

## *St. Paul in Rome*<sup>1</sup>

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The title of this lecture is deliberately modelled on titles of lectures which my predecessor in the Rylands Chair delivered in this Library—"St. Paul in Ephesus"<sup>2</sup> and "St. Paul in Greece".<sup>3</sup> In these lectures (posthumously republished in the volume of *Studies in the Gospels and Epistles*)<sup>4</sup> Professor Manson discussed a number of the earlier epistles of Paul. It is our great loss that he was not spared to give a lecture, or series of lectures, on "St. Paul in Rome" and discuss the epistles of the Roman captivity.

### I

But are there any epistles which can be ascribed to the years of Paul's Roman captivity? On the one hand, some scholars have maintained that all his "captivity epistles" should be dated to one or more of his earlier imprisonments—in Caesarea,<sup>5</sup> perhaps, or in Ephesus.<sup>6</sup> Their arguments cannot be dismissed out of hand, and will be considered in due course. On the other hand, there are those who assure us that most, if not all, of the epistles which have traditionally been ascribed to Paul's Roman captivity are not, in fact, epistles of Paul. They were denied to him, for example, by Ferdinand Christian Baur and his colleagues of the Tübingen school a century ago.<sup>7</sup> And today it has been claimed that proof of another, and singularly compelling, kind has been

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forthcoming to establish that of the thirteen epistles which bear Paul's name only four—those to the Corinthians, Galatians and Romans—can be certainly regarded as his. This proof of what is essentially the old Tübingen thesis has been provided, we are told, by the use of the electronic computer.<sup>8</sup>

Biblical criticism is not the only field to have been invaded by the computer. In an article in *The Listener* for 27 September 1962, Dr. Kenneth Bisset, Reader in Systematic Bacteriology in the University of Birmingham, described calculating machines as "the new fundamentalists" because, thanks to their findings in respect of certain posited genetic relationships, "we are robbed of our family trees and left with the condition that existed in the

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<sup>1</sup> A lecture delivered in the Library series of public lectures.

<sup>2</sup> *B.J.R.L.*, xxiii (1939), 182 ff., xxiv (1940), 59 ff., xxvi (1941-2), 101 ff., 327 ff.

<sup>3</sup> *B.J.R.L.*, xxxv (1952-3), 428 ff.

<sup>4</sup> Manchester, 1962 (pp. 149 ff., 259 ff.).

<sup>5</sup> Cf. e.g. E. Lohmeyer, "Der Brief an die Philipper" (Göttingen, 1956); *Der Kolosser- und der Philemonbrief*<sup>1</sup> (Göttingen, 1957); L. Johnson, "The Pauline Letters from Caesarea", *Ex. T.*, lxviii (1956-7), 24 ff.

<sup>6</sup> Cf. e.g. H. Lisco, *Vincula Sanctorum* (Berlin, 1900); W. Michaelis, *Die Gefangenschaft des Paulus in Ephesus* (Güttersloh, 1925); G. S. Duncan, *St. Paul's Ephesian Ministry* (London, 1929).

<sup>7</sup> Cf. F. C. Baur, *Paulus, der Apostel Jesu Christi*<sup>2</sup> (Leipzig, 1866), Eng. tr., *Paul* (London, 1873-5).

<sup>8</sup> A. Q. Morton, "Who wrote St. Paul's Epistles?", *The Listener*, 21 March 1963, pp. 489 f.; "Computer's Value to Literary Studies", *The Times*, 24 April 1963; "A Computer challenges the Church", *The Observer*, 3 November 1963; "The Rev. A. Q. Morton replies", *The Observer*, 10 November 1963.

first chapter of Genesis and which lasted until Linnaeus started what used to be the modern system". "I think," he went on, "this is one occasion where we should stand firm, tell the machines to mind their own business, and go back to deciding for ourselves what we want to think is important."

It has been suggested that in their reaction to the findings of the computer on the authorship of the Pauline epistles Professors of Biblical Criticism have been deplorably unscientific, not to say obscurantist; but surely no such charge can be brought against a distinguished biologist, and the biblical critic may safely add his "Amen" to Dr. Bisset's commonsense utterance. Yet it is not really a question of telling the computer to mind its own business. The computer can be trusted to do just that. Where it is a matter of compiling lexical statistics, concordances and the like, of providing comparative information about sentence-lengths, or of identifying the proper location of manuscript fragments belonging to texts which have already been recorded, the computer does very valuable work, and does it with incomparably greater speed and accuracy than the human mind, eye and hand can hope to emulate. But the computer cannot give out more than is put into it.<sup>9</sup>

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In the present instance, the computer was fed with material which enabled it to indicate the frequency and distribution of certain conjunctions in the Pauline epistles. It indicated that in this regard the epistles fell into four groups, marked by four distinct patterns of usage. When the computer has yielded a result like this, the next move lies with the human interpreter. But when the human interpreter gets to work, the subjective factor is necessarily introduced. And far be it from me to decry, as some do, the subjective factor; where literary criticism is concerned, it is the subjective factor, properly disciplined, that makes the difference between the good interpreter and the indifferent one. In my case, the subjective factor makes me say that any interpretation which denies Philippians to Paul supplies its own *reductio ad absurdum*. Content, as well as style, is an important criterion in any assessment of authorship; and if it comes to a clash of evidence between the two, what is actually said is ultimately more decisive than the way in which it is said.<sup>10</sup>

To hold that an author cannot change his style over the years, or cannot exhibit two distinct styles at the same period of his literary development, is to make a very precarious assumption. Some years ago a reviewer of one of my books remarked that I had two quite distinct styles. I believe he was right, and I would hazard the guess that the difference between them (apart from the use of more and less technical terminology) lay in such matters as sentence-length and the lavish or parsimonious employment of connecting particles. But he did not argue that I was the author of only one half of the writings that appeared under my name. Again (and this is an experience common to many speakers and

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<sup>9</sup> A computer will not do such work, for example, as has been done by C. L. Mitton in *The Epistle to the Ephesians* (Oxford, 1951), or by M. E. Thrall in *Greek Particles in the New Testament* (Leiden, 1962).

