CHAPTER THREE

FORENSIC METAPHORS IN ROMANS AND THEIR SOTERIOLOGICAL SIGNIFICANCE

Andrie B. du Toit

New Testament Research Unit
University of Pretoria

1. Introductory Remarks

Paul’s knowledge of Roman jurisprudence has not escaped the attention of jurists and theologians. Various publications, from the seventeenth century onwards, bear testimony to this.\(^1\) Although the apostle’s juristic know-how was sometimes over-estimated, there seems to be consensus that he was no ignoramus in this regard.

An important milestone was the work of the Basel jurist and romanist Otto Eger, who devoted an article (Eger 1917), as well as part of a monograph (Eger 1919, 26–46) to this theme. In a number of publications, Francis Lyall, professor in Public Law at the University of Aberdeen, also focussed on Paul’s usage of legal metaphors.\(^2\)

A notable feature of these publications is that they concentrate almost exclusively on matters of civil law (adoption, slavery, inheritance, financial agreements, etc.). Surprisingly, Paul’s forensic metaphors received very little scrutiny.

The term “forensic” needs some qualification. In the technical sense, it can refer to all matters pertaining to the law court (Robinson 1996, 518; Gove 1998, 889), thus covering criminal as well as civil cases. However, in common usage, the focus is on the former. Accordingly, in this article, “forensic” will be used for matters dealing with penal law.

---

\(^1\) Detailed by Eger (1919, 26–27); Deissmann (1923, 270–271). To their lists should be added Ball, W. E. (1901, chapters 1–3).

\(^2\) Cf. the bibliography. Jerome Hall’s (1985) article is mainly a defence of Paul from a jurisprudential perspective.
The mere mention of forensic metaphors in Romans will raise some eyebrows; not only because the incidence of such metaphors is disputed, but also because of the strong reaction against any hint of legalism in Christian religion. This article will indicate, firstly, that Romans in fact displays an impressive array of forensic images; secondly, that the prevalence of such imagery does not stamp Paul’s theology as legalistic. The contrary will prove to be the case.

Space limitations prevent a detailed discussion of all the possible forensic metaphors in Romans. For the same reason, I shall concentrate on presenting my case and refrain from a detailed discussion of alternative positions.

2. Some Key Issues

A major issue is the legal system to which Paul refers. Does he have the Roman, a typically Greek, or perhaps the Jewish system in mind? According to Mason (1974, 27), Roman influence was ostensibly strong in administrative and military contexts. The same will also be true of the legal system, especially in areas where there was a prolonged Roman presence. Corinth, where Paul wrote his Romans letter, was rebuilt by Julius Caesar between 46 and 44 BCE and peopled as a Roman colony. It was the capital of Achaea, which became a Roman imperial province in 15 CE. Roman law obviously dominated there (Lyall 1984, 226–228). More importantly, Paul was writing to a Roman audience, which suggests that he had Roman law in mind. Although the majority of his Roman addressees belonged to the lower strata of the Roman population and hailed from Jewish or Greek backgrounds, they would have been conversant with the main features of Roman law.3 We can confidently assume that they would interpret his legal terms, although communicated in Greek, in accordance with Roman law.4

Related problems are, firstly, that in spite of all the ongoing research on Roman jurisprudence, there still exist deplorable gaps in our

---

3 Eger (1919, 29–30) has made some apt remarks on the legal knowledge of the man on the street, while Ball (1901, 2) declares: “To the private citizen some considerable knowledge of law was more than an advantage: it was almost a necessity.”