

*SUGGESTIONS ON THE HISTORY AND LETTERS  
OF ST. PAUL.*

II. THE IMPRISONMENT AND SUPPOSED TRIAL OF ST.  
PAUL IN ROME : ACTS XXVIII.

It has sometimes been made a charge against the method of investigation which is employed in my study of St. Luke, that I have pressed too closely the words of the *Acts*, that I have sought to read too much in (or into) the terms employed, and have laid too much stress on the more delicate features and on the principles of method which can be observed in the book as a whole and which must be applied in reading the individual parts and scenes of the narrative.

After many years of study, however, I have on the contrary learned that I did not carry my method far enough, and that the words and terms of the *Acts* are far more vivid and full of meaning than I had ventured to suppose. It is not easy to press Luke's words too closely ; and at least I have not done so. With better understanding of the authorities and vastly increased knowledge of the country I now find the history recorded in the *Acts* much more informative than I previously did ; and it seems as if I had only just barely begun in my older writings to appreciate the true value of Luke's narrative.

The whole work of the past has to be done over again. The previous results, on the whole, stand <sup>1</sup> ; but they require much addition and receive confirmation from further study and wider knowledge.

The attempt to carry out this deeper method for Acts

<sup>1</sup> The chief change is in respect of the date of the letter to the Galatians, which should be placed earlier than I formerly allowed.

xiii.-xiv. has been made in the *Expository Times*, Oct.-Dec., 1912, and is continuing there. Here it will be tried in respect of Acts xxviii. What are the facts which Luke had in mind, and which lie behind and beneath the narrative describing the fortunes, the imprisonment, and the supposed trial of St. Paul in Rome? The historian does not say anything overt regarding many facts, which he must have known (or believed that he knew). Yet those facts are to us of the most absorbing interest.

There are two questions to be answered: first, what were the main facts? Secondly, why does not Luke mention them or say anything clear and explicit about them, i.e. why does he content himself with stating how the Gospel of Paul came to Rome, and for what length of time it was preached there by him, while he says nothing regarding Paul's personal fortunes in the trial?

Now, first, as to the facts. Was Paul tried in Rome during his residence? If so, before whom was he tried, and what was the result? Was he condemned on the capital charge, and his career brought to an end? Or was he acquitted, and allowed (as is implied in acquittal) to continue his missionary and confirmatory work?

In the latter case, the "first trial," in which the circumstances described in the *Acts* culminated, must be distinguished from a "second trial" with fatal issue. That a trial of Paul ending in condemnation must have occurred at Rome is proved by tradition and by Clement of Rome, and is clearly implied in Second Timothy. If, however, the supposed "first trial" ended in condemnation after its two or more stages (2 Tim. iv. 16), then there was no "second trial" and the Apostle's life ended in 61 or 62 A.D. The proof that Gallio was governing Achaia during A.D. 52, which is now furnished by epigraphic evidence, makes it certain that St. Paul's arrival in Rome cannot

be placed later than spring A.D. 61 at the very latest,<sup>1</sup> and was in all probability earlier.

If he was acquitted at first, did he carry out his intention of going on into Spain (Romans xv. 28)? Or did he return to the East, as is implied in the Pastoral Epistles? Or did he do both?

It is characteristic of all Lukan research that, as soon as one enters on any investigation, one is involved in some difficult questions of law and procedure; and these often require the most minute study. This, incidentally, affords a complete proof that the subject is thoroughly historical. Invented, or distorted, or misunderstood incidents wander far from the paths of real life. It is because Luke states each point in such intimate relation to reality, and with such vivid surroundings of actual life, that he compels the reader to grasp the facts of law and custom which are involved in the narrative before he can gauge its full significance.

To understand the position of St. Paul during the two years of his Roman captivity, therefore, we have to enter on obscure questions of Roman law and procedure during the first century. Obviously, one cannot adequately understand Luke's allusive and suggestive account of the circumstances in which a defendant awaiting trial under custody was situated, unless the principles and practice of the law are known. Now, as it happens, legal points are involved which have never been properly investigated, and which seem never to have occurred to the commentators whom I have consulted.