<sup>10</sup> W. C. Wake ("The Authenticity of the Pauline Epistles. A Contribution from Statistical Analysis", *Hibbert Journal*, xlvii (1948-9), pp. 50 ff.) points out that, by the criterion of sentence-length distributions, Romans, Galatians, 1 Cor. and 2 Cor. x-xiii fall in a group by themselves, whereas 2 Cor. i-ix stands alone. This, however, does not lead him to deny 2 Cor. 1-ix to Paul; on the contrary, he says that "in view of the internal evidence connecting this fragment of an Epistle with Paul, the statistical evidence is a little puzzling. It is mutilated, since it is joined to the 'Severe Letter', and this alone would point to a chequered history. The use of a modern critical text instead of the received text [which Wake, rather regrettably, made the basis of his research] may alter the distribution." At any rate, the statistical evidence reinforces the case for recognizing in 2 Cor. 1-ix and x-xiii two letters, or parts of two letters. See p. 330, n. 3.

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writers), when I discover (either unaided or by the kindness of a candid friend) that I am indulging to excess in a particular location, I tend for some time thereafter to go to the opposite extreme and avoid it entirely.

It is argued, however, that when the computer analyses the writings ascribed (say) to Plato or to any of the Attic orators it reveals no such diversity of patterns as appears in the writings ascribed to Paul. It is a relevant point here that these classical writers were conscious literary stylists who polished and repolished their work before publication, as Paul obviously did not. Nor would Greek scholars accept unity of authorship on the basis of statistical analysis alone if other evidence argued against it. In any case, the consistency of Plato's style and the diversity of Paul's are phenomena with which we have long been familiar; the computer has simply exhibited in more precise statistical form what we knew already. Even without the aid of a computer we can distinguish, for example, the impassioned, argumentative and fractured style of Galatians from the calm, meditative style of Ephesians, with its piled-up genitival phrases and lengthy sentences.

There is, moreover, one factor which sets a big question-mark against the much publicized findings of the computer with regard to the authorship of the Pauline epistles. That is Paul's well known practice of dictating his letters to amanuenses. To express surprise at seeing the amanuensis theory dragged from an honourable retirement<sup>11</sup> is an inadequate substitute for a reasoned reply to it. "Why", it is asked, "should the letters of Isocrates or Demosthenes or Plato or any other writer of Greek epistles have been unchanged in this process and only the letters of Paul have been altered extensively by his amanuensis?"<sup>12</sup> For one thing, as has already been said, the classical writers mentioned were stylists who were deeply concerned about the literary form in which their works were published; Paul was not. Nor is it a question of his letters having been "altered extensively" by his amanuensis; it is a question of this or that amanuensis being largely responsible for the style and composition of some of them.<sup>13</sup>

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For all the criticisms that may properly be brought against Otto Roller's arguments,<sup>14</sup> the central thesis of *Das Formular der paulinischen Briefe*<sup>15</sup> has not been relegated to "honourable retirement", and it materially affects the conclusions to be drawn from the statistical analysis of the Pauline epistles. It is precisely in matters like the use of particles and the length of sentences that the idiosyncrasies of the amanuensis are most apparent.<sup>16</sup>

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<sup>11</sup> *The Observer*, 10 November 1963.

<sup>12</sup> *Ibid.*

<sup>13</sup> Even in literary works the hands of different amanuenses may be clearly distinguished; Josephus is a good example (cf. H. St. J. Thackeray, *Josephus, the Man and the Historian* (New York, 1929), pp. 100 ff., R. J. H. Shutt, *Studies in Josephus* (London, 1961), pp. 59 ff.).

<sup>14</sup> Cf. E. Percy, *Probleme der Kolosser- und Epheserbriefe* (Lund, 1946), pp. 10 ff.; S. Lyonnet, "De arte litteras exarandi apud antiquos", *Verbum Domini*, xxxiv (1956), 3 ff.; B. M. Metzger, "A Reconsideration of Certain Arguments against the Pauline Authorship of the Pastoral Epistles", *Ex. T.*, lxx (1958-9), 91 ff. The most cogent criticisms of Roller's thesis affect his estimate of the time required to dictate and write down letters in antiquity.

<sup>15</sup> Stuttgart, 1933.

<sup>16</sup> W. C. Wake, in his *Hibbert Journal* article (see p. 328, n. 1 above), points out that 1 and 2 Thessalonians, Philippians and Colossians constitute a group by themselves on the sentence-length criterion, and notes that in all of them Timothy's name is associated with Paul's in the salutation. On these letters his conclusion is: "The more

To say this is not to underestimate the importance of statistical analysis in this field.<sup>17</sup> It is rather to agree with the statement of the Rev. A. Q. Morton with regard to another area of the New Testament: "Statistics is no panacea. The evidence pro-

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vided by statistics is no more potent than that to which scholars have long been accustomed. Yet statistics can resolve some at least of the problems which at present seem insoluble."<sup>18</sup>

Philemon is such a short epistle that the tests applied to the others are inconclusive when applied to it; it is accordingly allowed to be Pauline by default.<sup>19</sup> But on internal evidence Philemon goes not with the four letters to the Romans, Corinthians and Galatians but with those to the Colossians and Ephesians.<sup>20</sup> Philemon, Colossians and Ephesians have commonly been regarded as epistles sent by Paul to proconsular Asia during his Roman captivity.<sup>21</sup> Whether in fact they were sent from Rome or from some other place where Paul was imprisoned; and whether indeed they are all Pauline, are questions to be investigated afresh. But before we investigate these questions, there are various prolegomena to be dealt with, and these form the subject matter of the present paper. The study of these prolegomena has been promoted very considerably by some recently published work, including in particular A. N. Sherwin-White's Sarum lectures for 1960-1, *Roman Society and Roman Law in the New Testament*.<sup>22</sup>

## II

Towards the end of his Ephesian ministry (i.e. early in A.D. 55), Paul made plans (so Luke informs us) to revisit his former mission-fields in Macedonia and Achaia, and then pay a visit to Jerusalem. "After I have been there", he said, "I must also see Rome" (Acts xix. 21).

