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Civil rights violation in acts 16:16-40: Implication for Ghana

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Abstract

Civil right violations appear to be increasing in Ghana. Some of the events leading to civil rights abuse are similar to what happened to Paul and Silas in Philippi. While Paul was aware of his right as a Roman citizen, many Ghanaians are unaware of their rights. This work examined the arrest of Paul and Silas in Acts 16:16-40. Through critical analysis of the relevant verses of the passage, elements of civil right violations were identified. This was then related to the Ghanaian situation where aspects of civil rights abuse were also identified. Remedial lessons were drawn from the text and applied to the Ghanaian context. The study recommends the need for intensive civil right education in Ghana. Moreover, it is necessary that the judiciary and police force should be independent and the law of the nation be applied indiscriminately. The study concludes that these issues could serve as some of the possible corrective actions that can address the challenge of human right violations in Ghana.

Keywords: citizen, divination, judiciary, civil right

INTRODUCTION

In Acts 16:16-40, Luke describes the arrest of Paul and Silas. They were on their way to a place of prayer when they were accosted by a slave girl who is said to have a spirit of divination. Paul heals her, which results in subsequent arrest and imprisonment of both Paul and Silas. What motivated the researchers to undertake this study is the apparent rise of human rights abuse in Ghana. It is common to hear of one abuse or the other everyday in the news media. Researchers are of the view that what is happening in Ghana could be likened to the incidence of abuse of Paul and Silas in Philippi. They knew their rights as Roman citizens; many Ghanaians do not know the content of the constitution and the right it confers on them as Ghanaian citizens. The aim of this paper is to examine the process of the arrest, mode of imprisonment and manner of release. This study also recorded the responses of Paul, Silas, and the

associated authorities with the implications of civil right violations. The paper adopts a multi-disciplinary methodological approach using observation, analysis and historical exegesis of data. The paper proposes a way forward in dealing with the tension of human right violations in Ghana.

The following questions guide the discussions of this paper as relevant verses of the passage are examined and their implications for civil rights violations drawn.

- What led to the arrest of Paul and Silas?
- Was the arrest and punishment meted out to them legal under Roman law?
- How do we understand, and explain the behavior of the prisoners and the jailor?
- What are the implications of the passage for civil rights education in Ghana?

THE CAUSE OF ARREST

Paul and Silas were arrested in Philippi. Although the cited passage does not mention explicitly name of the city, verse 12 indicates that the events took place in Philippi. Paul was in Philippi probably around A.D. 49 or 50 (Senior *et al.*, 1990: 310) together with Silas, Timothy and Luke. Acts 16:1-5 confirmed that Timothy travelled with Paul and Silas. The ‘we-passage’ of 16:10ff, also attest to the presence of Luke as one of the travelling companions. The city of Philippi was possibly the one built by Philip of Macedon, father of Alexander the Great, in 358-57 BC. He named the city Philippi after himself. (Senior *et al.*, 1990: 310)

Paul and his companions were going to the house of prayer when they met a slave girl (verse 16). The girl’s name is not mentioned in the passage but is described as *paidiskēn*, which is translated as slave or maid (cf. Jn 18:17). According to CS Keener (1993: CD Rom), the hierarchical societies of the early Roman Empire permitted the legal ownership of human beings as property. He adds that enemies in war were not killed but made to serve as slaves. Moreover, poor parents were forced to sell their children into slavery to offset their debts. Others became slaves because they were born to slave parents. Keener estimated that about a third of the urban populations of the Roman Empire were slaves; they provided a wide range of personal services to their owners. In short, slaves were the property of their owners. Thus, the owners could decide to make a living through exploiting the slaves. This was permitted by the Roman law. This was perhaps the situation of the slave girl.

The girl is said to possess a *Pneuma puthona* (16:16) ‘spirit of python’ that enabled her to foretell future events. The spirit of python dated back to the Greek city of Delphi where the god Apollo was believed to be

embodied in a python so that when the priestess at Delphi is possessed by this god, she could foretell future events. This was one of the famous Greek oracles. The word python then came to mean a divining spirit. Ventriloquists were called pythoness since they were thought to have in their stomachs a mantic spirit that spoke oracles (cf Sam 28:7). The slave girl is described as having a spirit of python or a spirit of divination (Senior, 1990: 209).