It is, accordingly, necessary to go into some difficult and

<sup>1</sup> I hope to treat this date in Section V below. Dr. Deissmann's treatment of it in his *St. Paul, a Study*, 1912, pp. 240-260, seems to me far from satisfactory. The statement that he quotes from Dessau is fundamental, but all that he builds on that foundation involves misconceptions, and his dating is only possible, not certain.

minute points of legal and historical detail, which may prove tedious to the reader. It may therefore be well to state first of all in succinct terms the conclusion which results from this investigation, and afterwards to show the steps of the reasoning.

Paul was detained at Rome until his prosecutors should appear. The trial could not begin until there was an accuser to state the ground of complaint against him. The Jewish leaders, however, did not appear. They knew that their case was too weak to bear statement in a Roman court, as they had learned from the conduct and words of two successive Roman governors of Palestine and from the plain language of King Agrippa (Acts xxiv. 24 f., xxvi. 30-32)<sup>1</sup>; and they would have to depend on personal influence. They wished rather to delay the case and keep Paul shut up as long as possible; and the most effective way was to refrain from appearing in court. After a certain lapse of time, perhaps eighteen months,<sup>2</sup> the accused party was presumed to be innocent, in accordance with a rule laid down some years before by the deceased Emperor Claudius. Thus Paul was set at liberty after two years. This space of "two years" (Acts xxviii. 30)<sup>2</sup> is equivalent to the legal term eighteen months, together with some small addition required for the formalities of release. There was therefore no proper "first trial," but only an acquittal in default. Paul was henceforth free to preach and to travel, until some years later he was arrested during the Neronian persecution, probably in 65 A.D.

The situation in which St. Paul found himself on his arrival in Rome (Acts xxviii. 16) requires careful consideration. He had come up on his own appeal for trial before

<sup>1</sup> Acts xxvi. 31, "This man doeth nothing worthy of death or of bonds."<sup>2</sup>

<sup>2</sup> The term cannot be proved, but seems probable. According to the usual ancient custom, eighteen months is loosely called two years: see the present writer's article in *Hastings' Dict. Bib.*, vol. v. p. 464 ff.

the supreme tribunal of the Empire. In order that the trial should proceed, there must be some accuser : the Crown did not prosecute, but left such cases to private initiative. When he reached Rome, fully seven to eight months must have elapsed since the appeal had been granted<sup>1</sup> by Festus, the Procurator of Palestine, and the case remitted to Rome. Abundance of time had therefore passed for the accusers to travel to Rome and to be there before him making the preparations to push the case actively. What is it that actually occurred ?

When he arrived, no accuser was present in Rome. No official representative of the nation, and no letter or message from the national leaders in Jerusalem, had come to "those that were the chief of the Jews" in Rome. The latter had no authoritative information about the case. Their statement in verse 21 must be understood in this way : as officials they had received no documents bearing on the case, nor had any of their Palestinian brethren arrived who was authorised to make accusation or charge against Paul.

It is not uncommon for commentators and moralists to enlarge on the duplicity of the Jewish leaders in Rome, who certainly knew a good deal in an unofficial way. In fact, they by implication in their concluding words acknowledge to Paul that they have heard bad reports concerning him and his hostility to his own nation : those must have been talked about in all Jewish circles throughout the empire. But they were not bound in any way to take official notice of private tales and gossip. They are speaking as officers of their people ; and their reply is a complete proof that no properly authorised person, and no letter intimating

<sup>1</sup> That the appeal had to be allowed by the Governor of the Province is now well known : see Mommsen's article reprinted in Vol. III. p. 386 of his collected legal papers from the *Savigny Zeitschrift für Rechtsgeschichte*, 1890. Galba refused an appeal when he was governor of Spain : Suetonius, *Galb.* 9.

the coming of any person to act as accuser of Paul, had reached Rome. It would be the natural and obligatory course that any national representative should report on arrival to the heads of the nation there. As to the tales, they are ready to hear Paul's side and plea.

