

Roman law: the art of the fair and good?

The protection of citizenship

Roman citizens were treated differently by the law to those who did not have Roman citizenship (slaves, freedmen, foreigners, women). The protections that citizenship granted were extensive.

Source 1: Peter and Paul

Paul was a Roman citizen, as he was born in a city that had been granted Roman status especially. Peter was not, as he was born in Galilee. Both men were sentenced to execution for practising Christianity.

Acts of the Apostles 22:24-9 (New Living Translation)

The commander brought Paul inside and ordered him lashed with whips to make him confess his crime. [...] When they tied Paul down to lash him, Paul said to the officer standing there, “Is it legal for you to whip a Roman citizen who hasn’t even been tried?” When the officer heard this, he went to the commander and asked, “What are you doing? This man is a Roman citizen!” So the commander went over and asked Paul, “Tell me, are you a Roman citizen?” “Yes, I certainly am,” Paul replied. “I am, too,” the commander muttered, “and it cost me plenty!” Paul answered, “But I am a citizen by birth!” The soldiers who were about to interrogate Paul quickly withdrew when they heard he was a Roman citizen, and the commander was frightened because he had ordered him bound and whipped.

Right: Byzantine miniature showing Paul and Peter (Walters Art Museum).



Eusebius *Historia ecclesiastica* 2.25.5

It is therefore recorded that Paul was beheaded in Rome itself, and that Peter likewise was crucified under Nero.

Crucifixion was considered the most shameful way of execution, reserved for slaves, pirates and enemies of the state.

How do the passages show the power of the protection of Roman citizenship?

Source 2: Cicero and Verres

In 70 BC the Roman orator Cicero prosecuted Verres, the Roman governor of Sicily, for malpractice and cruelty while in office. Cicero claimed that Verres had ordered a Roman citizen, Gavius, to be stripped and beaten and then crucified.

Cicero *in Verrem* 2.5.165 (translation C. D. Yonge, adapted)

hoc tu, Verres, idem dicis, hoc tu confiteris,
illum clamitasse se civem esse Romanum;
apud te nomen civitatis ne tantum quidem
valuisse ut dubitationem aliquam [crucis], ut
crudelissimi taeterrimique supplici aliquam
parvam moram saltem posset adferre.

*You confess that he did cry out that he was
a Roman citizen; but that the name of
citizenship was not able to dissuade you, or
even so much as cause the least hesitation
in your mind, or even any brief cessation of
your most cruel and repulsive punishment.*

Cicero *in Verrem* 2.5.170 (translation C. D. Yonge, adapted)

facinus est vincire civem Romanum, scelus
verberare, prope parricidium necare: quid
dicam in crucem tollere? Verbo satis digno
tam nefaria res appellari nullo modo potest.

*It is a crime to bind a Roman citizen; to flog
him is a wickedness; to put him to death is
almost parricide. What shall I say of
crucifying him? So guilty an action cannot by
any possibility be adequately expressed by
any name bad enough for it.*

How does Cicero describe Verres' actions?
How is the wickedness of his crime emphasised?

How do you think Cicero's audience would receive Cicero's accusations?

The Roman law system has been described as the *ars boni et aequi*
(the art of the good and the fair).

Do you think a Roman would have thought the different treatment
of citizens and non-citizens was a problem? Do you?

Are there universal laws that govern our wellbeing nowadays,
or does it still matter where you are born?

Further reading:

On the implications of the citizenship of Paul: <http://www.biblestudy.org/roman-empire/how-difficult-was-it-to-obtain-roman-citizenship.html>