

Roman Law Relating to the New Testament

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Behind the events and teachings presented in every book of the New Testament stand three large cultural, political, and legal worlds—Jewish, Greek, and Roman. Several conspicuous Roman names and Latin expressions in the New Testament—including *Rome*, *Romans*, *Caesar Augustus*, *Tiberius*, *Pilate*, *mile*, *centurion*, *denarius*, *kodrantēs* (*quadrans*, or mite)—alert readers that in the background of just about every public institution or legal encounter in the world of Jesus and his disciples stood Roman laws, Roman order, Roman authorities, and Roman civilization. Although Roman law is not overtly mentioned or applicable in much of the New Testament, some awareness of Roman culture, religion, politics, and law is essential in order to understand the daily life of people in the worlds of the New Testament.¹

Certain Roman legal rules and conventions figure significantly in New Testament texts. But because all ancient civilizations ordinarily faced similar problems of family and economic life, their laws often addressed common legal problems in comparable ways. Thus, one should not assume that Jewish, Greek, or Roman laws always differed markedly from one another. While drawing attention to certain similarities, this chapter will emphasize legal regulations or practices that are characteristically Roman, highlighting what set Roman and Jewish law apart.

Roman Values and the Law

Roman jurisprudential values emphasized practicality, empire, and security of wealth and position. In Latin the main word for “law” is *lex* (derived from the verb *lego*, “I read” or “I select”), and thus Roman law fundamentally pertained to written materials to be read and used as practical administrative and economic tools.² In this sense, for both the Romans and the Jewish Sadducees, law was based in written texts or published decrees read aloud at public convocations, although not all Jews saw the law exactly that way, such as the Jewish Pharisees, who embraced the wider range of law including traditional oral interpretations.

The Romans, Greeks, and virtually all ancient peoples believed in their pantheons of deities, seeing their main gods, such as Jupiter or Zeus, as the source of justice and law. The Jews likewise saw their god, Jehovah, as the author and revealer of their scriptural bodies of law. Their preeminent word for “law,” *torah*, was linguistically connected with the idea of God’s teaching and instruction. Their laws zealously protected their unique worship of a single god and guarded their distinctive religious and temple practices.

Romans were known for their pragmatism. The originality of ideas was often less important than their utility, whatever the source; they readily borrowed architecture, art, and language from the Etruscans, the Greeks, or other peoples. For example, mastering the enormously practical use of the Etruscan arch allowed Romans to build aqueducts, bridges over major rivers, and large domed public buildings. Effective city planning and the building of amphitheaters, marketplaces, forums, roads, chariots, armor, tools, and equipment brought political peace and prosperity throughout the Mediterranean world, allowing Roman law to dominate for about five centuries. To promote and maintain that stability, Roman administrators and lawyers were pragmatically accommodating, allowing considerable latitude to conquered or allied peoples—notably the Jews in the first century—to govern themselves, but only so long as they participated in the economic life of the empire (especially paying taxes, tributes, and tolls) and caused little trouble.

Before the New Testament era, the Roman Empire established a provincial system—a type of federalized government—headquartered and normally expertly administered by a central imperial government and efficiently managed by legates and governors in the various provinces. Smooth administration of the Roman Empire grew out of Rome’s ancient Twelve Tables of the Law and ultimately resulted in a very sophisticated body of law codes that enshrined thousands of rules of Roman law that provided uniformity and regularity throughout the empire and for centuries in Europe thereafter.³ The Roman genius for organization and executive efficiency is manifested no better than in the Roman army, with its legions divided into “centuries” of up to one hundred soldiers each. The ability of these units to move adroitly in three flanks of soldiers allowed these highly trained Roman forces to dominate less organized battle formations of opponents or insurgents. In the New Testament centurions are mentioned as being present in Capernaum, Caesarea, and Jerusalem. Their presence supported a baseline of law and order.

In civic life the empire engendered enormous respect among the Romans. Duty to one’s country was the apex of good citizenship, the empire being called “the common parent of

us all, than which nothing can be greater or sweeter.”⁴ Jewish jurisprudence also celebrated community and central ethnic values but, above all, God, with a main emphasis on preserving Jewish religious uniqueness.⁵ The Roman emphasis on community and empire was in marked contrast to the Greeks, who prized individuality and liberty.

The Roman system of governance created and protected enormous fortunes in the hands of a few aristocrats. Entrenched networks of patrons and their clients created and reentrenched lifelong senators, indomitable coalitions, vast agricultural estates, and family power brokers. Even more than in Greece, Roman civilization, military power, and economic infrastructure were built on the backs of slaves, some of whom were treated well but most of whom were captives of war or the victims of other misfortunes of life. Slavery was a very conspicuous and common part of Roman life and throughout the ancient world, except among the Jews, whose law prohibited one Jew from holding another Jew as a slave for more than six years. Modern estimates suggest that between two and three million slaves lived in Italy alone during New Testament times.⁶ Slaves performed a wide array of jobs, and they were considered the absolute property under the strict control of the head of the household. Roman slaves could be subjected to the worst of conditions and were exposed to inhumane punishments with impunity. To be sure, some were well educated and could be treated well, even saving enough personal money to buy their own freedom. But as long as they were slaves, they had no legal rights or recourse.

