

Roman Legal Procedure Pertaining to the New Testament

PROCEDURE	DEFINITION	APPLICATION
<i>Ius Civile</i>	Civil Law, including rights of <i>commercium</i> (contract law), and <i>connubium</i> (family law).	Applied only to Roman Citizens.
<i>Ordo</i>	Criminal code and procedure.	Applied only to Roman Citizens.
<i>Ius Gentium</i>	The “right of nations” under which practices of other peoples, similar to Roman practices, are recognized as valid under Roman law.	Allowed non-citizens, both provincials and foreigners, to engage in matters of law, such as <i>commercium</i> , with Romans.
<i>Imperium</i>	Religious, judicial, and military authority of Roman magistrates, including the emperor.	Provincial governors derived this authority from the emperor’s delegated <i>imperium</i> .
<i>Cognitio extra ordinem</i>	Right of judicial inquest over provincials, beyond the scope of Roman <i>ordo</i> , thus permitting formal charges and procedure, including scourging as a mode of examination or punishment.	Applied only to non-citizens. The hearing of Jesus before Pilate, or Paul’s illegal arraignment at Philippi constitute <i>cognitio</i> procedures.
<i>Forum domicilii</i>	The right of a magistrate to transfer venue of a <i>cognitio</i> to the magistrate of the defendant’s home province.	Pilate exercised this right in referring the complaint about Jesus to Herod Agrippa, tetrarch of Galilee.
<i>Forum delicti</i>	The right of a magistrate to retain venue of a <i>cognitio</i> for defendants from another province.	With this authority Pilate finally convened a <i>cognitio</i> in the case of Jesus.
<i>Provocatio</i>	The right of a Roman citizen to appeal the jurisdiction of a magistrate.	Paul exercised this citizen right.
<i>Appellatio ad Caesarem</i>	The right of a Roman citizen to a hearing before the emperor at Rome.	Paul exercised this citizen right, and so came to Rome.

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Explanation

Roman law gave order to life in the world of the New Testament. Chart 4-7 lists some of the basic aspects of Roman law and suggests some of the ways they would have been pertinent to legal cases involving Jesus and Paul.

The Roman civil and criminal laws would have applied only to Roman citizens, but the *Ius Gentium* would have regulated commercial affairs even in Judea or Galilee. Governors, but not lesser magistrates such as Pilate, would have held the broad legal powers of *imperium*.

Roman officials could hear cases involving non-citizens under their extraordinary jurisdiction, *cognitio extra ordinem*. Cases could either be convened in the town of a person's domicile or in the locale where the infraction occurred. Rights of appeal were limited.

References

John F. Hall, "Appeal to Caesar," *ABD*, 1:317.

A. N. Sherwin-White, *Roman Society and Roman Law in the New Testament* (Oxford: Oxford University Press, 1978).

Wolfgang Kunkel, *An Introduction to Roman Legal and Constitutional History* (Oxford: Clarendon, 1966).