It is difficult to see why these rulers should be blamed for duplicity or cunning. Their silence about charges against Paul, except in this slight reference to current talk, amounts simply to a refusal to regard gossip and vague reports as any ground for action or ill-feeling against him. They treat him as a Jew, entitled to the rights and privileges which all Jews could expect from their own nation in a strange city. Their reply is dignified, courteous, and apparently fair. It commits them to nothing; but that is not a ground for blaming them.

Evidently the leaders of the Jews in Palestine were not pressing the case very actively. If they had had any confidence in the success of their case they would probably have ere this been in Rome employing all the arts of skilful solicitors to push their case and secure conviction. Everything for them depended on the favourable reception of their first plea; and it was believed that they were able to use strong indirect influence through the partiality of the powerful Poppaea.

They had, however, no good ground for feeling such confidence. All appearances pointed to a verdict in Paul's favour. Festus and his assessors evidently thought there was not even a *prima facie* case against him (Acts xxvi. 30 ff.),<sup>1</sup> though the Governor had gladly used the loophole of Paul's appeal to the supreme court as an excuse, in order to avoid the responsibility of deciding: he shrank from putting a slight on the national leaders at the beginning of his relations with them, and getting involved in a quarrel,

<sup>1</sup> See note 1 p. 267.

which would certainly be the result, if he dismissed their charges as unjustifiable.

The expenses involved in carrying this prosecution before the Roman tribunal were considerable; and the Jewish leaders probably thought that it was not worth while to incur them in a case where success was so unlikely. They had got rid of Paul, and made it difficult for him to return to Jerusalem; and they felt that it was wise to content themselves with this. After acquittal Paul would be more dangerous to them and more secure against them than if the case were left unfinished. In the Jewish mind, there would always attach some stigma to Paul, so long as the scandal remained that he was a practically unacquitted defendant, released owing to the accusers having failed to appear so far away from Jerusalem.

The Jews had probably been using their influence to protract the case in Palestine (see Acts xxiv. 26 f.). They were not showing themselves as yet (xxviii. 21) eager to push it to a conclusion. This implies that they felt their plea to be legally weak.

Accordingly the leaders in Palestine had allowed the case to lie for several months after Paul's departure, without taking any steps to appear in Rome.

Now is there any apparent probability that they would revive the case after that interval? In the first place Luke's narrative gives no ground to think that envoys arrived to conduct the case in Rome during the two years of Paul's residence and detention there. And, in the second place, it is not *a priori* natural or probable that the national leaders in Jerusalem should resume Paul's case and send envoys later, after they had allowed it to lie for a good many months. They had many more important and pressing matters to keep them occupied. In the immediate irritation caused by the presence of Paul in Jerusalem and the troubles

that arose out of it, they had been impelled to act. Their one strong plea rested on the Roman desire to maintain order. They could calculate that Felix was far more anxious to keep the peace and to avoid disturbance than to aim at justice. They knew, and he knew, that the ability of an official was gauged in Rome mainly by his success in preserving peace and quiet in his province, and that some injustice done to the rights of one individual in the interest of public order would probably escape notice, or if noticed would be pardoned as conducing to the general peace of the province.

The speech of the Jewish advocate Tertullus (Acts xxiv. 2 f.) was pitched on this key. He praised the success of Felix in maintaining peace and order. He rested his whole case on the plea that the national leaders would not come before the Governor except for the reason that they had found the prisoner to be a cause of disorder over all the world, since wherever Paul appeared disturbance ensued. Tertullus produced no witnesses, and made no specific charge against Paul, except that of *trying* to profane the Temple. The Jewish plea was simply that, if Felix got rid of Paul, peace would reign ; but so long as Paul lived, disorder would abound.

This line of argument shows a cynical disregard for justice, except in the fashion that it is expedient for one man to be sacrificed to secure the peace of the nation. The only positive charge made against Paul was that he had essayed to profane the Temple. This attempt had been frustrated by the riot. The riot was the weak point in the Jewish position, and it was disguised and palliated by the charge of intended profanation ; the riot had been provoked (as they said, and as was really true) by Paul's supposed intention to profane the Temple. Roman law treated leniently a disturbance arising from profanation of the temple, and would take



little cognisance of it, if peace was restored as soon as the immediate occasion was past.