Fundamentally, Jews and early Christians found themselves at odds with several cultural and legal values of the Romans (and Greeks), although they were not in a position to dramatically change the public order. For example, injured slaves in the Jewish world were granted freedom (Exodus 21:26–27), and the New Testament required masters and slaves to treat each other with kindness and obedience (1 Peter 2:13–18). The apostle Paul admonished all to be subject to the higher powers and rulers (Romans 13:1–7), and Christian doctrine sublimated subjection and slavery in making strong metaphorical points warning about the sinner’s being enslaved by sin and about the righteous absolutely belonging to Jesus as redeemer and master.

Administrative Law

Administratively, the Roman Empire was divided into provinces, each of which was ruled by a single Roman magistrate. The most important provinces were governed directly by the emperor through his chosen legates, while less important provinces were controlled by proconsuls under the direction of the Senate. The least important provinces, such as Judea (which became a province in AD 6), were governed by a *praefectus* from the equestrian class, below the senatorial class but above the level of the ordinary plebs. The leader of these provinces was given authority from the emperor to hear and adjudicate cases involving Roman citizens and, when necessary, non-Romans.⁷ Gallio in Corinth (Acts 18) and Sergius Paulus in Paphos (Acts 13) were provincial rulers who exercised such powers, and for this reason Paul (who was a Roman citizen) was brought to court before them.

Each province had a capital city that was its seat of local legal, military, and economic power. Many provincial Roman capitals are mentioned in the New Testament, including Caesarea Maritima (Judea), Antioch (Syria), Tarsus (Cilicia), Paphos (Cyprus), Ephesus (Asia), Philippi (Macedonia), and Corinth (Achaia). Other cities in the Eastern Roman Empire were of strategic, economic, or intellectual importance to the Romans (such as Athens and Alexandria). The constitutions of these cities varied widely. Some were Roman cities with typical Roman architecture and legal structures, while others were “free” cities that retained their own constitutions, enjoyed certain tax exemptions and other privileges, and preserved their regional character while remaining part of the empire (notably Thessalonica and Corinth).⁸ For many reasons Paul’s missionary journeys largely focused on these powerful cities. As a Roman citizen, he knew his way around these places, he was respected and protected there, and from those legal centers his influence could reach far and wide.

In each of these provincial capitals, interactions with Roman law figure prominently in the New Testament. In Caesarea, Paul exercised his legal right to appeal in person to the Roman emperor (Acts 23–27). In Antioch, the Christians were for the first time called Christians, which may reflect a legal recognition of the church by the provincial governor of Syria as a legally constituted society (Acts 11:26). In Paphos, the Roman governor Sergius Paulus brought Paul into a legal hearing regarding the conduct of a magician (Acts 13:6–12), for not only was the regulation of magic and divination of great concern to the Romans, but under Jewish law as well all members of the Sanhedrin and legal experts were expected to be able to distinguish between acceptable practices of divination or wonder-working from conduct that ran contrary to the public order.⁹ In Philippi, Paul was arrested under Roman law for interfering with the business of a man in the Roman forum who was there selling the fortune-telling services of a girl, perhaps a devotee of Apollo, the Roman god of revelation (Acts 16:16–40). In Thessalonica, Paul was taken before a Roman tribunal and accused of leading people to believe in gods other than those normally approved by Roman law, which may mean that Paul’s teachings were seen as degrading the Roman imperial cult (Acts 17:5–9). In Corinth, Paul prevailed against his Jewish accusers when the governor Gallio refused to take jurisdiction over their Jewish complaints under Roman law (Acts 18:1–18). In Ephesus, Roman law permitted and local authorities oversaw the burning of illegal books of magic after Paul had exposed the workings of the sons of Sceva (Acts 19:13–19).

Roman Judea

Although Jerusalem was not the Roman capital of Judea, Roman power and pressures were also strongly felt and exercised there.¹⁰ In the east generally, Rome faced a complex situation during the early first century, with the Parthians, Nabateans, and others standing as possible competitors if not actual intruders or invaders. At the time of Jesus, Rome had not yet pushed into the Euphrates Valley or into the lower Danube and Dacia, and in Syria and along the vulnerable eastern Mediterranean coast, Rome adopted a general practice of forming alliances with local rulers as client kings, such as King Agrippa (Acts 26). While Rome

was always the dominant party in these alliances, the local rulers were given a high degree of autonomy but also were held strictly accountable. Lacking the manpower to manage this area, the Romans left the administration of the region largely in the hands of local authorities who could rely on Roman power to back them up. This system was used for over a century.