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likely hypotheses are either that they were joint letters in which Paul and Timothy really participated, or that Timothy is the author, or that Timothy acted as amanuensis for Paul, writing on Paul's instructions but not in Paul's phraseology" (p. 54). The statistical method has no material for deciding which of these three hypotheses is most probable, since no indubitable writings of Timothy have been preserved for comparison. On non-statistical considerations the third alternative appears most probable. Timothy's name appears also in the salutation of 2 Cor. i-ix, but the statistical method may suggest that someone else acted as amanuensis for this letter.

<sup>17</sup> On the application of scientific statistics to literary study in general and to New Testament problems in particular see also G. U. Yule, *The Statistical Study of Literary Vocabulary* (Cambridge, 1944); W. C. Wake, "Sentence-Length Distributions of Greek Authors", *Journal of the Royal Statistical Society*, cxx (1957), 331 ff.; A. Q. Morton, "The Structure of the New Testament", *Science News*, no. 43 (Harmondsworth, 1957), 19 ff.; K. Grayston and G. Herdan, "The Authorship of the Pastorals in the Light of Statistical Linguistics", *New Testament Studies*, vi (1959-60), 1 ff.; and, above all, B. de Solages, *A Greek, Synopsis of the Gospels* (Leiden, 1959), reviewed by K. Grayston and G. Herdan in *New Testament Studies*, vii (1960-61), 97 f. It is noteworthy that Mgr. de Solages's statistical examination of Synoptic relations leads to conclusions substantially the same as those of the two-document hypothesis.

<sup>18</sup> In G. H. C. MacGregor and A. Q. Morton, *The Structure of the Fourth Gospel* (Edinburgh, 1961), p. 10.

<sup>19</sup> A. Q. Morton, *The Times*, 24 April 1963 ("there seems no reason to exclude it from the works of Paul"); *The Observer*, 3 November 1963.

<sup>20</sup> As F. C. Baur saw, and logically decided against the authenticity of Philemon (*Paul*, ii. 80 ff.).

<sup>21</sup> Stylistically, of course, Ephesians stands alone among the letters bearing Paul's name. Cf. H. J. Cadbury, "The Dilemma of Ephesians", *New Testament Studies*, v (1958-9), 91 ff.

<sup>22</sup> Oxford. 1963.

For a commentary on these words, we must go to Paul's epistles. From these we learn that a prime reason for his proposed visit to Macedonia and Achaia was to complete the collection which he

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had organized in the churches of these provinces to relieve the poverty of the Palestinian believers and make Jewish and Gentile Christians more aware of their solidarity.<sup>23</sup> The reason for his proposed visit to Jerusalem was that the proceeds of this collection might be handed over to the leaders of the mother church.<sup>24</sup> But what was the reason for his proposed visit to Rome? This appears clearly enough from the letter to the Romans. In it he tells the Roman Christians that he has completed his apostolic task in the Aegean lands, and hopes to repeat in Spain what he has done in Macedonia and Achaia, Galatia and Asia. His settled policy of preaching Christ where the gospel had not previously been heard, his unwillingness to "build on another man's foundation" (Rom. xv. 20),<sup>25</sup> ruled out most of the other Mediterranean lands as areas for his further apostolic activity. But no one, evidently, had thus far carried the Christian message to Spain. To Spain, then, Paul would go. And on his way to Spain he would have an opportunity to realize a long-cherished desire to see Rome. This is how he puts it (if we paraphrase his words):

I have often intended to pay you a visit, but up to now I have never been able to make it. I long to see you all, so that both you and I may impart to each other some spiritual blessing. As it is, I want you to know that you are constantly in my thoughts and prayers, and that I thank God that your faith and loyalty are renowned throughout the world. I have seen some fruit as a result of my apostolic ministry in other parts of the Gentile world, and I should like to see some among you too. As I have proclaimed the good news elsewhere, I am eager to proclaim it in Rome as well: it is a message of which I have no cause to be ashamed.... Not that I think of settling down as a missionary in Rome, for that would be building on another man's foundation—the very thing I have always avoided doing. And as for taking the place of a teacher among you, I know very well that you are perfectly capable of teaching one another. But from Jerusalem to Illyricum I have proclaimed the good news and planted churches, and now my task in this part of the world is finished. The next place on my missionary programme is Spain. First of all, however, I must go to Jerusalem to discharge a service to the people of God there. But when I have done that, I hope to set out for Spain and break my journey in Rome, so that I may find refreshment in your company and be sped forth by you on my westward journey.<sup>26</sup>

Luke has nothing to say of Paul's plan to evangelize Spain. Rome is the terminus of Luke's history; he reaches his goal when

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he brings Paul there, and there he leaves him, living under house-arrest and unable to move about freely, but preaching the gospel to all who come to visit him, without let or hindrance.<sup>27</sup> The purpose of Luke-Acts as a whole is closely bound up with the note on which the narrative

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<sup>23</sup> 1 Cor. xvi. 1 ff.; 2 Cor. viii. 1 ff.

<sup>24</sup> Rom. xv. 25 ff.

<sup>25</sup> Cf. 2 Cor. x. 13 ff.; his attitude to those who came and built on his foundation is expressed in 1 Cor. iii. 10 ff.

<sup>26</sup> From Rom. i. 11-16a, xv. 14-29.

<sup>27</sup> Acts xxviii. 30 f.

comes to an end. For Luke, Paul's words in Acts xix. 21, "I must also see Rome", anticipate the goal for which his own narrative is making, whereas for Paul Rome was but a temporary halting-place on his way farther west.

