

The writer to the Hebrews makes it quite clear that Christians are not (or should not be) really at home in this world, for they look for another. Abraham by faith "sojourned in the land of promise as in a strange country . . . for he looked for a city which has foundations, whose builder and maker is God" (Heb. 11: 9-10). Unlike the Israelites, Christians now have "come to Mount Zion, and to the city of the living God" (Heb. 12: 22). This is not, however, the earthly Zion, but "Jerusalem which is above . . . which is our mother", as Paul puts it in Gal. 4: 26, "for here we have no continuing city, but we seek one to come" (Heb. 13: 14). In particular, all the heroes of faith listed in Hebrews 11

> died in faith, not having received what was promised, but having seen it and greeted it from afar, and having acknowledged that they were strangers and exiles on the earth. For people who speak thus make it clear that they are seeking a homeland. If they had been thinking of that land from which they had gone out, they would have had opportunity to return. But as it is, they desire a better country, that is, a heavenly one. Therefore God is not ashamed to be called their God, for he has prepared for them a city (Heb. 11: 13-16, RSV).

The propositions of such imagery may be summarized as follows. If we are Christians, (*a*) our citizenship is in heaven. Accordingly, (*b*) here in this world our status is that of stranger and foreigner—the resident alien, and, (*c*) prior to our conversion these statuses were in opposite mode. Inherent in such expressions and ideas is that of the Two Cities, later to be expanded by St. Augustine and other writers, with important effects not only in theological enquiry,[2] but for present purposes we need only consider the content which ought, may, or could have been read into the metaphors at the time the epistles were written, and the truths the authors probably intended to communicate. There are three possibilities: a reference to Jewish ideas, a reference to Roman ideas, and, a reference to the common principles of the different legal systems of the day. There is a legitimate further point that it is incorrect to insist on a single origin for the concepts as they are used, or that readers of the epistles would or could read in only the imagery of one legal system, but for ease and clarity of presentation it is better to consider the possibilities as separate. Firstly we deal with the Jewish law.

[2] Augustine's *City of God* refers in its opening paragraphs to aliens and strangers, and its whole content is an elaboration of the metaphors. See J. N. Figgis, *The Political Aspects of S. Augustine's City of God* (London, 1921).

I.

The Jewish reader of the epistles would find the idea of the stranger and foreigner familiar. It had been burned into his thought patterns by history and was present with him in his immediate condition. It was enshrined in the Law, and in practice the alien, the foreigner, the Gentile, was for the majority of Jews a known and detested object. To refer to such, whether to the resident alien, the *ger*, or the non-resident transient foreigner, the *nokri*, certainly carried meaning, though different from that prescribed in the OT.

In reading the Pentateuch, I am struck by an insistence on fair dealing, indeed generous dealing, with foreigners, which is not to be found in other legal systems of its time. To wrong the stranger or to oppress him (Exod. 22: 21; 23: 9; Lev. 19: 33-34; Deut. 24: 14), to pass by his need (Deut. 10: 18-19), or to fail to give him justice (Deut. 24: 17-18) is forbidden. The ground of prohibition is simple, "for ye were strangers in the land of Egypt". It is true that these passages were interpreted to refer only to the *ger toshav*, the resident, and one assumes friendly, alien, the proselyte. However, so to interpret them is to wrest their sense, for the Jews as strangers in Egypt were hardly to be equated with resident converts. In Egypt the Jews latterly were slaves, despised, hated and overworked (Exod. 1: 10-22). To hold that the stranger of the Pentateuch is to be restricted to a favoured group of aliens is to confuse the language. The passages cited above attain their full meaning only if it is recognized that the legislation assumes that in the ordinary event all aliens were without rights, and that this general position was being altered by the edicts of the Law.[3] Other passages seem to make this clear. Every stranger, resident or transient, was to be subject to the same general civil and criminal law as the native Jew (Lev. 24: 22). He enjoyed the benefits of the poor law (Lev. 25: 35; Deut. 14: 29; 24: 19; 26: 11-15), might own slaves, even Jews (Lev. 25: 47) and in trouble could flee, like a Jew, to the cities of refuge (Num. 35 *passim*, v. 15 refers to the stranger). On the other hand the alien was subjected to certain of the external observances and religious practices of the Jews whether or not he was a proselyte. Thus, he was bound to keep the sabbath (Exod. 20: 10), had to refrain from worshipping idols (Lev. 20: 2), from blasphemy (Lev. 24: 16) and sexual offences (Lev. 18: 26), and had to observe the basic dietary laws (Lev. 17: 8-16). However, only the resident alien, the *ger*, had recourse to the ceremonial Law, and then only if he became a proselyte (Num. 9: 14; 15: 14-16).