Whenever a local leader failed to control the population and satisfactorily keep the peace, Rome would break off that relationship and form a new alliance, as it did when the Parthians invaded Jerusalem: Hyrcanus, who had been installed as high priest by Pompey, was removed; and with Roman aid Herod reconquered Judea, was given the title of King of the Jews by the Romans, and soon ruled a fairly substantial and important client state. These client kings were seen more as allies or “friends” than as subjected subservients, as the word *philoï*, used in designating these treaty partners, indicates (see, for example, Luke 23:12).¹¹

At the opening of the New Testament, Judea and Galilee were under the rule of Herod the Great as parts of a single kingdom. Herod was a Roman citizen and was under the control of the emperor, Augustus Caesar. So long as Herod kept order in his kingdom, remained loyal to Rome, and provided a buffer against enemy states, he remained in control of his client state. But after Herod’s death, the kingdom of Judea was divided by Rome into three tetrarchies ruled by three of Herod’s sons—Archelaus (over Judea), Herod Antipas (over Galilee and Perea), and Philip (over the northern area east of the Jordan). In the north, Herod Antipas remained in control of the Galilee during the entire lifetime of Jesus; but in the south, not long after taking power over Judea, Archelaus was removed by Augustus because of complaints about his rule in AD 6. The fear expressed by Caiaphas and the Jewish leaders—that the Romans would remove them from their positions of power and take away their “place” if they did not restrain the wonder-workings of Jesus (John 11:48)—was obviously based in real-life political experiences.

Soon Judea came under the full control of Rome as an imperial province controlled by a *praefectus*, as noted earlier. Pontius Pilate was one such equestrian prefect, sent to Judea to rule in ca. AD 26. While Judea was not as large as many other Roman provinces, it was territorially crucial enough to justify specific Roman attention.¹² Pilate mostly allowed the Jewish leaders to govern the Jewish people. He interfered—sometimes violently (Luke 13:1)—only when Jewish dissidents became unruly or when Roman citizens were adversely affected.

Apart from a brief interlude when Herod Agrippa was installed as its local king (AD 41–44), Judea remained, until the outbreak of the Jewish War in AD 66, under the control of equestrian prefects or procurators, including Felix and Festus, before whom the apostle Paul would appear after he was taken into protective custody in the temple precinct by Roman guards stationed in the Antonia Fortress. Being a Roman citizen, Paul was transferred to Caesarea, the provincial headquarters, for legal hearings in the Roman palace there as certain Jews brought legal complaints against him (Acts 21–25).

Roman Citizenship

Perhaps the most powerful legal words in New Testament times were “I am a Roman citizen.” During the time of Paul, it is estimated that only 1 or 2 percent of the population in the eastern Mediterranean world under Roman control enjoyed the distinctively powerful status of Roman citizenship.¹³ Because noncitizens had no claim on rights or protections from Rome, citizenship was highly coveted. A Roman citizen had access to and was under the protection of Roman law. Citizenship entailed special rights and privileges, including public rights of voting and serving in public office, private rights of being a party in a lawsuit and of marriage that granted citizenship to one’s children, and property rights of making a will, transferring property, or entering into contracts.¹⁴ Roman citizens at this time were also exempted from poll taxes, physical abuse during interrogation, corporal punishment without trial, and the more excruciating forms of capital punishment (such as crucifixion or exposure to wild beasts). They also had the right to be represented by an advocate and to appeal to the emperor in person concerning any capital charges against them.¹⁵ Almost all Jews—along with all other noncitizens—in the early Christian era were precluded from any of these legal benefits.

In the first century, Roman citizenship could be inherited, received as a result of great service to the empire or emperor, or obtained by favoritism. Paul was a Roman citizen by birth, which tells us that at least one of his ancestors received Roman citizenship before Paul was born. In his family were tentmakers, a profession whose members made many important heavy-cloth items such as army tents, ship sails, store awnings, grain sacks, and canopies for theaters or athletic games. Scholars speculate that Paul’s father may have helped supply Romans during their military campaigns in Cilicia near Tarsus (Paul’s hometown) and was therefore rewarded with the highly coveted status of Roman citizenship.¹⁶

Paul utilized his citizenship at crucial moments during his life. After being imprisoned in Philippi, he used his Roman citizenship to get local magistrates to publicly apologize for holding him without a proper trial (Acts 16:35–39). When the Sanhedrin plotted to kill Paul and brought charges against him, Felix, the Roman governor, protected Paul (Acts 23). After two years, Paul exercised his legal right as a citizen to require Festus, the new governor, to send him to Rome to appeal his case before the emperor himself (Acts 25:10–12). Understanding the enviable powers and privileges of Roman citizenship, Paul’s readers would have been impressed when he declared them to be “fellowcitizens with the saints, and of the household of God” (Ephesians 2:19).¹⁷

Being a Roman citizen facilitated Paul’s many travels. He made free use of Roman roads, ports, protections, facilities, and currency. Paul is estimated to have traveled nearly ten thousand miles during his missionary journeys.¹⁸ Throughout the Roman Empire generally, people traveled extensively by both land and sea. Such vast legal and practical freedom of travel would not be known again until much later in European history.¹⁹ Although Roman toll collectors sat in customhouses to collect tolls from travelers and levy tariffs on goods being transported into and out of different areas, as a Roman citizen, Paul could pass those toll stations without charge. As a Roman citizen, he also could transport money across pro-

vincial boundaries to support the church in Judea and elsewhere. In towns, travelers usually stayed with relatives or friends who legally vouched for them (as seen in Paul's travels in Acts 16:12–15; 17:5; 21:16; 28:7, 14), though roadside inns and way stations were used outside of towns. For practical reasons, many of Paul's missionary activities occurred in homes in cities along major roadways.²⁰