This form of accusation was, probably, the most effective attack that was possible in the circumstances. The Jews had no good ground to stand upon, because they themselves were the real breakers of the Roman law, as being in a sense responsible for the riot; but, as they knew, the weak point in most Roman governors was their eagerness to avoid disturbance and to gain credit for having kept their province free from serious disorder. In no other way could the Jewish authorities make up a case.

If the Jews' case was weak, it must be admitted that their hand had been forced. The riot had not apparently been planned, but was sudden and unpremeditated (Acts xxi. 27 f.). Doubtless, the leaders had found on inquiry that they could not base a charge on any act of Paul's. Certainly, they failed to make any such charge. They only maintained that he had *intended* to profane the Temple. The very form of the accusation shows that the attempt had been unsuccessful. There was no accomplished act of profanation for them to found upon. Hence they could not bring witnesses to prove any misconduct. The crowd had thought that Paul was bringing Gentiles unto the Temple, and had effectually prevented this supposed intention from being executed.

If the Jewish leaders had been free to choose their own time they would doubtless have waited for a better opportunity, but the lawless action of the crowd compelled them to act. They had now to explain away the riot, and they did so by attacking the sufferer, and declaring that he was in fault, not only then, but frequently on previous occasions: he wilfully and intentionally outraged the Jewish feelings and violated the religious Law.

The weak point of Paul's case was that disturbance among

the Jews dogged his steps, and broke out wherever he was. The Jewish leaders seized on this. "Eliminate Paul," was their plea to Felix, "and then you will find the Jews quiet and peaceable: believe us that this will be so: you can take this on the faith of us who are responsible for preserving order."

Paul's action in claiming the privileges of a Roman citizen resulted in the case being carried before the Governor at Cæsarea. The case against him was poor and thin, when it had to be put in legal form and specific acts proved in open court. Intention to profane could not be proved by witnesses, hence none were offered. The accusation rests on the credibility of the accusers. They, as responsible for order and peaceful conduct in their own nation, declared that Paul's intentions were suspicious, and that they could not preserve order among their people where Paul came. That seemed legally weak to a governor of the province at the time. It was a case that could hardly be brought forward years afterwards in the Imperial court except as a mere cloak for a concealed attack.

Felix, evidently, felt no doubt about the weakness of the Jewish arguments in the case. He was, however, anxious to keep the leaders of that troublesome nation in good humour, and he had an eye to possible bribes from Paul (who must have appeared to be a man of substance and not a beggar). Accordingly, he remanded the prisoner, kept him in custody for two years, and did not even release him on departing.

The successor of Felix had equally little doubt regarding the case. He saw that there was no real accusation in the Roman sense against Paul, and he said so quite frankly: it was a matter of Jewish religion and procedure (Acts xxv 18 f.), and he would gladly have rid himself of it by sending it to Jerusalem for trial before the Sanhedrin according to

the national law (Acts xxv. 9, 20).<sup>1</sup> Paul, however, refused to go before this prejudiced court, where his accusers would practically be his judges, and appealed from the provincial to the Imperial tribunal.

Festus evidently shrank as much as Felix had done from offending the Jewish authorities. His first proposal to send the case back to the Sanhedrin had manifestly been unjust; it was merely a device to please the Jews, and showed stronger leaning to their side than ever Felix had shown. Almost every Roman governor of Palestine was affected by similar weakness, and was willing to go great lengths in order to keep the Jews on friendly terms.

Festus now seized on this suggested way of treating the case. If he sent Paul to the Supreme Court he avoided all responsibility and escaped giving offence to the Jews. He therefore, after considering the matter with his *consilium* (board of assessors), according to the proper form, allowed the appeal and sent it up to the higher tribunal in Rome.

At the same time Festus indicated in an extra-judicial way his own opinion on the case. The private conversation between him and Agrippa became generally talked about, in which they agreed that Paul was innocent.