### III

Paul, we gather, had never been in Rome before. Yet he was a citizen of Rome, and from time to time he found that citizenship a very present help in trouble. No wonder that he was so eager to see the city of which he was a citizen. Moreover, he was born a Roman citizen, as he told Claudius Lysias, the military tribune in command of the Jerusalem garrison, when Lysias mentioned that he had had to lay out a large sum of money in order to acquire the citizenship.<sup>28</sup>

But how did a Jew of Tarsus come to be born a Roman citizen? His family, by all accounts, were not assimilationist Jews who compromised with Gentile ways; this much at least is involved in Paul's claim to be "a Hebrew born of Hebrews" (Phil. iii. 5). But we simply do not know how the citizenship came into Paul's family. His native Cilicia fell within the *prouincia* of more than one Roman general in the first century B.C.—Pompey and Antony, for example—and the grant of citizenship to approved individuals was included in the *imperium* conferred on these generals by law. But whether it was one of these, or someone else, who granted Roman citizenship to Paul's father or grandfather we cannot tell—no more than we can tell why it was so granted. In a letter which I received in February 1953 from the late Sir William

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Calder, commenting on a book of mine which he had read, he said, in reference to my treatment of Paul:

Had not his father (or possibly grandfather) been made a citizen by Antony or Pompey? Were they not a firm of σκηνοποιοί, able to be very useful to a fighting proconsul? (You don't bring out enough that Paul was a great swell—compare recently, *mutatis mutandis*, a Hindu K.B.E.)

Sir William, who was not a cautious son of Moray for nothing, put his suggestions in the form of questions (even if, as grammarians would say, they were "questions expecting the answer Yes"); they are indeed as reasonable as any suggestions that could be made on this point, but we have no certain evidence.

As a Roman citizen, Paul had three names—*praenomen*, *nomen gentile* and *cognomen*—but of these we know only his *cognomen*, Paullus. If we knew his *nomen gentile*, we might have some clue to the circumstances of his family's acquisition of the citizenship (for new citizens commonly assumed their patrons' *nomen gentile*; but we are given no hint of it. His *cognomen* may have been chosen because of its assonance with his Jewish name Saul—Hebrew *Shā'ūl*, in the New Testament sometimes spelt Σαούλ and more often

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<sup>28</sup> Acts xxii. 28. Lysias's *nomen gentile*, Claudius, suggests that he owed his citizenship to the Emperor Claudius. Sherwin-White (*Roman Society...*, pp. 154 f.) points out that the large sum of money laid out by Lysias was not the price paid for his citizenship but the amount expended on bribing the intermediaries who put his name down for enfranchisement. On the wider issues see A. N. Sherwin. White, *The Roman Citizenship* (Oxford, 1939).

Σαῦλος, the latter form rhyming with Παῦλος. (Since he belonged, as he tells us himself, to the tribe of Benjamin,<sup>29</sup> his parents may well have named him Saul after the most illustrious member of that tribe in their nation's history, Israel's first king.)

If the circumstances in which Paul's family acquired Roman citizenship are obscure, many other questions relating to Paul's citizenship are hardly less so. On more than one occasion, for example—at Philippi<sup>30</sup> and, some years later, at Jerusalem<sup>31</sup>—he appealed to his rights as a Roman citizen: on the former occasion by way of protest at having been summarily beaten with rods by the lictors attendant on the chief magistrates of the colony, with

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out having received a proper trial<sup>32</sup>; on the latter occasion, in order to be spared a scourging (much more murderous than a beating with rods), to which he was about to be subjected in an effort to discover what he had done to make the Jews in the temple court so incensed at him. The rights of Roman citizens were laid down in a long succession of laws (most recently the *lex Iulia de vi Publica*),<sup>33</sup> going back traditionally to the *lex Valeria* of 509 B.C. These rights included exemption from certain ignominious forms of punishment, and protection against summary execution.

But when a man claimed his citizen rights—when he said *ciuis Romanus sum*, or its equivalent in Greek—how did he prove his claim? In the absence of any provision for verification on the spot, it must have been tempting for a man in a tight corner to make the claim even when he had no title to it, and hope to get away with it. Certainly it was a capital offence to claim falsely to be a Roman citizen,<sup>34</sup> but how was the official before whom the claim was made to know whether the claim was true or not?

A new citizen might have a duly witnessed copy of his certificate of citizenship; auxiliary soldiers received such a document when they were enfranchised, and civilians may have been given something of the same sort.<sup>35</sup> But Paul was not a new citizen. He might, however, produce a diptych containing a certified copy of his birth registration. Each legitimately born child of a Roman citizen had to be registered within (it appears) thirty days of his birth.<sup>36</sup> If he lived in the provinces, his father, or some duly appointed agent, made a *professio* before the *praeses prouinciae* at the *tabularium publicum*. In the course of his *professio* the father or his agent declared that the child was a Roman citizen; the *professio* was registered in the *album professionum*, and the father or agent would receive a copy, properly certified by witnesses.

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<sup>29</sup> Rom. xi. 1; Phil. iii. 5.

<sup>30</sup> Acts xvi. 37. It is implied here that his companion Silas was also a Roman citizen. Paul might well have chosen him as his fellow-traveller for this phase of his ministry for this among other reasons; he would thus be spared the embarrassment of claiming for himself privileges which his companion could not share. Silas was a Jewish Christian from Jerusalem; that there were several Jews in Jerusalem who had the Roman citizenship in the period A.D. 44-66 is evident from the narrative of Josephus (cf. *B.J.*, ii. 308). Silas's Latin *cognomen* Silvanus may have been chosen because of its similarity to his Jewish name (*Shilā*, *Shē'ilā*).

<sup>31</sup> Acts xxii. 25.

<sup>32</sup> Gk. ἀκατάκριτος (as also in Acts xxii. 25), possibly the equivalent of Lat. *re incognita*.