Family Law

Marriage and family laws were important in all ancient civilizations. Every Roman was expected to marry and produce children. Men normally married in their late twenties, women in their mid-to-late teens. Legally, a Roman marriage was an agreement that the couple entered into in front of their family—some of whom served as witnesses—and it usually included the husband presenting a ring to his new wife as a promise of fidelity.²¹ The bride's family protected her by preserving her inheritance rights and giving her control over the testamentary disposition of her property. Many Roman funerary monuments reflect the hope that the married couple and family will remain together in the afterlife (see chapter 30 herein). In New Testament times, adultery was prosecuted in a public, criminal court, but the law applied only to married women, and the punishment consisted of banishment and confiscation of one-third of the woman's property.²²

Under Jewish law, marriages were also highly valued, but in somewhat different ways. Prenuptial agreements were arranged by the mother and father of the prospective groom in negotiation with the prospective bride's family, sometimes years before the actual event. The marriage included a gift or dowry from the groom's family to the bride's family, and the marriage covenant was completed when the bride was taken into the groom's home. The entire village would be involved in the ceremony, with a social and religious leader signing the marriage contract in front of the entire village, who served as witnesses.²³ In the Old and New Testaments, the marriage relationship was legally and religiously cherished (Matthew 19:4; 1 Corinthians 11:11; Ephesians 5:25), and adultery was treated as a serious legal infraction, with both the man and the woman being held worthy of death (Deuteronomy 22:22).

Divorce was more acceptable in Roman law than in Jewish law. A Roman divorce could be "achieved without formalities, simply by a definite cessation of the common life of the consorts, initiated by common agreement or by one of them."²⁴ Under the law of Moses, divorce was permitted but with certain restrictions (see Deuteronomy 21:14; 22:29; 24:1–4). Jesus took a strong position, comparing divorce to adultery (unfaithfulness), except in cases of sexual infidelity of a spouse (Matthew 5:31–32). Peter and Paul used various conceptions of marriage, divorce, and remarriage in describing the faithful life of a Christian (Romans 7:1–6; 1 Corinthians 7:2–4; 11:7, 11; Ephesians 5:22–25, 33; 1 Peter 3:1–2, 5–7).

Adoption in the Roman world consisted of a person (usually a son) coming under the paternal power of a new family head and thereby inheriting all of the same rights and entitlements of natural-born children.²⁵ Adoption often took place for political reasons, such as to secure a successor (as with Claudius's adoption of Nero) or to preserve a family name, and

adoption made the adoptee a new person in a legal sense. “This was a new birth. A new life had begun. . . . In the eyes of the law, [the adoptee] was no longer the person he had been. He was a new man.”²⁶ Full legal adoption, however, was not used in Jewish law. In writing to the Christians in Rome, Paul used the Roman precept of adoption in an extended metaphor about redemption from sin, salvation from past fatherlessness, and the commencement of a new life, under a new name, grafted into God’s household of Israel (Romans 8:12–17; 11:23).²⁷

Regarding the family laws of inheritance, various complex forms of testamentary disposition were recognized. A Roman will (*testamentum*) was typically a unilateral disposition that could take effect immediately in part and then fully upon death of the testator. A *testamentum* could be changed by later versions before the death of the testator.²⁸ A Jewish will (*matenat bari*) irrevocably transferred immediate use of property to a beneficiary, but full ownership passed only on the death of the donor.²⁹ Powers of heirs over their future interests could be limited by rights of the father during his lifetime, and some wills made in anticipation of death were revocable upon the testator’s recovery. Lifetime gifts to some heirs could sometimes preclude them from a later share in the father’s estate, a situation potentially at play in Jesus’s parable of the prodigal son.³⁰ Paul may have had either Jewish, Greek, or Roman laws in mind when he used the metaphor of an inheritance in comparing God’s promises to Abraham concerning the blessings that would extend to his seed (as well as the Gentiles) and cannot now be annulled or amended (Galatians 3:15).

Religious Freedom

As a general rule, the Romans allowed local laws and customs to remain in place after they had conquered a people. Roman law still always ruled the day, but it allowed a good deal of latitude regarding the cultural and religious sensibilities of local individual peoples living in regions far enough away from Rome. Jews, for example, were at first exempt from the requirement to worship Roman deities so that they could keep their covenant to worship only the God of Israel. Instead of emperor worship, some Jews would offer sacrifices at the temple on behalf of (but not to) the emperor.³¹ Despite this accommodation, Herod the Great built a number of temples to the emperor and sponsored the imperial cult at numerous places in Judea.³² Also during the first century BC, because Jews had provided military help particularly to Julius Caesar and Octavian, the Julian laws exempted Jewish soldiers, who served in the Roman army as auxiliaries, from normal military duties on Sabbath days.³³

But religious freedoms gave way when the Roman order was threatened. During New Testament times, astrologers, magicians, and followers of Egyptian religions were legally expelled from the city of Rome.³⁴ Worried about illegal divination activities, especially those that might incite political unrest, Tiberius required many people to leave Italy or to renounce their superstitions.³⁵ Outside of Italy, various popular religious groups such as the cults of Dionysus, Isis, Sarapis, and Mithras, as well as the Jews in Judea and Galilee, were allowed to operate freely. But things changed for the Jews midway through the first century AD, when

some kind of disturbance led to the expulsion of Jews from Rome under the official Edict of Claudius in ca. AD 49.³⁶ Any broad tolerance toward the Jews ended throughout the empire with the uncontrollable outbreak of the Jewish Revolt in AD 66. In these developments, some Christians were undoubtedly caught up in the conflagrations. While problems and legal responses must have varied from one province to another, by the late first century some Roman governors executed Christians who would not deny their faith.³⁷ One of the reasons for this general change in religious climate was the rise of the imperial cult in the first century.