It is necessary here to refer to an opinion which has been suggested as possible by my friend Professor Vernon Bartlet in his edition of the Acts regarding these words of Agrippa, "This man might have been set free, if he had not appealed to Cæsar":<sup>2</sup> perhaps there lies in them a reference to the approaching doom of Paul: Paul might have escaped, if he had not appealed to Cæsar. ;

This opinion, which Professor Bartlet gives only as an

<sup>1</sup> It is true that, according to Josephus, *Bell. Jud.*, vi. 2, as Professor J. S. Reid points out, even a Roman could be brought before the Sanhedrin for trial on the charge of profaning the Temple. But Paul had been prevented from committing the sacrilege which he was charged with attempting; and accusation based on frustrated intention was weak.

<sup>2</sup> In the Century Bible, the volume containing the *Acts*.

alternative, seems to me more ingenious than sound. Festus, when he could do so without annoying the Jews, stated his opinion to the king, who sat with him on the tribunal, and the king emphasised it. Although the opinion was private, rather than formal, yet it was on hearsay recorded by Luke as showing the mind of a Roman governor in respect of Paul's innocence: the prisoner was guiltless so far as Roman law and official opinion were concerned. This, however, does not and could not carry any implication that the Supreme Court would decide differently, for the governor and the king were thinking only of the present situation and the verdict. Moreover, Luke takes every opportunity of bringing out that the Roman administration decided in favour of the Christian right<sup>1</sup> to preach and teach freely. It could only weaken his intention, if the words conveyed the innuendo that Paul had wrecked his cause by appealing to the higher Roman tribunal.

The truth is that Festus was not a strong enough man to pronounce a judicial judgment in favour of Paul, and so to alienate Jewish feeling and provoke the enmity of the national leaders. If he had had the moral courage to do so, it was still quite within his power. He was not bound to wash his hands of the case as soon as the appeal was made; but he eagerly seized the chance of shuffling off responsibility.

Luke too was eager to bring out the analogy between the case of Paul and the trial of Jesus. In both instances the Roman judge thought that the accused party was innocent. In each case the judge's opinion, though expressed in court, was stated in an extra-judicial way and did not influence the result. The judge was weak, and yielded to the influence of the Jews. Pilate thrice declared that Jesus was innocent.<sup>1</sup> Felix practically, and Festus explicitly, regarded Paul as innocent.

<sup>1</sup> *St. Paul the Traveller and the Roman Citizen*, p. 307.

If we are justified in speculating as to a deeper intention underlying Agrippa's statement to Festus, the opinion suggests itself that there was during these proceedings a third decision, whether implied or expressed, by the Roman tribunals in Paul's favour.

All the circumstances which are stated by Luke were equally well known to the Jewish national leaders. Therefore, either Luke's account is prejudiced and partial, exaggerating the Roman judgment of Paul's innocence and concealing circumstances which gave reason to look for an adverse decision, or the Jews must have gathered that they had no real case against Paul and little prospect of success. The best that they could do for their cause was to lengthen out the proceedings, to postpone the final stage of the trial, and to keep Paul as long as possible in custody. His seclusion was a gain to the Jews, whereas to bring on the trial would probably mean the speedy release of the prisoner.

Now in Rome there was one very effective way to keep Paul secluded. If no prosecutor appeared there, the law presumed for a long time that the absence was only temporary, and detained the defendant in expectation of the complainant's arrival.

By Luke's custom, as pointed out in *St. Paul*, two years must be taken as the whole time of the Roman residence, not as a part followed by a period during which the trial was proceeding.

The Jews therefore played a waiting game. This procedure was clever: it meant success to a certain degree: it was economical for the Jews, and expensive for Paul. That was the line of conduct that imposed itself, and all that Luke records points to that way of action. For the space of two years Paul had to maintain himself and his guards and personal attendants, to hire a house, and to defray the other expenses of living. The custody, however, was of

the mildest type. He had not been tried. His trial was not even imminent, for no prosecutors were in Rome. He could see all that chose to visit him, and speak with perfect freedom. Thus there was great opportunity for him to teach and preach. This is the third decision by implication in Paul's favour.