During what may be termed as the initial period of the laws of

[3] G. Horowitz, *The Spirit of Jewish Law* (New York: Central Book Co. 1953, rep. 1963), 131-132.

Moses there were also in the land other population elements contributing to the vitality of the idea of strangers and foreigners. These were groups of inhabitants who were not displaced by the incoming tribes, either because they had come to an arrangement with the Jews by way of treaty, as in the case of the Gibeonites (Josh. 9: 3-27) or by tacit agreement, in some cases following a struggle. The opening chapters of Judges list many examples where such communities and enclaves were tolerated (Judg. 1: 19, 21, 27-36; 2: 20-23; 3: 1-7). In many cases these groups were held in inferior status; the Gibeonites were made hewers of wood and drawers of water (Josh. 9: 27), the Canaanites and Amorites were made tributaries (Judg. 1: 28-36). Yet the Jews did protect such peoples against their enemies once they had been accepted (Josh. 10: 1-43).

With the development of the kingdom, and over the years, the rules for the treatment of strangers changed, and we have hints of this in the Bible. Some of the changes might have been appreciated by the aliens. In particular a tolerance for their religions which was contrary to the Levitical prescription emerged early in the history of the land. Judg. 2: 8-19 narrates how the second generation in the land went astray in this way, and the consequences thereof. One high spot occurred when Solomon, in his dotage and under the influence of his foreign wives, worshipped Ashtoreth and Milcom, and built altars for the gods of all his wives, including Molech, expressly forbidden in Lev. 20: 2-5 (1 Kgs. 11: 1-10).

On the other hand some of the changes introduced in practice, if not in law, were unfavourable to the alien. The remnants of the older inhabitants of the land were made subject to a levy for bondslaves by Solomon (1 Kgs. 9: 20-21), and all strangers were liable to be called upon for forced labour (1 Chr. 22: 2; 2 Chr. 2: 17-18). Indeed even before the Kingdom it would seem that the stranger could not expect reasonable treatment from the average Jew. Ruth, for example, is amazed that she, a stranger, should be helped in her gleaning by Boaz (Ruth 2: 10).

Naturally, all these rules and practices underwent further change when the Jews ceased to be a free people. In theory the rules became broad, generous and tolerant again. The rules of the Talmud show this, but there are traces in the Bible. Thus Ezekiel in outlining the future constitution of the nation gives strangers an equal share in the land (Ezek. 47: 22-23; cf. Isa. 14: 1). However, such glimmers of light and the Talmudic rules were designed for the day of Messiah's reign. The actual law applied within the Jewish boundaries seems to have been different. One may adduce evidence from the OT itself. Before, during and after the Captivities recurrent complaints are made by the prophets about the oppression of strangers (normally coupled with the fatherless and widows). It is made quite clear that

such conduct was one reason for judgement coming on the people (Jer. 7: 6; 22: 3; Ezek. 22: 7, 29; Zech. 7: 10; Mal. 3: 5). Later on, even in NT times the problem of the right treatment of strangers is present, and faulty conduct implies faulty law. One of the well-known passages in Matthew's gospel is concerned with the topic. Jesus said, "I was a stranger and ye took me in . . . I was a stranger and ye took me not in" (Matt. 25: 31-46). Again one may cite the surprise of the woman at the well that Jesus, a Jew, would even talk to her (John 4: 4-26), and the determination of the Syro-phoenician woman that Jesus would meet her need though Jews did not normally have anything to do with aliens if they could help it (Matt. 15: 21-28; Mark 7: 24-30).

Such attitudes were instrumental in the development of the discriminatory laws of the Talmud, which were in practice more important than the more generous principles also enunciated there. In day to day business strangers were not as well treated under the developed law as they might have been. George Horowitz gives numerous examples of this, quoting both from the Talmud and the Mishnah.[4] For example, in strict law it was necessary for lost property to be returned only as between Jews, since Gentiles might be assumed not to be honest and therefore not to reciprocate. Again the laws against overcharging for goods or over-reaching in bargains, did not apply in dealings with Gentiles, since they were considered not to recognize such principles themselves, preferring to consider "a bargain is a bargain". Such ideas are even to be found in the Pentateuch. The well known prohibition on usury (Deut. 23: 19-20) expressly exempts loans to strangers from its operation.