In the reign of Augustus, the first Roman emperor, during whose lifetime Jesus was born, the practice known as emperor worship began. Worshipping the emperor involved the building of temples and making sacrifices and offering prayers. Roman citizens were expected to worship the emperor (though not exclusively as the only deity).³⁸ Past and present emperors or their *genius* (or watchful spirit)³⁹ were worshipped or entreated as divinely powerful beings. This presented a serious problem for most Jews, who tenaciously held that the one true God alone should be worshipped, and also for most Christians, who believed that prayers should be offered only in the name of Jesus. At first, Jews were largely exempt from the requirement to worship the emperor, though at times this exclusivity caused serious tensions.⁴⁰ Some commentators argue that the book of Revelation should be read in light of the imperial cult and that the worshipped “beast” in chapter 13 refers to the worship of the Roman emperor.⁴¹ A related problem came up in the debate over whether food sacrificed to idols was appropriate for Christians to consume (Acts 15:29; 1 Corinthians 8:1–11; Revelation 2:14, 20). Earlier, in Jesus’s own time, serious legal debates could be easily sparked just by asking the question, What should one render unto Caesar? (see Matthew 22:21). Such “rendering [or returning] unto Caesar” could take the forms of taxes, sacrifices, prayers, or devotions, which Christians in the mid-first century were advised to accommodate (Romans 13:1–7).

Taxation

Like all other peoples, the Jews paid various taxes to the Romans and to local rulers. The most famous New Testament instance is the tax mentioned in Luke 2:1: “There went out a decree from Caesar Augustus, that all the world should be taxed.” This could refer to the tax initiated by Quirinius and mentioned by Josephus (*Antiquities* 18.1.1:2–3), but such censuses were a common way to assess the tax responsibility of any area (see chapters 9 and 13 herein). Jews could expect to pay to the Romans an annual head tax for each adult male, property taxes, sales taxes, inheritance taxes, and transit tolls. Taken together, Roman imperial, regional, and local taxes, in addition to the annual temple tax and tithing requirements, could total as high as 50 percent of all production in Judea.⁴² Such taxes could often prompt outcries and divisions among the Jews, sometimes becoming violent. Those who defied Roman tax collectors could pay for it with their lives (e.g., Judas the Galilean, mentioned in Acts 5:37). This, as well as the distaste for publicans or tax collectors in general, is likely the backdrop for the question posed to Jesus about taxation (Matthew 22:17; Mark 12:14; Luke

20:22). “Publicans,” at least in Jerusalem, worked for the Romans as invested tax agents. Used ambiguously in the New Testament, this term can also refer to a tax collector for a local client king (like Philip in the northern Galilee). Often local cities were contracted to collect taxes that would be paid to the Roman Empire. Those in charge of such collections, called “chief” tax collectors, would work directly for the Romans (as apparently Zacchaeus did, mentioned in Luke 19:2), but their employees or assistants did not (such as those mentioned in Matthew 5:46; 9:10; 10:3).⁴³ Jesus’s association with such people (like Zacchaeus in Luke 19:1–10) shows his willingness to mingle with people of every social station.

Business Law

As with many other facets of daily life, the legal and business worlds provided rich metaphors that were used by New Testament speakers and writers, especially the savvy apostle Paul, to teach gospel principles by way of analogy. Especially because of his Roman citizenship and educational interest in the law, Paul often drew on technical judicial concepts or legal practices to authoritatively express religious or theological points. Because Roman law provided the dominant legal norms throughout the cities and church communities among which he labored, several of his metaphors came from important areas of Roman law, especially laws from the business world.

Paul used the Roman law of guarantees (i.e., legal contracts securing a business transaction) to instruct Christians about the role of Christ as a surety, reliably binding them together as a people and also to God (2 Corinthians 1:21–22). Paul spoke of having a seal stamped by God upon a person, the use of official seals being a common administrative practice in the ancient world to indicate ownership or authorization, notably by Roman officials.⁴⁴ The business practice of an initial installment payment or down payment as a token of goodwill and firm intent was used to represent the gift of the Holy Spirit that prefigures the final full deliverance of the promised goods of salvation.⁴⁵

Laws of indebtedness stand behind many New Testament teachings of transgression and forgiveness. People could fall into debt for a number of reasons: having too many mouths to feed, unreliable rainfall and crop yields, famines, and so on. Under Roman law, a debtor could have his money taken away against his will,⁴⁶ and if one failed to pay a debt, he could be sued or even sold into slavery. Debts were not simply monetary either. One could owe or be obliged to perform certain actions. To be a debtor involved a legal obligation to one’s creditor, and violating such an obligation was more than a civil law matter; it was also punishable under criminal law. If the creditor chose to (and he was under no obligation to do so), a debtor could pay an amount other than initially owed to the creditor or perform some other service to remove the debt.⁴⁷ Or a person could buy the debt and redeem the debtor from its obligations (or impose new ones). Paul uses the concept of debt, obligation, and redemption as metaphors to explain Christ’s grace and our obligations to him.⁴⁸ For those who accept only “the law,” they are obliged to keep every commandment or suffer the penalties. God offers redemption from this law as an act of grace through Jesus Christ because “Christ

hath redeemed us from the curse of the law” (Galatians 3:13). As a result, the Christian “owes” it to God to live according to his commandments—“we are debtors” (Romans 8:12).

