

## STANDING ON YOUR RIGHTS AS A CITIZEN: PAUL'S EXAMPLE

By Bert Jarrell

Citizenship in the United States of America provides many distinct legal rights. For an individual to enjoy the benefits of these rights he has to know what they are and how to properly exercise them.

An excellent example of a man who walked for God and at the same time knew and exercised his rights as a citizen is the Apostle Paul. Although Paul was a citizen of the Roman Empire and not the United States, his knowledge and use of his rights as a citizen are a great example to those in this day and age who desire to walk for God. This is not to say that Paul placed his primary reliance in life on his standing as a Roman citizen, or any other senses credentials. He relied on God for his strength and deliverance. (See Philippians 4:13 and II Corinthians 1:9,10.) Even though he relied on God, he also exercised his rights as a citizen. His use of his rights as a Roman citizen not only benefited him personally, but also aided his preaching and teaching of the gospel.

It is instructive for us, as American citizens, to look at Paul's example, to understand certain rights he had and to see how he exercised them. With Paul's example in mind, the Christian believer in the United States today can better appreciate the need to know and act on his rights as a citizen.

Roman citizenship in the first century A.D. provided several rights and obligations. Among these were the eligibility for magistracies, the right to military service, the ability to possess, acquire and bequeath property, enter into commercial contracts, contract a legal union (i.e., marriage, adoption, etc.), wear a toga, and be judged by Roman law. There were gradations in Roman citizenship depending on a person's position in their family and social standing, and the actual value of these rights varied a great deal depending on where the citizen was in the Empire.<sup>1</sup>

In the eastern provinces of the Empire, where the Apostle Paul spent the better part of his life and ministry, citizenship was a special mark of distinction. It was sometimes indicative of notable service to Rome by that person or one of their ancestors.<sup>2</sup> While Roman citizenship once meant severance from any other citizenship, this was no longer the case by the first century. Thus Paul was both a citizen of Tarsus and a Roman citizen. In daily life, local politics, and payment of taxes, the Roman citizen lived much like other people.<sup>3</sup> However, one important difference was the right to be judged by Roman law.

Roman law provided protection for a citizen in several important areas. A Roman citizen was to be assumed innocent of wrongdoing until he was properly tried and proven guilty. The Emperor Trajan stated that "no one was to be convicted on suspicion alone" and that "it was better for the crime of a guilty person to be left unpunished than for an innocent person to be condemned."<sup>4</sup> Therefore, to put a Roman citizen in bonds or beat one who was uncondemned was prohibited. Scourging (torture), the usual method of interrogating prisoners, was forbidden when the subject was a Roman citizen.<sup>5</sup> Also of special interest was the right a Roman citizen had to answer accusers in a trial. In the provinces a trial would usually be judged by the provincial governor. Those who had a grievance would present their case, and then the accused had the right to answer for himself. The governor would then render a verdict based on the merits of the case.<sup>6</sup>

One additional right of a Roman citizen in the provinces was the appeal to Caesar. In capital cases, a citizen had the right to be tried by the Emperor himself if he so chose. It will be seen that this right to appeal proved to be very important to the Apostle Paul.

To see how Paul benefited from the knowledge and exercise of his rights as a Roman citizen it is useful to look at the account of his time in Jerusalem and Caesarea as recorded in Acts chapters 21-26. In Acts 21:26-22:23 the record tells of how Paul was attacked by a mob in the Temple at Jerusalem and almost killed. The appearance of Roman soldiers seeking to restore order saved Paul's life, and allowed him an opportunity to address the people. When that was not well received, the chief captain of the Roman soldiers decided to find out what was going on.

Acts 22:24-29:

The chief captain commanded him to be brought into the castle, and bade that he should be examined by scourging; that he might know wherefore they cried so against him.

And as they bound him with thongs, Paul said unto the centurion that stood by, Is it lawful for you to scourge a man that is a Roman, and uncondemned?

When the centurion heard that, he went and told the chief captain, saying, Take heed what thou doest: for this man is a Roman.

Then the chief captain came, and said unto him, Tell me, art thou a Roman? He said, Yea.

And the chief captain answered, With a great sum obtained I this freedom [*politeia* – refers to his Roman citizenship]. And Paul said, But I was free born.

Then straightway they departed from him which should have examined him: and the chief captain also was afraid, after he knew that he was a Roman, and because he had bound him.

Here Paul acted on his knowledge of his rights as a Roman citizen. He avoided both torture and bonds by standing up for his rights as a Roman citizen.