It is evident and certain that during this period of two years no trial occurred. Such freedom of action as Paul enjoyed is inconsistent with the procedure of a trial on a capital charge. Especially is it totally and absolutely inconsistent with a trial such as is implied in Second Timothy, a trial which evidently was accompanied by seclusion in a prison, by almost complete solitude, by depression and even fear in Paul's heart (2 Tim. iv. 6-8, 9, 11, 16-18). On the contrary, Acts xxviii. implies success, joy, and hope: this is also the spirit of Colossians, Philemon, Philippians and Ephesians.

The second letter to Timothy, therefore, cannot be placed during this period of two years. The circumstances are irreconcilable.

It must, of course, be understood that the detention was always of the nature of imprisonment. Paul was a prisoner in Rome, just as he had been on the ship. Soldiers were in charge of him, and were answerable with their life for his safe custody. He was bound with a chain, so that his movements were not free. He was confined to the house, and his friends had to come in to see and hear him. He was not out of danger (Phil. ii. 17), so long as there was a possibility that the accusers might appear and the trial proceed. Jewish accusers, by their private influence and by their weight as representing the nation, could perhaps carry even a weak case to success.

Hence the letters composed during this detention vary in tone. Paul writes as a prisoner in bonds; he is

in affliction and suffering; and yet he is fairly confident that he will be set free and be able shortly to visit Philippi and Colossae (Phil. ii. 24; Philem. 22). On the whole their spirit is one of quiet confidence, and even of marked joyfulness, especially Philippians iii., iv.

The only word in these Epistles that perhaps conflicts with the foregoing interpretation is *praetorium* in Philippians i. 13. The meaning of this term is obscure and disputed. In my *St. Paul the Traveller*, p. 357, I have followed Mommsen's explanation that the word denotes "the whole body of persons connected with the sitting in judgment." This, however, seems unjustifiable. The trial was only a possibility of the future when the letter was written. Lightfoot's explanation seems preferable, that, as Paul's guards were always changing, the prisoner after a time became known among all the praetorian soldiers; and it is entirely consistent with our view of the situation.

We cannot think that after two years the trial came on, passed through its stages amid strict detention, anxiety and solitude, to its issue in condemnation and death; nor that the Jews risked a trial ending in Paul's escape.

Now what was the rule and procedure of the Roman law, when a case came up on appeal from a province and the prosecution did not put in an appearance? The Crown did not prosecute. The Crown waited the action of the private prosecutors. Until the Jewish representatives appeared nothing could take place, except that the defendant was detained in view of future trial; and the case of Paul may serve as proof that ordinarily the detention of such defendants was of the mildest type.

How long would this continue? Was the defendant kept in custody, even of a mild kind, far from home and friends, for as long time as the prosecutors chose to delay? Evidently there must have been some term, for indefinite deten-

tion of a Roman citizen at the instance of despised foreigners is inconceivable and inadmissible. Was the term fixed by formal law, or was it left to the defendant to claim release after a certain delay ?

We are imperfectly informed on this subject, but yet the evidence is sufficient to justify a confident statement. In this matter I am indebted to Professor J. S. Reid, of Cambridge, for kindly placing his minute learning and long study of the subject at my disposal.

In the third century the procedure had been already settled by custom or enactment ; and definite rules existed about the time within which a prosecutor in a case transferred to Rome must carry out the prosecution : for non-capital charges six months were allowed if the appeal was from Italy, nine months if from the provinces : for capital charges the times were twelve and eighteen months respectively. The longest term would apply in a case like Paul's.

How long had these rules been in existence ? and is there any reason to think that these or some such principles had been formulated, and the same or other limits fixed, in the time of St. Paul ?

There can be no doubt that some limitation of the period allowed for prosecutors to appear in order to push the case became necessary as soon as cases began to occur in which no prosecutor appeared. A presumption arose that in such circumstances there was no good case, and after a certain time probably this presumption would have almost the force of an acquittal. As Professor Reid says, "one would suppose that some rules of the kind must have been laid down very soon after the right of appeal to Rome began to be allowed."

Some term, therefore, was necessary to prevent flagrant injustice. The Romans were skilful in using the forms of law in order to harass an opponent. Philo supplies a case in point, where he tells that a certain Lampon of Alexandria



had been accused of disrespect to the Emperor Tiberius, and the proceedings were protracted for two years by Flaccus, the Prefect of Egypt, in order to keep Lampon in terror of death.<sup>1</sup> A defendant could not be allowed to remain for ever at the mercy of a wily prosecutor, who delayed to appear in Rome.