Financial institutions were important in the running of the empire, not just as places to deposit or borrow money. In Roman culture, sometimes the services of a bank were fulfilled by wealthy individuals or families, who could provide loans or insure deposits. Deposits were given to a depository who would watch over the money and return it when the depositor demanded it, usually without any remuneration.⁴⁹ In some cases, deposits could earn interest in a bank or could be put to work in lucrative but risky ventures, such as financing shiploads of produce or in financing major tax-collecting responsibilities. This may be the legal backdrop for the parable of the talents in Matthew 25, where the unfaithful servant is chastised for not taking advantage of opportunities to return to his master more than was deposited with him. Amounts as large as one, two, or five talents would seem to involve major projects on a large Roman scale. A talent was not a coin but a large ingot of metal, weighing from fifty to ninety-two pounds—variations occurred from one century to another and from one land to another. One talent of gold was an enormous sum, let alone the ten-thousand-talent debt owed by the unjust steward to his lord (Matthew 18:24).⁵⁰

In general, Roman business law did not recognize true agency, in which an agent can enter into legally binding contracts on behalf of a principal.⁵¹ Agency risked the dilution of powers of fathers over their sons, the blurring of rights of citizens in preference to noncitizens, and the weakening of the status of free men and women over slaves. This Roman rule stood in stark contrast with the Jewish view that readily recognized agency, a legal practice that perhaps derived from the power of prophets sent as agents to speak and act for God, or from the privileges of priests acting at the temple on behalf of the people in offering atoning sacrifices. In the New Testament, apostles were literally “sent forth—*apostellō*,” with authority to speak and act in the name of their principal, or master, Jesus.

A contribution of Roman law was its recognition of a number of different types of contractual arrangements. In particular, a *societas* was a contract between two or more people to invest money or goods and to share profits and losses, and the contract was formed simply through the consent of the parties.⁵² The partners would share in the profits and losses equally unless they agreed that the shares would be divided in some other way (perhaps reflecting the unequal contributions of different partners).⁵³ Another common contract was known as the *locatio conductio*, which stipulated the type of work that a laborer would do and for what pay. Like the *societas*, it was formed by consent of the parties, but it involved no sharing of profits or losses. The laborer agreed to a wage and then performed the work, regardless of the gains for the employer or the wages given to other workers.⁵⁴ Roman laws governing funerary associations uniquely recognized the durability of these legal arrangements surviving beyond the lifetimes of their members. Such organizational provisions were useful models in shaping the legal status of early Christian communities and their collective concepts of unity and holding property or assets for the common good.

High Crimes

For the most part, Roman law allowed local rulers a fair amount of autonomy in dealing with common crimes by noncitizens. Roman law dealt with the conduct of citizens and issues concerning loyalty to the empire, but otherwise local rulers could govern in the way they saw fit. When the behaviors of noncitizens were serious enough, high crimes affecting Roman interests would be dealt with by a Roman governor or prefect, who alone had the power to hear and decide cases on behalf of the emperor, an authority known as the *cognitio extra ordinem*.⁵⁵ In Judea the Sanhedrin for the most part dealt with the crimes committed by Jewish people, though there was some legal ambiguity surrounding the scope of its jurisdiction.⁵⁶ This explains some of the confusion during the trial of Jesus, where he was brought before the Sanhedrin, Herod Antipas, and Pontius Pilate. During his missionary journeys, Paul was often tried by the rulers of cities who had the legal power to decide whether any crime was committed and then dole out a sentence. For example, Paul was brought before Gallio in the province of Achaia in Acts 18 because of his missionary activity in Corinth. Gallio had the power to decide whether any action should be taken by Roman authorities and Roman law, but he decided that the issue was an internal Jewish dispute and therefore took no jurisdiction over the matter. Paul utilized this legal distinction to his advantage during his travels, as he moved from city to city after charges had been brought against him, forcing his Jewish accusers to deal with new magistrates and differing local laws.⁵⁷