Before the courts in practice the Gentile was at a disadvantage. Despite rules in Exod. 12: 49, Lev. 24: 22, and Num. 15: 16, framed widely enough to forbid such a development, Talmudic opinion was that in a situation involving a choice of law the court should apply either the Jewish law or the law of the Gentile's country of origin, and where it was clear the Gentile had resorted to the Jewish courts and their rules as these might be more favourable to his case, the court should apply whichever law was less favourable to the Gentile.[5] In this it is interesting that the Talmud itself should preserve criticism of the Jewish law on these grounds made by Roman officials. These *inter alia* objected to the fact that Gentiles could not sue the Jewish owners of animals which had done damage, while the Jew in the reverse situation had a noxal action against the Gentile (i.e. an action

4 Ibid., 234-237. Also Z. W. Falk, *Hebrew Law in Biblical Times* (Jerusalem: Wahrman Books, 1964), 115-117.

5 Horowitz, *Spirit*, 234-235. To be fair Horowitz does state that the truer spirit of Jewish law was against this (Bava Kamma 113a), but the practice existed.

for money damages or the surrender of the offending beast).[6]

It must further be recognized that even apart from such legal applications of the idea of strangers and foreigners, there was within the tradition of the Jews an ingrained concept of the otherness of the stranger, of the fact that he did not belong, which could give some meaning to the NT imagery. Reference has already been made to the justification of the Mosaic rules on strangers on the grounds that "you were strangers in the land of Egypt" and this would have been maintained in the Jewish mind by annual Passover ceremonies. Further the idea of the stranger recurs in the Bible as an unwelcome status. For example, both Job (Job 19: 15) and David (Ps. 69: 8) have cause to lament that they have become strangers in the sight of their households, indicating the depth of the dissociation that had arisen between them. But it is perhaps the use that is made of the idea of strangers and foreigners as indicating the impermanence of the present world which most clearly can contribute to some of the NT imagery.

Impermanence is a recurrent theme of the OT. Jacob before Pharaoh talks of his life as having been a pilgrimage (in some translations, a sojourning) and indicates that it has not all been pleasant (Gen. 47: 9). The justification given for the institution of redemption of land in Lev. 25: 23, is that in the last analysis the land belongs to God, and the Jews are merely strangers and sojourners on it with respect to him. This idea finds echoes in David's great hymn of praise to God at the installation of Solomon as king. He stresses the impermanence of all things before God, and God's control of all things. How marvellous it is that God accepts such praise and sacrifice from people who "are strangers and sojourners before thee as were all our fathers" (1 Chr. 29: 15). Curiously, he also uses his status as a stranger as a reason why God should hear his prayers (Ps. 39: 12), but in both instances it is the presence of the concept which is important for us.

All such ideas of strangers, of impermanence and of a future "real" homeland would naturally be taken up by the Jews under military occupation, the temporary nature of their status in the land as a subject people becoming an article of faith. Thus around the time of Christ there was an upsurge in Messianic interest and a looking forward to a permanent kingdom, a lasting city compared with which their existing state would be that of strangers.[7]

6 Bava Kamma 38a; B. Cohen, *Jewish and Roman Law: A Comparative Study* (New York: Jewish Theological Seminary, 1966), 1: 24-271. See also Horowitz, *Spirit*, 235; H. Danby, *The Mishnah* (Oxford 1933), 337 (Baba Kamma, 4.3); S. W. Baron, *A Social and Religious History of the Jews* (9 vols., 2nd ed., New York: Columbia U.P., 1952) vol. 2, 300-301, 430.

7 Baron, *History*, vol. 2, 58-62.

From all this it appears to me that in such imagery the NT writers were using a language which would not have been seriously misunderstood by their Jewish readers, or by reasonably knowledgeable and interested Gentiles. There was a conceptual background in the Jewish Law, history and climate of ideas which would to a degree fill out the metaphors employed.

II.