<sup>33</sup> See p. 338 with n. 2.

<sup>34</sup> Cf. Suetonius, *Claudius*, 25. 3; Epictetus, *Ench.*, iii. 24. 41.

<sup>35</sup> Cf. Sherwin-White, *Roman Society...*, pp. 146 f.

<sup>36</sup> Cf. F. Schulz, "Roman Registers of Births and Birth-Certificates", *J.R.S.*, xxxii (1942), 78 ff.; xxxiii (1943). 55 ff.

This certificate recorded the *professio* in the third person, in *oratio obliqua*, and it would include the words: *ciuem Romanum*

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*esse professus est* ("he [the father or agent] declared him [the child] to be a Roman citizen"). Whether it was customary or not for an itinerant Roman citizen to carry this diptych around with him is doubtful. Dr. F. Schulz is sure that Paul did so:

The birth certificates which contained this clause furnished a *prima facie* evidence for the Roman citizenship of the bearer, being in so far a substitute for a passport. When St Paul alleged his Roman citizenship before the Roman authority (Acts xvi. 37; xxii. 25-29; xxv. 11) he must have produced his birth certificate for corroboration. As he was Rome born he was in possession of such a document which he doubtless carried with him wherever he travelled.<sup>37</sup>

This is an extremely reasonable view—although Mr. Sherwin. White thinks it more likely that such certificates were normally kept in the family archives.<sup>38</sup> There is a further point to consider: this registration of Roman citizens at birth was apparently enacted by the *lex Aelia Sentia* of A.D. 4 and the *lex Papia Poppaea* of A.D. 9. If Paul was born even a year or two before the earlier of these enactments, would he necessarily have been registered in this way?

#### IV

In the event, it was Paul's Roman citizenship that brought him to Rome. When he wrote to the Roman Christians to prepare them for his visit to their city, he hoped to go there as a free agent. But when he did reach Rome, it was as a prisoner; and as a prisoner he was sent to Rome because he had exercised his privilege as a Roman citizen and appealed to Caesar. No ordinary provincial, no mere subject of Caesar, had any such right; it belonged to citizens of Rome.

The circumstances of Paul's appeal are set out clearly enough in Acts. When he came to Jerusalem, in accordance with his plan, in the late spring or early summer of A.D. 57, he was set upon in the temple precincts because of a rumour that he had violated their sanctity by bringing a Gentile within the prohibited bounds. (For a Gentile to commit this trespass was a capital offence,<sup>39</sup> even

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if he was a Roman citizen<sup>40</sup>; and no doubt for a Jew to aid and abet a Gentile in the commission of this trespass was equally a capital offence, even if that Jew was a Roman citizen.) Paul was rescued from his assailants by members of the adjoining Roman garrison and taken into custody in the Antonia fortress. When the military tribune discovered that he was a Roman citizen, he sent him under armed escort to Felix, the procurator of Judaea, at Caesarea. The Jewish authorities sent a deputation to Caesarea to press two charges against

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<sup>37</sup> *J.R.S.*, xxxiii (1943), 63 f.

<sup>38</sup> *Roman Society...*, p. 149.

<sup>39</sup> Josephus, *B.J.*, v. 5. 2; his testimony is confirmed by the two warning inscriptions in Greek found in 1871 and 1935; cf. *P.E.F.Q.*, iii (1871), 132; *Q.D.A.P.*, vi (1938), 1 ff.

<sup>40</sup> Josephus, *B.J.*, vi. 2. 4.



Paul—the particular charge of sacrilege, which could not be substantiated because the witnesses failed to appear, and the more general charge of being a subverter of public order, a perfect pest<sup>41</sup> throughout the whole Diaspora. To both charges Paul returned a firm plea of Not Guilty; but Felix deferred sentence until his recall from office in A.D. 59,<sup>42</sup> and left Paul for his successor to deal with. His successor, Festus, reopened the case, with every intention of acting in accordance with the highest standards of Roman justice.<sup>43</sup> When, however, he spoke of holding the trial at Jerusalem, and implied that he might use the Sanhedrin as his *consilium*,<sup>44</sup> Paul was afraid that through the new governor's inexperience he might be put into the power of his enemies. Accordingly he availed himself of a Roman citizen's privilege:

Standing before Caesar's tribunal, I stand where I ought to be tried. If I am guilty, if I have done anything worthy of death, I do not plead that the death penalty should not be carried out. But if there is no substance in the charges brought against me by these men, no one can give me up to them. I appeal to Caesar (Καίσαρα ἐπικαλοῦμαι).<sup>45</sup>

The right of *prouocatio* to the emperor appears to have grown out of the earlier right of *prouocatio* to the sovereign people. According to Dio Cassius,<sup>46</sup> Augustus in 30 B.C. was granted the right to

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judge on appeal—ἐκκλητον δικάζειν, which Professor Jones suggests is the Greek equivalent of *ex prouocatione cognoscere*.<sup>47</sup> It was in this period, too, that the *lex Iulia de ui publica* (mentioned above) was enacted.<sup>48</sup> This law forbade any magistrate vested with *imperium* or *potestas* to kill, scourge, chain or torture a Roman citizen, or even to sentence him *aduersus prouocationem* or prevent him from going to Rome to lodge his appeal there within a fixed time.<sup>49</sup> Professor Jones<sup>50</sup> concludes that, from the date of this enactment, a Roman citizen anywhere in the empire was protected against arbitrary magisterial *coercitio*, although the provincial magistrate might deal with cases which involved a plain breach of established statute law (which Paul's case manifestly did not). By the beginning of the second century A.D. it evidently became the regular practice for Roman citizens in the provinces, charged with offences *extra ordinem*, to be sent to Rome almost automatically, without going through the formality of appealing to Caesar.<sup>51</sup> But there seems to have been a gradual erosion of the citizen's privileges with the steady increase in the number of citizens throughout the

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<sup>41</sup> Gk. λοιμός (Acts xxiv. 5); cf. *B.J.R.L.*, xlv (1961-2), 312.