Paul also gained the support and protection of the chief captain and his troops by standing on his rights as a citizen. This proved to be an important asset. When his examination before the Sanhedrin, the ruling council of Judean religious leaders in Jerusalem, became disorderly, Roman soldiers stepped in to pull Paul out of the ruckus. Shortly thereafter Paul was escorted out of the city at night under a heavy guard to protect him from a conspiracy to murder him. Thus was Paul taken to Caesarea to stand trial.

The trial of Paul before the Roman governor, Felix, is an excellent example of Roman judicial procedure. The accusers were permitted to present their charges and then the accused was allowed to answer in his own defense. The High Priest, Ananias, and the elders hired an “orator,” according to Acts 24:1. The Greek word for “orator” is *rhetor*, which means legal advocate or attorney.<sup>7</sup> This legal advocate, Tertullus, accused Paul of various crimes: being a “pestilent fellow” (literally a “plague” in the Greek text), stirring up sedition among the Judeans around the world, being a ringleader of the sect of the Nazarenes, and profaning the Temple (Acts 24:5,6). Felix was free to take cognizance of these charges as he saw fit. An interesting point is that the charge of being a “plague” and stirring up sedition among the Judeans throughout the world was very similar to a charge leveled by the Emperor Claudius against the Judeans of “stirring up a universal plague throughout the world.” By using this accusation the accusers were trying to bring a charge Felix would readily understand and put themselves on the side of the government.<sup>8</sup>

Paul then exercised his right to answer his accusers, pointing out that the charges against him were false and unprovable, and that what they called heresy was how he worshipped God (Acts 24:11-14). He made a valuable point in mentioning that those Judeans of Asia who had accused him of profaning the Temple ought to have been at the trial to accuse him (Acts 24:18,19). Without their presence, the charge could not be legally substantiated.<sup>9</sup> But when the time came to render judgment, Felix deferred, ostensibly waiting for a report from Lysias.

Paul's knowledge of Roman law and legal procedure proved very valuable at his trial. He knew how to present himself and make his defense in a Roman court. He made use of the principle that he was innocent until proven guilty and brought out the fact that his accusers had no witnesses to back up their allegations.

Had Paul argued his case poorly, failing to stand on his rights as a citizen, there is every possibility that Felix, a corrupt man, might have rendered an unfavorable judgment. As it turned out, Felix seems to have been caught between the political pressure of the Judeans to condemn Paul, Paul's innocence, and Felix's hope for a bribe from Paul (Acts 24:26). This state of affairs continued for two years until Felix departed from office and left Paul a prisoner to please the Judeans. History shows that Felix's administration was repressive and exploitive. It is interesting to note that he was not charged under an extortion law by the Judean leaders as his predecessors, Pilate and Cumanus, had been.<sup>10</sup> Perhaps the Judean leaders of Jerusalem were repaying a favor.

With the accession of a new governor, Festus, Paul again came to trial as a result of pressures from the high priest and elders. They hoped for a condemnation of Paul by Festus, or to have the trial held in Jerusalem so they could murder Paul (Acts 25:2,3). Festus, however, decided to adhere to Roman law and give Paul a trial in which he could answer his accusers. This was an entirely new trial, unaffected by the previous one. Once again Paul was accused by the religious leadership of crimes which they could not prove and he argued his own defense (Acts 25:7,8).

Paul was not willing to go to Jerusalem. His case had been presented to Festus, he was innocent, and he deserved to be judged then and there. As he said, "I stand at Caesar's judgment seat, where I ought to be judged." (Acts 25:10) Seeing that the trial was about to be moved to Jerusalem where there was a plot to kill him, Paul exercised for the first time his right of appeal. His statement "I appeal unto Caesar" (Acts 25:11) meant his case would be decided by the Emperor. Festus checked with his advisors to see if the appeal was proper and in order, and answered "Hast thou appealed unto Caesar? unto Caesar shalt thou go." (Acts 25:12) With this the trial ended, having been suspended by the appeal to Rome.

The record in the Book of Acts from 21:27 to 26:32 documents a harrowing series of events where Paul was several times in danger of losing his life or suffering torture. It was his knowledge of his legal rights as a Roman citizen, his exercise of them, his believing God, and the grace of God that prevented him from being put to death by the plots and accusations of the religious leaders of Jerusalem. A citizen of the United States of America in the twenty-first century has far more legal rights and protections available to him than a Roman citizen of the first century. The first ten amendments to the United States Constitution, also known as the Bill of Rights, contain many of the most important ones.