It is suggested by Bruce and Pilch (2008:118) that the possessed girl was herself an Israelite slave. The mention of the ‘Most High God’ would indicate her knowledge of Israelite practices. Luke’s narration indicates that the girl made money for her owners. This shows the relative importance of this slave. She was a valuable commodity to her owners. Besides, although no information is given in the passage about the owners, it can be deduced, from the fact that they owned slaves, that they were people of some substance and influence in the city. They could not have been Israelites because they would not have put themselves at risk, with their charges.

The spirit of the divination probably enabled the girl to discern the identity and mission of Paul and his companions. She described them as *hoi anthrōpoi douloi tou Theou tou hupsistou eisin* (these men are servants of the Most High God) and their mission as *kataggellousin humin hodon soterias (sōtērias)* (proclaim to you the way of salvation). According to the passage, the girl followed Paul and his companions shouting out these words for many days (verse 18). This attitude irritated Paul, who exorcized her of the spirit in the name of Jesus. This action of Paul can be explained in various ways:

- The source of the girl’s gift of divination was demonic. The verb *krazo* translated as cry out, call out or shout, is used in the synoptic passages to describe the behavior of the demon possessed that confronted Jesus during his ministry (Lk.4:34,41;8:28; Mt.8:28-29; Mk5:7). The slave girl was therefore exhibiting signs of demonic possession and these would have been obvious to Paul. The behavior of the girl was a nuisance and a distraction (verse18). The repetitiveness of her action greatly annoyed Paul, and this thought is conveyed by the Greek word *diaponeomai* (greatly disturbed or annoyed).
- Paul believed that he was releasing the girl from demonic bondage and ensuring her freedom from abuse by her owners. Luke or Paul was clearly distressed by the fact that the girl’s owners were profiting financially from her soothsaying.
- Paul and the bystanders may have understood the encounter as a power struggle between the power of God as embodied in Paul and the spirit that possessed the slave girl. She was showing the power and potency of her divining spirit possibly to put fear in the apostles so that she could dominate them.

The consequence of Paul’s action was that Silas and him were seized (*epilambanomai*) and dragged (*eilkusan* –aor. from *elkō*) by the girl’s owners to the market place. The intent of this action was twofold: to attract the attention of the multitude since the market place was the centre of all the activities and to report Paul and Silas to the authorities to seek redress.

ARREST AND SUBSEQUENT PUNISHMENT

According to verse 19, the immediate cause of the arrest was exorcism of the slave girl by Paul, which resulted in her owners’ loss of the source of financial gain. However, the charges that were brought against did not mention this. Though her medium-ship abilities brought profit to her masters, the ancient world ridiculed such profit-making and considered the practice to be charlatanism (Bruce and Pilch, 2008:118). This might explain why this charge was not brought up at all before the magistrates. Three different charges were leveled against the apostles.

a) They were Jews (*Joudaioi huparcontes*): This charge was raised probably because at that time the distinction between Jews and Christians was not clearly marked, so Christians were mistaken for Jews. Secondly, the decree of Claudius which expelled Jews from Rome (Acts 18: 2), for causing insurrection, may have created some disfavor for Jews who had settled in the Roman colonies. Jews had thus acquired a bad name as trouble makers so that the accusation of the slave owners as Jews causing confusion may have sparked of patriotism in the people to join the attack.

b) Causing confusion in the city (*ektarassousin hemon ten polin*): The forceful seizure of Paul and Silas would have attracted the attention of the bystanders who might have joined in the fracas without understanding the issues involved. There was some confusion but it was not caused deliberately by the apostles. This charge therefore cannot be supported by the text.

c) Advocating customs unlawful to Romans to accept or practice: The city of Philippi at the time was said to be extremely Romanized and as a Roman colony (16:12),

the citizens enjoyed Roman rights, used Roman law and were exempted from tribute and modeled their constitution on that of Rome. Rome permitted the people of its colonies to worship their own gods, but it is possible that this decree forbade the proselytization of Roman citizen. This decree was in force by the first century A.D. By the end of the first century, however, the authorities had ceased to control foreign cults except when the adherents of such cults were involved in sedition or violence. Such people would be arrested and charged. Usually no Roman magistrate would interfere with theological questions (Acts.18:15), but only if a breach of the peace was made.

Craig de Vos (1999: 51-63) suggests that the accusations were Luke's attempt to find a fitting charge that could be refuted and that the charges did not come from the girl's owners. de Vos' position is not supported by the text. It is clear from the text that the owners of the girl were disappointed in losing their source of income. To avoid the negative tag indicated earlier, and to cover their disappointment and take revenge on the apostles for causing them loss of revenue, they looked for appropriate charge that would generate the needed support for revenge. Their appeal to race prejudice was pertinent. They put a sharp distinction between "being Jews" and "being Romans".