<sup>42</sup> This date, probable on other grounds, seems to be confirmed by the evidence for a new Judaeian coinage beginning in October of that year (cf. H. J. Cadbury, *The Book of Acts in History* (New York, 1955), pp. 9 ff.).

<sup>43</sup> Cf. Acts xxv. 16.

<sup>44</sup> Acts xxv. 9; cf. Sherwin-White, *Roman Society...*, p. 67.

<sup>45</sup> Acts xxv. 10-12.

<sup>46</sup> *Hist.*, li. 19. Seven years later he also received the lifelong tenure of *tribunicia potestas*, which authorized him on *appellatio* (quite different from the later *appellatio* mentioned on p. 344 below) to veto the action of any other magistrate in Rome itself and within a mile outside the city walls; but this does not affect the present question.

<sup>47</sup> A. H. M. Jones, *Studies in Roman Government and Law* (Oxford, 1960), p. 96.

<sup>48</sup> The title of the law indicates that it was introduced either by Caesar or by Augustus; A. H. M. Jones gives reasons for dating it after 23 B.C. (*Studies...*, pp. 97 f.; cf. Sherwin-White, *Roman Society...*, pp. 57 f.).

<sup>49</sup> *Dig.* xlviii. 6, 7; Paulus, *Sent.* v. 26. 1.

<sup>50</sup> *Studies...*, p. 59.

<sup>51</sup> The best-known instance is Pliny's reference in his letter to Trajan about Christians (*Ep.*, x. 96. 4) to those afflicted with this folly "quos, quia ciues Romani erant, adnotauit in urbem remittendos".

empire as the second century advanced<sup>52</sup>—a tendency which reached its climax in A.D. 212 with the extension of the franchise to all freeborn provincials under Caracalla. In this as in other respects, when we think historically and not theologically, the picture given in Acts is true to the dramatic date of the book; the case of Paul's appeal fits in with what we know of conditions in the late fifties of the first

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Christian century, and it is worthy indeed to be treated as a substantial addition to the available evidence.

The provincial judge had to send an explanatory statement (*litterae dimissoriae*) along with the accused man, and the inexperienced Festus was certainly glad to have the aid of the younger Agrippa in drafting this document.<sup>53</sup> Agrippa, king of those areas north-east of the Roman province of Judaea which had formerly constituted the tetrarchies of Philip and Lysanias, came to Caesarea to pay his respects to the new procurator on the morrow of Paul's appeal to Caesar. (From A.D. 48 to 66 the Jewish high-priesthood was in Agrippa's gift, and he was reputed to be well versed in Jewish religious practice.) He had an opportunity of hearing Paul for himself, and agreed that he could not reasonably be convicted on any of the serious charges brought against him; indeed, he might have been discharged there and then had he not appealed to Caesar, but for Festus to prejudge the issue now by discharging him would have been impolitic, if not *ultra vires*.<sup>54</sup> To Rome, then, Paul was sent, under the custody of the centurion Julius.<sup>55</sup>

## V

Why did Paul appeal to Caesar? He did not do so while Felix was in office, presumably because Felix had virtually decided on his innocence and was simply postponing his formal acquittal and release. One day, Felix's procrastination would come to an end and Paul would be discharged and be able to carry out his long-cherished plan of travelling to Rome and the west. So Paul might have hoped. But with the recall of Felix and his supersession by Festus a new and dangerous situation was developing for Paul; hence his momentous decision.

From what we know of Paul, we may be sure that the uppermost consideration in his appeal to Caesar was not his own safety, but the interests of the gospel. Seven or eight years previously he had experienced the benevolent neutrality of Roman law in the decision of Gallio, proconsul of Achaia, that there was nothing illegal in his preaching.<sup>56</sup> He might reasonably expect a similarly

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<sup>52</sup> In A.D. 177 the Roman citizens among the Christians rounded up in Vienne and Lyons were not sent to Rome for trial; they were kept in prison where they were until the emperor's ruling could be obtained (Eusebius, *H.E.*, v. 1. 44), and even after he had ruled that they should be beheaded (instead of being put to death by torture, like the others) one of them, Attalus, was exposed to the beasts because the mob desired it so (*ibid.* v. 1. 50).

<sup>53</sup> Acts xxv. 26 f.

<sup>54</sup> Acts xxvi. 32.

<sup>55</sup> Acts xxvii. 1; cf. p. 341 below.

<sup>56</sup> Acts xviii. 12 ff.; cf. *B.J.R.L.*, xlv (1961-2), 325 f.

favourable verdict from the supreme court in Rome. Not only so: even a man of smaller intelligence than Paul must have realized that the consideration which moved Gallio would not be valid much longer. Gallio had ruled in effect that what Paul preached was a variety of Judaism, and therefore not forbidden by Roman law. But, thanks in large measure to Paul's own activity, it would soon be impossible to regard Christianity as a variety of Judaism, since it was now manifestly more Gentile than Jewish. A favourable hearing from the emperor in Rome might win recognition for Christianity, if not as the true fulfilment of Israel's ancestral religion (which Paul believed it to be), at least as a *religio licita* in its own right.<sup>57</sup> Besides, if Caesar in person heard Paul's defence, what might the outcome not be?<sup>58</sup> The younger Agrippa had politely declined to admit the logic of Paul's argument,<sup>59</sup> but Gentiles had regularly shown themselves more amenable to the gospel than Jews, and a Roman emperor might be more easily won than a Jewish client-king. It would be precarious to set limits to Paul's high hopes, however impracticable they may appear to us in retrospect.