That cases of such failure to appear had become numerous before St. Paul's imprisonment is attested by Suetonius and Dion Cassius.<sup>2</sup> The Emperor Claudius took steps to bring these cases to an end by condemning the absent party, i.e. by presuming the innocence of the defendant. According to the usual fashion of dynastic history in the first century, Claudius's action is described by Suetonius in such a way as to make it unreasonable and erratic<sup>3</sup>; but Dion Cassius placed it in a fair and proper light. Claudius checked and ended what had become a scandal in Roman law, by acquitting all defendants in these long-standing cases.

The action of Claudius constituted a precedent, which would be acted upon in later cases. He must have presumed some term of limitation. The principle, on which he acted, when it had been once recognised, became a feature in Roman law for the future; and the term which he in practice fixed would become a rule for the constructive spirit of Roman law, until a different term was settled by a subsequent enactment. It is not at all improbable that the limits which were observed in the third century were those fixed by Claudius. We hear of no change;<sup>4</sup> and it would

<sup>1</sup> This case has a certain superficial resemblance to that of Paul; but there is no true parallel. There was no want of a prosecutor in Lampon's case; and the delay in the proceedings is attributed to the intentional malignity of the Prefect who acted as judge.

<sup>2</sup> Suetonius, *Claud.* 15; Dion. lx. 28, 6.

<sup>3</sup> Suetonius says that Claudius condemned the absent party whether his absence was avoidable or unavoidable. But there could be no real excuse for absence extending over two years.

<sup>4</sup> It is, however, true that our information is very incomplete. The apparent

be characteristic of Roman law that the term, when once established, would continue unchanged.

It would appear from the two accounts of Claudius's proceedings that his action was an innovation. Suetonius speaks of it as if it were strange and unprecedented, and makes this a charge against the Emperor. We see, however, that an action and a principle were urgently required.

Be that as it may, the principle and the term were fixed by Imperial action before Paul entered Rome. At the expiry of a certain period the case against him fell, and he was set free. For the third time in this case the Roman law determined in his favour.

From this conclusion I can see no escape. It is inexorably determined by the historical facts and by the established principles of the Roman law.

Why, then, does not Luke say this in so many words? To this I would answer that the issue is implicit in the narrative: the final chapter, and the whole story of the trial, point to this solution. Just as the narrative is overcast with gloom and bad omen during the final journey to Jerusalem, and the reader is filled with the thought of evil, so from the time that Paul leaves Palestine the narrative becomes brighter and happier. Even in Jerusalem the prospect of escape lay in the thought of Rome: see xxiii. 11, "As thou hast testified at Jerusalem, so must thou bear witness also at Rome." Riot and plots of assassination, imprisonment and guards, surrounded him at Jerusalem. But on the voyage, as soon as it began, the officer who commanded the convoy showed marked kindness to his prisoner, allowing him to go on shore to recruit after a rough passage<sup>1</sup>; and

incompleteness may be due partly to the fact that there was nothing to record.

<sup>1</sup> xxvii 3. The west wind keeps that Syrian sea always tossing uneasily, so that a coasting voyage in a small ship is trying to landmen.

asking or permitting him to offer advice in council regarding the future voyage. In the crisis of the voyage, when all others were in despair, Paul comforted the crew and passengers, took command, issued orders, and saved the lives of all. The voyage was dangerous, but the narrative is never gloomy or despairing : there is always the assurance that the danger will be surmounted. In Malta Paul was honoured and complimented and regarded as almost divine. And so he came to Rome, encouraged by meeting friends and brethren along the way ; and in Rome he was courteously received by the leaders of the nation, and invited to explain his views. During two years he enjoyed great freedom to receive all visitors, and to teach in the most outspoken way.