The issue of legality of the arrest and imprisonment can be determined from (a) the charge (b) the mode of arrest and trial, and (c) the mode of release.

a. There is no indication in the text that Paul and his companions were causing confusion in the city or advocating for new customs. Since their arrival in the city, they had concentrated their activities "outside the city" and around "a riverbank" (verse13)

where there was possibly a "house of prayer" (verse 16). Paul and his companions would have interacted only with the Jews who would have gathered there to pray as a group. Besides, that "they were Jews" could not constitute a credible charge since it was not a crime at that time to be a Jew. The charges then were false.

b. The mode of arrest and the 'trial' lend themselves to questions. According to Rapske (2000), the legal way to go about a perceived criminal case is for a private individual to make a formal accusation against a defender to the governor of the place. The governor has the authority to determine which case is to be listened to and which one to dismiss (Acts. 18:12-17). In determining a case, a governor may take into consideration the social status of the people involved, whether or not one was a citizen or a foreigner and whether or not one was slave or free.

There is no indication in the text that this process, described by Rapske, was followed. The masters of the girl had already prepared the ground for an attack by "holding and pulling" the apostles to the crowd that joined in the attack (*sunephistemi*). Incited by the mob, the magistrates immediately perceived the action of the missionaries as crime. They were considered non Romans and of lower status, and so were stripped, beaten, thrown into prison and put into stocks. Since a riotous scene was eminent, with the mob already dragging and pulling the supposed criminals, the magistrates opted to satisfy the mob than to think about the rights of the supposed criminals. There was no trial at all. Paul and Silas were not given a chance to make a defense. They were sentenced without a hearing and this was against the law since citizens and even slaves had a right to be heard. The magistrates, of course, did not know that Paul and Silas were

Roman citizens who enjoyed immunity and had the right to seek legal redress.

The apostles were beaten publicly. C. K. Barrett (1998:801) states that the “Lex Porcia made it a crime to inflict blows on a Roman citizen and cites Cicero who stated that it was a crime to fetter a Roman citizen, to scourge him a scandal, to slay him, parricide (1998: 801-802). Claudius had deprived the city of Rhodes of its freedom for having crucified some citizens of Rome” (802). Simon J. Kistemaker (2002: 604) confirmed that Roman law, passed from the sixth to second century BCE, protected Roman citizens from public beatings, imprisonment and death without trial. He added that the Roman historiographer Livy once wrote about a heavy penalty that was imposed on any one for scourging or putting a Roman citizen to death. From the perspective of the Roman law, the arrest, punishment and detention of the apostles were illegal. This situation, coupled with the fact that, the charges leveled against the apostles were false, made the case worse.

A magistrate had some measure of discretion, in determining cases that came before him especially involving non-citizens. It is possible for a magistrate to decide punishing non-citizens by whipping even before trial to forestall possible riot. This may be an explanation for the behavior of the magistrates in question. They had assumed the foreign status of the apostles and acted accordingly. This explanation, however, does not lessen the enormity of the injustice that was meted out against the apostles.

c. The level of the injustice can further be appreciated if viewed against the behavior of the magistrates on learning of the citizenship status of Paul and Silas. When the possibility of a riot had gone down the

magistrates decided to release them. Bruce and Pilch (2008: 120), however, argued that it was the magistrates’ experience of the earthquake and associating it with “those men”, prompted to send officers to command the jailor to let them go. They were asked to leave the city to prevent further trouble. Paul, at this juncture, demanded a public apology that they had been wronged and mistreated as Roman citizens. It is worthy to note that the magistrates at this information became frightened for their own lives. This gives credence to the weight and extent of applicability of the Roman law. It also shows the degree of the illegality of the treatment meted out to Paul and Silas. The Greek word *paroukalesin* (imperfect active of *parekalou*) indicates that the magistrates kept on begging them to leave for fear of further trouble that would now have seen them, the magistrates, at the receiving end of the law.