But would Caesar hear the case in person? This would not follow from the fact that it was to Caesar that Paul appealed. According to Tacitus,<sup>60</sup> Nero announced at the beginning of his principate that he would not judge cases in *propria persona*, as his predecessor Claudius had done; and indeed, during his first eight years he generally delegated them to others.<sup>61</sup> Mr. Sherwin-White is thus right in saying: "If Paul came to trial some time after the period of two years mentioned in Acts xxviii. 30, it is probable that his case was heard by someone other than the Princeps."<sup>62</sup> This "someone other" might be the *praefectus*

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*praetorii*, "representing the Emperor in his capacity as the fountain of justice, together with the assessors and high officers of the court".<sup>63</sup> If it was the *praefectus praetorii*, it would make a mighty difference whether it was the honest Afranius Burrus or his infamous successor Tigellinus.<sup>64</sup> But we cannot be sure to whom Paul's case was delegated, if it was delegated at all.

## VI

Paul's voyage to Rome and his shipwreck on the way cannot detain us here. But at last he and his fellow-prisoners reached Rome. There, according to the Western text of Acts xxviii. 16, the prisoners were handed over by the centurion to the στρατοπέδαρχος, the "camp-commandant". One Old Latin witness, the thirteenth-century Codex gigas, translates this title by *princeps peregrinorum*. The existence of an official so entitled is attested by an African

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<sup>57</sup> On the later apologists' attempts to win such recognition for Christianity see S. L. Guterman, *Religious Toleration and Persecution in Ancient Rome* (London, 1951), p. 122.

<sup>58</sup> If Colossians is to be dated during his Roman imprisonment, his request for prayer in Col. iv. 2-4 may suggest the importance which he attached to his impending defence, which might afford him an opportunity of proclaiming the gospel before the most exalted audience in the world.

<sup>59</sup> Acts xxvi. 28.

<sup>60</sup> *Annals*, xiii. 4. 2.

<sup>61</sup> It was evidently a new departure for Nero when in A.D. 62 he judged the case of Fabricius Veiento himself (*Tac. Ann.*, xiv. 50. 2).

<sup>62</sup> *Roman Society*..., p. 112.

<sup>63</sup> W. M. Ramsay, *St. Paul the Traveller and the Roman Citizen*<sup>14</sup> (London, 1920), p. 357.

<sup>64</sup> Sofonius Tigellinus succeeded to the office on the death of Burrus in A.D. 62, probably after the expiry of the ὅλη διετία of Acts xxviii. 30. For three years Tigellinus had Faenius Rufus as joint-prefect, but Tigellinus was the more powerful of the two (*Tac. Ann.*, xiv. 51. 5 f., xv. 50. 4).

inscription of Trajan's time<sup>65</sup>; he was presumably commandant of the *castra peregrinorum* on the Caelian hill—the headquarters for legionary officers on furlough in Rome, and also (though perhaps not so early as this date) for the *frumentarii* (literally "grain-officers"), the corps of centurions who served as liaison officers between Rome and the armies in the imperial provinces.

Mommsen, followed by Ramsay, regarded Julius as a member of this corps of *frumentarii*, taking this to be the meaning of the "Augustan cohort" (σπειρα Σεβαστή) of Acts xxvii. 1.<sup>66</sup> In that case an additional duty of the *frumentarii* would be the escorting of prisoners from the provinces to Rome. There is, however, no evidence that the *frumentarii* acted as liaison officers or imperial

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police before the second century<sup>67</sup>; their original duty, as their name implies, was the organization of the Roman grain supply. Even so, the fact that Julius took his prisoners for the greater part of their voyage on board a grain-ship,<sup>68</sup> in which he exercised considerable authority,<sup>69</sup> may suggest that he was a *frumentarius* in the original sense.

The rendering of Codex gigas in Acts xxviii. 16 may, however, be no more than an intelligent guess; the stratopedarch in question could have been the commandant of some other camp—the headquarters of the Praetorian Guard, for example. But the camp-commandant (*princeps castrorum*) of the Praetorian Guard would be a less exalted figure than the *praefectus praetorii*. In any case the longer Western reading of this verse, in which the word στρατοπέδαρχος appears, is doubtful; but all forms of the text agree that Paul "was permitted to stay by himself with the soldier who guarded him."

Paul stayed in Rome for two full years at his own expense—or on his own earnings. (Was he still able to work at his tent making as he had done elsewhere?) Whether or not we can accept the A.V. "in his own hired house" as a translation of ἐν ἰδίῳ μισθώματι (Acts xxviii. 30), he probably did remain under house arrest. That is to say, he was not kept in custody in the headquarters of the Praetorian Guard but "by himself"—ἔξω τῆς παρεμβολῆς ("outside the camp"), as many Western authorities add. He was thus free to receive visitors, although he could not move about freely himself. Among his earliest visitors Luke mentions a deputation of Roman Jews, and their debate with Paul forms the last scene of Luke's history—plainly with programmatic intent. The pattern of Jewish refusal of the gospel and Gentile acceptance of it, which has recurred earlier in his history, is recorded definitively in Rome, with Paul's conclusive last word (after his quotation of Isa. vi. 10): "Take knowledge, then, that this salvation of God has been sent to the Gentiles; they will listen to it" (Acts xxviii. 28).

But what of the two full years (ὄλη διετία) of Paul's detention? What happened at the end of this period? Some assure us quite

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<sup>65</sup> *Comptes rendus de l'Académie des Inscriptions et Belles-Lettres*, 1923, p. 197, quoted by T. R. S. Broughton in *The Beginnings of Christianity*, ed. F. J. Foakes Jackson and K. Lake, v (London, 1933), 444, n. 3.

<sup>66</sup> T. Mommsen, *Gesammelte Schriften*, vi = *Historische Schriften*, iii (Berlin, 1910), 546 ff.; Ramsay, *St. Paul the Traveller...*, pp. 315, 348.

<sup>67</sup> Sherwin-White, *Roman Society...*, p. 109.

<sup>68</sup> Acts xxvii. 6, 38.

<sup>69</sup> Acts xxvii. 11.

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confidently that it ended with Paul's trial, conviction and execution; others, that it ended with his release—either through acquittal after trial, or because the case went against his accusers by default.