Only in one detail has an omen of trial been found. As Paul says on shipboard, xxviii. 24, a messenger of God also not only promised him the lives of all his shipmates, but also said, "Thou must stand before Cæsar." This has been regarded as foreboding misfortune and condemnation ; but there is no warrant for this interpretation of the words. It is here mentioned by Paul as an encouragement to his hearers. He knew already that he must bear witness in Rome to the Gospel. The "appearing before Cæsar" is not a terror, but an omen of good. To stand before kings is not the expression of misfortune, but of honour.

But does this not forebode a trial as the issue of the journey ? Certainly it does. The procedure of Claudius ruled the case as a precedent. As no accuser appeared, the trial ended in a verdict of acquittal, not in a mere dismissal of the accused. In ordinary appeals it cannot be supposed that the Emperor had time to preside in person at the trial ; but it is not improbable that, where the issue was assured and the verdict certain without a trial and without loss of time, the Emperor may have himself pronounced judgment. The historians' account of Claudius's procedure in such cases

suggests that he intervened personally.<sup>1</sup> Thus the words of the divine messenger, xxvii. 25, were literally fulfilled : Paul stood before Cæsar. If a tedious trial, with speeches of the prosecution and the defence, had been required, it is probable that the case would have been heard by the usual delegates : the Emperor, burdened with the care of all the provinces and of Italy and of Rome, could not spend time in hearing the case of a Tarsian citizen and his Jewish accusers.

Why, then, does not Luke clinch his case by recording the acquittal more definitely ? We must understand that the real climax, as it seemed to Luke, is recorded. The free and bold preaching in Rome is the consummation of the narrative of Book II., though not the consummation of the work as a whole. The personal fortunes of even Paul are a secondary matter in comparison with the bringing of the Pauline Gospel into the capital of the Empire. But, further, as I have always maintained from the time when I began to understand Luke's method, the history is not ended. The story of the working of the Spirit in the Church and in the world was not confined to one book, the second of the whole work, but was continuing according to the plan of this great history. No third book was ever written. The second had not received the final touches from the author's hand. If the second book had been intended to be the last it would have concluded with some expression indicative of the future that lay before the Church outside the limits of this history. As it is, it ends with a forward reference : it stops abruptly in the middle of an action : it shows that the narrative is to go on. It points on to Book III. as clearly as Book I. points on to Book II. by its abrupt ending, and as Book II. points back to Book I. by repeating and completing the account of the last action in that Book, viz. the Ascension.

<sup>1</sup> Claudius loved to sit in judgment, see Hirschfeld, *Röm. Verwaltungsbeamten*, p. 329.

The last action described in Book II. is to be resumed and completed in Book III. When the legal term was reached the trial was formally ended, and a new period ensued in the career of the Apostle and of the Church : missionary work had gone through a series of legal proceedings extending over four years, and had emerged triumphant from the ordeal, while its enemies had failed.

At the beginning of Book II., in the very first words, τὸν μὲν πρῶτον, Luke points forward to a succeeding book. As has been pointed out,<sup>1</sup> the expression "first book" implies at least three books : in this emphatic position the fullest stress must be laid on the word "first." The Authorised and Revised Versions<sup>2</sup> both recognise the emphasis which falls on the word in this prominent place, and their recognition leads to the mistranslation, "former," instead of "first." The most striking analogy is "the first enrolment which took place when Quirinius was governing Syria" (Luke ii. 2) : the importance which attaches to the word "first" there has been explained elsewhere.<sup>3</sup>

The ending of Book II. can be rightly understood only with reference to a coming Book III. That Book III. was never written, and that Book II. was not finally completed by the author's latest revision, appears in some small details, one of which will form the subject of our next Section. It is possible that varieties due to the incompleteness of the author's work in Book II. may be the ultimate cause of some of the divergences of the Western Text from the Standard Text ; but this I should be disposed to apply only with great hesitation. As a rule those divergences arise from early modifications in difficult passages, and are non-Lukan, though often significant and indicative of the true text.

W. M. RAMSAY.

<sup>1</sup> *St. Paul the Traveller and the Roman Citizen*, pp. 27 f.

<sup>2</sup> "Former" in both ; but the Revised Version gives "first" in the margin.

<sup>3</sup> *EXPOSITOR*, Nov., 1912, p. 393 f. : *St. Paul*, p. 28.