However, as hinted, I consider that a Jewish reference does not constitute a full explanation of the metaphors we are considering. It may well be that many of the readers of the epistles would understand the language involved in the light of Jewish law and experience, but a fuller more adequate explanation can and must be sought. To leave out of account Roman elements which could contribute to the metaphor is to ignore a basic fact of life in the NT world. I am convinced that theological discussion should not overstress the Jewish background of Paul's thought to the exclusion of other elements. Paul was after all the Apostle to the Gentiles, people who would not have great knowledge of the Jewish law and history. It is more reasonable to suggest that Paul would have expressed himself in metaphors and language meaningful to the Gentiles. Wherever the epistles were sent Roman ideas, their law and social customs were present. Accordingly we must now turn to consider how such ideas could have application, and their content.

It is surely very interesting that it should be Paul, the Roman citizen, who makes the plainest use of the citizenship metaphor. We are "fellow citizens with the saints" (Eph. 2: 19) and our "citizenship is in heaven" (Phil. 3: 20). It is also of importance that in both these instances he is addressing people for whom the idea of Roman citizenship was important. In Ephesians he is writing to a church situated in the commercial capital of the province of Asia, the seat of imperial control in that territory, and also the main entry point for the Roman presence in what is now Asia Minor.[8] Philippians was a letter to the church in a Roman colony, a place where there was a settlement of persons who were technically citizens of Rome, actually the descendants of veterans of Caesar and Pompey's armies who were settled there on reaching retirement age.[9] In both

[8] I assume that one destination of Ephesians was Ephesus. Though it seems it was a circular letter the general point holds good as the cities of Asia all had important Roman presences: A. H. M. Jones, *The Cities of the Eastern Roman Provinces* (Oxford, 2nd ed., 1971), 28-94; J. B. Lightfoot, *St. Paul's Epistles to the Colossians and to Philemon* (London: Macmillan, 2nd ed., 1876), 1-72, "The Churches of the Lycus". D. Magie, *Roman Rule in Asia Minor* (2 vols., Princeton, 1950), 2, 1615-1616, tabulates references to groups of resident Romans in the area.

[9] Acts 16: 12. A. H. M. Jones, *The Greek City* (Oxford, 1940), 61, 63; J. B. Lightfoot, *Saint Paul's Epistle to the Philippians* (London: Macmillan, 6th ed., 1891), 47-65.

instances therefore the readers of Paul's epistles might be expected to connect up his metaphor with local facts.

The importance of being a Roman citizen in NT times was that one was, to a degree at any rate, a member of the governing community—in many ways occupying a position analogous to that of the British citizen during the hey-day of the Raj.[10] The Roman citizen was privileged. In theory he could travel anywhere without problems, being everywhere protected by the Roman law. He was not subjected to the local law unless he consented (though such consent would be usual in business), and he could take matters into his own courts when these were sitting. He owed allegiance to Rome, and Rome would protect him.[11]

Paul's own life illustrates this. The first time we hear of him making use of his rights as a Roman citizen is at Philippi, the Roman colony (Acts 16: 16-40). Following their being jailed, and the earthquake, the city magistrates sent a message to Paul and Silas asking them to leave the city quietly. Not so, said Paul. The magistrates would have to come and escort them out of the city with dignity, for to beat and imprison a Roman without trial was a serious offence. In this Paul doubtless intended that the new church in Lydia's house would receive some protection and official standing, but for our purposes it is enough to note that the magistrates did as they were required. In their actions they were guilty of a serious offence, and there are on record instances where cities were punished, even to the extent of losing their Roman privileges, for such crimes.[12] Paul therefore had the magistrates at a complete disadvantage, and they had to comply with his demand.

In the Temple incident (Acts 22), Paul claimed his citizenship status before anything untoward occurred, thus avoiding being scourged. This illustrates one major difference between the treatment meted out to a non-Roman and that appropriate for a citizen. It was general practice to examine probable offenders under torture, particularly if they were slaves, but also if they were not Roman citizens. Again the *volte face* of authority, once convinced of the accuracy of Paul's claim, is to be noted.

The last instance is the referral of Paul's case to the Emperor at Rome. The example of Paul is the best one we have on the operation

10 Cf. comment by Sir William Calder to Professor F. F. Bruce, ". . . Paul was a great *swell*—compare recently, *mutatis mutandis*, a Hindu K.B.E.", quoted F. F. Bruce, *New Testament History* (London: Nelson, 1969), 223 n.2.

11 A. N. Sherwin-White, *The Roman Citizenship* (2nd ed., Oxford, 1973); W. W. Buckland, *A Textbook of Roman Law* (3rd ed., P. Stein, Cambridge, 1963), 86-87; H. F. Jolowicz, *Historical Introduction to the Study of Roman Law* (3rd ed., B. Nicholas, Cambridge, 1972), 58-74, 345-347.

