

PAUL AND ONESIMUS

Recent investigations into the law of fugitives and suppliants in hellenistic Egypt, a law which was based upon the procedure of classic Greece and so was generally like hellenistic law throughout the east, have thrown much light upon the subject, and suggest a reconsideration of the case, of Onesimus and his relations with Paul and Philemon.¹ According to the law of Athens a slave whose life was in danger might flee to an altar and claim sanctuary. The first altar available was frequently the hearth of some private family, with its associations of the family religion. If a refugee rushed into the house and claimed sanctuary, the householder was under legal obligations to give him protection, at least temporarily, while following one of two possible courses. Either he must reconcile the slave to going back to the master, probably by giving the wretch some assurance that the master's wrath was mollified, or, if the slave persisted in refusing to trust himself with the master, the householder was obliged to put the slave up for sale in the market, and pay to the slave's owner the price received. The latter alternative was fraught with serious possibilities for the slave, since in a sale of this kind the circumstances would prejudice prospective buyers against him, and he would probably be purchased only for the roughest sort of service, such as the galleys or the mines. Rather than face such an uncertainty the slave would certainly be glad to go back to the first master if there were any reasonable hope of clemency.²

The custom of binding the householder to care for fugitive slaves in this manner was carried over into Egypt by Ptolemaic law, and probably was universally observed in Paul's day in the eastern part of the empire, since it later impressed itself upon Ulpian's legislation.³ So frequently did slaves resort to this refuge that altars were built along the street outside the houses to keep such invaders from intruding upon the bosom of the family.⁴ Even the Jews had to adapt themselves to the situation. Philo, in complete contradiction to Jewish custom, speaks of the family hearth as a sacred place to the Jews, at which such fugitives could find legal refuge. He says:

¹ See especially Friedrich von Woess, *Das Asylwesen Ägyptens in der Ptolemäerzeit und die spätere Entwicklung*, Munich, 1923.

² J. H. Lipsius, *Das Attische Recht und Rechtsverfahren*, Leipzig, 1905-1915, pp. 643, 428, n. 33.

³ Woess, p. 175.

⁴ *Ibid.*, pp. 75 ff., 86 ff.

If a third-generation slave of another man, says Moses, because of the threats of his master, or because of his consciousness of some offences [which he has committed], or in case he has done nothing wrong but is only subject to a savage and harsh master, shall in terror flee to thee to get thy help, do not reject him. For to deliver up a suppliant is not pious, and even a slave is a suppliant when he flees to thy hearth as to a temple, where he ought rightly to have asylum either until he be brought into open and complete reconciliation [with his master], or until, failing that, as a last resort he be sold. For the consequences of any change of masters are of course uncertain, but an uncertain evil is better than a certain one.⁵

Philo's ascription of this law to Moses is a reference to Deuteronomy 23, 16, but the law as he quotes it is the Greek law, and the Jewish phrases which he uses merely cover the fact that he is borrowing a foreign law for Jewish use.⁶ I know of no parallel evidence for Asia Minor, where the incident of Onesimus' flight seems to have occurred,⁷ but behind the entire transaction this same Greek procedure is clearly implied. Onesimus, a slave of Philemon, was detected in defrauding his Christian master, or was convinced that he would soon be detected. He made his escape, and had time to reach Paul, to whom he fled with shrewd consideration of the great respect in which Philemon held the Apostle. Where Paul was at the time we do not know. Because he speaks of himself as *δέσμιος Χριστοῦ Ἰησοῦ* it is traditional to say that he must have been writing as a prisoner either at Rome or at Caesarea,⁸ though no positive evidence points to either place. On the contrary Paul must have been at liberty, else he could not have offered to go bond for Onesimus' peculations, for such a bond while he was a prisoner at either place would have been worthless. It is also strange that Paul could have entertained a fugitive slave during either of these imprisonments. But the letter implies that he is not in captivity, for he writes that he expects soon to be at liberty (from engagements?) so as to visit Philemon, and he has such immediate anticipation of arrival that he asks Philemon to arrange at

⁵ De Virtutibus, 124.

⁶ I comment on this law more at length in my forthcoming book, *The Jurisprudence of the Jewish Courts in Egypt at the Time of the Early Roman Empire as described by Philo Judaeus*.

⁷ It is traditional to identify the Onesimus of this letter with the Onesimus of Colossians 4, 9, "the faithful and beloved brother who is one of you." In view of the commonness of the name this identification is not at all certain, and if it is rejected, all geographical data for the incident are lacking. In that case we could only say that since all the names of Philemon and his family are Greek, the Greek law would presumably have been the one by which they would have acted.

⁸ M. R. Vincent, *International Critical Commentary*, Philemon, pp. 160 f., marshals the conclusions of scholars and the arguments for each view.

once for his accommodation, a request which would have been an absurdity if written from either Rome or Caesarea. As a matter of fact, there seems to me no more reason for taking the expression *δέσμιος Χριστοῦ* literally than Paul's other favorite *δοῦλος Χριστοῦ*, while the plain implication of the epistle itself is that Paul was free, and somewhere in the neighborhood.⁹

Paul, in accordance with the law, allowed this shrewd and speculating slave to remain with him for a time, for how long we cannot guess. In any case it was long enough for Onesimus to become converted to Christianity. Under the circumstances this conversion may well have been made quickly; for the pressing need of Onesimus was somehow to get himself reinstated with his master, otherwise, even if he escaped prosecution for theft, he had the horrible alternative of being sold under a cloud. Having embraced Christianity, however, Onesimus could persuade Paul that he was a changed man, and could move Paul to write in all sincerity his letter to Philemon, appealing to Philemon's Christian spirit to forego his wrath against an individual who, while formerly a thieving slave, was now a brother in Christ. Even so Paul had to go bond for the lost money. With this appeal and assurance Onesimus dared to go back to Philemon, and, if we may judge from the reference to Onesimus in Colossians 4, 9, he remained thereafter in good repute as a Christian. He would hardly have dared to do otherwise.

⁹ If the reference to bonds is to be taken literally, it would appear that the imprisonment was much more probably one of the frequent and less serious detentions which Paul mentions in 2 Cor. 11, 23. The Ephesian imprisonment proposed by Deissmann would fit into the picture sketched by the epistle very nicely. See *Light from the Ancient East*, 1927, pp. 237 ff.

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