Roman rulers took strong action against any threatening or disrespectful conduct “committed against the Roman people and its security.”⁵⁸ Such matters were dealt with under the law of treason (*crimen maiestatis*). In Jesus’s day, the law of *maiestas* condemned not only outright revolts or insurgencies but also treasonous conversation or expressions, the selling of a statue of the emperor for money, or “spreading slanderous stories in the army with a seditious intent,” if such conduct was directed against “the deified Augustus, [his wife] Livia while she lived, and [his son] Tiberius.”⁵⁹ The potential penalty for such offenses was death.⁶⁰ Mourning the death of anyone convicted of active treason was forbidden, and the name of the convict was blotted out of records and public memory under a decree of disgrace (*dammatio memoriae*).⁶¹ In a similar fashion, the disciples of Jesus were prohibited by Jewish authorities from speaking in his name or of his memory following his death (Acts 4:17–18). The law of *maiestas* may also explain why the Jewish chief priests (wrongly) thought they could get Pilate to take action against Jesus.⁶² Letting him lay a miraculous spell on the emperor or speak “against Caesar” would certainly make Pilate no friend of Caesar (John 19:12),⁶³ and such also would comprise an accusation of *maiestas*.⁶⁴

Magic and sorcery were also very serious concerns of the Roman state. Under Roman law, wonder-working or having a demon spirit was a serious offense. Jewish law had similar concerns, especially when such powers were presented as signs of divine approval or as miraculous wonders that encouraged people to follow gods other than Jehovah (Exodus 22:18; Leviticus 20:27; Deuteronomy 13:1–12). In Roman law and religion, “only a king [emperor] possessed the necessary magic power . . . [due to] the rightful king’s closeness to the gods,” and his status “was revealed by the gods through a sign (especially through the flight of

birds).⁶⁵ In Roman legal terminology, *maleficus* is “common parlance for ‘magician’”⁶⁶ and “commonly denotes a sorcerer.”⁶⁷ Its Latin cognate *maleficium* (Greek *kakopoiia*) is sometimes synonymous with *magia* (magic). The practice of magic was a capital offense when “performed with an evil intention to harm or defraud another.”⁶⁸ At the time of Jesus, in AD 11, certain forms of spell casting or use of supernatural powers had become punishable by death. Tacitus, Suetonius, Ulpian, and Cassius Dio confirm that foreign sorcerers (*magi*) and their confederates were executed in Rome at this time, while Roman citizens who persisted in these practices were expelled from Italy.⁶⁹ Tiberius, however, “pardoned those who petitioned him and promised that they would give up their craft.”⁷⁰ Later Roman law would specify that the punishment for enchanters or spellbinders was crucifixion.⁷¹ Such Roman and Jewish laws might stand behind the chief priests’ answer to Pilate that they had found Jesus to be an evil-worker (*kakourgos* or *kakopoiios*)⁷² and also behind Jesus’s affirmation that his realm was not a kingdom “of this world” (John 18:36).

Brigands were a third serious threat to the social order of the ancient world. More than mere thieves, these bands of robbers attacked and plundered especially the elites, often appearing during times of heavy taxation, high debt, famine, or political crisis.⁷³ They operated openly, violently, and often with the support and protection of poor, rural peoples. Their numbers in some cases could swell into the thousands, and they had their own codes of conduct and hideouts from which they could launch raids to disrupt local governments and commerce. Because Roman law treated them as outlaws, they could be dealt with harshly (normally executed) under martial law or with no trial at all.⁷⁴ Herod, for example, went to great lengths to kill a large and particularly disruptive group of brigands (along with their families) who were hiding in caves in the countryside.⁷⁵ The fact that such brigands were popular among some antiestablishment segments in the general population helps explain the call from some to release Barabbas the robber before the crucifixion of Jesus (John 18:40).⁷⁶

Judicial Procedures

Actual Roman trials appear rarely, if ever, in the New Testament. Jesus admonished his followers to settle legal arguments quickly out of Roman or Herodian courts, which were typically handled by a single judge who had the power to require litigants to pay “the uttermost farthing” (*kodrantēs*, a Greek loanword for the Latin *quadrans*, Matthew 5:26). This mention of the Roman farthing in this text may be a signal to Christians to keep out of Roman courtrooms. In his parable of the persistent widow, apparently set in Galilee, Jesus praised a woman who kept entreating a judge in a city to exonerate her from her accuser (Luke 18:1–8), but the story gives no information about what judicial action this god-fearing judge (perhaps a Roman) actually took. Paul scolded church members in Corinth for going to court “before the unjust,” likely the Romans (1 Corinthians 6:1), because such judicial proceedings began with libations to the Roman gods, and the oaths required of litigants and

witnesses had to be sworn in the name of Roman deities, all of which would be unseemly, if not impossible, for a Jewish or Christian litigant.

Even though Paul stood in the presence of Roman authorities with judicial powers, as far as is known he never was actually tried in a Roman court. For example, in Thessalonica Paul's host Jason was taken before the "rulers of the city," who required Jason to post a security bond, whereas Paul and Silas never were tried but slipped away at night to Berea (Acts 17:5–10). Paul was accused by Sosthenes before the Roman governor Gallio in Corinth, but the cause of action was dismissed on substantive jurisdictional grounds—as not being a matter of Roman law—and then Sosthenes was beaten before Gallio's rostrum (or judicial platform, *bēma*) for having brought a legally groundless matter before the Roman magistrate (Acts 18:12–17). Hearings concerning Paul's behavior in Jerusalem were conducted by the Roman governors Felix and Festus in Caesarea, but Paul was never tried there because he petitioned that his case be removed to Rome to be heard before the emperor.