BEHAVIOR OF PRISONERS AND JAILOR

Verses 25-34 report the extraordinary rescue of the prisoners by an earthquake. In the Israelite tradition, earthquakes were seen as divine interventions (Exod.19:18; Judg. 5:4, 1Kgs 19:11). Luke explained the phenomenon in the same light (see also Acts 4:31). God has rescued his faithful agents. The demeanor of Paul and Silas in prison is note worthy. Even though they had been publicly whipped and possibly faced a severe punishment with daybreak, their spirits were not broken. They spent the night praying and singing hymns to God. This attitude can be attributed to their strong faith in God, in the purpose of their mission, in God’s ability to save them and in the fairness of the Roman law at least, as it applied to a Roman citizen.

The jailor was aware of the difficult task that had been entrusted to him. He had to protect the prisoners at the cost of his own life. This explains his preparedness to take his own life when he thought that the prisoners had escaped. This shows the jailor's commitment and dedication to the duty and also the exacting nature of the Roman law. The jailor, when realized that the prisoners had not escaped despite the fact that the prison doors had been opened as a result of the earthquake, and convinced of the power of their God, requested to be baptized with his household. In this jailor, one sees an example of objectivity and rationality that are required for proper execution of responsibilities. When he is presented with a compelling argument he accepts it and performs his duties in a more humane way.

IMPLICATION FOR CIVIL RIGHTS VIOLATION IN GHANA

The story of Paul and Silas has implication for civil rights violation in Ghana. Civil rights are privileges and protection enjoyed by citizens of a given political state. In most countries, civil rights of people are guaranteed by law, which may be written or derived from custom. Today most civil rights laws are codified, usually in a constitution. These rights range from the right to seek redress if injured by another, the right to a fair investigation and trial if suspected of a crime, the right to peaceful protest and a more general constitutional right to vote. In short, civil right is the right to equal protection in society. Consequently, a civil abuse is said to occur if the rights of an individual member in a political society is not recognized.

In Ghana, the civil right is used to refer to the role of the state in ensuring equal protection of all citizens under the law. It covers equal opportunity that is given to citizens to exercise their privileges of

citizenship and participate fully in society. Ghana's Constitution 1992 states that all people shall be treated equally before the law and there should be no discrimination on the grounds of religion, ethnic, social, political and economic status. However, there have been breaches of this constitutional civil rights. First, mob action is not uncommon in the society. There have been mob attacks on people suspected to be thieves and robbers. This has resulted in the death of many and in some cases innocent lives. The Human Rights Report of 2010 has confirmed that on 19th January and 11th April 2010, there was mob lynching of suspected thieves in the Greater Accra Region. It further indicated that in June same year, a man was lynched by unidentified students in the Central Region; these are some examples.

The mob actions do occur, and more frequently, when citizens lose faith in the ability of the law and its enforcers to ensure security and justice. A more serious occurrence in recent times is the use of mob action by political activists, referred to as foot soldiers, to put pressure on government to do its bidding. Mob actions have dangerous components to them, in the sense that emotions are always high and reasoning is always lost to the crowd. The will of a few individuals override that of the many in the heat of the action. Innocent people are usually caught up in the action and the damage caused is always more than it sought to address. In any case, the rights of the individuals who are caught up in the mob actions are violated whether guilty or not. They are entitled to a hearing or a trial. This scenario is similar to what happened in the case of Paul and Silas.

Secondly, just as Paul and Silas were mistreated because they were thought of Jews, some impoverished Ghanaians have

been subjected to abuse or denied justice. The same Human Right Report 2010 referred to above indicated that, there were 1034 reported cases of abuse. Out of them, 430 were closed but 604 were under investigation. Over 100 cases under investigation involved complaints of harassment, 37 involved unlawful arrest and 46 involved police brutality with human rights violations. Another example of abuse given by the Human Rights Report is that on October 27th, Police and Security personnel in Nakpanduri (Northern region) allegedly ransacked and burned homes, injured civilians, and repeatedly fired their guns during an operation to arrest an escaped convict. The Interior Minister subsequently issued an apology on behalf of the government, but investigations to determine the culpability of the individual police personnel have never been concluded.

Poverty has tainted some citizens, reducing them to 'second class' status. Such people lack voice and proper representation so their rights are usually trampled on. For example, the judicial system can deliberately be delayed or slowed down as a strategy to deny justice to the poor. Some citizens of Ghana have been placed on remand for years, without trial. Interestingly, those who are so treated do not belong to the rich and affluent class. On 19th April, 2004 for example, the Police arrested Mr. Mensah, who was involved in assault against another person. He was sent to court on 22nd April without a legal representation and was remanded in police custody until 2011. He was kept in police custody for this period because everybody had obviously, forgotten about him. His rights were grossly violated. Besides, the Human Rights Report of 2010 noted of the Prison's Service 2009 Annual Report, that 28 percent of the prison population were on remand without trial and that the detainees served more time in

detention awaiting trial than the sentence for the crime they committed.