12 Dio 54.7.6; 57.24.6; 60.24.4; Tacitus *Annals* 4.36.2. See P. Garnsey, *Social Status and Legal Privilege in the Roman Empire* (Oxford, 1970), 268-9.

of this appellate procedure.[13] A Roman citizen dissatisfied with proceedings taken against him had the right of *provocatio*, by this time the right of appeal to Caesar, though originally an appeal to the people. In Paul's case the appeal was really irregular in that Festus had not disposed of his case, but it did provide the procurator with a means of passing this contentious case to higher authority. Such a procedure was not available to the non-Roman.

In speaking of our citizenship being in heaven, Paul is therefore putting quite clearly the fact that the Christian is subject to the jurisdiction of heaven. This is underlined by the use made both by him and by the other NT writers of metaphors drawn from concepts of alienage. A distinction may be drawn between references to citizenship and metaphors drawn from alienage and it is interesting to find that only Paul, the Roman citizen, uses the concept of citizenship directly.[14] Certainly Peter, and perhaps the writer to the Hebrews, did not share that status, and they by contrast talk in terms of aliens, strangers and sojourners as quoted earlier. These images are obviously drawn in part from their own experience, although the Jewish background of such language could well be present. In the case of Paul the Roman reference starts as favourite, especially as Roman law provides a satisfactory content for these images as well. The alien, stranger and foreigner, held a known status in Roman law—being by and large outside the formal law.

Roman citizenship was not coterminous with the boundaries of the Roman Empire until the *Constitutio Antoniana* (the Edict of Caracalla) of A.D. 212.[15] The bulk of the inhabitants of the Empire were classed from the point of view of Roman Law, as aliens, *peregrini*.[16] Their territories were part of the Empire, or were allied to it, yet they retained their own forms of government, and their own domestic laws so far as these did not directly run counter to Roman ideas and interests. This was the Roman pattern; to allow so

13 A. H. M. Jones (*A History of Rome through the Fifth Century* [2 vols., London: Macmillan, 1968, 1970], 2, 288-289) cites it as such. See also his article "I Appeal unto Caesar", *Studies in Roman Government and Law* (Oxford: Basil Blackwell, 1960), 51-65 (reprinted from *Studies presented to David Moore Robinson* [G. E. Mylonas ed., Saint Louis: Washington Univ., 1952], 2:918-930).

14 Some would argue that Paul was not a citizen, *Acts* being the only evidence. This attitude I find puzzling. It might be said that the beatings (II Cor. 11:25) indicate he was not a citizen, or that magistrates were occasionally careless, but the latter *is* true: cf. Garnsey, *Social Status*, 139. In any event if Paul were not a citizen then there was no appeal to Rome—and presumably much of the epistles have to go, and the NT 'industry' of our time is a charade. (Cf. J. N. D. Anderson, *A Lawyer among the Theologians*, London: Hodder and Stoughton, 1974.)

15 Jolowicz, *Historical Introduction*, 346.

16 Ibid., 102-107; Buckland, *Textbook*, 96-98.

far as possible the continuation of the indigenous life of the communities she controlled, interfering only in the interests of peace. The *peregrini* were subjects of Rome, but not Romans, because they were not citizens. They were not liable to military service, but were subject to supervision and to the heavy burden of Imperial taxation. In terms of strict Roman law they were rightless and dutiless, existing as objects and not subjects of law. This pattern effectively held good also in the case of territories allied to Rome, whose inhabitants had the right of travel within the Empire, but whose rights depended upon treaty.[17]

Both kinds of arrangement can be illustrated from the case of the Jews themselves. Part of the Jewish territory was placed by Rome under the Herodian dynasty, and part was made into the province of Judea and continued to be governed by its old laws and institutions, including the Sanhedrin, save only so far as the Romans considered it necessary to interfere. The Romans did, for example, reserve the right to impose capital punishment, as in the case of Christ, but the day to day administration was none of their concern. The attitudes of Festus to Agrippa (Acts 25: 13-26:32), and of Pilate, show this.

The distinction between a Roman and a peregrine was fundamental. As we have seen in the case of Paul the Roman was entitled to a certain standard of treatment well above the minimum accorded to the peregrine. There were also gradations of treatment according to one's social class, which became of increasing importance,[18] but that is not the point here. The basic distinction was between the citizen and one who was an alien. Citizenship carried with it the right to hold political office, to participate in the deliberations of Roman assemblies and the right to contract a marriage valid under Roman law, with all its attendant rights and duties. Most importantly it gave the Roman access to the Roman law, especially in regard to commerce and property. He was subject to a more universal and a more effective law than the alien.