Likewise, what happened with Jesus before Pilate was more like a final sentencing hearing than an actual trial. All that happened, legally or illegally, on that occasion in the early morning before the crucifixion of Jesus Christ will probably never be known, but nothing like a normal, full Roman trial seems to have been held in Jesus's case. As far as the Jewish leaders were concerned—at least according to the Gospel of John—Caiaphas had issued a ruling of the "council" (John 11:47, *sanhedrion*) by speaking, "not of himself" (11:51) but as the high priest, that Jesus should die as a deceptive wonder-worker leading people to follow him (11:47, 50; 12:11; see Deuteronomy 13:1–12). On that occasion, a few weeks before his entry into Jerusalem, Jesus was convicted *in absentia*, in an *ex parte* proceeding suitable in abnormal, emergency cases involving robbers, traitors, or evil-workers leading people to follow other gods or ways of worship. Thus, all that remained was to plan how they would apprehend him (John 11:53, 57), along with his putative accomplice Lazarus (12:10), as well as how, when, and by whom he should be executed. Thus, when Jesus was taken from the Garden of Gethsemane to Caiaphas, there was no need for a retrial. Jesus was asked questions about his teachings and his followers and may have been given a chance to recant, which, if true, he refused. When the chief priests then took Jesus to Pilate, they apparently hoped that the Roman prefect would show deference to the Sanhedrin's decision and carry out the execution. Pilate, however, chose not to call any additional witnesses or to undertake any further judicial investigation.

Although the rowdy multitude tossed out accusations against Jesus that any Roman would have taken seriously—causing public uproar, encouraging tax evasion, and calling himself a king (Luke 23:2)—Pilate preferred not to get dragged into the fray. Instead, showing legal regard for the possible *in personem* jurisdiction that Herod Antipas, tetrarch of Galilee, might have under Roman law over the life of one of Herod Antipas's residents, Pilate sent Jesus to the Palace of Herod. Antipas, in turn, shrewdly showed his deference to Rome by not taking the case and sending Jesus back to Pilate. In this way and on that day, Antipas and Pilate become "friends" (*philoï*, Luke 23:12), the term likely referring to their thereby becoming nonmilitary, political allies under Roman law in an *amicitia foedus*.

Having already allowed a detachment of Roman soldiers to accompany the temple guards who had arrested Jesus earlier that night, Pilate allowed those combined soldiers to continue forward. They crucified Jesus, instead of Barabbas, on one of the crosses already planned by the Romans to be used that day for three outlaw robbers. Under both Roman and Jewish law, all executions were to take place publicly and without delay.⁷⁷ Crucifixion was a particularly brutal form of execution that was almost always reserved as punishment for the most serious crimes (see chapter 5 herein).⁷⁸ People condemned to crucifixion were normally beaten and then required to carry the cross upon which they would be crucified (in line with the Gospel accounts). While crucifixion is normally associated with the Romans—who used it regularly—it was apparently widespread in various forms and cultures throughout the ancient world.⁷⁹

Attentive readers of the New Testament can see that Roman legal matters affected many social and political situations in the New Testament. In Judea, as elsewhere in the empire, Roman authorities were content to allow local populations a considerable degree of self-rule, and often Jewish and Roman practices had much in common. Where significant conflicts arose in matters involving security, the public order, or the economy, however, Roman law and authority normally took strong precedence.



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Notes

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2. *Oxford Latin Dictionary*, s.v. "lex."
3. Andrew Borkowski and Paul du Plessis, *Textbook on Roman Law* (Oxford: Oxford University Press, 2005), 30–31.
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5. Graydon F. Snyder, *Judaism and Christianity in First-Century Rome*, ed. Karl P. Donfried and Peter Richardson (Grand Rapids, MI: Eerdmans, 1998), 89. In a study analyzing Jewish and Christian symbols in early Rome, one finds that "according to the data available, it is clear that Jewish enculturation of Roman culture was slight."
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7. See generally Wilfried Nippel, *Public Order in Ancient Rome* (New York: Cambridge University Press, 1995).
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21. Williams, *Paul's Metaphors*, 52, 83.
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31. Jeffers, *Greco-Roman World*, 102.
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33. Josephus, *Antiquities* 14.10.1–8.
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37. Beard, North, and Price, *Religions of Rome*, 1:237.
38. See further Ralph Martin Novak, *Christianity and the Roman Empire: Background Texts* (Harrisburg, PA: Trinity Press International, 2001), appendix C, esp. 267–71.
39. Jeffers, *Greco-Roman World*, 101.
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44. 2 Corinthians 1:21–22; see further Williams, *Paul’s Metaphors*, 180.
45. Williams, *Paul’s Metaphors*, 179–80.
46. Justinian, *Digest* 50.116.108.
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52. Berger, *Encyclopedic Dictionary*, s.v. “Societas”; Borkowski, *Textbook on Roman Law*, 286–90.
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58. Justinian, *Digest* 48.4.1.1.
59. R. S. Rogers, *Criminal Trials and Criminal Legislation under Tiberius* (Middletown, CT: American Philological Association, 1935), 79, 83, 88, 99, 130.
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62. Welch, “Miracles, Maleficium, and Maiestas,” 349–83.

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