A Ghanaian Journalist once wrote that, during the military coup days when Jerry Rawlings ruled the country, the rights of Ghanaians were violated. Some were publicly disgraced; others brutalized, maimed and even killed. People lost their hard earned properties. Arrests were based on suspicions, envy or fear of individuals who could challenge the events happening in the country. Some of these cases were without trial others were tried by military tribunals or people's courts, where sentences of guilt had already been passed before the trials started. All these were in the name of revolutions that rather brought new people to power, which quickly entrenched themselves and perpetuated actions that they had initially condemned (Mike Ajei, 1994). People's civil rights were abused.

RESPONSE TO CIVIL RIGHT CHALLENGES

Educated citizens

The Apostle Paul was mindful of his Roman citizenship, "I was born a citizen" (*polites*) (Acts 22:28), he claimed. He was also aware of the privileges that the citizenship conferred on him: "is it legal for you to flog a Roman citizen who has not even been found guilty?" (Acts 22:25). Even though Bruce and Pilch (120) argue that Paul's claim to Roman citizenship was either a Lukan presupposition or a Pauline deception, the text indicates that it achieved the desired result any time it was invoked. The governors, magistrates, soldiers and people were aware of these rights and respected them. In Ghana, the situation is different. A greater number of the people, lack of statistics notwithstanding, are not aware of the rights that the constitution of the country, confers on them as citizens.

They do not know the contents of the constitution. This may be due to illiteracy which is still high in Ghana or a nonchalant attitude on the part of even the literate. Program should be introduced at high school level (junior/senior) to teach students about the constitution and its rights and responsibilities to protect the citizens. This program should be practical and interactive so as to benefit the students and have a lasting impact on them. Even though there has been an exponential increase in primary school enrolment in the country in the recent decade as a result of government interventions, there is still concern about children education and adult illiteracy. Adult literacy programs as well as efforts to stop child labor which draws out pupils from schools especially in rural areas should be stepped up. Education of the citizens is one sure way of protecting the civil rights.

Independent Judiciary and Police

The magistrates and soldiers of the Roman era played a major role in the defense of people's rights. The judiciary and the police force have a similar role to play in any country. An independent judiciary would uphold the law and ensure that individual's freedom and rights are protected. An independent police service would also maintain law and order so that individuals' rights are not trampled upon. Mob actions have taken place because citizens have lost confidence in the police service to provide security for them. The service is alleged to be corrupt. Even though the officer corps is educated, the educational level of a number of the men and women, do not go beyond the high school. This has the tendency to cloud their sense of judgment and fairness which in turn affect their knowledge, interpretation and application of the law. It is important that the skills of the men and women in the police service are upgraded through continuous training programs to

enhance their delivery. The provision of logistical and material support to enable the police service to effectively fight crime and ensure security of citizens would also reduce civil rights abuses.

Indiscriminate application of the law

The two Lukan accounts where Paul appealed to his Roman citizenship, Acts 16 and 22 saw an immediate attempt to remedy the situation. There is evidence too that the full weight of the law was brought to bear in defense of citizens whose rights were violated (C.K. Barrett, 1998, Wansink, 2000; Kistemaker, 2002). This is absent in Ghana. The law has rather been manipulated by those who know it and those in authority to deprive others of their freedom. If all Ghanaians, whether rich or poor, literate or illiterate, young or old can look up to the law for protection and get it, then civil right violations would be minimized.

CONCLUSION

From the discussion of the Lukan account of the arrest, three main issues come out clearly. (i) The arrest of the apostles had elements of mob action. The owners of the slave girl instigated the mob by "pulling and dragging" the apostles to the magistrates. (ii) The charges leveled against the apostles were false. (iii) The punishment meted to them was illegal. It could not be supported by the Roman law. These issues were identified as being present in contemporary Ghana as well. The response and attitude of Paul and Silas to the arrest is also relevant to today's Ghana. Paul knew his rights as a Roman citizen; he invoked the rights and appealed to the law for protection. This is a weakness in the Ghanaian context where many citizens are not aware of what the constitution allocates to them as their rights. So this paper recommends education for all people to bring awareness about the constitution and also calls for an

independent and free Judiciary and police security.

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