That Paul was executed at the end of the two years was contended fifty years ago by J. Vernon Bartlet.<sup>70</sup> He argued that the prosecutors gave notice within the statutory time-limit (which he supposed, in the light of later usage, was eighteen months) of their intention to proceed with the case; that they arrived in Rome early in A.D. 62 and successfully prosecuted Paul; that he was condemned to death as a disturber of the peace of the provinces; that the earliest readers of Acts would know from Nero's record, without having to be told explicitly, what the outcome of the prosecution would be (the more so in view of the Jewish sympathies of Poppaea Sabina, whose influence over Nero was then approaching its peak); and that in fact there are ominous overtones in Agrippa's remark to Festus: "He might have been released if he had not appealed to Caesar" (Acts xxvi. 32).

If Paul was executed in A.D. 62, then his martyrdom was not, as is commonly supposed, an incident in the imperial attack on the Christians of Rome which followed the great fire of the year 64.<sup>71</sup> This, of course, is no argument against dating his execution in 62, if the evidence points in that direction. But if Paul's two years' detention was followed by his conviction and execution, Luke's failure to mention it is very odd indeed.<sup>72</sup>

Alternatively we have the view variously propounded by Ramsay,<sup>73</sup> K. Lake,<sup>74</sup> and Professor Cadbury<sup>75</sup> (a veteran authority

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in this field who is still happily alive and vigorous), that the case never came to trial because the prosecutors failed to appear within the statutory period. This suggestion has some antecedent plausibility. If the Sanhedrin had failed to persuade Felix and Festus of the soundness of their case against Paul, in spite of all the local pressure that could be brought to bear on the procurator of Judaea, they would be even less likely to succeed in Rome. Roman law was apt to be severe on frivolous prosecutors. On the other hand, no prosecution would be so frivolous as one in which the prosecutors failed to appear; and Roman law insisted that they must appear.

The statutory period of eighteen months, which was assumed by Bartlet on his side (provisionally) and by Ramsay and Cadbury on theirs, turns out on examination to be based

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<sup>70</sup> "Two New Testament Problems: 1. St. Paul's Fate at Rome", *Expositor*, VIII, v (1913), 464 ff.

<sup>71</sup> If his martyrdom was an incident in the persecution of A.D. 64, we may infer from 1 Clement vi. 1 that (like Peter's martyrdom) it was an early incident.

<sup>72</sup> "The fact that Luke has nothing to say about it, supposing that it occurred anywhere near the dates usually given for it, is very difficult to explain; so difficult as to call for a reconsideration of the traditions which are held to testify to it" (T. W. Manson, *Studies in the Gospels and Epistles*, p. 67).

<sup>73</sup> "The Imprisonment and Supposed Trial of St. Paul in Rome", *Expositor*, VIII, v (1913), 264 ff. (the article to which J. V. Bartlet's article mentioned in n. 1 above was a reply), reprinted in *The Teaching of Paul in Terms of the Present Day* (London, 1913), pp. 346 ff.

<sup>74</sup> "What was the End of St. Paul's Trial?", *Interpreter*, v (1908-9), 147 ff.

<sup>75</sup> H. J. Cadbury, "Roman Law and the Trial of Paul", *Beginnings of Christianity*, v. 297 ff., especially pp. 326 ff.

on the wrong dating of a papyrus which records an imperial edict fixing a time limit of eighteen months for criminal cases submitted to the emperor from the provinces, whether by way of appeal or by reference as to a court of first instance.<sup>76</sup> This document<sup>77</sup> was first published towards the end of last century; Ramsay's attention was drawn to it by J. S. Reid. But, as Mommsen recognized,<sup>78</sup> the edict belongs to the third century, and the "appeal" which it has in view is the later procedure of *appellatio* against a sentence already passed, not the first-century procedure of *prouocatio*, which prevented the court of first instance from trying the case at all.<sup>79</sup> In fact, there does not appear to be first-century evidence for any procedure permitting a case to lapse automatically by default. What evidence there is suggests that everything was done to compel the appearance of prosecutors and defendants and to prevent the abandonment of charges. A prosecutor who

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did not appear in court within a reasonable time would probably be penalized, but that would not imply the automatic discharge of the defendant.

The prolongation of Paul's stay in Rome over two full years could have been due to congestion of court business as much as anything else<sup>80</sup>; and if indeed he was discharged without his coming to trial, this (as Mr. Sherwin-White points out) would probably have been the result of an act of *imperium* on Caesar's part. "Perhaps Paul benefited from the clemency of Nero, and secured a merely casual release. But there is no necessity to construe Acts to mean that he was released at all."<sup>81</sup>

If the evidence of Acts is inconclusive, then, do Paul's epistles throw any light on the question? Whether they do or not depends on another question. Which, if any, of his epistles belong to the period of his Roman captivity? This must be the subject of a further inquiry.

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<sup>76</sup> Bartlet did not date the document in the first century; he refers to "eighteen months, which to judge from third century usage was the limit for capital charges sent on appeal from the provinces" (art. cit., pp. 466 f.).

<sup>77</sup> *B.G.U.*, ii. 628 recto; it is reproduced by Cadbury in *Beginnings*, v. 333 f., and by H. Conzelmann in *Die Apostelgeschichte* (Tübingen, 1963), pp. 157 f.

<sup>78</sup> T. Mommsen, *Le Droit Pirnal Romain*, ii (Paris, 1907), 158, n. 5 ("Tant au point de vue de la langue qu'au point de vue du fond, il nest pas possible de placer cet édit avec Mitteis (*Hermes*, 32, 630 sv.) à l'époque de Tibère, il appartient certainement au III<sup>e</sup> siècle").

<sup>79</sup> For the distinction see A. H. M. Jones, *Studies...*, p. 57.

<sup>80</sup> A. N. Sherwin-White, *Roman Society...*, p. 118.

<sup>81</sup> *Ibid.* p. 119.