The Roman carried these rights with him in the Empire, and could insist upon them. The peregrine also carried his law with him. Legal theory required that a person was subject to the law of his citizenship, of his native city or land. When he went elsewhere he was not entitled to make full use of the laws of his new territory.

[17] The attitudes of Gallio (Acts 18: 12-17) and of the town clerk of Ephesus (Acts 19: 35-41) illustrate this. See also Jolowicz, *Historical Introduction*, 66-71; A. H. M. Jones, "Rome and the Provincial Cities", *Tijdschrift voor Rechtsgeschiedenis*, 39 (1971), 513-551; T. Mommsen, *The Provinces of the Roman Empire* (London, Bentley and Son, 1886); D. Magie, *Roman Rule*, *passim*.

[18] Garnsey, *Social Status*, is an exposition of this feature.

He was still subject to his old law.[19] As against the law of the new abode the alien was at a disadvantage. Occasionally this was ameliorated when there was a sufficiently large group of aliens of common origin in another territory, for these could form a sub-community within the new jurisdiction; the Jews in Rome and in Tarsus formed such groups. It is to this institution that Paul probably refers in Phil. 3: 20. Our citizenship is in heaven, and hence within this world we form a sub-community with our own rules. We are not integrated into the community at large, and are not at home there.[20] We have no rights to make use of local law or access to it—a fitting representation of the Christian who is in the world, yet, being a citizen of another country is not of the world.

III.

Finally, one point remains. Is it necessary to seek a precise legal meaning in the terminology of the epistles, or were the writers using general expressions, to be interpreted as such by their readers? Is the reference not simply to the common principles of the time?

This cannot be definitely answered. At the time ideas of patriotism and patriality were current.[21] Certainly not all the readers of the epistles would necessarily know Roman Law, and the metaphors were not meaningless under any legal system of the time. The Romans did leave indigenous legal systems unaffected, and these had to cope with conflict of law situations, citizens and aliens.[22]

However, four points must be put as weighting the probabilities, particularly in the case of Paul's letters and by inference, the others. Firstly, as noted Paul uses the citizenship image, the others that of the stranger. Secondly, Paul was himself a Roman citizen, who had cause to know the importance of his status. Thirdly, a legally trained mind like Paul's would appreciate the nuances and overtones present in the legal image, and would delight in their use. And lastly, the Roman was one of the privileged class, by reference to which all others were "aliens and strangers". It is a curious but well-attested fact that although the privileges of citizenship diminished over the

19 Cf. the later Law of the Empire on inter-provincial conflict of laws, e.g. Justinian's *Digest* 2.8.7. pr; 5.1.65; 5.2.29.4.; *Codex* 3.13.5, and the *Codex Theodosianus* 2.1.4, to the effect that a "plaintiff shall follow the forum of the defendant"; Garnsey, *Social Status*, 13-15.

20 This is the basis of Sherwin-White's criticism of Cadbury's exposition of Phil 3: 20 (A. N. Sherwin-White, *Roman Society and Roman Law in the New Testament* [Oxford, 1963], 184-185).

21 L. S. Mazzolani, *The Idea of the City in Roman Thought* (London: Hollis and Carter, and Indiana U.P. 1970; Italian original, Milan: Riccardo Ricciardi Editore, 1967), 142-200.

22 See L. Mitteis, *Reichsrecht und Volksrecht* (Leipzig, 1891).

years, the Roman citizenship was an object of interest, and greatly desired by the non-Romans of the Empire.[23]

The matter really comes down to one of opinion. I think that I have demonstrated that under the known circumstances a reference to the Roman citizenship may be implied. It was a "superior" citizenship. Within the Empire there were enclaves of sub-communities with their own rules. There were also individual aliens, cut off from the normal legal processes which surrounded them. In reading words written in such a milieu, to fill out the imagery of aliens and citizens with the Roman content gives a richness of meaning not otherwise present.

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23 Sherwin-White, *The Roman Citizenship* (2nd ed., Oxford, 1973), 251-274, 399-444, is interesting in this connection, though the evidence is later than the date of the epistles; Garnsey, *Social Status*, 260-271.