The First Amendment provides:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Paul had no explicit right to freedom of speech or religion. He lived in a period when the Roman government was generally tolerant of different religions and did not see them as a threat to the government. As history shows, this attitude changed by the second century and thousands of Christians were killed for their beliefs. The right to freely speak God's Word depended on the inclinations of the government.

An American citizen has the right to freely worship God, to speak his Word, to write and publish Christian teachings and to hold fellowship meetings in the home. These rights are written into the actual legal fabric of the American government. Neither the government nor any other person can legally prevent a citizen from exercising his First Amendment rights. An American citizen who is accused of breaking the law also has a far better legal position than that of the Apostle Paul. The Sixth Amendment guarantees that:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

While Paul did have several valuable rights, such as the right to a trial, to be confronted with his accusers, to know the accusation, to make his defense, and possibly to appeal to Caesar, he was still not as well protected as an American citizen. For example, Paul did not enjoy the benefit of a trial by jury. He was forced to make his case before Roman officials who had the absolute power of life and death and could dispense justice as they saw fit. The American citizen has the right to a speedy trial by a jury of his peers. He must be informed of the nature and cause of his accusation, be confronted with the witnesses

against him, and be allowed the assistance of obtaining witnesses for his own defense. He even has the right to legal counsel, which the state will provide if he cannot afford his own.

The Fifth Amendment of the U.S. Constitution provides additional protections. A person cannot be tried for the same offense twice, be compelled to be a witness against himself, nor be deprived of life, liberty, or property without due process of law. An American citizen could not be required to stand trial twice for the same charge as Paul was forced to do before Felix and Festus.

The American citizen of today has a firm set of explicit rights written into the supreme law of the land, the Constitution. In contrast, the Apostle Paul had certain rights that were his by statute law or tradition, but the authority of the Emperor reigned supreme. The citizen of the United States has a much more solid foundation for his rights and more secure protection of them.

The life and ministry of the Apostle Paul illustrate how a man who walked for God also knew and exercised his rights as a citizen. It behooves the Christian citizen of the United States to know the rights he or she has in the Constitution and to make use of them. If opposition to the movement of God's Word arises, a Christian citizen who knows his rights can stand not only on his rights as a son of God, but also on the freedoms and protections afforded by the Constitution. By doing this, the Christian citizen will not only aid the movement of God's Word, but will also encourage other citizens to stand on their constitutional rights.

© 2007, Foundation for Constitutional Education, Inc.

<sup>1</sup> Jerome Carcopino, *Daily Life in Ancient Rome*, trans. E.O. Lorimer (New Haven: Yale University Press, 1968), pp. 187, 189-191; and Pierre Grimal, *The Civilization of Rome*, trans. W.S. Maguinness (New York: Simon and Schuster, 1963 ), p. 438.

<sup>2</sup> W.M. Ramsay, *The Cities of St. Paul* (1907, reprint, Grand Rapids: Baker, 1979), p. 198.

<sup>3</sup> A.M. Sherwin-White, *The Roman Citizenship*. 2nd ed. (Oxford: Clarendon Press, 1973), p. 270, 272.

<sup>4</sup> Naphtali Lewis and Meyer Reinhold, eds., *The Empire, vol. 2, Roman Civilization* (New York: Harper and Row, 1966), p. 547.

<sup>5</sup> Acts 22:25-29; Henry J. Cadbury, "Roman Law and the Trial of Paul," *The Acts of the Apostles: Additional Notes and Commentary*, eds. Kirsapp Lake and Henry J. Cadbury, Vol. 5, *The Beginnings of Christianity*, Part I eds. F.J. Foakes Jackson and Kirsopp Lake (reprinted., Grand Rapids: Baker. 1979, p. 298.

<sup>6</sup> A.N. Sherwin-White, *Roman Society and Roman Law in the New Testament* (Oxford: Clarendon Press, 1963), p. 17.

<sup>7</sup> Joseph Henry Thayer, *The New Thayer's Greek-English Lexicon* (reprint, Christian Copyrights, Inc., 1983), p. 563.

<sup>8</sup> Sherwin-White, *Roman Law*, p. 51.

<sup>9</sup> Ibid., p. 52.

<sup>10</sup> Ibid., p. 53.

*Bert Jarrell is Secretary-Treasurer of the Foundation for Constitutional Education.*